

# TNH125-2014 Addendum 1 Schedule A

1793365-TownBoard-1

1

TOWN OF NORTH HEMPSTEAD  
BOARD MEETING

Town Hall  
220 Plandome Road  
Manhasset, New York 11030  
Tuesday, October 21, 2014  
7:35 o'clock p.m..

## P R E S E N T :

JUDI BOSWORTH	Supervisor
DINA M. DE GIORGIO	Councilwoman
ANGELO FERRARA	Councilman
ANNA M. KAPLAN	Councilwoman
VIVIANA RUSSELL	Councilwoman
LEE SEEMAN	Councilwoman
PETER J. ZUCKERMAN	Councilman
WAYNE H. WINK, JR.	Town Clerk
ELIZABETH BOTWIN	Town Attorney
MARISSA RYAN	Assistant to the Town Clerk

♀

2

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Good evening.  
We appreciate your patience. We had some  
very lovely ceremonies before we started,  
but now we have our official Town Board  
meeting, and I'd like to ask everyone to  
Page 1

please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited in a body.)

SUPERVISOR BOSWORTH: So I just want to add that one of the people that we honored today was a young man who turned 101 today and I was chastised for saying he is 101 years old, he's 101 years young, so I said next year when we celebrate again, we will say 102 years young. Anyway, it is very extraordinary. So Mr. Wink, could you call the meeting to order.

MR. WINK: Town of North Hempstead Board meeting, Tuesday, October 21, 2014. Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Here.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Here.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Here.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Here.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Here.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Here.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Here.

♀

3

Town Board - 10/21/14

So following our new Board procedure, and I guess I'm going to have to not say new very much longer, we have now decided to have our comment period at the beginning of the meeting for the first 30 minutes on any matters that are not on the agenda, so Mr. Wink, do we have any cards?

MR. WINK: A veritable bumper crop, Madame Supervisor.  
(Time noted: 7:37 p.m.)  
(Public comment.)

(Time noted: 7:59 p.m.)

♀

4

Town Board - 10/21/14

SUPERVISOR BOSWORTH: So we are going to now continue with the rest of the meeting. I would ask Mr. Wink to please strike Items 35 and 42 and begin tonight's agenda by calling Items 12 and 13 first.

MR. WINK: Item 12. A public hearing on the Tentative Budget of the Town of North Hempstead, together with the budgets of all Special Improvement Districts and the assessment rolls of the Belgrave Water Pollution Control District, the Great Neck Water Pollution Control District and the Port Washington Water Pollution Control District for the year 2015.

SUPERVISOR BOSWORTH: Thank you. So this is the budget; right? So I would like to just make a brief statement. You know, as Town Supervisor, I know that we need to keep spending as low as possible while maintaining the high level of service provided by the Town, and tonight we will conduct a public hearing on a preliminary budget that we believe does that. This budget represents a collaborative effort by all of our Town commissioners and department heads who worked hand in hand with the budget team to come up with a budget under which they could maintain services while reducing spending to levels below what they were last year. This was accomplished while staying under the tax cap.

The Town will hold two public hearings on the 2015 budget and, importantly, we will finalize and adopt the budget before Election Day. This ensures an open and transparent process so that the residents of the Town know the administration's priorities and spending plans before they go to their polling place. We are doing that this year. There is one seat that's open for election and we will do that next year, you know, as well, and that's a commitment that we're making.

I believe this budget shows fiscal restraint. There is no plan to use fund balance to fill in gaps in the General Fund.

♀

5

Town Board - 10/21/14

The budget supports the Town of North Hempstead Capital Plan and we have remained cautious in our estimates of sales tax and mortgage tax revenue. In short, we are living within our means. This conservative approach to budgeting helps maintain the Town's AA1 rating for Moody's and was praised specifically in the Moody's report. The Town also just received the highest possible rating from Moody's for our short term notes. These high ratings provide solid evidence that we're on the right track. While being physically conservative is important and the budget must be realistic to ensure that the Town will provide safe roads, beautiful parks and outstanding programs for residents of all ages, the budget team has collaborated with the Town's department heads to make this budget realistic and physically sound without diminishing the high level of services that the Town provides and which our residents have come to expect and that they deserve. We're reevaluating staffing in all departments, but in particular we have provided more funding for more staff, as I had mentioned to Mr. McHugh and to the Building Department, to improve our ability to respond to applications in a reasonable amount of time.

We were able to accomplish this because the Building Department will spend less on costly outside contracts. At this hearing, I'm asking that our Deputy Supervisor and former Director of Finance, Aline Khatchadourian, and financial consultant, Howard Weitzman, address our Board by reviewing the major points of the budget. Then we can hear and respond to any questions from members of the public. Our department heads and budget team are right here and will stay until all questions are answered.

My deepest thanks to the entire team, particularly all the department heads, commissioners, the Comptroller's department, Dennis Morgan, Diane Chambers, Howard Weitzman and Aline Khatchadourian for the

♀

Town Board - 10/21/14

countless hours spent in crafting this budget. Bear in mind that everyone will have another chance to be heard at our second budget hearing on October 29.

After tonight, we will review and

reevaluate the proposed budget and make necessary changes. We have met also with our Councilpeople, they have made suggestions, those have been incorporated into the preliminary budget that we're reviewing this evening.

So at this time the Board would like to hear from Aline Khatchadourian, Deputy Supervisor, and Howard Weitzman, financial consultant to the Town.

Aline.

MS. KHATCHADOURIAN: Aline Khatchadourian. I wanted to reiterate what Supervisor Bosworth said and thank everyone, all the department heads and the commissioners and the Councilmembers for your input. I really believe this was a collaborative budget and a month ago when we started -- two months ago, we didn't think we would be able to achieve a budget within the tax cap and we're very happy to deliver this budget, and it really doesn't impact the services that the Town provides and we're happy that the commissioners have all signed off on the -- on what's in the budget and that the cuts that were made are not going to impact the quality of life of the residents.

I did want to just highlight some of the changes, the top level changes between the tentative budget and the proposed budget, the preliminary budget tonight, and the two biggest departments that were -- the funding was increased for were Parks and Highway in this budget, and we did -- we met with the commissioners again and the Councilmembers and we reviewed the line items and reviewed the cuts and were able to restore some of the funding in the Parks budget in Manorhaven, North Hempstead Beach Park, Whitney Park, Tully and "Yes We Can", and we also went through the Highway budget

♀

7

Town Board - 10/21/14

and increased their contingency and they also increased their tree trimming, so all in all, we were able to increase the Parks budget by \$180,000 and the tree trimming and the contingency of Highway by \$110,000.

So at this level, we are confident, we are continuing to review the budgets, we welcome all your input, we are also continuing to review the Town operated special districts, and those are -- and the commissioner operated districts and we hope to -- we are excited to move forward next

week with it.

I would like to turn it over to Howard Weitzman and the Comptroller group.

MR. WEITZMAN: First I want to thank the Supervisor for the kind words for our group, I didn't hear all of them, I walked in in the middle, but I assume they were kind words, so I will take it at that. But the fact is that the tone comes from the top and it's important that in any process, certainly a budget process, the tone gets set from the top of the Town, which is the Supervisor's office, and as I explain later on, it clearly was set in a fiscally conservative, transparent manner across the procedure.

I would like to thank my staff and introduce them, Deputy Comptroller Dennis Morgan, Deputy Comptroller Diane Chambers over here as well who worked exceedingly hard on this and put in a lot of hours to put out a product not only that we were proud of, but it was done on a timely basis and was able to achieve the goals that were set forth by the Supervisor.

I also want to repeat the thanks that went to the commissioners in the Town. We had a different process this year. It's something that I'm very proud of. I think it was the first time, as Aline mentioned, that we had a really collaborative process, and Aline was behind that making sure that all of the commissioners were involved in setting their own budgets so that they would understand what those budgets were and they

♀

8

Town Board - 10/21/14

would be able to carry out those budgets next year because next year we're intending on implementing more stringent budget monitoring requirements, and as such it was important that we had a buy-in from all the commissioners. We were able to do that and do that in a relatively painless manner which worked out very well.

We really had two goals in setting this budget. The first was set by the Supervisor, which was don't increase taxes unless you absolutely have to. Nobody wants to increase taxes. All of us know what the tax burden is in Nassau County and in North Hempstead. And we took that very seriously. Thank God she modified that by saying if you have to increase taxes, keep it below the tax cap, and I'm very proud that we were able to bring this budget in significantly

below the tax cap with a very minimal tax increase.

The second goal that we had was a little more complicated and it's a financial goal. The Town of North Hempstead has been spending more than they've been taking in for the last number of years, and the way that they've been balancing their budgets is through what's called one shots, and we've all heard about one shots in the press and that is what leads to a structural imbalance, you spend more than you take in. How did the Town finance that? Well, one way they financed that is the last number of years, they took money out of their fund balances, the rainy day funds, to help balance the budget and minimize tax increases. The second way that they were able to balance that was using a special program developed by the State Comptroller's office to finance retirement funds that are due the state and the state offered that program to all municipalities in New York State, and I would say that most municipalities did take advantage of that program and borrowed a portion of their annual payments.

Unfortunately, the day comes when you have to pay the piper, and for North

♀

#### Town Board - 10/21/14

Hempstead it was when we had to meet with Moody's in the fall and we were very proud of the fact that Moody's not only sustained our AA rating, but gave us a positive outlook and continued that positive outlook. The only negative thing they brought up was the borrowing on the State Pension System, and as you can see in this budget, we have significantly reduced our reliance on that borrowing. In 2013, we borrowed \$1.7 million from the State to help us make our pension payments. This year, we reduced that number to 870 -- 975,000, which is significant. In 2013, we appropriated 1 point -- over \$1.2 million from Fund Balance. In 2014, we didn't appropriate -- in 2015's budget, we didn't appropriate anything. So we were able to reduce the one shots from \$3 million to a number under 1 million, 975,000, and that is a significant change in direction for the Town and it will help over a period of time leading the Town to greater financial stability.

In terms of the borrowing from the state on the pension system, we have proposed that we eliminate that program

entirely over a four year period. This year we were able to reduce it to 80% and we intend to reduce a portion each year until we're out of that program completely. That hopefully will meet the concerns of Moody's and should put the County -- the Town on a path toward the AAA rating, which would be the only Town in Nassau County to have that rating.

By all measures, this is an extremely conservative budget. The tax cap for the Town of North Hempstead this year was 2.09%. The increase in the General Fund was .71%. That's less than 1%, .71% for the General Fund, which is paid by everybody. The increase in the Town Outside of the Village Funds, which is paid by those who live outside of villages in unincorporated areas, was 1.3%, and the overall increase for the entire Town, including all the Special Districts, and this is a number that we have to calculate for the tax cap, but it's not a

♀

10

Town Board - 10/21/14

number that anybody pays because it includes all the Special Districts, and nobody lives in all the Special Districts, was 1.44%. The significance of that number is that's the number, the bar that is set toward the tax cap. The tax cap was 2.09%. The overall increase for the Town was 1.44%, so we were significantly below that. Now, does that mean everybody's taxes are going to go up 2.09, or 1.71 or 1.30? No. What that means is that's what our spending went up. Some people's taxes will go up more because their assessments might have gone up or, in fact, in this County, it's because their assessments didn't go down, and some people's taxes will go up less because their assessments did go down. It depends on the assessments that you get from Nassau County and the overall assessments of the Town of North Hempstead, but as far as the Town was concerned, in what we control, which is the Town budget, we are proposing an extremely conservative budget.

Some of the highlights from that, revenues from the budget are basically flat, there was no increase in revenues because of slight declines in sales tax and mortgage taxes that were projected, expenses were down \$630,000, which means we're spending less in 2015 than we spent in 2014. Sales tax, as I said, was down \$100,000, mortgage tax was down \$45,000, and the biggest revenue decline was in Harbor Links Golf

Course, which we finally adjusted the revenue toward real actual numbers as opposed to the numbers that had been in the past that the Town was not able to hit, and that was down \$500,000.

So in conclusion to, in my preparatory remarks, the budget is extremely conservative, I feel very comfortable in the budget, that the commissioners will be able to achieve the budgets that are set for each of the departments, the Town will work with the commissioners to help them in achieving helping that goal and work with the Town Board to make sure that we do end the year with a balanced budget or a surplus.

♀

11

Town Board - 10/21/14

Thank you.

SUPERVISOR BOSWORTH: Thank you, Mr. Weitzman.

First of all, is there any comment from the Town Board?

I would like to hear from the public if there are any comments about this.

MR. WINK: Madame Supervisor, I currently have two cards for this item. The first one is Myron Blumenfeld.

MR. BLUMENFELD: This is for the Board.

MR. WINK: Thank you.

MR. BLUMENFELD: My name is Myron Blumenfeld, and I reside at 73A Carlton Avenue, Suite A12, Port Washington, New York 11050.

SUPERVISOR BOSWORTH: And we got this in before 9:00.

MR. BLUMENFELD: And we got it in and I thank you.

I am speaking in behalf of the Port Washington Parks Conservancy, an internal designated 501(c)(3) not-for-profit organization. We were formed in 2006, my arithmetic was wrong, it's more than eight years ago, with a mission to, quote, to enhance, improve, preserve and promote the public use and enjoyment of the parks, trailways and other open space and green spaces in the Port Washington Peninsula, close quote.

The Conservancy is here tonight to  
Page 9

plead that sufficient funds be allocated in the Town Budget for the restoration of the Blumenfeld Family Park on Main Street in Port Washington. And as some of you on the Board will know, this park, yes, was named after me, and the nice thing is I didn't have to die first. So I'm still here and alive and well.

‡

12

Town Board - 10/21/14

This two acre Town park is the gem of the community. It is visited by seniors living next door in The Landmark on Main Street and by children and adults throughout Port Washington. It is so widely used that it is in desperate need of major renovations. I believe that for its size, it is the most heavily used park in all of the Town of North Hempstead. It's only two acres.

On Friday, May 9 of this year, the Honorable Supervisor Judi Bosworth accepted my invitation to visit this park with me. She graciously spent more than 30 minutes walking through the park. The next -- very next day, she sent me an e-mail, and I quote from that e-mail: As you say, a picture is worth a thousand words. I have relayed the concerns today with my Director of Operations and I have confidence he will follow up with these concerns. She followed with a quote, the park is indeed a lovely facility that we can all be proud of and we will do our best to address these issues discussed.

Well, where are we today? Five months later, the spring and summer are over and these park concerns have not yet been corrected or addressed.

SUPERVISOR BOSWORTH: Do you mean to say that nothing was done in the park? Is that what you're trying to -- is that what you're --

MR. BLUMENFELD: No, I'm not saying nothing was done in the park, but I'm saying there are four or five major problems in the park that affect that park and it has deteriorated, and I've listed them here for your -- to remind you, Judi --

SUPERVISOR BOSWORTH: I see that.

MR. BLUMENFELD: -- I appreciate that. The first was the broken concrete chairs and disabled chess tables are still

there. Two, the popular water place

♀

13

Town Board - 10/21/14

sprinkler, and God bless you for putting that in, the previous Board put that in several years ago, the drainage system does not work and now undermines the concrete path.

Three, the concrete blocks along the central mall are broken and uneven.

And, four, most importantly, the large portions of the central mall are devoid of turf or grass. The soil is so impacted from overuse.

I truly believe that our supervisor and the Town Chief of Staff have been unable to address these urgent concerns because there may not be a big enough park budget for the Blumenfeld Park, and it hasn't been properly budgeted. Now, I checked -- thank you, sir -- the budget today, and there is no separate line for the Blumenfeld Family Park because it's only two acres and for some reason it's not listed separately, so I don't know the amount of money that's been allocated for last year or this year, but the Port Washington Park Conservancy that I represent urgently requests the Town Board now allocates sufficient funds to improve and protect and enhance the Blumenfeld Family Park, now and forever. Now, I am -- Gerry Olsen is in the audience, and I intend to meet with him next week. He was very kind and he's going to meet with me and I hope and pray that he will correct some of these problems that I've outlined today in this park. However, the park is a living situation. You can't just correct the problems and then walk away and say we've solved all the problems of the park. It requires constant attention. It's very heavily used by the people in Port. As I said before, it's probably the most heavily used for its size in all of the Town of North Hempstead this.

I want to thank again the Supervisor for walking with me and for following up on this, I know that she's going to correct it, and I'm pleading here that we make sure that it's funded so that it will be taken care of now and forever.

♀

14

Town Board - 10/21/14

I will be happy to answer any questions. If there are no questions, I'd like to make one last statement.

The Port Washington Park Conservancy stands ready to work with the Town in maintaining and improving the Blumenfeld Family Park, so that once again it can be the jewel of the crown of the Parks system in this Town.

Thank you so much for listening.

Any other questions?

Thank you, Judi, and members of the Board.

Thank you, sir.

MR. WINK: Madame Supervisor, next card is Larry Kirton.

SUPERVISOR BOSWORTH: Oh, excuse me.

MR. TROIANO: Do you want me to respond.

SUPERVISOR BOSWORTH: Sure. Mr. Troiano.

MR. TROIANO: Good evening, Robert Troiano, Director of Operations of the Town of North Hempstead.

As Mr. Blumenfeld mentioned, you did visit with him in the park and you asked me to make some corrections and repairs to the park. I have visited the park with Mr. Blumenfeld on two separate occasions, we have exchanged e-mails on several occasions where we outlined exactly the things that we were going to fix that happened to coincide with the things that he asked us to fix. He was told at the time that that would be done in the fall, and Mr. Olsen, the Parks Commissioner, has been working on that and he can give us an update on where those renovations stand.

SUPERVISOR BOSWORTH: I mean, you know, I also recall that last year the sprinklers were not functioning until the middle of July and there were some grave

♀

Town Board - 10/21/14

concerns about the sprinklers being able to be up and running, there were some issues, we worked on them, much was repaired there, this is the first I'm hearing about a problem with the drainage, and I'm not

saying that it's not, but certainly the sprinklers were up and running because of the care that we gave to it. I know there have been other issues that have been addressed, but I certainly would like to hear. So I feel that the representation that nothing was done is actually not quite a fair representation, but, you know, go ahead.

COMMISSIONER OLSEN: Gerry Olsen, Acting Commissioner of Parks. Good evening, everybody. I did meet with Mike and we are scheduled to meet again, and I will reiterate what Robert said, that when we did meet with Mike the last time, I explained to him that fall was the time for projects, which is now. Just to allay some of his fears, as far as his -- the big mall, grass area is concerned, it's problematic, and without going into the problems, there is a remedy that we're trying now, we have done it at the other parks in grass areas to bring back the grassy area, seeding and so forth. My directive to my staff was to do Blumenfeld Park last because the ground is so hard, we're going to break a lot of the tines on the machine and I didn't want to do that and have other areas that could be finished, so it is in the schedule to be done. Now, I've explained that I may not seed and fertilize it this time of the year because there's a gala that's scheduled there for November that puts a tent on the area that I'm going to put the seed and the fertilizer down, and that would be kind of like throwing away money. As far as the chess table and seat area, I did order those already.

SUPERVISOR BOSWORTH: We have spoken about that. It's not that these concerns have gone unaddressed, it just doesn't get

♀

16

Town Board - 10/21/14

fixed overnight.

COMMISSIONER OLSEN: No. With all fairness, I don't have a staff of thousands and things come up at the top of the list sometimes that are more urgent or safety features, but nothing there is going to go by the wayside. We have some cement work to do, we have some additional benches that we have to put in by the splash pad, and actually the splash pad base needs to be replaced over the winter, the surface is

shot. So all of these things are on the agenda. As I said to Mike, we tried to meet with him a week or so ago, but I was out of town and I didn't reach him, but we are going to walk it and I will be able to give him more of a time frame.

As far as his concern about money in the budget to be able to do it, the budget does provide both now and going into next year because most of the items are small ticket items and are just labor based, so I feel very comfortable with the new budget and with what money I have left this year to accomplish what needs to get done there.

SUPERVISOR BOSWORTH: I mean, there's no question that this is a park that is well used, that is well regarded, that we have made a commitment to. I'm a little surprised at the tone of anger that we heard in these comments when there has been so much time and attention spent on this, but I'm certainly pleased that you're going forward with the repairs that we've discussed many times. A lot of attention and time has been spent. Whether people -- you know, whether Mr. Blumenfeld sees it as an immediate fix or not doesn't mean that they're not in the plans and going to happen.

COMMISSIONER OLSEN: And I do agree with him that it is a gem, but there are 51 other parks.

SUPERVISOR BOSWORTH: Thank you. Thank you, Mr. Troiano.

♀

COUNCILWOMAN DE GIORGIO: Commissioner Olsen, I do want to say one thing. I do think that the supervisor is correct: I found that when the issues at Blumenfeld Park, and definitely there are some issues at Blumenfeld Park, were brought to your attention and the Supervisor's attention, they are being addressed and I think they are being addressed in a timely manner. So it is a gem of a park, it is beautiful, I don't know that it's the most heavily used park in the Town of North Hempstead, but it means a lot to Port Washington, so -- and I have every confidence that it will be addressed and I want to thank you.

COMMISSIONER OLSEN: Thank you. And it means a lot to the Parks Commissioner,

too.

COUNCILWOMAN DE GIORGIO: Thank you.

SUPERVISOR BOSWORTH: Thank you.

MR. BLUMENFELD: May I thank you for your comments, Gerry, and I want to thank you for your comments, and I look forward to coming back next year and reporting that we are the gem of the Town parks, and I thank you, Judi, especially for the attention you've given this project. Thank you so much.

SUPERVISOR BOSWORTH: Thank you for staying and making the comments.

MR. WINK: The next card I have is Larry Kirton.

SUPERVISOR BOSWORTH: Good evening, Mr. Kirton.

MR. KIRTON: Good evening, the Town Board and the Town Supervisor. The first thing I want to ask, is there a copy of a line by line preliminary budget?

♀

18

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Yes, there is. Well, there is a copy of the tentative budget, and now we are working on the preliminary budget, and it will be updated to reflect that.

MR. KIRTON: So it will be updated to reflect the line by line if we want to see more in depth?

SUPERVISOR BOSWORTH: Yes.

MR. WEITZMAN: We expect to post it tomorrow.

SUPERVISOR BOSWORTH: In other words, we're here tonight, and as of tomorrow it will be addressed.

MR. WINK: Can you please put your name and address on the record.

MR. KIRTON: Larry Kirton, 177 Salem Road.

Excuse me. One of my questions deals with if there is an increase in the line item for hiring code enforcement for New

Cassel. Now, New Cassel has very critical -- has critical issues that are prevalent there that the only way to really address it to support the code is through code enforcement, and at this present time, there is insufficient code enforcement officers that are deployed in that area, so I would like to know if there is an increase on that line item budget.

SUPERVISOR BOSWORTH: We're going to ask --

MR. WEITZMAN: We have the commissioner here, so why don't we --

SUPERVISOR BOSWORTH: Yes. We have the Commissioner of Public Safety here, so Mr. DeMartin, if you could address that.

COMMISSIONER DeMARTIN: Public safety

♀

19

Town Board - 10/21/14

Commissioner, Andrew DeMartin.

At this time, there is no increase in the head count number of code enforcement officers going forward. We have in the last three years increased our code enforcement in the area that he's speaking of, we've recently rotated inspectors and we expect to have even more progress as we have year after year after year in getting the areas, all the areas of the Town of North Hempstead in force with the five code inspectors that we have.

MR. KIRTON: In light of some of the comments that came out previously at a public hearing regarding the Overlay District, can we get something more definitive that addressed the problem? I can understand that over the years, it has increased, but according to what we heard so far, that it had no impact in decreasing, for instance, illegal housing, you have issues on demands on services, increased trash, things of that nature, which, of course, code enforcement would address. I don't know if you want to --

SUPERVISOR BOSWORTH: I will say that we are taking, you know, a really strong stance on illegal housing. Councilwoman Russell has a committee to address those issues. I don't know if you want to --

COUNCILWOMAN RUSSELL: Particularly  
Page 16

we did form a committee to address the issues in the Overlay District as a result of our last public hearing, but specifically with illegal housing and we recently came out with an illegal housing guide so that residents know what illegal housing is, to report it, what to look out for, and some people just don't know what illegal housing is. Unfortunately we also mentioned in that guide illegal conversions because those conversions sometimes then lead to illegal housing. So if you need a copy of that guide, I can provide one to you as well.

♀

20

Town Board - 10/21/14

COMMISSIONER DEMARTIN: Just for clarification purposes, the subject matter he's talking to falls under two different departments. Illegal housing falls under the Building Commissioner's purview. The code enforcement issues with regard to property maintenance falls under my purview. We have done an exceptional job in the last two years of keeping the number of SRs updated and we get regular reports from 311 regarding those updates and I think we have decreased the number of open SRs.

MR. WINK: SRs is service requests.

COMMISSIONER DEMARTIN: Yes. Service requests.

SUPERVISOR BOSWORTH: Commissioner Levine, is there anything you would like to add to that?

COMMISSIONER LEVINE: Overall, we have a head count increase for buildings for next year, and while I can't say anything is specifically deployed to one community versus another, we are looking to moving two of our inspectors out of Public Assembly into Housing, as necessary. I am trying to get a more versatile staff that can be deployed to different areas as needed instead of all specialists, so that if there's a greater need in housing, we can put more people into that.

MR. KIRTON: Sure. Thank you. I just want to respond, even though you do have an Item No. 14 that deals with the New Cassel Urban Renewal Plan, I just wanted to respond to Ms. Russell in terms of the pamphlet that was given out to the public. I believe it was with the budget also. To

my information and belief, pamphlets were not given out to the Spanish community, which there's a large population in the New Cassel area, and so supposedly the reason was for budgetary reasons, so --

♀

21

Town Board - 10/21/14

COUNCILWOMAN RUSSELL: That's not true.

MR. KIRTON: -- perhaps if pamphlets were not printed in Spanish, okay, that is something that you can add in to your budget that your publications, there's a certain portion for translating it into Spanish for the, you know, dissemination to that community.

SUPERVISOR BOSWORTH: Councilwoman Russell, would you like to respond to that?

COUNCILWOMAN RUSSELL: Well, the pamphlets were not done in Spanish, they were done in English and they were delivered to every home in the New Cassel community, but I understand your concern, your concern is having them translated into Spanish.

MR. KIRTON: Thank you.

SUPERVISOR BOSWORTH: Thank you so much for your comments.

MR. WINK: The next card is Richard Brummel.

MR. BRUMMEL: Thank you, Richard Brummel, East Hills.

So, you know, I apologize. I didn't know tonight was going to be an important hearing about the budget, and, you know, I did go to your website, so that's sort of a --

SUPERVISOR BOSWORTH: Well, this has been publicized.

MR. BRUMMEL: Well, I didn't see it having visited your website today and a few days ago and it seems like a big issue. I would like to see a lot of graphic presentations, breakdowns and analysis, baselining, comparison year to year. I think that would be very constructive if we had that that, you know, this is a much more

♀

Town Board - 10/21/14

formal process, not we collaborated and everyone is kept in the tax cap and such. You know, you really should have some granular stuff like 311, you know, really use this as an opportunity like New York City does, a budget is a whole measurement and an aspirational document and process about how you're working.

Now, as I said, I think this Town has done quite well. Now, I'm just going to touch on a few issues --

SUPERVISOR BOSWORTH: I would just like to add that the budget that is online does some of that. Certainly, we have --

MR. BRUMMEL: Okay.

SUPERVISOR BOSWORTH: It talks about what happened in 2012, the actual, the 2013, the actual, adopted 2014, what those numbers were, and what the proposed 2015 budget is, and it does it line by line by line.

MR. BRUMMEL: Okay. But, on the other hand, that may be somewhat appropriate to bring up during this hearing, and, as I say, it's not that prominent on the website, but, you know, from what I've seen of government in this area, you are doing very well. Okay.

SUPERVISOR BOSWORTH: Thank you.

MR. BRUMMEL: And better, better than before. A lot better. So --

SUPERVISOR BOSWORTH: You know, Mr. Brummel, you know what they say, one step at a time.

MR. BRUMMEL: Got you.

SUPERVISOR BOSWORTH: Okay.

MR. BRUMMEL: I may be saying some of these things aspirationally, too, they are not said in anger.

‡

Town Board - 10/21/14

SUPERVISOR BOSWORTH: I understand.

MR. BRUMMEL: The next item, there might be a slight anger, but it's -- you know, I am an environmental activist, I run a website, planetinperil.org., I have been fighting, I have a lawsuit involving the Town, the County, etc., with Christopher Morley Park. I am extremely acutely aware of the environmental degradation that we face in this area, not just in North Hempstead, but certainly in North Hempstead as well. I think it would be very valuable to have an environmental officer in the Town of North Hempstead, and that officer would be someone that would be responsible for, for instance, SEQRA compliance, you know, there were some major problems with SEQRA compliance with the Christopher Morley project, that's our argument in court, but I think if you read through our papers, you can see it. The Mt. Olive development that you're going to be talking to tonight --

SUPERVISOR BOSWORTH: We're actually not. We're doing a zoning change, but we're not going to be talking about that. Just for your knowledge.

MR. BRUMMEL: The zoning change, related to the Mt. Olive, which is going to be an issue, I promise you, that would also benefit from someone who is very well versed in SEQRA and had environmental protection as their priority, as their job, as their responsibility. You don't have an officer like that now. You have the Highway Department does some things, the Planning Department, the Town Attorney. You don't have someone who is strictly responsible for protecting the environment and improving the environment here. I know Clerk Wink has some kind of a title that's sustainability or something, which is great, but with all due respect, he is not a biologist or bio, you know, he's not a planner, etc., so I --

♀

SUPERVISOR BOSWORTH: And I'm agreeing with you.

MR. BRUMMEL: Thanks.

SUPERVISOR BOSWORTH: And I'm telling you that we actually have been interviewing

1793365-TownBoard-1  
for an officer of sustainability.

MR. WINK: Right.

MR. BRUMMEL: Sustainability is a little different, so I really feel that --

SUPERVISOR BOSWORTH: Who would be actually able to do some of the things that --

MR. BRUMMEL: Can I just finish?

SUPERVISOR BOSWORTH: Sure.

MR. BRUMMEL: Let me just finish and then you can engage because there are a few different things that --

MR. WINK: Mr. Brummel, just so we're clear, I am the Chair of the Ecological Commission for the Town. I don't profess to be a scientist.

MR. BRUMMEL: Right. And it's great that we have that, it's great that, but, you know --

MR. WINK: But there are scientists who are volunteer members of that Board.

MR. BRUMMEL: That may be, but it's a very limited jurisdiction -- it's a very limited power, I imagine, it's all advisory, etc. If you had an environmental officer who was a planner, who was a biologist, who knew these things, who was educated in these areas, maybe a lawyer, he would also be a lawyer, and there are people just like that. When you have a proposal that has anything

♀

25

Town Board - 10/21/14

to do with SEQRA, when the Roslyn Water District wanted to put something in Christopher Morley Park or when the Mt. Olive development needed some zoning changes, that's a little loaded, but that's my interpretation.

SUPERVISOR BOSWORTH: Okay.

MR. BRUMMEL: When, you know, we have huge crises in this area, not just -- and I think it's correct, it's appropriate now to say, the Town of North Hempstead is probably the most progressive government body, certainly among towns in Nassau County.

Page 21

I've dealt with Nassau County now over several months. This is an extremely conservative, extremely bureaucratic and extremely anti-environment government, and most of the governments in Nassau County run along those lines. For some reason, the Town of North Hempstead is extremely progressive, it has to do with our population, the demographics, etc., it has to do with the party that's in control of this County -- this Town, quite honestly, so if anyone is going to fight for the environment in Nassau County, it's going to be this Town, and the fact that you, for instance, have a 30 mile an hour speed limit, okay, it's not for the environment, it's for safety, but that's a very progressive and it's also an environmentally significant action that you've taken, and if it's properly perceived by the media, etc., this could be a model. So beyond that, again, talking in terms of this environmental officer, however progressive the Town of North Hempstead is, it's not being as progressive in terms of the environment as it ought to be and it's making serious errors with respect to environmental compliance either with SEQRA, it's not addressing the huge transportation problems we have, every road in this Town as well as in Nassau County in general is completely gridlocked during any kind of rush hour, which goes in the morning, the afternoon, in

♀

26

Town Board - 10/21/14

the evening, it's insane, and we have no vision, we have no plans for transportation improvements, whatever, we have nothing, we have this bus service that's just limping by. And so we really need an officer who is dedicated to this and who will not only speak for the people in the Town of North Hempstead, but who will be some kind of a model for the suburban Nassau County problems. So, you know, this is really an opportunity, and it probably wouldn't cost that much, so I really feel -- now, that's one issue. I urge you to make some room in the budget and change some responsibilities and have an environmental -- chief environmental officer who --

SUPERVISOR BOSWORTH: I would like to add -- and, Mr. Levine, Commissioner Levine, if you could, I do believe that Kevin Braun in Planning doesn't -- is he not involved in environmental planning?

COMMISSIONER LEVINE: He is a biologist. I have four people who have either parks or environmental background, but I mean, there are points that you made tonight that I agree with, which is we are assigned SEQRA compliance responsibilities, but I've got -- right now I'm down to six full-timers and the responsibilities are also split with land use, zoning, economic development, transportation, so we're split a lot of ways. So I don't have anybody that is solely --

MR. BRUMMEL: Is your mic on?

COMMISSIONER LEVINE: Hopefully.

MR. BRUMMEL: Okay.

COMMISSIONER LEVINE: So you're correct, I don't have anybody solely on SEQRA, everybody has to split SEQRA along with other responsibilities.

MR. BRUMMEL: My point is that this

♀

27

Town Board - 10/21/14

gentleman, you are Parks, head of the Parks?

COMMISSIONER LEVINE: Planning.

MR. BRUMMEL: Planning, okay.

COMMISSIONER LEVINE: And temporarily, also Acting Buildings, but my full-time job is Planning.

MR. BRUMMEL: Okay. I just think that the environment, just the way they created the EPA in the federal government, there ought to be someone who is just responsible for, you know, planning is one thing, but that's not the environment. There's planning also for economic issues, blah blah blah, but just the environment, so that when these trees are being cut down on Searingtown Road, it's the environmental officer who investigates what's going on, who finds out a solution to it, who meets with the people, who is the interface to media, etc., so, you know, I mean, a specific job. That's why -- because look what's happening with global warming, with marches in the city, we are really focused now on the environment, not in terms of economic development or in terms of public

safety, but just as an entity all by itself, and it's worthwhile to have an officer in the government who is strictly responsible, and that is just a broad overall responsibility. That's my idea. But, I mean, you know, you make due with what you have, but I don't think it's enough, and I think you are suffering for it and the residents in this community are suffering for it as well, whether it's Christopher Morley Park which we should not have had to go to court over, or whether it's the trees on Searingtown Road, when the County had the idea to cut them down, they should have consulted the environmental officer and said what do you think.

‡ SUPERVISOR BOSWORTH: Well, I'm sure they have environmental.

28

Town Board - 10/21/14

MR. BRUMMEL: Nassau County? Forget about it. Nassau County is a disaster. If you had an environmental crisis right now, if you could get the police department on the phone, that would be your best bet. There's nothing going on in the County and the environment is the least of their concerns. Absolute least. This is a County that, I mean, if you go to some of their Board meetings, it's a disaster.

Okay, the other issues I want to bring up --

SUPERVISOR BOSWORTH: Just --

MR. BRUMMEL: I understand, I apologize, you know, but --

SUPERVISOR BOSWORTH: I was saying just if you could do it quickly.

MR. WINK: Yes.

MR. BRUMMEL: Manhasset Valley Park, Elaine Agueri (phonetic) who is an advocate for that park told me there's a plan to build a playground there. I don't know. She objects to that strongly. But we've seen Manhasset Valley Park ransacked by this -- since these past few years where they built this huge athletic field. I passed by there on the way here. Every single light was burning on an empty field, on an empty field across from A&S. I could not believe it. I took a photo which I sent

to -- that takes a lot of energy to totally burn every light in that field and that field doesn't belong there. That used to be full of London plain trees. That was a parking lot. That was a refuge, that park, and it's a shame what happened there, and Elaine Agueri (phonetic) certainly doesn't want to see anything there in terms of playgrounds, in terms of anything else with that park.

So -- let's see. The other issue was -- okay. Manhasset valley park. The other

♀

29

Town Board - 10/21/14

issue was security. I have counted your security apparatus several times in the past several meetings that I have attended. As I have brought up with Ms. Gross when she was the clerk, the government says that this Town should not be carding people to come into their meetings, they shouldn't have to surrender their license. You don't do it for the County meetings, you don't do it for the Village of East Hills, you don't do it for the Village of North Hills. It's not appropriate. The Committee on Open Government, Robert Freeman, said that --

SUPERVISOR BOSWORTH: I am going to ask our Town Attorney --

MR. BRUMMEL: But that's not the only point. It's the heavy-handed manner in which these people conduct themselves. I believe that you have a park on Broadway in Garden City Park, is that your park, is that part of North Hempstead?

SUPERVISOR BOSWORTH: Garden City Park, yes.

MR. BRUMMEL: Okay. I was there a few -- quite a number of months ago when a gentleman was visiting with his dog, and the way that he was treated by the staff there, by the man in charge, the security personnel there, I had to intervene and say, listen, this man only has a dog in the park, this is an elderly man with a dog, you don't have to speak to him this way. You know? This security apparatus needs to be reviewed and the time to review it is during the budget process. Okay? I think you should start at the top and I really feel that the apparatus, the body language of this security apparatus for the Town of North Hempstead that I've encountered is

extremely, extremely abrasive, extremely aggressive, overly aggressive and inappropriate, you know, and I think that it discredits this Town and it creates the wrong impression of what kind of government

♀

30

Town Board - 10/21/14

you wish to have.

SUPERVISOR BOSWORTH: I am sorry that you have encountered what you're representing --

MR. BRUMMEL: People clapped their hands. Apparently I'm not the only one. You know?

SUPERVISOR BOSWORTH: I would like to say that our security is --

MR. BRUMMEL: Well, you don't know yet because I'm giving you information that you probably were not aware of prior, prior to now, and so maybe you need to have an open mind, and I don't mean to be offensive.

SUPERVISOR BOSWORTH: I know.

MR. BRUMMEL: I'm saying that I'm bringing you information, and I believe that if you're going to investigate it fairly, it should be approached with an open mind by someone who is maybe independent of -- an independent person, maybe from the attorney's office, whatever, to evaluate what may be going on and what may not be going on with that security apparatus, because when a citizen who comes to the meetings and is sort of known as a fairly responsible person gets that feeling, that's sort of a, you know, it's a signal. It may be a, you know, it's a flag.

SUPERVISOR BOSWORTH: So I appreciate your comments. So I would just --

MR. BRUMMEL: I'm saying that --

SUPERVISOR BOSWORTH: I would just like to ask our Town Attorney her opinion.

MR. BRUMMEL: I think it's going to take actual investigation. It's not --

SUPERVISOR BOSWORTH: You brought up

♀

Town Board - 10/21/14

a number of points. Now, you have to let me speak.

MR. BRUMMEL: I'm urging --

SUPERVISOR BOSWORTH: You have to now let me speak.

MR. BRUMMEL: I am urging that in the course of the budget proceedings, I'm not asking you to solve this problem now, I am simply bringing it to your attention because as a matter of budget you are budgeting for that agency, and when you budget any agency, you ought to be analyzing their performance. That is certainly --

SUPERVISOR BOSWORTH: Mr. Brummel, you brought up a point about asking people for identification, and that's --

MR. BRUMMEL: That's just an example. Whether it's right or wrong --

SUPERVISOR BOSWORTH: No, no, no.

MR. BRUMMEL: -- whether it's important --

SUPERVISOR BOSWORTH: Excuse me. Now I would like the Town Attorney --

MR. BRUMMEL: Why don't you ask Ms. Gross. Do you remember when I sent you that letter, that e-mail?

SUPERVISOR BOSWORTH: Ms. Gross is --

MR. BRUMMEL: Because she was the clerk.

SUPERVISOR BOSWORTH: I am running the meeting.

COUNCILMAN FERRARA: You have to understand --

♀

Town Board - 10/21/14

MR. BRUMMEL: Sir, I don't -- you know --

SUPERVISOR BOSWORTH: Excuse me --

COUNCILMAN FERRARA: Your opinion --

MR. BRUMMEL: Are you the enforcer now? Is Angelo Ferrara the enforcer? The Republicans don't control this Board anymore.

COUNCILMAN FERRARA: I am a taxpayer here just like you are.

MR. BRUMMEL: She is running the meeting.

COUNCILMAN FERRARA: Just because you have an opinion --

MR. BRUMMEL: She is running the meeting.

COUNCILMAN FERRARA: -- doesn't mean she doesn't and she's entitled to it.

MR. BRUMMEL: She can handle herself. She doesn't need your help.

COUNCILMAN FERRARA: I feel like I want to.

MR. BRUMMEL: She doesn't need your help.

COUNCILMAN FERRARA: This is America and I have a responsibility to do it.

MR. BRUMMEL: There are other people on the Board. They don't feel they have to jump in.

‡

COUNCILMAN FERRARA: You don't control this meeting. I --

MR. BRUMMEL: The Republicans -- I go to the meetings of the County. The Republicans control those meetings. Let her control her meeting here.

COUNCILMAN FERRARA: I want to tell you, evidently --

COUNCILWOMAN KAPLAN: Why don't you wait and let the supervisor answer.

SUPERVISOR BOSWORTH: You brought up a number of issues and I think we're having I think a very good dialogue, but I have asked our Town Attorney to weigh in on one of the things that you've said because I would like to know and I think the others here would like to know as well.

MR. BRUMMEL: If I could just say one point.

SUPERVISOR BOSWORTH: No, because now I am asking the Town Attorney.

MR. BRUMMEL: Because I am really talking to the security, as opposed to the policy.

SUPERVISOR BOSWORTH: But I am now talking about that. So Ms. Botwin.

MS. BOTWIN: Thank you. We reviewed these issues when the new requirements were put in it, and it was our conclusion that this was well within the permitted bounds of establishing the security of the office and all the people attending. However, if the Board prefers, we can certainly take a fresh look just at the issue of taking licenses or other identification solely for when people are coming to a public meeting as opposed to

†

Town Board - 10/21/14

the way we have implemented the policy, which is for all visitors to Town Hall no matter what purpose, so that necessarily encompasses the public meetings, and we can see whether it would be appropriate or better to distinguish the people who are coming for a public meeting as opposed to people coming in -- at any particular point during the day. So, Madame Supervisor, that's what I'll take a look at.

SUPERVISOR BOSWORTH: Yes. And that's what I would like you to take a look at, and I will tell you that we have a wonderful staff here, we're proud of our commissioners, they work very hard, the

people who are part of the Town staff work very hard, we have made sure that people understand, as we do, as the Town Council does, as the elected officials do, as the people who work here, that our priority is to treat everyone with respect and that we are here to serve you. There's no misunderstanding about that. That is our mission. Our mission is to serve you, and, of course, one of your comments, you've made them, I'm not going to start doing a personnel discussion with you here, but you've made your comments, I appreciate what you're saying, and I appreciate your comments.

MR. BRUMMEL: Thank you. But just to be clear, you know, the question is less in terms of the law itself than the way that it's being discharged, and that's why I'm bringing it in terms of the budget and in terms of how the security operates. Okay?

SUPERVISOR BOSWORTH: We --

MR. BRUMMEL: So I would hope that you would analyze that.

SUPERVISOR BOSWORTH: So you brought up your points, I appreciate your comments.

MR. BRUMMEL: Thank you.

‡

35

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Thank you.

MR. WINK: Madame Supervisor, I have no additional cards related to the budget.

SUPERVISOR BOSWORTH: Are there any additional comments? I would also like to say that, you know, we are taking great pride in the fact that this budget -- that our hearings are open, that they're transparent. Because of the comment saying that this was not on the website, apparently it is on the home page of the website, it is first under Town updates and it lists the budget hearings. I'm sorry if you found it difficult to see that, but I ask that you go back and check that because it is on the website as I thought that it was.

Mr. Idol, did you want to say something?

MR. IDOL: Just on the last

gentleman's comments, and I think you do a spectacular job here. I spent many years in the technology field, I'm actually surprised that the security isn't tighter coming into the building. If anything, I might recommend that you look at what the schools are doing. You hand your license over, you swipe the license and in 10 seconds they'll tell you whether you're a wanted criminal, if there's anything else wrong, so I think you do a fine job and it's a new world and, you know, collecting it on paper is also old fashioned, so if there's room in the budget to simply look at the technology the schools are using, you might want to look at leveraging that. It would make it a lot faster. Thank you.

SUPERVISOR BOSWORTH: Thank you for your comments.

So I would like to close the public hearing. So do we vote on this now?

MR. WINK: Madame Supervisor, I'm going to ask that we entertain a vote just

♀

36

Town Board - 10/21/14

to close the hearing and nothing further at this point.

SUPERVISOR BOSWORTH: Okay. So vote on closing the hearing.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

37

Town Board - 10/21/14

MR. WINK: Now, as to item 13, Resolutions. A resolution certifying completion of review of the Tentative Budget, as amended, and setting a date for a public hearing on the Preliminary Budget, as amended, of the Town of North Hempstead, together with the budgets of all Special Districts and the assessment rolls of the Belgrave Water Pollution Control District, Great Neck Water Pollution Control District, and the Port Washington Water Pollution Control District for the year 2015.

SUPERVISOR BOSWORTH: So this is to really say that our next -- we will be setting the date for the next hearing would be October 29, 2014. I'd like to offer the resolution and set the public hearing for October 29, 2014.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

38

Town Board - 10/21/14

MR. WINK: Continuations. Item 1. A public hearing on the application of Blumenfeld Development Group for site plan review for the premises lobed at 2350 Jericho Turnpike, Garden City Park, New York and designated on the Nassau County Land and Tax Map as Section 33, Block 531, Lots 39 and 86 and Section 33, Block 517 and Lot 29.

MR. MIGATZ: Madame Supervisor, members of the Board, Bruce W. Migatz, Albanese and Albanese, 1050 Franklin Avenue, Garden City.

SUPERVISOR BOSWORTH: Good evening, Mr. Migatz.

MR. MIGATZ: Good evening to all. Last time we were here, I think we vetted all the issues that the community had and that the Board had and the apparent turning point was the curb cut on Jericho Turnpike. The applicant agreed to move the dumpster area, and we do have, I apologize, we do have revised plans. I have a copy for each member of the Board. We had relocated the dumpster from the rear of the building by Dyckman Street to the side of the building on County Courthouse Avenue and we have provided additional landscaping both by the dumpster and by along Dyckman Avenue. We also agreed to make application to -- we also agreed to not be a 24 hour operation and we also agreed to make application to the Department of Transportation for a curb cut on Jericho Turnpike. We did urge the Board to approve the site plan without that curb cut with a condition that we make application for that curb cut, and, if granted, we would implement that curb cut. The Board decided not to do that, they kept the hearing open. We did make application to the D.O.T. and with the assistance of Councilman Ferrara who worked on this tirelessly and with Senator Jack Martins, we were able to get a conditional, conditional letter of approval from D.O.T. for a curb cut on Jericho Turnpike for a right turn in

♀

39

Town Board - 10/21/14

and a right turn out. As all conditional approvals have from D.O.T., it has numerous conditions, some of which are standard and some of which are not, and the ones that

trouble the applicant are the conditions that relate to offsite improvements and D.O.T. has a -- has a pattern when it has a developer who wants a curb cut on a State road to try to get them to make other improvements that are not even related to the curb cut, and they have done that in their conditional letter and that's very troubling to us, and we have to try to deal with that and get those conditions removed because they are extremely costly conditions that the applicant simply cannot afford to do.

COUNCILMAN FERRARA: Senator Martins has been involved with this, I have been involved with this, and you certainly have also been involved with it --

MR. MIGATZ: Yes.

COUNCILMAN FERRARA: -- and the letter that came down from the State was asking for consideration, not mandating that anything happen, and having Senator Martins go back to them and understand what those specific conditions might be, there seems to be a lot of flexibility in that whole process. As we stood here at the last hearing, we recognized the fact that this is a privately owned piece of property, something is going in there. People do not invest in properties like that, commercial properties, without the anticipation of being able to put something in there and making some money. From the residents' standpoint, having been -- having had that property basically shut down for almost 50 years, you've had a lot of positives, other than the unsightliness, but positives of lack of traffic and noise levels and all of those kinds of things, which are not going to be anyway, because something is going to be developed there. From my perspective,

‡

I'm not only the Councilman here, but I live very close to that as well, and I do understand the traffic concerns. The reason for having you put on that site plan the egresses and ingresses is to make sure that we could put the pressure on the State to react to this. That was really part and parcel of continuing the hearing to tonight because we were hoping to get some response back from them and some favorable response back from them through the pressure of that

alone plus the phone calls made from the Town, so the conditions that I was looking at, even though legitimately you could not force that to happen, the likelihood is it will happen and we had to at least try to make it happen. My perception is it will happen, Senator Martins' perception is it will happen, and I think that we're at a point now where we need to address some of the other issues. One of them was the moving of the garbage receptacle, which you did, so that responds to that. The other issue that we had, which was a major issue, was the time utilization of the facility, and while initially it was looked at being open 24 hours a day seven days a week, that was unacceptable, and the comeback to that was that it would not be open 24 hours a day seven days a week. You've had some discussion, I assume, with everybody there as to what the reasonable hours of operation would be or recommended hours of operation would be?

MR. MIGATZ: Yes.

COUNCILMAN FERRARA: And they are?

MR. MIGATZ: 5 a.m. to 12 midnight.

SUPERVISOR BOSWORTH: Every day?

MR. MIGATZ: Yes.

SPEAKER: Wow. That's very bad.

COUNCILMAN FERRARA: Okay.

♀

Town Board - 10/21/14

MR. MIGATZ: People come to exercise before they go to work. In this day and age, people work until 9:00, 10:00, 11:00 and go to work out after. So those are the hours and, you know, it's -- no applicant likes to condition their business hours and as an attorney knowing what case law says about that, I have some reservation even offering that, but we have been asked to make that concession, and by Councilman Ferrara and the applicant has agreed to condition it from 5 a.m. until midnight.

COUNCILMAN FERRARA: I thought it was until 11.

SUPERVISOR BOSWORTH: Yes. It seems  
Page 35

to me that when we had the hearing last time and, you know, it was at the end of the hearing that you said we've now gotten a commitment and it was not 5 a.m. to 12, there were different --

COUNCILMAN FERRARA: Yes.

SPEAKER: Right.

SUPERVISOR BOSWORTH: -- ending times. It was not midnight every night.

SPEAKER: Yes, ma'am.

SPEAKER: That's true.

MR. MIGATZ: If I may, because I have it in my notes, what we said was there are only three or four facilities that are open until -- open 24 hours, and the hours for most of the other ones were 5 to 11. That's what we said.

COUNCILMAN FERRARA: And that's what we're looking to get here.

MR. MIGATZ: But we were not being asked at that time to have a condition on our hours other than it would not be 24

⊕

42

Town Board - 10/21/14

hours.

COUNCILMAN FERRARA: But I'm asking that condition.

MR. MIGATZ: I understand that, Councilman, and, you know, we're here to serve the community and, you know, if the community doesn't come out, if nobody comes at 10 a.m., they'll close at 10 a.m. If nobody comes at 5 a.m., they won't open at 5 a.m. It's like any other business, we're serving the community, and we want to have the flexibility that if people do want to come until midnight, we're able to do that. Will they? We don't know. If they don't, they won't stay open that late.

COUNCILMAN FERRARA: Well, we also need to serve the community. Part of that -- serving that community is that balance between what's good for business, what's good for the community, what's good for the Town, and I would strongly urge that we look at that 11:00 as a condition.

MR. MIGATZ: But, if I may, you know, this is a business zone. People who come late at night are going to be parking directly in front of the building. They're not going to be parking in the rear on Dyckman Street. They're going to be parking directly in front of the building, which is a business zone. They're not going to have any impact on the traffic on Dyckman Street.

SUPERVISOR BOSWORTH: Well, what about the employees?

MR. MIGATZ: At that time of the night, they also will be able to move their cars into the big parking lot. People aren't there.

COUNCILMAN FERRARA: My understanding is that we were looking at 5 to 11 and that's what I'm asking you to consider tonight.

†

43

Town Board - 10/21/14

MR. MIGATZ: Well, I don't have the authority to represent that. The Board can impose that, but my client has requested me to ask for --

COUNCILMAN FERRARA: So we should then continue this again until we get a response back?

MR. MIGATZ: No, counselor, you have the ability to put the condition on the approval if you're going to approve it or you're going to disapprove it, but we don't want to agree to something that we don't feel is right for our operation.

COUNCILMAN FERRARA: Michael, is that something that we can put a condition on?

COMMISSIONER LEVINE: Yes. We had a seven item condition list, and these are the Town conditions separate and distinct from the Transportation Department's conditions on the curb cut, and we were going to delete one from last time and add one. The one that we were going to delete, Applicant shall submit a formal application to Transportation Department for the curb cut on Jericho. That has now happened. So I still believe that the approved site plan, if we approve it, should show the curb cut

on Jericho as tentative, but the condition of the approval if they apply, that's already been complied with, we already have a response from D.O.T. and the approval is in process. But in addition to that, we were going to add a condition limiting the hours of operation and the times that we do have tentatively in the resolution are 5 to 11.

COUNCILMAN FERRARA: So I'm going to make that a condition. So if you have -- is there anything else that you would like to bring up?

MR. MIGATZ: No. I think we tried

†

44

Town Board - 10/21/14

to -- I believe we addressed and made the modifications that the Board asked, we did everything the Board asked, we made the application, we have submitted to you the revised plan with the curb cut on Jericho Turnpike, the owner is prepared to take that risk that with the help of the Town and with the help of Senator Martins, we will be able to resolve these issues, so we have -- we have made that commitment. We have given you an amended site plan with a curb cut on Jericho Turnpike with the curb cut on Dyckman in only, which we discussed last time, that is shown on the site plan, the dumpster has been relocated as we said we would, that's shown on the site plan, when we added more landscaping, we added the new six foot stockade fence that the community asked for.

SUPERVISOR BOSWORTH: So there certainly has been a lot of give and take, concerns have been raised, you have addressed them, but, you know, I will tell you that my recollection of things is usually pretty accurate, and I recall at the very end of the hearing you coming up with your cell phone and saying I have good news, the people that you represent have now said that these would be the hours, and in no way was it 5 a.m. to 12 midnight every day. It wasn't. It may have been, you know, a few days, but there were certain days certainly that it was 11:00, so to hear this represented as 5 a.m. to 12 midnight every day is not what was said at the last time. You came with your cell phone and it wasn't a simple 5 a.m. to midnight. It just wasn't.

MR. MIGATZ: My recollection was that they agreed not to have 24 hours. If my recollection --

COUNCILMAN FERRARA: But we're past that.

MR. MIGATZ: We're past that. Okay?

♀

45

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Right.

COUNCILMAN FERRARA: So --

MR. MIGATZ: I've appeared before this Board for many, many years. I have never intentionally misrepresented anything.

SUPERVISOR BOSWORTH: And I'm not saying that you are.

MR. MIGATZ: My recollection was that we only committed not to be 24 hours.

SPEAKER: No, it's not true.

SUPERVISOR BOSWORTH: Okay.

COUNCILMAN FERRARA: Is there anything else you would like to add?

MR. MIGATZ: Not unless you have any questions.

COUNCILMAN FERRARA: I would like to just open it up to the public.

MR. MIGATZ: Sure.

COUNCILMAN FERRARA: Do you have cards?

MR. WINK: Councilman, the first card I have is Jim Bevers.

MR. BEVERS: Thank you again.

SUPERVISOR BOSWORTH: See, you have waited a long time.

MR. BEVERS: Thank you.

COUNCILMAN FERRARA: It was longer than I thought it would be.

MR. BEVERS: Supervisor Bosworth, Councilman Ferrara, and the Town Board

members, my name is Jim Bevers, I live at 86

♀

46

Town Board -- 10/21/14

Dyckman Avenue, Garden City Park. This will be the third time either me or my wife have publicly expressed our concerns and objections to the Town Board over the site plan for the proposed LA Fitness Center. The residents, some of which are here, and others I have signatures from, appreciate the Town Board's decision to have tabled this application at the September hearing pending the decision by the D.O.T. to construct a curb cut on Jericho Turnpike. If the New York State D.O.T. agrees to construct a curb cut, then we again request that any and all curb cuts on Dyckman Avenue be eliminated from the site plan. Dyckman Avenue is a small residential street that is already overburdened with traffic and limited parking, and increasing the traffic will only add a public safety concern. Please help to protect and preserve the integrity of Dyckman Avenue. If the D.O.T. denies our request for the Jericho Turnpike, then we request that the site plan be denied or at least tabled until a reasonable solution can be reached.

Thank you.

MR. WINK: James McHugh.

MR. MCHUGH: Jim McHugh, 15 White Avenue.

You're correct, Supervisor, I was speaking at the microphone at the time that this went on and I was the one that brought up comparing the hours at the Lake Success facility to this facility. Okay? And we were going back and forth about the 24 hours and you are correct again, he came up with a cell phone and said he heard from headquarters and they're agreeing it won't be 24 hours, and one of the things we talked about was, well, how would the hours at this facility compare to the Lake Success facility, and then he compared the hours, okay, and you were right again, so I think ---

SUPERVISOR BOSWORTH: I'm liking your

♀

47

Town Board - 10/21/14

statement.

MR. MCHUGH: -- this is an attempt -- well, I was speaking, so I was the one who brought up the comparisons of what was going on at other facilities and the fact that there's only four in the country that were 24 hours, but it didn't mean that this one wouldn't be, so that was an issue, but there was also an issue specifically what are the hours going to be. Okay? So I think this is an attempt to squeeze a little bit more out of the agreement than what was agreed upon initially, okay, and, I mean, you know, we want to all negotiate in good faith here and I think that's an attempt to do that, and a lot of compromises have been made. I don't think an hour is going to bankrupt anybody, and most people are not going to the gym from 11 to 12 to exercise. They're not. They are out of there. Not if they have to work the next day or it's just -- that one hour seven days a week is not going to make a significant dent in their ability to make it financially successful. Okay? So that's it. Thank you.

SUPERVISOR BOSWORTH: Thank you.

MR. WINK: I have no further cards.

COUNCILMAN FERRARA: Anyone else wishing to be heard?

MR. BRUMMEL: Sorry. I actually put this one on my card, too.

COUNCILMAN FERRARA: You can speak.

MR. WINK: Okay. My apologies. I thought that was on the other hearing.

MR. BRUMMEL: Again, this is another one of those environmental issues, if you had an environmental officer, you could say how is this going to impact the community, etc.? I pass by that block a lot because I used to go to a gym up on Broadway. I mean,

Town Board - 10/21/14

this area is well served by gyms. There is a very popular gym there. It may not be of the same caliber, but it's a gym, it's well used and it's a community resource. I'm not that familiar with what's going on. I don't

know, you know, again, this transparency thing, I know in the Town Hempstead, when there's going to be variances or hearings, there's a huge banner that they put on the site, I saw that along Old Country Road East, a huge banner they put up with black letters -- yellow and black letters. I don't know if they did that at this site, I don't know if the Town of North Hempstead does this type of thing, but I think that's really a pity if that property can't be somehow preserved or turned into a park, or, you know, it's a shame that you're going to drop basically an atom bomb on that community, it wasn't even a building before, it was a parking lot.

SUPERVISOR BOSWORTH: That's not so.

COUNCILWOMAN KAPLAN: It used to be a Pergament.

COUNCILMAN FERRARA: It was a Pergament store.

MR. BRUMMEL: In any event, that area, it is established with equilibrium, without that place being occupied. Again, as I say, it's a shame. We have so much traffic already in these communities, we have so much overdevelopment, we have so much concrete and, you know, is this building going to have any kind of, you know, renewable energy, maybe solar panels on the roof or any kind of progressive things that will actually add to the environment in the community, have maybe a green roof, will it -- is there anything going on like that? That's something that -- is it a LEED building? You know, they talk about health and fitness. These are all things that certainly is within your power. I mean, at some point, this Town,

♀

every government, has to draw the line and say, listen, we had 400,000 people march in New York City because they care about the environment, they care about the climate change, we have a global crisis, any time a developer wants to change what our community is composed up, they must meet some conditions in order to balance the impact that we're going to have on that community. Okay? So I urge you -- I don't know where you are in this, but I would urge you that whatever flexibility, whatever options you

have, whatever power and authority that you have to force them to have the most limiting impact on that community specifically and also on the environment, I would urge that you exercise those powers because that's what the public wants, even if they are not here tonight, even if they are here tonight, that's what the public desperately wants.

COUNCILMAN FERRARA: That's exactly what we've been doing and that's why we have postponed the hearing to go after the state to get turn lanes in and off Jericho Turnpike, so it doesn't bring those cars around, as many of those cars around to the local streets.

MR. BRUMMEL: Well, I mean, you know, that's putting lipstick on a pig. You know? Thanks.

COUNCILMAN FERRARA: Anyone else wishing to be heard? No?

MS. BOTWIN: Councilman Ferrara, we have a couple of technical changes that we would suggest for the resolution that's in the packet.

COUNCILMAN FERRARA: Okay.

MS. BOTWIN: On page 2 in the fourth whereas clause, where it says at least 30, the word days was omitted, have lapsed.

COUNCILWOMAN RUSSELL: Repeat where

‡

50

Town Board - 10/21/14

that is.

MS. BOTWIN: On page 2 of the proposed resolution, the fourth --

COUNCILWOMAN RUSSELL: I found it.

MS. BOTWIN: Oh, you found it? Okay. And then on page 4, the first whereas clause, we are going to eliminate the first condition consistent with what Commissioner Levine said is what the Planning Department -- how the Planning Department is changing its recommendation.

COUNCILMAN FERRARA: Okay. We had a lot of dialogue on the issue. The commercial property is a property, again, that hasn't been occupied for 15 years.

1793365-TownBoard-1

Something is going in there. We looked at how to make that as easily absorbed into the community as possible, and still allow people, since this is America, people still have a right to purchase that property and develop that property with the guidelines that are there, and I think that looking at this proposal absolutely meets that criteria, I think putting the stipulations in that we have on the time utilization, I do think we need to keep that entrance off Dyckman on because that allows cars coming north on Old Courthouse Avenue to turn in there rather than having to go all the way up on a one lane road and then try and go in, so -- and in talking to the traffic experts, this is a safer condition to have, so based on all of the above and based on the fact that as of right they could put this LA Fitness in to the building that's there right now and they don't have to change anything and it doesn't even have to come before this Board, so what we're trying to do is take what we have that is maybe not optimal, but that tries to satisfy as much of the issue as we can, so based on that, I'd like to close the public hearing, offer the resolution and move for its adoption.

♀

51

Town Board - 10/21/14

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

Page 44

MR. MIGATZ: On behalf of my client,  
I thank the Board, especially Councilman  
Ferrara for his hard work on this.

♀

52

Town Board - 10/21/14

MR. WINK: Item 2. Public hearing --

SUPERVISOR BOSWORTH: Excuse me, Mr.  
Wink. Councilwoman Russell, with the  
permission of the Council, has asked that we  
move item 7. Is that all right.

COUNCILWOMAN RUSSELL: It is just a  
parking restriction.

SUPERVISOR BOSWORTH: It is just a  
parking restriction, it's not a large item.

MR. WINK: Item 7. A public hearing  
to consider the rescission and adoption of  
an ordinance affecting Summa Avenue, Main  
Street, Bond Street, State Street, Brooklyn  
Avenue, New York Avenue and Grand Boulevard  
in New Cassel.

COUNCILWOMAN RUSSELL: Thank you,  
Board.

So this resolution -- the public  
hearing for this resolution is concerning  
the overnight parking of commercial vehicles  
in the industrial area. We have been  
working with the New Cassel business  
association for quite some time to help  
eradicate some of the issues that they have  
in the industrial area, and the parking of  
the commercial vehicles overnight has become  
a real hindrance to the businesses and we do  
have representation here from the business  
association and I would like to thank you  
for coming out and sitting through our  
meeting, and we have Mr. Chiofalo, if you  
would like to come up.

MR. CHIOFALO: I have to get my legs  
moving again. Thank you.

I'm speaking on behalf of approving  
that recommendation. My name is Anthony  
Chiofalo, I'm secretary of the New Cassel  
Business Association, a not-for-profit  
activist group in New Cassel. I've served  
on the Board of Directors in one capacity or  
another since it was formed in 1982. When  
the NCBA began, truck parking was already a

♀

Town Board - 10/21/14

major problem for the community. During a period when we were counting trailers parked over weekends, one weekend we actually had 47 tractor trailers parked in that area. None of them were affiliated with local businesses. When the association was formed, it was helped from our Town Councilman Charles Fuschillo, and that's Senior. They suggested that alternate side of the street parking would help. He thought and we agreed that the need to move parked vehicles every day would deter those parkers. It had some success that diminished with low enforcement while it invited parking on alternate days. It was not the answer to that problem ultimately.

I'm here to say it has a simple -- it has a solution, a simple, direct and effective solution, ban commercial vehicles overnight and enforce it vigorously. Our neighbors and our organization thank you. And, in fact, I forgot to say, our president Paula Scapaturra couldn't be here. She had a dental appointment that's still going on.

SUPERVISOR BOSWORTH: That's more painful than sitting through our meeting.

COUNCILMAN FERRARA: Maybe not.

COUNCILWOMAN RUSSELL: Maybe not.

MR. CHIOFALO: Thank you.

COUNCILWOMAN RUSSELL: Does anyone else want to speak?

MR. HOLBREICH: Good evening. My name is Steve Holbreich. I'm an attorney and my address is 398 Maplewood Road, Huntington Station, New York. I am an attorney for Arkwin Industries, which is a major aerospace manufacturing company located in New Cassel. It owns nine buildings in the neighborhood. It employs approximately 260 to 270 people and before I -- I'm retired, a few years ago, I was general counsel for Arkwin, I was general

♀

Town Board - 10/21/14

counsel for 14 years, and the parking problems existed when I started working

there in 2000 and it's still there and it's worse, and it causes a problem because, for example, Arkwin has often three shifts, people working 24 hours a day, and when these trucks are there, they can't park, and it's partially an enforcement problem because if trucks really left at 6 in the morning, some people could park and get to work, but the trucks don't leave at 6. The trucks, tractor trailers are there for three, four, five days at a time, some 30 days at a time, and ticketing them doesn't work because they're out of state trailers and they just take the tickets and tear them up and throw them away. But the real question is why do the trucks come there in the first place? They come there because the Town of North Hempstead is the only Town that I'm aware of in Nassau County that allows overnight parking of commercial vehicles on public streets, so they all come here. And where do they come? They come to the industrial area, and that's us, New Cassel, and it causes a tremendous problem. Number one, it wrecks the roads. Main Street was just repaved a few months ago and within a week somebody had parked a trailer, dropped his stanchions on the new pavement and put a six inch hole -- two six inch holes in the new pavement, and it was there for days, just sinking into the new pavement.

It presents a hardship to employees because when they come to work, they have to park far from their office, we have nine buildings, we have a shift that starts at 7 in the morning and they come there and the trucks that were parked at night are still there, and they're there all day, and they park right up to the curb even though the signs say no parking here to corner, you can't see around them, there are numerous accidents because you can't see cars coming because of the trucks blocking them, and it just makes a problem for everyone, and the problem can only be solved by doing what all

♀

Town Board - 10/21/14

the other towns do, and that's no parking -- no overnight parking of commercial vehicles. It just seems odd that North Hempstead is the only town that lets it happen and it's about time that something is done about it. I myself was working on this for years with previous Councilmembers, but now we're at the point where it's becoming unbearable, more and more trucks are coming, and we

can't tolerate it anymore. Our employees are unhappy, they get to work late because they have to walk so far from where they park, so the resolution is good, I'm in favor of it, my company is in favor of it, the New Cassel Business Association is in favor of it, and almost every business that I know of with maybe minor exception is in favor of it as well. So I urge the Board to approve this.

I'd like to thank Councilwoman Russell because after 14 years of trying to get this done, once she got into office, it's being done, and it's because of her efforts that we're at this point and we can't stop here, we have to proceed until it's a fact and move from there.

Thank you very much for allowing me to speak.

COUNCILWOMAN RUSSELL: Anyone else?

I just wanted to add to the comments. This has been a long-standing problem. We just had a meeting this past week with public safety and code enforcement and we're still looking at the industrial area to see what other improvements can be made. With regards to the parking, we are looking also at possible booting. Like you mentioned, most of the trucks are from out of state and the tickets for them, they just don't pay any attention to them, there's no reciprocity with New York, and the tickets mean nothing to them.

SUPERVISOR BOSWORTH: They kind of line the inside of their cab with them.

COUNCILWOMAN RUSSELL: Right. So we

♀

56

Town Board - 10/21/14

are working with Nassau County, with their booting program, and looking at what we can do within the Town ourselves. So thank you so much for coming out and cooperating with this whole process.

If there's no one else, I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

57

Town Board - 10/21/14

MR. WINK: Back to item 2?

SUPERVISOR BOSWORTH: Please.

MR. WINK: Item 2. A public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning".

COMMISSIONER LEVINE: Okay. This originally came up at the prior meeting on September 30. There are two sections of the code that are under consideration here. The first is in the Senior Residence Zoning District, which is one specific Zoning District out of the 20 some odd districts in the Town, and the other is a universal change to the definition section of the code. This was brought to us by our Housing Authority because they are looking at two properties that do not meet present requirements of the Senior Residence District. The specific issue is the minimum lot size. When the senior residence zone was created in 1999, the minimum lot size was set at five acres, but this many years later, we have not had any applications for that zone and we don't have we feel enough five acre sites to qualify. So one of their properties is two acres, the other is over three. This proposal is to amend the minimal lot size to two acres. So, again that would apply potentially to any property that seeks a rezoning to the Senior Residence District.

The second has to do with the definition of Senior Housing. Presently, we set the age at 62 years of age or older, they have asked that for projects that are using federal tax credits, that that age be dropped to 55 to be consistent with the federal guidelines. In this case, it would be definition, so it would apply Town-wide to any senior housing proposal, but only those using federal tax credits could drop the age to 55 under the proposal.

I would like to distinguish because there has been some confusion that this is a

♀

58

Town Board - 10/21/14

zoning application. Not yet. That's the next thing that would happen. If this is adopted, then we expect that they will come forward. One of the rezoning applications is already in, but we couldn't do anything with it yet until the zoning amendment goes through. The other hasn't been filed yet. But if this is adopted, then we expect that we'll be setting a November hearing date on the rezoning application for Manhasset.

The other thing I want to mention now, because it was raised in Mr. Brummel's comments in regard to the segmentation issue under SEQRA, while it has been our practice where a code amendment affects a particular property or an application, we have rolled them together such that the code amendment and the development of the property is rolled into a single SEQRA action. Most recently we did it with 3 Harbor Park Drive. Here, I'm recommending not to do that because we've got multiple potential applications, different properties, and they have different situations under SEQRA. One of them has an EIS, the other one will not require it, so I don't think it makes sense to bind those two together. So we are advancing on the code amendment as a separate SEQRA action, but there will be an EIS for the zoning application that follows it.

SUPERVISOR BOSWORTH: Okay. Thank you, Mr. Levine.

Mr. Wink, are there any cards?

MR. WINK: Yes. Martin Dekom.

MR. DEKOM: Martin Dekom, 34 High Street, Manhasset. Thank you for having me, Councilpeople, Madame Supervisor, and the best volleyball player in the room, Wayne

Wink. That's true.

MR. WINK: All right. I'll accept that, but I don't believe it.

MR. DEKOM: Looking around.

♀

59

Town Board - 10/21/14

The proposal for this has come up rather suddenly. It was difficult to get a copy of the law or at least one was not available until roughly the 10th of October, but in any case, General Municipal Law 239-m requires a Town to refer to the County any zoning changes which occur within 500 feet of a State or County road. Much of the Town lies within those areas as do the properties for which this law is directed. This body cannot vote on this proposal until it has been referred to the County per GMU 239-m. Those findings by the County are binding upon this body. More importantly, it has been articulating that this new zoning intends -- the intention is to apply this to a Manhasset location, which falls within that purview of the requirements laid out by 239-m, but the community has not been notified of the proposed changes, which will be foisted upon them, so I don't think that it will be appropriate for this body to entertain any motion to vote on it until the communities that are involved receive the notification that is required, and as well until the County weighs in as required by municipal law.

The point of this law or the amendments is to create compaction of this Residential District. If the site requirement shrinks from 5 to 2 acres, the building would be allowed to encroach up to 20 feet instead of 25, the buffer zone is cut in half to 15 feet, and the requirement for 100 feet of street frontage is removed entirely. This might as well be called a law to make public housing look like Queens. The proposed changes when countered to the Town and County's comprehensive plans preserving open space and the new suburbia that we have, the look and feel of North Hempstead, which is why we choose to live here, and not, say, in Queens. Further, compacting the Special District in this manner will create technical cases of unlawful spot zoning. This will apply specifically to the Manhasset proposal wherein a two acre spot or a three acre spot

♀

Town Board - 10/21/14

would be carved out of an existing small Residential C spot. The five acre requirement created by your predecessors was good policy, which avoided those same pitfalls and protected the suburban lifestyle of North Hempstead.

Lastly, the developer and his attorney are donors to Supervisor Bosworth's campaign. It is unseemly for the Supervisor to take part in any vote, much less be their champion and sponsor legislation by which they will profit.

Thank you.

COMMISSIONER LEVINE: Okay. I do want to address the referral requirements though. Two separate actions, but both of them actually have been referred to County Planning under 239-m.

The code amendment has to go to, not for the reason that you cited, not because of their being 500 feet from anything because this is not site specific, but a code amendment to zoning. All code amendments go to County Planning and this, in fact, did, and they recommend local determination on it.

Now, the petition to rezone a specific property, that has also gone to them and public notice will come after the Board sets the hearing date, which the intended schedule is hearing date is set on October 29, hearing will be held on November 18. Now, that is not set in stone until the Board actually votes on --

MR. BRUMMEL: So the hearing will be on the 29th and --

COMMISSIONER LEVINE: The intended schedule right now is they did file the application, as we said before, we couldn't advance it unless the code amendment passes. So the tentative schedule, hearing date is set on October 29 and the hearing will be on November 18. If the Board does set that date, then the notice requirements go into effect, everybody within 300 feet of the

♀

Town Board - 10/21/14

property receives the notice.

MR. DEKOM: Would those hearing dates occur before or after the public comment period on their SEQRA application?

COMMISSIONER LEVINE: Okay. What I'm proposing to do here because the SEQRA actually recommends consolidating hearings on the EIS and the action itself is that, the same pair of dates, the Town Board will accept the EIS as complete on the 29th, schedule the hearing for November 18, so the hearing on the zoning and the hearing of the draft EIS would run concurrently. The reason I recommend doing that is I've been to a number of hearings, you probably have also, where --

MR. DEKOM: I would rather have that --

COMMISSIONER LEVINE: -- where it's bifurcated and the agency ends up telling people, will you please limit your comments just to the document, there will be another hearing on the merits of the application. I'm not happy with the process, I don't think anybody else is. So running a consolidated proceeding I think makes sense. Now, obviously the rezoning will not be ripe for a vote yet because the EIS has to go through draft, final and findings, so it's several months until the Board can vote on the rezoning, but that's the intended schedule, and following the SEQRA process, all the proper notices will go out.

MR. DEKOM: The reason I asked is because the EIS itself is roughly a thousand pages and the DEC regulations give something like 30 days for a comment, and it's certainly going to take longer than the 30 days to digest.

COMMISSIONER LEVINE: What's happened is that, what's going to happen is October 29, the next morning, October 30, they post

♀

Town Board - 10/21/14

it to the web, running 30 days if there is a public hearing, minimum of 45 days if there isn't, now, in this case there will be a public hearing, so the minimum is 30 days. How much beyond 30 days is up to the Board.

MR. DEKOM: Just to clarify, when you

say it is accepted on the 29th, that does not mean that there will be a hearing in this fashion on the 29th, that the next opportunity for somebody to comment on that specific application, all other things being equal, will be November 18.

COMMISSIONER LEVINE: November 18 will be the public hearing on the document, correct, and probably not the only hearing on the document, but you're right, October 29 is in the SEQRA letter, that sets everything into motion, so there is a formal acceptance by the lead agency. And, again, that's not the Town's process, that's within the State law, so that's what's being followed.

MR. DEKOM: Thank you.

MS. BOTWIN: If I may, Madame Supervisor, I would like to just address the issue of whether there is any requirement or whether it would be appropriate for you to recuse yourself from voting on this proposed amendment to the zoning law. It is absolutely appropriate for you to participate in this matter and participate fully with the Board and vote as your conscience dictates on this matter. This has to do with an amendment of multiple portions of the zoning law and there's absolutely no reason for you to recuse yourself.

MR. DEKOM: Other than the donations, you mean, and the appearance of quid pro quo corruption.

MS. BOTWIN: There is absolutely no quid pro quo or anything else here, we are

♀

Town Board - 10/21/14

talking about an amendment of the zoning law, and I really do -- I'm not used to sitting at the Town Board and hearing members of the Board be accused of corruption for participating in an open way in discussing the merits of legislation and voting on the legislation. We all recognize that you're entitled to speak your piece and say your views --

MR. DEKOM: I find it strange --

MS. BOTWIN: -- but I find that rather surprising.

MR. DEKOM: -- to hear that somebody would say that North Hempstead has a history of pay for play corruption, but here I am saying it anyway, North Hempstead has a history of pay for play corruption. Now, if somebody --

SUPERVISOR BOSWORTH: Mr. Dekom, that is really offensive, and you --

MR. DEKOM: Right. And you will get an ethics complaint if you vote on any of these matters.

SUPERVISOR BOSWORTH: Listen, I'm not voting now on anything to do with a specific project. This is a zoning issue. We have a real issue in North Hempstead dealing with affordable senior housing. When we had a senior recognition dinner -- a luncheon that actually took place over two days because we had so many seniors that we were in fact acknowledging and honoring, as I went around from table to table, the plea was we need more affordable senior housing, and --

MR. DEKOM: And as the federal courts have -- are now experiencing, that not this municipality nor Oyster Bay nor any is allowed to earmark senior housing for its residents only.

SUPERVISOR BOSWORTH: I didn't say

64

Town Board - 10/21/14

they were.

MR. DEKOM: Right, but essentially you're saying, hey, my residents want this, so we're going to give it to them.

SUPERVISOR BOSWORTH: Excuse me.

MR. DEKOM: But if we provide it to them --

SUPERVISOR BOSWORTH: I said residents throughout the Town, from all communities --

MR. DEKOM: Right. You cannot earmark for North Hempstead residents.

SUPERVISOR BOSWORTH: I am not, again, saying that we are, but that is in fact a thing that we hear again and again.

If you read things about keeping our communities viable, they talk about the need for housing that is affordable is there. Whether it is for seniors, whether it is for workforce housing, whether it is for families. We're facing a situation in our Town, in our County, throughout Long Island where people cannot afford to live here, and we're being urged on all counts to find ways of providing affordable housing, and this --

MR. DEKOM: For our residents.

SUPERVISOR BOSWORTH: That is what our Housing Authority is doing. I'm not saying it is going to be earmarked for our residents. Of course, when you have a Housing Authority building, it is oftentimes that the people who live in the area are those who apply, there's a waiting list. I can assure you that everything that needs to be done to comply with our laws, state laws, county laws, federal laws will, of course, be adhered to, and the notion that that's not how we would do it is, frankly, puzzling to me. You can talk about other administrations, you can talk about other

♀

65

Town Board - 10/21/14

governments in other entities, that's fine, but to draw a --

MR. DEKOM: I'm here to report what's in the disclosures that show that you have received money from the developer and his attorney on a matter that you're now championing for them.

SUPERVISOR BOSWORTH: No. What we're looking at is zoning for Housing Authority for affordable housing. It's not about a particular project. It is about zoning. And that is what we are doing.

MR. DEKOM: So this is not about a particular project of Mt. Olive, Manhasset?

SUPERVISOR BOSWORTH: It's something that will be part of that, but this is about zoning. I have our Town Attorney giving her opinion, I respect that opinion, and I thank you.

COUNCILWOMAN DE GIORGIO: Commissioner Levine, I just have one question about the 70-95.8, the required yards and perimeter buffer area.

COMMISSIONER LEVINE: Okay.

COUNCILWOMAN DE GIORGIO: We're reducing the perimeter buffer from 25 to 15?

COMMISSIONER LEVINE: Right.

COUNCILWOMAN DE GIORGIO: What's the rationale for that?

COMMISSIONER LEVINE: Okay. Two reasons. When the law was first written and we had five acres to work with and we laid out what a typical development might look like at about a 35% lot coverage, figured in parking, and there was enough room for a 25 foot buffer. When you bring it down to two acres, you have to bring certain numbers down proportionately, and while the Board

♀

66

Town Board - 10/21/14

can certainly keep 25, if you think about the resulting layout, not -- there may not be enough room in all cases for 15. How we chose 15 is that is consistent with the standard buffer requirements for the business zones where they abut a Residence District, and they're required 15 double row of either arborvitae or carnivorous planting as a buffer, so we're consistent with that, but -- and certainly if you want to consider a more, you know, a larger buffer, we can certainly do that.

COUNCILWOMAN DE GIORGIO: And the second question I have, so if we were looking at a site plan review, would the Board be able to insist on a larger buffer even though the code says 15?

COMMISSIONER LEVINE: Yes. That's always your option on a site plan.

COUNCILWOMAN DE GIORGIO: Okay.

COMMISSIONER LEVINE: It's an assumed -- we don't send it to the Board unless it's met its minimal code requirements, but a site plan approval, the very purpose is to relate the site to its surroundings, and where you have certain conditions, because, again, on the prior one, it's not required that they have a third curb cut on the State road, it's something that would be appropriate for the site development, and so the Board imposed that as a condition.

Where it's appropriate, the Board can certainly require that you exceed the minimums that are in the code.

COUNCILWOMAN DE GIORGIO: And the last question is is there any other place in the code where the buffer is more than 15 feet?

COMMISSIONER LEVINE: Yes. I can't cite all of them. I know certainly the front yard in the Planned Industrial Park, the buffers actually on all sides were much larger, but those are three acre properties.

♀

67

Town Board - 10/21/14

COUNCILWOMAN DE GIORGIO: Okay. Thank you.

MR. WINK: Madame Supervisor, I have no additional cards at this time.

MR. BRUMMEL: No. No. You missed my card.

MR. WINK: Oh, you put that on the public comment card?

MR. BRUMMEL: I put 1, 2 and the public speaking.

SUPERVISOR BOSWORTH: Mr. Brummel, you are here. Let's hear what you have to say.

MR. BRUMMEL: You know, I have a written statement I would like to submit here.

Your attorney and your planner are not giving you accurate legal information. I can't be any more clear to you. I am quite familiar with SEQRA. I sent them a citation for a case or I sent to the -- Ms. Zuech or Zuech, however she pronounces it.

SUPERVISOR BOSWORTH: Zuech.

MR. WINK: Zuech.

MR. BRUMMEL: I sent her a citation for the case City of Watervliet versus Town of Colonie, it was a Court of Appeals case of 2004, there are dozens of cases that deal with this sort of thing. If you know in advance that your zoning action will affect a specific project, by definition you cannot

consider that zoning action or whatever action you're taking separate from what is eventually going to be included in it because you know about it. If they had been really clever and they kept this all very separate, that would be okay, but this is

♀

68

Town Board - 10/21/14

not okay. Again, if you had someone who is concerned with the environment who is interested in defending SEQRA, you would know this. You don't know this. What Mrs. Botwin said in terms of this gentleman's concern about ethics, I have nothing against -- I support the democratic majority on this Board, I embrace you because you're progressive, but she left a big hole in what she said. She said you can vote on this. Did she say whether you can vote on the other thing? I mean, give this gentleman some credit for bringing something up which it's unfortunate you have to raise money and then you have to wear another hat. I think he has a legitimate concern, nothing personal.

SUPERVISOR BOSWORTH: No, I am not taking it personal.

MR. BRUMMEL: I understand, but I want to make that clear, but you are getting bad legal advice, I want to stick to the issue of zoning, but I certainly think about his point about this, if under SEQRA, it cannot be segmented, which it can't be, it cannot be, equally under ethics issues, it cannot be segmented. It's the same logic. Unfortunately that's what it is. Okay? I don't think you're getting good legal advice.

SUPERVISOR BOSWORTH: Well, we're not --

MS. BOTWIN: If I may interrupt as your bad legal advisor, I do think -- I'm very familiar with the case that you sent and the law generally in segmentation -- in this case, our zoning will apply Town-wide. We have two specific projects that have been proposed that would apply under these proposed changes and there are others that are under discussion. In that circumstance, that is very different from the segmentation analysis where you're talking about one particular action and one particular development, and, Mr. Brummel, if you disagree with our legal interpretation,

♀

Town Board - 10/21/14

then, of course, you're entitled to express your views, and, if necessary, you're entitled to take it to a court and let a judge decide. I know that we're in litigation on other matters, but the law on segmentation is pretty straightforward here and both Commissioner Levine and I completely concur that this is not a matter that needs to be analyzed together with one particular project because at the moment there are two proposed projects and there are others pending as well.

MR. BRUMMEL: I see. So, well, I will insist that you're absolutely wrong and I would advise this Board to consult with a SEQRA expert. There are SEQRA experts in New York City, I know them, I can give you their names. These are people who can tell you right off the bat what's going on with this. Okay? These people are wrong. That's it.

But that's, in terms of this hearing, it is inappropriate for the Board to take action. There are two issues here. You have an Environmental Assessment Form, which, first of all, states that this will have no impact on the environment. If you downzone, if you say we're going to have more density, if we're going to say suddenly a site that could not be developed can be developed, it's going to have an impact. It's not going to have a small or no impact. It will have a fairly significant impact and that's supposed to be reflected in your environmental assessment form, but your environmental assessment form blithely says no, no, no, no, and then at the very end it says no impact. It doesn't have a statement of analysis. It is a form that is not in conformity with the law. Okay? It is also not reasonable. It also doesn't serve the public interest. It doesn't tell you as Board members what this really is going to do. Now, that's aside from the fact that the environmental assessment form, once again, because you know that it's going to affect specific projects, the environmental

♀

Town Board - 10/21/14

assessment form must encompass those projects, otherwise you're illegally segmenting it. Okay. Now, you're also having -- not only you know that this is going to happen because you have an environmental -- a Draft Environmental Impact Statement for the Mt. Olive whatever it's called, what's it called, Olive Hill at Manhasset, excuse me. Okay. So you know that that's going to happen, you have it there. That Draft Environmental Assessment Form, once again, without being -- I don't mean to be offensive -- okay -- I know these people may be doing their best, but they're not hired to do their best, they're hired to do a competent job. When your Planning Commissioner tells you we are going to accept the Draft Environmental Assessment -- the Draft Environmental Impact Statement at a certain date and then we're going to roll it all together and have a hearing, it's completely inappropriate. You as a Board are statutorily required to see if the developer has taken that Draft Environmental Impact Statement, changed it, responded to public comments, which there may not be very many aside from this or aside from the ones we'll be submitting because it hasn't been publicized, but it can take a year. It's up to the Board to evaluate whether that developer has complied with the law in changing the Draft Environmental Impact Statement to become a Final Environmental Impact Statement. It's not a rubber stamp thing, it's not up to Mr. Levine to say, oh, it's going to be done on this date. It's up to actual functional and statutory compliance that that document has to achieve, and it's not something that's rubber stamped, but he's already telling us as the public --

COMMISSIONER LEVINE: That's absolutely incorrect. I'm sorry to interrupt you. That's absolutely incorrect. What you are describing is the Final Environmental Impact Statement. That process unfolds over the next, it usually

‡

Town Board - 10/21/14

takes about six months, I don't know how long it will take here, but the acceptance as complete is the SEQRA milestone to start the process, and everything that you're describing is appropriate, but that's what happens next, that's not what is supposed to have happened up to this point. This is the

beginning of the process when they submit the draft, we say, you know, again, it's a complete document, and that's all we're saying. At that point, the lead agency is not yet commenting on the substance or even agreeing with any analysis. They are saying the document is ready for public inspection. We begin soliciting public comments and then over the next several months, exactly what you're describing is what happens. The comments are received, they are summarized and responded to in the final and then the lead agency issues the finding statements. All that is going to happen. You're speaking as if it is due to have happened already and it isn't.

MR. BRUMMEL: I misunderstood you in that case.

COMMISSIONER LEVINE: Okay.

MR. BRUMMEL: I thought you were saying that you were going to make that a Final Environmental Impact Statement, you were going to have a hearing on that proposal. I definitely --

COMMISSIONER LEVINE: Definitely not.

MR. BRUMMEL: Okay. I stand corrected. But there's a lot of -- you can understand that I have a lot of skepticism about what I'm hearing from you because certainly the issue of segmentation is dispositive in this case, that you're not able to vote on this tonight, your environmental assessment form is not complete. Even if it were complete, even stand-alone on a downzoning, it is not reflecting a reality that it will have an

♀

Town Board -- 10/21/14

environmental impact, just based on that, but then you also have to, as I say, accommodate -- take interest. Now, you're speaking about this issue about senior housing and that there's not enough senior housing here. Where do you think this Mt. Olive development, this Olive Hill At Manhasset is going to be located? It's going to be located on Community Drive in the middle of nowhere. So you're going to have senior housing, there's no sidewalks. The only thing there is a hospital and there's a delicatessen on maybe East Shore Road. If you really were thinking about

senior housing, you'd say what about that location in Garden City Park. You have stores, you have buses to the city, you have Long Island Railroad, that is an ideal place for senior housing. Okay? But you're not thinking ahead like that.

COUNCILMAN FERRARA: Yes, we did. About three years ago -- actually five years ago, there was a whole plan for three square blocks plus the Pergament to be developed into (inaudible) housing condos, we got tax abatements, we got the state involved, everything was trucking along until the people who own -- the previous owners, not the people here, the previous owners found out what we were doing, and tripled the price of the product -- of their property and put it out of business. So to say that people have not been thinking forward or that you're the only one who has the answers for everybody on everything is ridiculous.

MS. BOTWIN: Let me also address that this is not a hearing on the Mt. Olive application, this is a hearing on a zoning amendment, which will be in effect Town-wide and there are two current projects that are under discussion. If Mt. Olive -- if your view is that the Mt. Olive location is a poor location, that is an issue to be addressed at the Mt. Olive hearing.

MR. BRUMMEL: The point is that this

73

Town Board - 10/21/14

zoning change will allow developments like Mt. Olive and it's certainly designed for Mt. Olive. Okay? But if it allows those small places like that to be put in inappropriate locations for senior housing, that simply doesn't make sense. Okay? Certainly, you know, this -- it could have been raised that this was an inappropriate location for a gym or there were other advantageous uses of it. You know, the fact that it didn't work there years ago, it still seems that you still have some power as a Board to control or to influence at least what goes on in your communities.

COUNCILMAN FERRARA: And we did.

MR. BRUMMEL: I don't --

COUNCILMAN FERRARA: You may not be satisfied with it, but there are more people

in the Town than just you, and if there are a few people that object to something like that and all that was taken into consideration on the Garden City Park piece and that's why we pushed the hearing off and kind of forced the State to respond to something that was important and in their best interest as well, those things are taken into consideration.

MR. BRUMMEL: These are side issues, but the --

COUNCILMAN FERRARA: You are a side issue right now, I've got to tell you, because everything that you want to talk about is fine, but when anybody else has an opinion and wants to respond, you have a major problem with that and I have a problem with that. Thank God you're a Democrat. And there were a few people applauding for that.

MR. BRUMMEL: I am actually not a Democrat, I am a member of the Green party, but in any event I have a lot of sympathy for the Democrats because they've done a lot of good.

‡

74

Town Board - 10/21/14

Now, in terms of this zoning, the fact that it will affect this community, you have community members here who are an example of the kind of people, why don't -- the folks who don't want this to be put in their neighborhood, I mean, Mr. Dekom actually lives there, these are the kind of people who will be impacted who operated this. Folks, do you want to stand up if it's going to affect you? Those folks are here because they don't want this thing here. These are the people in these kinds of neighborhoods where you have these small plots where they're going to jam in this housing. Some of these people are senior citizens. It's not that they don't care about the senior citizens. Okay? Right?

SPEAKER: Yes.

MR. BRUMMEL: So the point is --

SUPERVISOR BOSWORTH: Well, certainly each project will be considered on its own merits. This is to allow the development of Housing Authority housing, of affordable senior housing and perhaps other -- I mean, this is now just for senior housing. There

is a need. Whether it -- certainly it's not going to say who can live there, who cannot. It's definitely, you know, again we will follow the laws of the federal government, of the state government, of all the governments that we need to adhere to, but that's what this is. This is not about doing zoning for only one project. That project will have a hearing, that project will be considered by all those who are on this Board and by those who would like to comment:

MR. BRUMMEL: But the point is, as Mr. Ferrara said with the property in Garden City Park, it's America, they can do what they want, so once you've changed the zoning and this group comes in and says, hey, we're complying with the zoning, it's America, let us build it, suddenly these people won't

♀

75

Town Board - 10/21/14

really have a voice because it's America and they can do what they want.

SUPERVISOR BOSWORTH: No, that is not so.

MR. BRUMMEL: It is so.

SUPERVISOR BOSWORTH: No, it's not so.

COUNCILMAN FERRARA: We made changes.

MR. BRUMMEL: You made some minor changes and these people were stuck with this thing.

COUNCILMAN FERRARA: You say minor.

MR. BRUMMEL: These people did not want that thing here, okay, and because they got stuck with it, they're put it in there. Now, you're going to change the zoning --

COUNCILMAN FERRARA: I live there also. Okay? I drive on that road every day. I understand the traffic implications better than you do whether you have a --

MR. BRUMMEL: It's not just traffic.

COUNCILMAN FERRARA: It's everything.

MR. BRUMMEL: It's not just traffic.

COUNCILMAN FERRARA: It's everything. And I live there and so does my aide who lives right around the corner there, and we had a major discussion about that, and the deal that we came up with is the best deal that --

MR. BRUMMEL: I am not talking about that.

COUNCILMAN FERRARA: Well, then why don't you just stop --

♀

76

Town Board - 10/21/14

MR. BRUMMEL: You came up with a good deal and you were stuck with that because the zoning allowed that, and what you are doing now is changing the zoning so that other people are going to be stuck with that deal. Those people are going to be stuck with that deal because you can't be guaranteed to reject the zoning or to reject the site plan because you may not have the same Board --

COUNCILMAN FERRARA: All right. We heard his opinion.

MR. BRUMMEL: -- you may not have the same Board and maybe you won't have the same values then and maybe the neighbors won't be able to represent their interest, but they will be at a disadvantage because you've changed the zoning.

SUPERVISOR BOSWORTH: So there have been occasions in the very recent past where a community was opposed to something and their opposition was warranted and the project was not voted for. So just because something comes before us doesn't mean that it's voted for. Each project is considered on the merits of that project. This is not --

MR. BRUMMEL: How can you --

SUPERVISOR BOSWORTH: This is --

MR. BRUMMEL: Your Honor, how can you be trusted to evaluate these things on the merits --

SUPERVISOR BOSWORTH: Well --

MR. BRUMMEL: Just one more point.

SUPERVISOR BOSWORTH: Please.

MR. BRUMMEL: How can the public trust that you will evaluate these issues on their merits when the fact is that you're

♀

77

Town Board - 10/21/14

making a zoning change, which is within your discretion, you are making it without the benefit of an adequate environmental impact statement, an environmental analysis, the environmental assessment form is deficient, it ignores the reality of what downzoning causes or what are the natural outgrowths of downzoning, which is greater density, etc., it is deficient because it segments illegally this consideration, so you're saying trust me, trust us, but the point is if we asked -- the discretion -- the kind of trust that you're asking for is not even being exhibited in this specific example, this test case you're not following the law and you're not using proper discretion. So the point is --

SUPERVISOR BOSWORTH: I appreciate your comments and we should go on.

COUNCILWOMAN KAPLAN: Somebody else would like to be heard.

SUPERVISOR BOSWORTH: Yes. Thank you.

MR. BRUMMEL: Oh, I'm sorry. Maybe they're in favor of the development.

MR. ROSSI: I'm a simple guy, all right.

MR. WINK: You have to give your name and address again, please.

MR. ROSSI: Ron Rossi, 41 Corwin Avenue, New Hyde Park.

I grew up with four boys, Manhattan, cement city, in one bedroom. Okay? Now, came out to New Hyde Park, been here for 30 years, great place. Okay? What this gentleman -- and I am not as learned as he is in any environmental law, anything like that. I have two kids, 31 and 28. One lives in Astoria, my son still lives with us. Senior housing is bad enough for seniors who can't afford to live here. Let

♀

Town Board - 10/21/14

me ask a question here. These five acres or two acres, nothing is on them now; correct? There's no buildings on it or whatever; correct? All right.

SUPERVISOR BOSWORTH: There is a church.

MR. ROSSI: As long as environmentally water, pollution, etc. is controlled, who says that -- we're not going to have any Nassau County left. You know why? My son is looking to move someplace else, his friends, the young people can't live here anymore. Senior citizens, sure, if they don't have a nice nest egg, they can't live here anymore. So with all due respect to the two prior gentlemen, you have to do something. This is just practical. Again, I'm a simple guy, but you know what? You're not going to have Nassau County left, once the young people go, that's it, you're finished, and I think you're giving them too much time and consideration in all honesty. Thank you.

SUPERVISOR BOSWORTH: Thank you. So I'd like to --

SPEAKER: Excuse me. May I.

SUPERVISOR BOSWORTH: Yes.

MR. KIRTON: Thank you. Just two quick questions, Larry Kirton, 177 Salem Road. The first one is really a curiosity question based on comments or opinions of prior people speaking. Is there an Ethics Review Committee or Board that can take a look at some of these issues that they raised, quid pro quo or special interest, just to kind of get that out of the way?

SUPERVISOR BOSWORTH: Ms. Botwin.

MS. BOTWIN: Yes. We have an Ethics Board and there really -- there is so zero merit to the issue that has been raised,

♀

Town Board - 10/21/14

there is really nothing to review in connection with the voting on the zoning, but there is an Ethics Board and it is meeting on Thursday and I do plan to raise this issue and to discuss it with the members of the Board since it came up at our Town Board meeting tonight. I've made a note to myself and I will discuss it with the Board.

MR. KIRTON: Thank you. The second question --

SUPERVISOR BOSWORTH: We appreciate that.

MR. KIRTON: The second question, if you could just expound a little bit more about the connection between reducing the minimum allowable age of residency down to 55 in connection with federal housing tax credits and senior residence, how it all connects together. 55 is, in my opinion, very low. I don't know how that -- what the federal housing tax credits, are those tax credits related to senior housing? Just --

MS. BOTWIN: If I could just speak on this for a minute.

SUPERVISOR BOSWORTH: Would you, please.

MS. BOTWIN: Under federal law, it is not considered age discrimination to limit the age for senior housing and they permit the age to be 55 -- any age from 55 on up, and if it's -- if there are distinctions in how it's treated between 55 and 62, but 55 is a -- is the age at which they do the cut off for a determination of age discrimination, and what we're proposing -- what this proposal is to -- it is to take a step toward seeing how it would work with a lower age limit. I think there are various reasons for doing that for an affordable housing project rather than just doing it for all senior housing projects, and that's been -- I think that is something that some of the Board

♀

members might want to address.

MR. KIRTON: I would just note that at age 55 there are a lot of families that still have children, school age children, and, in my opinion, senior housing is for seniors, and, you know, just to take a look

at exactly how the law -- how the code or zoning is crafted, the language.

MS. BOTWIN: I also want to, if I can, just also note that we are permitted to restrict the residence to eliminate -- to not permit minors to be living in the household who would be going to the local schools, and if they are, then they are not eligible for the senior housing.

MR. KIRTON: Thank you.

SUPERVISOR BOSWORTH: Okay. Thank you. I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. DEKOM: There is another comment.

MR. WINK: There is a motion on the floor. Councilwoman De Giorgio?

MR. DEKOM: Can we get Councilman Ferrara to comment on his statement about the deal that we came up with?

MR. WINK: Madame Supervisor, there is a motion on the floor.

COUNCILMAN FERRARA: The deal that we came up with?

MR. DEKOM: Yes. You said the deal that we came up with.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

♀

81

Town Board - 10/21/14

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

‡

82

Town Board - 10/21/14

MR. WINK: Item 3. A public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning".

COUNCILWOMAN DE GIORGIO: So this is a proposed zoning amendment to our Waterfront Business B District. It only pertains to a specific area in Port Washington on our lower Main Street. Under the current Zoning Code, in a mixed use building, only certain types of commercial use was allowed. I believe it's retail, restaurants or office space. Am I misspeaking, Commissioner?

COMMISSIONER LEVINE: That's correct. And actually the owner of the property is here to make a request.

COUNCILWOMAN DE GIORGIO: Right. It has to be senior housing, it's a requirement that the housing -- the mixed use of the housing be senior housing, so there is a senior housing development called the Knickerbocker Bay Club on lower Main Street. When they originally came to the Town Board for their special permit for the mixed use, they were utilizing a restaurant as the commercial use on the first floor of the building, and at that time the Board approved the site plan with the restaurant. Since that time, the developer has approached the Town for allowing them to have a different commercial use, and other than retail, office or restaurant, and the use that was suggested was a boathel. The discussion was had with the community in Port Washington, in particular the plan was presented to the Waterfront Advisory Committee, which is a group of local merchants and property owners and individuals who are somehow involved with the waterfront, and, in particular, in that area down on lower Main Street, the proposal was extremely well received by the Waterfront Advisory Committee, it was also presented to

1793365-TownBoard-1  
our Chamber of Commerce, our IBD and some

♀

83

Town Board - 10/21/14

other local organizations and everyone thought that eliminating the restaurant use and implementing the boatel use would really be a wonderful idea on our lower Main Street. I concur. Rather than competing -- a restaurant competing with the already three or four restaurants that we have on Lower Main Street, they would be in fact bringing new customers. Rather than putting in a retail site, which would be competing with retail establishments that frankly are struggling a little bit on our lower Main Street, they would be bringing in customers. So to be clear, this is not -- the Knickerbocker Bay Club must come back to us to get a Special Use Permit for the boatel and to amend their site plan to officially allow them to put the boatel in the place of the restaurant. This is merely step 1 which is to change our zoning code to allow them to now come back to us and ask the Board to have a public hearing to specifically allow that, and it's my understanding that while the public hearing hasn't been set, the goal is to set the public hearing for November -- our next meeting is the 18th; is that correct, Mr. Wink? 18th; right?

MR. WINK: The next regularly scheduled meeting is November the 18th.

COMMISSIONER LEVINE: We have to set the date on the 29th.

COUNCILWOMAN DE GIORGIO: Right. We will set the date on the 29th at our Special Board meeting and then we will actually have the hearing at our next regularly scheduled Board meeting, which is November 18.

Mr. DiConza, would you like to be heard.

MR. DiCONZA: Yes, thank you, Councilwoman, and Madame Supervisor, members of the Board, I adopt everything that the Councilwoman just said. The hour is late --

SUPERVISOR BOSWORTH: She did a good

♀

84

Town Board - 10/21/14

job; right?

COUNCILWOMAN DE GIORGIO: Thank you.

MR. WINK: Just identify yourself for the record.

MR. DiCONZA: William DiConza, 5 Audrey Avenue, on behalf of the applicant, on behalf of the Knickerbocker Yacht Club. We have gone through a couple of years with the Knickerbocker. As you all know, the building is now there. The front portion, you were just handed up a two-page handout, which shows the first page is a site plan of what the Knickerbocker is. On the Manhasset Bay side, there is the area where it says area of work first floor, which is where the restaurant that was approved was to be located, it was approximately 4,000 square feet. What we're seeking to do, and you'll see on page 2 of your handout, is to create a six room boatel, and the floor plan for that boatel is on page 2 of the handout. Now, a boatel use is a permitted use in the Waterfront Business District. The only problem is it has to encompass the entire building. What we are asking the Board to do through the zoning change is to allow a boatel not to just be an entire building of boatel, but to also have the option if the Town Board approves it via Special Use Permit could be a portion of a mixed use building that has residences as well, so that's the change, so the Board has already seen when it adopted the original Zoning Code creating the Waterfront Business District that a boatel use is a good use in the Waterfront Business District. All we're asking the Board to do, again, is to allow it to be part of another building that has mixed use residential as well. We did meet with the community, we've met with the Waterfront Advisory Council, our neighbors who own restaurants would rather not see a restaurant there, understandably, the community that we've met with would rather not see another restaurant there. We still

♀

85

Town Board - 10/21/14

continue to provide the public access via down the sides of the building to the 15 foot promenade that's on the waterfront, so we believe we're hitting all the goals that this District was created to hit, and that

by providing a boatel, a six room boatel, we also require 10 less parking spaces than the restaurant required, we're going to have less of an impact as far as traffic and parking is on the community, and we're going to bring people in who can dock a boat, stay overnight and spend some money down on lower Main Street and the like. It's not going to be a transient thing. We haven't priced it out yet, but it's going to be a substantial amount of money to stay there and it's not something that will be a detriment, we believe, to the business community in the Lower Main Street area.

COUNCILWOMAN DE GIORGIO: I agree. It is really a win-win for everyone and as far as traffic impact, it would really be much less than a restaurant, a 40 person restaurant will have had on lower Main Street. So I do fully support the zoning change. I don't know if there's anyone else -- are you finished, Mr. DiConza, or do you have anything else to add?

MR. DiCONZA: No, I'm finished.

COUNCILWOMAN DE GIORGIO: Is there anyone who would like to be heard on this?

MR. WINK: Madame Councilwoman, we have one card from William Cornachio.

MR. CORNACHIO: Hi, good evening. I am speaking as chairman of the Waterfront Advisory Committee, my name is William Cornachio, residence address is 4 Shoredale Drive in Manhasset, and to reiterate what the Councilwoman has said, it's one of the missions of the Waterfront Advisory Commission is to bring people into this waterfront, this beautiful waterfront community that we all enjoy, we think that

♀

86

Town Board - 10/21/14

this boatel concept serves that purpose very well, and the commission unanimously supported it. I am also speaking now wearing my hat, my commodore's cap as commodore of Manhasset Bay Yacht Club, the neighbor to the Knickerbocker Bay Club, and the yacht club also supports this application, again, as encouraging and again promoting use of our beautiful Manhasset Bay waterfront.

Thank you.

COUNCILWOMAN DE GIORGIO: Thank you,  
Mr. Cornachio.

MR. WINK: I have no further cards.

COUNCILWOMAN DE GIORGIO: Is there  
anyone else who would like to be heard?  
Seeing no one, I would like to close  
the public hearing, offer the resolution and  
move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

♀

87

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Aye.

MR. DiCONZA: Thank you very much.

COUNCILWOMAN DE GIORGIO: Thank you.

♀

88

Town Board - 10/21/14

MR. WINK: Item 4. A public hearing  
on an application made by the Manhasset Bay  
Yacht Club located at 455 Main Street, Port  
Washington, New York, identified on the  
Nassau County Land and Tax Map as Section 5,  
Page 75

Block C, Lots 16 and 408 to consider the issuance of a structure permit pursuant to Chapter 42 of the Town Code.

MR. CORNACHIO: Good evening, once again.

SUPERVISOR BOSWORTH: You really are wearing a few hats.

MR. CORNACHIO: William Cornachio, commodore of Manhasset Bay Yacht Club, 455 Main Street, Port Washington, New York.

My commodore's cap off to you for your patience and restraint. This is the first hearing of this type I have attended and I have to say a few moments I think I came close to losing it, so congratulations to the Town Board for those -- for those two qualities.

This is a replacement project. We have an existing boat house in the very place where the new one will be located, we do not expand the footprint of the existing facility, it doesn't increase the shadow over the water, which is something the Army Corps and the DEC would be concerned with and we have both those approvals. We are simply replacing what quite frankly is a dilapidated structure that has reached the end of its useful life, both in terms of its structural soundness, and, quite honestly, its appearance, which is not in keeping with the surrounding community nor the elegance of our yacht club facility.

The only difference in the structure that you'll see on the plans if you examine them is that we are going a touch higher for an architectural element at the top and center of the boathouse, but it won't, again, increase the shadow over the water due to its location and configuration.

♀

89

Town Board - 10/21/14

COUNCILWOMAN DE GIORGIO: Thank you, Mr. Cornachio.

Commissioner, would you like to be heard?

COMMISSIONER DeMARTIN: Sure. Commissioner Andrew DeMartin, Commissioner of Public Safety.

We, because Mr. Cornachio can't speak on behalf of the Waterfront Advisory Committee, also got a unanimous favorable response --

COUNCILWOMAN DE GIORGIO: But he abstains.

COMMISSIONER DeMARTIN: He abstains.  
-- from the Waterfront Advisory Committee, and my staff has checked it out as well. There is no impedence into navigational waters.

COUNCILWOMAN DE GIORGIO: Is there anyone else who would like to be heard on this application.

Seeing none, I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

♀

90

Town Board - 10/21/14

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

91

Town Board - 10/21/14

MR. WINK: Item 5. A public hearing to consider the application of North Shore Animal League America for site plan review for the premises located at 34 Lewyt Street,

Port Washington and designated on the Nassau County Land and Tax Map as Section 5, Block 129, Lots 28, 32, 34, 36, 40, 41, 43, 44, 51, 114, 130, 131, 132, 134, 153, 230, 252 and Lots 552-557.

MR. MIGATZ: For the applicant, Bruce W Migatz, Albanese & Albanese, 1050 Franklin Avenue, Garden City, New York. Good evening. I will try to be brief because it is getting late.

I represent this evening the North Shore Animal League America Inc. With me from the animal league is Michael Napoli who is a senior vice president, Edward McColgan, who is the facilities manager, Robert, who is the facilities project manager and also the project architect/consultant, Peter Ripullone who failed in school how to put boards on, but ---

MR. RIPULLONE: Everyone thought it was going to be raining.

COUNCILWOMAN DE GIORGIO: I feel like you're opening up a present there.

MR. MIGATZ: The subject premises, I know that, Councilman De Giorgio, you are well familiar with, and probably Supervisor, and probably most of the Board is, the North Shore Animal League started in 1944. It is the largest -- the world's largest no kill animal rescue and adoption organization, and it presently operates from several buildings between Davis Avenue and Levy Place in Port Washington. Back in the '70s, I was in the Town Attorney's office when Alex Lewyt was the -- I believe he was the president at that time and he came to the Town to expand the animal shelter and over the years it has expanded, it's not a shelter, it is a facility that cares for animals. The subject that is before you today is only a

‡

very small aspect of this campus, and it has to do with one building at 34 Lewyt Street, and I gave the Board members a picture of that building and I gave you each a picture of the overall site plan of the campus and the floor plans of the one building that is the subject of this application and the parking lot.

The one story building that you see a picture of is 4,743 square feet, it's a one story building, 17 feet 5 inches high, with

a partial mezzanine existing. It is presently used, different components, there's a front portion of it and you see on the floor plans that is a maintenance shop and some offices and some storage. The rear of the building is more or less divided in half. One half is strictly storage. That's where the storage mezzanine is. And the other half is presently used as a nursery and for dog runs. The proposed changes that are triggering site plan review, and I really question if it was even a proper site plan review trigger because it is not an addition to a building. Everything that's being done is being done internally, but be that as it may, we are before you seeking site plan approval. The front portion of the building, as you see on the proposed first floor plans, does not change, remain as a maintenance shop, storage, two small offices. The one half that has the storage is not going to change. The other half is what is going to be changed, and what is there now, the nursery facility and the dog runs will be relocated to other portions of the campus, and this half of this building will be renovated, modernized for exclusive use of a rescue recovery center.

Most of the animals that the League receives as rescue dogs are healthy dogs, and after they are examined, they can be put up for adoption, but there are some animals, not just dogs, cats, that need intensive care just like we do from time to time, and these dogs are presently treated in the medical center where the more healthy dogs are also treated, and it's not a good thing.

♀

93

Town Board - 10/21/14

These dogs that need this intensive care, because this is a no kill animal facility, and they will -- they have -- they are committed to caring for these animals as long as it takes, even if it's forever, until somebody can adopt them. So they need a special recovery center and that is what is being proposed for this facility.

The major renovation is interior. The only addition, in quotes, is a partial second floor, which is within the building. The ceiling height, while I made a point of saying it's a 17 feet high one floor building, it leaves enough room to build an interior partial second floor. And that is really the only addition to the building, is that interior partial second floor.

In the Building Department's

historical review of the application, it was -- they were unable to find a permit for the mezzanine, which has been existing in the storage half of the building. So the application for the building permit and before you is also to maintain that mezzanine. There is no parking issue. There is ample parking for the additional floor space for the mezzanine and the additional floor space for the partial second floor.

Also in the historical review that the very thorough Building Department does, the parking lot, which is on the site plan, to the top of the site plan, I'll try to stay by the microphone, to the top of the site plan is a gravel parking lot, and it's been that way, I inquired, for approximately 20 years or so, and the Animal League has been before this Board for other alteration projects and it never was raised, but it was raised and parking lots are supposed to be paved and striped, so the Building Department is requiring that that parking lot be paved and striped. The Animal League cannot afford to do that at this time. They have benefactors who have the money for the recovery center, they are working on other donors, they do have other projects, they have other things they want to do to the

†

Town Board - 10/21/14

facility, and in the hopefully relatively near future, they will have the money to pave that parking lot, but it's not -- the Building Department, as I understand it, in my discussions with Commissioner Levine's office, and he can confirm or disagree with me, that the Building Department is not going to require that to be paved and striped at this time.

This Board is being asked to approve the striping plan that is on the site plan. It provides for 75 paved and striped parking spaces that meet code. Once this Board approves, if they approve that striping plan, when the building permit is issued to actually pave that, at that time the applicant will submit the detailed engineering drawings, the drainage drawings, the landscape drawings and the lighting plans and whatever other plans the Building Department requires, and, again, my understanding is that the Building Department and Planning Commissioner would handle that as a minor modification to an approved site plan should you approve the

site plan with the striping plan for a parking lot.

So what we have before you today is what I submit to you is a very minor inconsequential renovation of one of many buildings, all interior work, not going to have any adverse impact on the overall site plan, and to approve the striping plan for the parking lot so that we can then come back at the appropriate time and pave and stripe that.

I do -- I always, when I send out legal notices, I send out a letter, and I send out consent forms. These legal notices went out fairly -- on time, but not 20 days in advance, and I did get back five consent forms though for the people within the 300 foot radius and I would offer that into evidence. I did not receive any letters or any communications in opposition to this. My cover letter always says contact me, I will discuss it with you, and I have not received any opposition to this application.

♀

95

Town Board - 10/21/14

COUNCILWOMAN DE GIORGIO: Mr. Wink, can I just see the consents?

MR. WINK: Yes. We are bringing them up right now.

COUNCILWOMAN DE GIORGIO: Thank you. Thank you, Mr. Migatz. I met with Mr. Migatz and his clients last week, we did go over the site plan, and, yes, it isn't really a 22,750 square foot addition. Everything is internal, it's not -- the look of the campus is really not changing. The building is staying exactly the same, it's only the interior that's being modified. So I don't -- it's -- I don't take that to be, to the outward world, it won't really have a significant impact, but having the recovery center is very important to the Animal League and it's important to the animals that they serve, and I do think it will be a big improvement to the Animal League and will also be a service to the community to have the recovery center.

Commissioner Levine, I just had -- about the parking lot, so how are we handling landscaping, you know, lighting, typical, things that we would look at if we were doing a site plan review for a parking lot?

COMMISSIONER LEVINE: Correct. If the parking lot itself were the subject, it would come to the Board with a full lighting, drainage, landscaping plan. What we're doing here is we're trying to catch up on some work that's happened, that needs authorization, and a minor expansion, it does technically hit the site plan triggers and also as we've done with other sites, particularly North Shore Hospital, that has ongoing work, multiple projects over a time period, work out a conceptual approval for what they want to do in advance and then work on how they phase the actual construction. The Board has to approve the site layout and the parking lot access and the circulation.

♀

96

Town Board - 10/21/14

If the Board wishes, when they're ready to pave and when they submit the drainage and lighting, we can schedule a formal site plan amendment or we can use procedures in 219.i, which allow the Building and Planning Commissioners, I will not have dual roles then, but if I do, then the Deputy Building Commissioner of Buildings because the drainage and lighting is purely a function of the layout, so once the Board approves a circulation plan, where the storm inlets go, where the light bulbs go, that pretty well follows, that's a consequence of the plan, and then it's just to approve the technical details. Normally we would do that under a 219.i process. If the Board feels that should be brought for a hearing, then we can do that as well as an amended hearing, but our feeling was if the Board approves the layout, then the technical details can be done on an administrative amendment.

COUNCILWOMAN DE GIORGIO: Okay. And you -- and as the Commissioner of Planning, you're satisfied with the layout?

COMMISSIONER LEVINE: Yes. We did review it. It is code compliant. They have the requisite number of spaces, they have the right dimensions, the curb cuts are up to code.

COUNCILWOMAN DE GIORGIO: And the flow, they maximized it to the best that it can be in your opinion?

COMMISSIONER LEVINE: Right. They have a limited amount of space that they can work with. You want to get as many spaces

as you can, but you don't want to cram them in such that you don't have adequate room to turn around, and you also don't want to create dead end aisles if you can avoid them, but for the site constraints that they have, that's the optimum combination of how many spaces you can get and have adequate circulation.

♀

97

Town Board - 10/21/14

COUNCILWOMAN DE GIORGIO: Okay. I'm satisfied with allowing the Building Department -- the Building Commissioner and the Planning Commissioner to review the final plan for the parking lot without asking them to come back to this Board, I'm confident that whatever issues have to be addressed will be addressed properly by Building and Planning, unless anyone on the Board feels differently.

I don't know if there's anyone else that -- I also have not received any inquiries. The site plan -- the public hearing plan was posted on Portal to Port, there was a little synopsis on my website, and I haven't received any input, negative or positive, regarding this particular application.

Is there anyone else that would like to be heard on this application?

Mr. Migatz, do you have anything you want to add?

MR. MIGATZ: That's the first time I had no opposition to an application that I had.

COUNCILMAN FERRARA: Do you want to start something?

COUNCILWOMAN DE GIORGIO: Well, don't jinx it.

MR. MIGATZ: I'm going to quit while I'm ahead. I'm going to sit down.

COUNCILWOMAN DE GIORGIO: What do they tell you in court? Stop speaking when the judge is going your way?

MR. MIGATZ: Absolutely.

COUNCILWOMAN DE GIORGIO: So seeing no one, I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

♀

98

Town Board - 10/21/14

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

MR. MIGATZ: Thank you. And we have a puppy for you to adopt on your way out, everyone has to take one.

COUNCILWOMAN DE GIORGIO: That's right. They tried that with me, I said I already have a dog at home.

MR. MIGATZ: Thank you very much.

♀

99

Town Board - 10/21/14

MR. WINK: Item No. 6. Public hearing to consider the application of Cablevision Systems of Long Island Corporation for a renewal of its cable television franchise with the Town.

SUPERVISOR BOSWORTH: Mr. Clark, nice to see you.

MR. CLARK: Good evening.

Good evening, Supervisor, members of the Board, Jeff Clark with Cablevision, the address is 1111 Stewart Avenue, Bethpage. Thank you for holding the public hearing tonight. This is the public hearing to consider a renewal of our franchise agreement with the Town. This will be the fourth franchise that we will have, it's our standard franchise agreement, it's nonexclusive, so it doesn't prevent anyone else from coming into Town and selling cable TV service. It gives us the ability to use your rights-of-way, to provide our services. There are things in the agreement that are standard that are continuing on such as free service to schools, the Town, free video service to schools, libraries, fire departments, police stations. We have to have the necessary insurances, we have to follow the Town codes and give proper permits if we do any construction. We have to necessary insurance. The Town will continue to have its own channel on our system as it has today, and it's been a very good relationship over the last 30 years and we look forward to another good term.

SUPERVISOR BOSWORTH: I know we certainly appreciate Cablevision's commitment to continuing education, and, you know, we appreciate the good spirit with which this was done.

Ms. Botwin, do you have anything you'd like to add?

MS. BOTWIN: I just want to add for the record that the franchise fee is 5% of the cable revenues.

♀

100

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Is there any comment from anybody who is here?

Okay. That being said, I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

1793365-TownBoard-1

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

MR. CLARK: Thank you very much.

SUPERVISOR BOSWORTH: Mr. Clark,  
thank you.

‡

101

Town Board - 10/21/14

MR. WINK: Item No. 8. A public hearing to consider the adoption of an ordinance affecting Maple Street, Burnham Avenue, Jessica Place and Maple Street in Roslyn Heights.

COUNCILMAN ZUCKERMAN: The adoption of this ordinance will establish a full stop on Maple Street, at its intersection with Burnham Avenue, and a full stop on Jessica Place, at its intersection with Maple Street, in Roslyn Heights.

Is there anyone wishing to be heard?

Okay. We received several inquiries from residents concerning this and this is a public safety concern.

Seeing that there is no one, I will close the public hearing and offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

Page 86

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

102

Town Board - 10/21/14

MR. WINK: Item 9. A public hearing to consider the rescission of an ordinance affecting Park Circle in Garden City Park.

MR. MANETTA: Hi.

COUNCILWOMAN SEEMAN: This is to standardize the regulations on the street. Oh.

MR. MANETTA: Oh, I'm sorry.

COUNCILWOMAN SEEMAN: No. Would anyone like to be heard?

MR. WINK: There you go. We have one card, Carmine Manetta.

MR. MANETTA: Yes. Hi. I'm Carmine Manetta, 22 Park Circle East. This ordinance change impacts two homes, 22 and 26 Park Circle, so it will have a minimal impact on the community, but it will make the parking rule consistent on the block, so that's basically it. The goal here is just to allow parking overnight without getting a ticket, and that's it. Okay? Thank you.

COUNCILWOMAN KAPLAN: So you're in favor?

MR. MANETTA: Yes. Oh, just one other thing. The homeowner at 26, she had a family emergency, so she couldn't make it tonight.

COUNCILWOMAN SEEMAN: I have a letter.

MR. MANETTA: But she's in favor.

COUNCILWOMAN SEEMAN: I have a nice letter.

Okay, would anyone else like to be heard? Nobody.

So I close the public hearing, offer the resolution and move for its adoption.

♀

103

Town Board - 10/21/14

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

104

Town Board - 10/21/14

MR. WINK: Item 10. A public hearing to consider the rescission and adoption of an ordinance affecting Thompson Shore Road in Manhasset.

COUNCILWOMAN KAPLAN: Okay. Before opening this to the public, I just want to make some clarifications. We've been back and forth with the neighbors on this street, and we understand that the neighbors are happy with the north side restriction that we've put, so, therefore, we're not making any changes to it, and my recommendation is that we open this, close it and vote it

down, there will be some adjustment and we're going to have a public hearing with respect to the south side, which will be heard on November 18, and that's Item No. 15 on the agenda. So we're going to -- my recommendation is to vote down --

MR. WINK: No.

COUNCILWOMAN KAPLAN: -- vote no on this. Correct.

MS. BOTWIN: If people --

COUNCILWOMAN KAPLAN: Is there anybody who wants to be heard.

MR. TROMBETTA: Yes. Michael Trombetta, I live at 217 Thompson Shore Road. I am in complete agreement with Councilwoman Kaplan. The current restriction of two hours did and does exactly what it's supposed to do, it prevents students and commuters from parking, and, in fact, I have a picture if you wanted to see it. There's been no parking on the north side of the street since then, so there's no reason to change it.

COUNCILWOMAN KAPLAN: We have to thank Commissioner DeMartin for this because he's had his people out there ticketing and now people are notified and they're on

♀

105

Town Board - 10/21/14

record that they're going to be issued a ticket, so they stopped parking.

MR. TROMBETTA: Well, thank you. Oh, good. That's wonderful.

MR. WINK: Councilwoman, we also have a card for Cheryl Schwab.

MS. SCHWAB: We live on the south side -- Cheryl Schwab, and my husband, Alan.

MR. SCHWAB: Alan.

MS. SCHWAB: And we're just a little disappointed that you can't vote on the south side tonight. I mean, the garbage they --

COUNCILWOMAN KAPLAN: I understand that, but we had to do this legally.

MS. SCHWAB: Okay, sure.

COUNCILWOMAN KAPLAN: To make sure that it's done correctly.

MS. SCHWAB: Okay.

COUNCILWOMAN KAPLAN: And we are giving notice to whoever has to be heard, but it will be heard on the 18th.

MS. SCHWAB: Okay.

MR. SCHWAB: And something will be done with regard to the south side?

COUNCILWOMAN KAPLAN: There will be a restriction from 10 to 2.

MS. SCHWAB: Okay.

MR. SCHWAB: The same thing that's on the other side?

MS. SCHWAB: No. The other side is 10 to 12.

‡

106

Town Board - 10/21/14

COUNCILWOMAN KAPLAN: The other side is --

MR. SCHWAB: Oh, yes, 10 to 12.

COUNCILWOMAN KAPLAN: Right. On the north side. On the south side, we will do 10 to 2.

MS. SCHWAB: What is the reason you are doing 10 to 2.

COUNCILWOMAN KAPLAN: We wanted to just make it a little bit longer because we found out that there are still people coming in and parking, we just want to make sure that they're not coming in and parking on those hours.

MS. SCHWAB: Okay? So we'll come back on the 18th?

COUNCILWOMAN KAPLAN: You can feel free to come back or you can just call my office and we can give you the answer on the 19th.

MS. SCHWAB: Okay.

COUNCILWOMAN KAPLAN: Thank you for staying. I'm sorry that you had to wait so long.

MR. SCHWAB: Missed the game. Anybody have the score?

SUPERVISOR BOSWORTH: So I would just like to say this to me is such a great example of the Councilwoman working with the community and understanding that we didn't get it right the first time, there was really a back and forth, wanting to get the input from the people who are most affected by this, and so we'll keep doing it.

COUNCILWOMAN KAPLAN: Yes. It's a process that has to go through --

♀

107

Town Board - 10/21/14

SUPERVISOR BOSWORTH: It is --

COUNCILWOMAN KAPLAN: -- to find out exactly what works.

SUPERVISOR BOSWORTH: So really it's great that you stayed with it --

COUNCILWOMAN KAPLAN: Thank you.

SUPERVISOR BOSWORTH: -- and hopefully on the 18th that will be the end of Thompson Shore Road in terms of hearing about parking on that street.

COUNCILWOMAN KAPLAN: Yes. So I offer -- I close the public hearing, I offer the resolution and move for a vote no on the resolution.

MR. WINK: Motion to adopt --

MS. BOTWIN: No. Motion to reject.

MR. WINK: No. No. It needs to be worded as a motion to adopt and then a vote as no.

COUNCILWOMAN KAPLAN: Motion to adopt this resolution and then to vote no.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: So the vote  
Page 91

is no?

MR. WINK: No means no.

COUNCILWOMAN DE GIORGIO: No means  
no. Okay.

MR. WINK: Is that a no?

COUNCILWOMAN DE GIORGIO: Yes, that's  
a no.

MR. WINK: Councilman Ferrara?

♀

108

Town Board - 10/21/14

COUNCILMAN FERRARA: No.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: No.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: No.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: No.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: No.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Just saying no.

MR. WINK: With the permission of the  
Town Board, I believe the request was to  
call item 15 next.

SUPERVISOR BOSWORTH: Yes.

♀

109

Town Board - 10/21/14

MR. WINK: Okay. Item 15. A  
resolution setting a date for a public  
hearing to consider the rescission and  
adoption of an ordinance affecting Thompson  
Shore Road in Manhasset.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

110

Town Board - 10/21/14

MR. WINK: Item 11 is going to be partnered with Item 41 if I have it correctly.

MS. BOTWIN: Yes.

MR. WINK: All right. Item 11 is a public hearing to be held on October 21, 2014, for the increase and improvement of facilities of the Belgrave Water Pollution Control District, pursuant to Section 202-B of the Town Law.

SUPERVISOR BOSWORTH: This is to replace a 70 year old outfall pipe. There would be no impact on the residence.

MR. PRIOR: Okay. Shall I? Good evening, Supervisor Bosworth, Councilmembers, I'm Christopher Prior from the law firm Ackerman Levine in Great Neck, New York, and I am here tonight as counsel to the Board of Commissioners of the Belgrave Water Pollution Control District, which is in Councilwoman Lee Seeman's District. The commissioners are all here tonight, Commissioner Betty Lou Feaster, John Dolan and Brian Levings, Superintendent

Chet Steban is also with us and business manager Roseanna George. The engineers for the District, Dvirka & Bartilucci, are represented tonight by Steve Fangmahn who is here. You all would have received from my office a copy of the petition which was hand delivered on October 7. This is a request of the District to the Town to approve the project that Councilwoman Seeman just described. It's a replacement of an outfall pipe from our sole wastewater treatment plant, it's located in the Village of Great Neck Estates, there's a single outfall pipe that travels about 3,300 feet out into Little Neck Bay, it discharges the treated effluent, the pipe as Councilwoman Seeman noted is very old, it has been detected to have leaks, it is time to be replaced. The DEC has insisted that we replace it, so this is not a project that is discretionary.

‡

111

Town Board - 10/21/14

It's something that we must undertake -- we must do it quickly because there are issues of fines and penalties for failure to comply with our SPDES permits which DEC issues to all wastewater treatment plant operators. The project cost including all hard and soft costs is \$11,640,000. The good news is that we expect this project to be funded in large part by the New York State Environmental Facilities Corporation. We have been told by representatives of that agency that we are very likely to be awarded a 25% grant, outright grant, and zero interest financing for the balance of the project. Assuming that that goes as we expect it will, the impact, the annual impact would only be about \$15 on each household. The financing by the EFC, while it's not finalized yet, but we expect it to happen, would be on a reimbursement basis, so the district requires a source of financing to make the project go forward until bills are submitted and paid, and so for that reason we come before this Board asking you to approve the projects, which our District already has approved, and to authorize the financing with bonds and bond anticipation notes, and, again, it's our expectation and hope that the money ultimately would pay for through the zero percent financing and the grant money from the state for this project.

We have in the petition submitted to you included a copy of the Board's resolution authorizing the project and the petition to you, the SEQRA treatment of the

project by the District Board, this -- in fact, these projects -- there's two components to it. One is the outfall pipe and another component is the construction of a pumping station on our site with a generator. After Superstorm Sandy occurred, we experienced an issue with the functionality of the plant. As the storm surge caused the water to back up in the system, we had operational difficulties, and they can be remedied through the use of a pumping station with a generator and that's part of this project. Both components of

7

112

Town Board - 10/21/14

the project are actually Type II actions under SEQRA requiring no action ordinarily by the Board, one of them is the replacement in kind in place of the structure; the other is the construction of a less than 4,000 square foot nonresidential facility. However, the EFC requires that any project submitted for financing to it must be treated as a Type I so that you go through the environmental assessment form analysis and a coordinated review with other agencies. The Town is one of the interested agencies, you've received the correspondence from the District throughout this process, and the Board has resolved a negative declaration with respect to this project, which closes out the SEQRA analysis. I should note that the Town already has had some involvement in this project. In order to facilitate our getting the financing from the state, the Town assisted us by submitting a letter in support of the project back in March of this year, and as this project goes forward, there will be additional interaction between the Town and the District in terms of submitting paperwork for that EFC financing, which I think everybody has quite been supportive of happening. That is the gist of the project and I'm happy to respond to any questions or to have anyone from our team respond.

SUPERVISOR BOSWORTH: You know, I understand that this has the support of the residents, you're doing what DEC is insisting that you do do and I think that their having the pumping station with the generator really, you know, considering the kind of storms that we have been having just adds an element of resiliency and redundancy that we need to see, you know, in our -- in our water Pollution Control Districts, so

it's, you know, I know Betty Lou for a very, very long time and we know that the District is doing the right thing, not only for the residents, but certainly to make sure that our water remains clear and clean, so it's appreciated.

♀

113

Town Board - 10/21/14

MR. PRIOR: Yes. Thank you.

COUNCILWOMAN KAPLAN: How long is the bond for?

MR. PRIOR: Well, that will be determined by the town in the first instance. I mean, the longer the better. I think what you will usually do is you will blend bonds from various districts on the Town's borrowings and you will be guided by your financial advisors as to the right terms.

COUNCILWOMAN KAPLAN: Thank you.

MR. PRIOR: Sure.

COUNCILWOMAN SEEMAN: Are there any more comments on this?

So seeing no one, I offer to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

♀

114

Town Board - 10/21/14

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

115

Town Board - 10/21/14

MR. WINK: Added starters. Item 49. Bond resolution of the Town of North Hempstead, New York, adopted October 21, 2014, appropriating \$11,640,000 for the increase and improvement of facilities of the Belgrave Water Pollution Control District, authorizing the issuance of not to exceed \$11,640,000 in bonds, to finance said appropriation, and authorizing application of any fund grants received from the New York State Environmental Facilities Corporation to be expended toward the cost of said object or purpose or redemption of the Town's bonds or notes issued for such purpose or to be budgeted as an offer set to the assessments to be collected for the payment of the principal of and interest on said bonds or notes.

COUNCILWOMAN SEEMAN: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

116

Town Board - 10/21/14

SUPERVISOR BOSWORTH: Aye.

MR. PRIOR: Thank you, all.

SUPERVISOR BOSWORTH: Okay, thank you. Thanks all for staying so late.

COUNCILWOMAN DE GIORGIO: I just have a request, I'm going to have to go, I'm really not feeling well. Can we just advance 40 so that I can do 40 in case anybody has any questions about it and then I'm going to go.

SUPERVISOR BOSWORTH: Surely. Mr. Wink, would you do that, please.

117

Town Board - 10/21/14

MR. WINK: Item 40. A resolution ratifying the execution of an amendment to a lease agreement between the Long Island Railroad Company and the Port Washington Public Parking District.

COUNCILWOMAN DE GIORGIO: So all this really is, and the Town Attorney will correct me if I'm wrong, the Long Island Railroad recently installed an extension to the existing pedestrian overpass, we are so thrilled about that in Port Washington, we thank the railroad, but in the process, they are taking up about seven parking spaces in the lot, so we have a lease agreement where we lease that property from the Long Island Railroad and now we're just tweaking the lease agreement to confirm that they are responsible for the space that's taken up by those seven spots, and my understanding is the purpose of it is to make sure they're responsible for maintenance, and, of course, any liability with respect to the overpass or the space that it occupies, so it has nothing to do with the east side access project, I just want to make that clear, it's just to formalize the arrangement until -- as long as the overpass is there,

1793365-TownBoard-1  
the lease will exist, I imagine when the  
overpass is taken down, they will have some  
other kind of an arrangement. Is that  
correct --

MS. BOTWIN: Yes.

COUNCILWOMAN DE GIORGIO: -- Ms. Botwin?

MS. BOTWIN: Absolutely.

COUNCILWOMAN DE GIORGIO: I offer the  
resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

♀

118

Town Board - 10/21/14

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.  
And Councilwoman De Giorgio, I  
appreciate that you stuck it out.

COUNCILWOMAN DE GIORGIO: Thank you.

SUPERVISOR BOSWORTH: And we hope  
that you're feeling better.

COUNCILWOMAN DE GIORGIO: I just want  
to say I stayed much longer than I --

SUPERVISOR BOSWORTH: I know.

COUNCILWOMAN DE GIORGIO: But anyway,  
good night. Thank you very much.

♀  
SUPERVISOR BOSWORTH: Thank you.

119

Town Board - 10/21/14

MR. WINK: Item 14. A resolution setting a date for a public hearing to consider an amendment to the New Cassel Urban Renewal Plan.

COUNCILWOMAN RUSSELL: I offer the resolution setting a date for November 18.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: I'm still here. Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

MR. WINK: Item 16. A resolution authorizing the Town Board to accept a monetary --

MR. KIRTON: Excuse me. There was a card from me on this one.

SUPERVISOR BOSWORTH: Oh.

MR. WINK: Oh, my apologies. Yes.

♀

120

1793365--TownBoard-1  
Town Board - 10/21/14

SUPERVISOR BOSWORTH: And you waited so long.

MR. WINK: I thought we outlasted you, Mr. Kirton.

SUPERVISOR BOSWORTH: Okay. Sorry.

MR. KIRTON: Good evening, again. Larry Kirton, 177 Salem Road. Is this a reopening of the public hearing that occurred earlier in the year concerning the Overlay District?

COUNCILWOMAN RUSSELL: No. This is for the Community Development Agency to add properties that are within the Overlay District to the acquisition list. Sorry. Not the Overlay District. The Urban Renewal District.

MR. KIRTON: Okay.

SUPERVISOR BOSWORTH: They are adding two more properties.

MR. KIRTON: Okay. That's it. And since I'm here, is there a date, because I heard you mention that there's a committee that's evaluating, is there a date that the Committee is going to be submitting a report?

COUNCILWOMAN RUSSELL: That date hasn't been established as of yet.

MR. KIRTON: Okay. Thank you. Good night.

SUPERVISOR BOSWORTH: Thank you so much.

‡

121

Town Board - 10/21/14

MR. WINK: Item 16. A resolution authorizing the Town Board to accept a monetary gift for the Town's 2014 Veteran's breakfast.

SUPERVISOR BOSWORTH: So I would just like to say that we did have the Veteran's Breakfast, and it was absolutely wonderful. What did we have? About 200 veterans and their spouses attending. And so we are pleased to accept this monetary gift from Bethpage Federal Credit Union for \$3,500 to

Page 101

1793365-TownBoard-1  
help sponsor the Veteran's Breakfast, and I would like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

122

Town Board - 10/21/14

MR. WINK: Item 17. A resolution authorizing the Town Board to accept a monetary gift for the Town's 2014 Spooky and Not So Spooky Walks at Clark Botanical Gardens.

COUNCILMAN ZUCKERMAN: You know, this is one of my favorite Town events. This weekend, we have the Spooky and Not So Spooky Walks at Clark Botanic Garden, and we are very excited about this and this is going to help us make this a very fun event. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman De Giorgio?

COUNCILWOMAN DE GIORGIO: Aye.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

Page 102

COUNCILWOMAN RUSSELL: I am happy that we have a Not So Spooky Walk because I am very spooked out by that, and I will not be attending the spooky part anymore because I was scared out of my wits.

COUNCILWOMAN KAPLAN: Were you?

COUNCILWOMAN RUSSELL: I really was.

COUNCILWOMAN KAPLAN: Some of the Town employees just stand out there and really try to spook you.

COUNCILWOMAN RUSSELL: So I will be attending the not so spooky walk. Aye.

MR. WINK: Councilwoman Seeman?

♀

123

Town Board - 10/21/14

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: So, you know, I'm saying aye, but I'm wondering if I'm -- because I was planning on taking my eight year old and ten year old grandchildren to the spooky part of it, but maybe not.

COUNCILWOMAN RUSSELL: If they like scary, then they're good.

COUNCILWOMAN KAPLAN: They'll love it.

COUNCILWOMAN RUSSELL: Yes, they'll love it.

SUPERVISOR BOSWORTH: But how will I do?

MR. WINK: You may not get babysitting duties any time soon afterwards, but.

That was an aye?

SUPERVISOR BOSWORTH: Yes. Sorry.

♀

Town Board - 10/21/14

MR. WINK: Item 18. A resolution authorizing the Commissioner of Administrative Services to issue a request for proposals for internal auditing services.

SUPERVISOR BOSWORTH: I would like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

125

Town Board - 10/21/14

MR. WINK: Item 19. A resolution authorizing the Commissioner of Administrative Services to advertise for the receipt of bids for collection and delivery of recyclables from school districts (TNH029-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

1793365-TownBoard-1

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

126

Town Board - 10/21/14

MR. WINK: Item 20. A resolution authorizing the Commissioner of Administrative Services to advertise for the receipt of bids for a tractor for Harbor Links (TNH119-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

127

Town Board - 10/21/14

MR. WINK: Item 21. A resolution authorizing the Town Clerk to advertise for the receipt of bids for lower level remediation for the North Hempstead "Yes We Can" Community Center DPW Project No. 14-16.

COUNCILWOMAN RUSSELL: I offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

128

Town Board - 10/21/14

MR. WINK: Item 22. A resolution authorizing the award of a bid for air duct, boiler and chimney cleaning services (TNH049-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

1793365--TownBoard-1

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

129

Town Board - 10/21/14

MR. WINK: Item 23. A resolution authorizing the award of a bid for equipment for Harbor Links (TNH061-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.  
I would just like to say it's for two mowers.

♀

130

Town Board - 10/21/14

MR. WINK: Item 24. A resolution authorizing the award of a bid for auction services (TNH115-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

131

Town Board - 10/21/14

MR. WINK: Item 25. A resolution authorizing the award of a bid for copiers (TNH032R-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

1793365-TownBoard-1  
MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

132

Town Board - 10/21/14

MR. WINK: Item 26. A resolution authorizing the award of a bid for wastewater treatment chemicals (TNH044-2014).

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

133

Town Board - 10/21/14

MR. WINK: Item 27. A resolution authorizing the an execution of an agreement with Cashin Associates, P.C. for professional engineering services for the Building Department.

We have two cards on this, Madame Supervisor.

MR. MCHUGH: Who's left?

COMMISSIONER LEVINE: Okay. So I will begin. This is now speaking in my role as Temporary Acting Interim Building

Commissioner. Deputy Commissioner Niewender and myself believed that it was prudent in this case, this being the construction of 300 Hillside Avenue, to retain the services of a professional engineer. In my time with the Town, and I go back, let's see, 22 years, there have been times when the Building Department has had a professional engineer on staff and periods where they have not. Presently the Building Department does not and since everybody else involved in the project does, we really do need the expertise, because there's special circumstances here that you don't encounter on a routine construction job. Specifically what we're looking for them to do, we know we're going to need a review of shop drawings for work specific to remediating any problems on site, we want them to review lab results, there's going to be strength testing on the construction steel and compression testing on the concrete, and while we do not need for them to take over day-to-day on site inspection, we do want them to make a couple of field visits at, you know, particular milestone points, certain concrete pours. Cashin Associates is one of the firms that presently does contract work for the Building Department in plans examination, so while it would be easier to just amend that contract, the nature of the work really isn't similar enough, so we do have to do a separate contract with them, not to exceed \$20,000, at least some of which, hopefully most of

†

134

Town Board - 10/21/14

which, but at least some of which is recoverable from the site owner.

COUNCILMAN FERRARA: I would like to push for all of it to be recoverable. They caused the problem and I think they should be held accountable and not put the burden on the Town of North Hempstead and the taxpayers.

SUPERVISOR BOSWORTH: So, you know, and I think Commissioner Levine is indicating that, you know, as well, that we would like to see this cost shifted to the applicant, it would seem appropriate, and, you know, unless there are legalities preventing that, that would be the goal.

MR. MCHUGH: I guess I'm next.

SUPERVISOR BOSWORTH: You've been so patient.

MR. MCHUGH: Jim Mchugh, 15 White Avenue, New Hyde Park.

COUNCILMAN FERRARA: I thought we answered all your questions.

MR. MCHUGH: Well, Item 27, it's like 27 hours, it feels like it.

SUPERVISOR BOSWORTH: You get to go home after this.

MR. MCHUGH: Well, my poor brother-in-law, I have to explain to my sister why I kidnapped him.

Mike kind of answered one question, and that was who was going to pay, and Angelo, that was -- I had a fellow, he couldn't stay tonight, he is one of the people on my list of advisors, Damian Urso is one of my advisors, he's a PE, he is from New Hyde Park and he is one of the guys that has been advising me, Bill Maddock could not be here tonight, he is at Stern Institute

♀

135

Town Board - 10/21/14

over here doing rehab on his back, he just had major back surgery from his days as an iron worker, which really he was in a lot of pain, so I'm glad he's doing well, and he said to say hello.

SUPERVISOR BOSWORTH: And we wish him well.

MR. MCHUGH: And he wished he could be here. We had been in constant -- Bill is a trooper, he was taking calls from his sick bed. It's amazing. Also my other -- my other advisors besides Bill and Damian, I have to thank Mike Curry who is with Marianna's civic, he is an engineer at Lockheed Martin, and Bill Christofides who is a project manager with one of the major construction companies, and Rich Bursich, one of my neighbors, who is a -- he is retired, he owned a cement company, so that was my Ad-Hoc Committee. I'm a pharmacist, so what did I know about building this type of building? That was one question.

The other question Damian had about the engineer, would -- on this particular -- would he be assigned, because it doesn't say

1793365-TownBoard-1  
in the resolution, he would be specifically  
for this particular project?

COMMISSIONER LEVINE: That was for  
this project.

MR. MCHUGH: Because we weren't clear  
because it was a general resolution.

COMMISSIONER LEVINE: The vast  
majority of projects in the Town we handle  
with inhouse staff, but once every two or  
three years a project comes along because of  
its size or there's a specialty involved --

MR. MCHUGH: Or its complexity.

COMMISSIONER LEVINE: Right. Or its  
complexity.

MR. MCHUGH: I do know that I had

♀

136

Town Board - 10/21/14

today at my door News 12. I happened to be  
off today, otherwise I would have been  
working, and they rang my doorbell about  
and I gave them an interview today. I 1:00  
know the applicant interviewed with them  
yesterday and I know it was on News 12 this  
morning, so I don't -- I'm here, I have no  
idea, I don't have News 12, but I know  
somebody will tell me what was broadcast.  
Also, everybody saw the Newsday, the  
original article and the article that came  
out subsequent to that, so it's out there  
now, and I was told today and I'm going to  
confirm it, because I like to confirm  
things, that the state engineer was on the  
property yesterday. I don't know -- that's  
what I was told by News 12. Now, I don't --  
I couldn't confirm that, but the neighbors  
told me somebody was there on the site, two  
people, and I have -- I had contacted the  
state on this matter, which is no secret.

SUPERVISOR BOSWORTH: No, we know  
that you did.

MR. MCHUGH: Right. I mean, it's my,  
you know, prerogative to do that under the  
circumstances.

SUPERVISOR BOSWORTH: Absolutely.

MR. MCHUGH: And I will check that  
out with the state because that was even a  
surprise to me. But the other question we

had, that Damian had, I think you might have answered it already, is whether this went out for the engineer, the procurement was on call or was it RFP, so that was --

COMMISSIONER LEVINE: Right. Above a certain dollar amount, it has to go to RFP. What we wanted to do here, we do have three engineering firms that are contracted with plans examination, not in their engineering capacity, actually their architectural staff --

MR. MCHUGH: Okay.

♀

137

Town Board - 10/21/14

COMMISSIONER LEVINE: So, as I said before, the most convenient thing to do would be to just extend one of their contracts, but we can't, because the nature of their work is not a natural extension of what they do, so under 20,000, we did approach the three firms, but we thought Cashin was the most qualified and the best person to do this, but above that number required a public RFP. The hesitation in that is the time element because we can't keep them under stop work order indefinitely, we have to get going.

MR. MCHUGH: Correct. Yes. Well, the question became on this whether -- and that's why we're pleased that you hired the engineer -- whether the remedial plans from July 28 based on what's been proposed there would be acceptable under the Code. Now, that's one reason that I appealed to the state. We had a meeting on site on the day after Labor Day, the 2nd, and we came to an agreement that basically the steel all has to come out except for the columns so far, and we'll see where that goes, I'm not going to get into all the technical stuff, but there was even some stuff with the columns that was a problem, the wells, questioning, and your engineer is going to ask those questions. Now, FTC, are they still a player in this?

COMMISSIONER LEVINE: FTC is working for the owner.

MR. MCHUGH: Correct.

COMMISSIONER LEVINE: So yes, they are the special inspector retained by the

owner.

MR. MCHUGH: Now, they are going to be testing I see concrete. You know, regional testing had results, we have those. FTC did their own core samples, we have 27 different results and they were supposed to

♀

138

Town Board - 10/21/14

come in at 5,000 PSI on the original plans. On the new plans, they dropped it to 4,000 PSI and subsequently where it failed on the original test, it now passes all the tests, and our question was at the time, how do you do that? If you failed the compression test, if you fail the core samples, how does the applicant's engineer suddenly wave his magic wand and say, oh, it's not 5,000 anymore, it's 4,000, and we pass? That's one of the other reasons we were in disagreement with what was going on with the foundation.

SUPERVISOR BOSWORTH: So, Mr. Levine, can you answer that?

COMMISSIONER LEVINE: Well, no, that is exactly one of our open questions, it is designed for 5,000 PSI, is it possible to redesign for 4,000? Yes, it is. Can you simply declare it is now unsuitable for 4? Not necessarily. So, again, that is one of our open questions.

MR. MCHUGH: That is one of the questions I had for the engineer at the state, Brian, we had a question on that, and also my engineer friends are saying, well, 4,000 may not necessarily be for this type of building unacceptable. Okay? So that's an open question. We're happy that you did this because I think this was necessary under the circumstances, and hopefully we're going to come to a conclusion. We were in disagreement at the meeting on the 2nd, which is why I filed with the state. I'm still not in agreement and most of my advisors are saying based on what they've seen standard on something like this in their experience, it is usually a do-over, it's usually if there's so many, without going into the specifics, so many egregious things wrong with a project, especially a foundation, it usually comes to taking it out and doing it over, and that's where we're in disagreement with the Town. Our people are saying it's a do-over, the Town

♀

139

Town Board - 10/21/14

is saying remediation, here's the plans, things are acceptable, and that's where we're at right now. Okay? So hopefully this engineer is going to be the umpire since he's working technically for the people, and we'll see where it goes, and now I will find out tomorrow if the state inspector was there, it means that they -- if that's accurate, and I have to find out.

COMMISSIONER LEVINE: I believe. The Department of State, we have been in touch with their people, we have a working relationship with them normally, so it's not unusual for us to discuss jobs, but yes, we've been in touch with them continuously on this project.

MR. MCHUGH: I have spoken with Brian, he knows you, and that is standard operating procedure, that you will have to submit certain information to them for review, and then they either reject or accept it. I've received no rejection or acceptance, and they haven't given that to me in writing yet, so in writing, it is still in what we call the processing stage, and then I have a right of appeal if I am rejected by that, so that's where we're at, but hopefully this is going to expedite things a little bit and we'll see where it goes.

SUPERVISOR BOSWORTH: Look, Mr. McHugh, we want to make sure that this is done correctly because the consequences of it not being done correctly --

MR. MCHUGH: Correct, Supervisor, are --

SUPERVISOR BOSWORTH: Just could be --

MR. MCHUGH: Could be catastrophic.

SUPERVISOR BOSWORTH: Exactly. Exactly.

♀

140

Town Board - 10/21/14

MR. MCHUGH: And I kind of pushed that toward the reporters who have been questioning me on this. I said, listen, this is a public safety issue. All right? Don't try to make it into something else. It's not. Okay? You know. Reporters being reporters.

SUPERVISOR BOSWORTH: Lisa, don't take any offense by that.

MR. MCHUGH: I know. I know. I'm just saying that, hey, guys, you can't get it built this way, and this is what I said to them today, it's just unacceptable, and the Town shouldn't accept it this way and the community is not going to accept it this way and the people who are going to be using the building shouldn't accept it that way.

SUPERVISOR BOSWORTH: Exactly.

MR. MCHUGH: Okay? So thank you for your time and I'm going home.

SUPERVISOR BOSWORTH: Take your brother-in-law with you.

MR. MCHUGH: Yes.

SUPERVISOR BOSWORTH: Thank you.

COUNCILWOMAN SEEMAN: I offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

‡

141

Town Board - 10/21/14

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

142

Town Board - 10/21/14

MR. WINK: Item 28. A resolution authorizing the execution of an intermunicipal agreement with the County of Nassau to provide funding to the Town for the installation of a comfort station at Manhasset Valley Park.

COUNCILWOMAN KAPLAN: I offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

143

Town Board - 10/21/14

MR. WINK: Item 29. A resolution authorizing the execution of a letter of intent with the AARP.

SUPERVISOR BOSWORTH: So this is a letter of intent to express our interest in applying for the World Health Organization Global Network of Age Friendly Cities and Communities designation. You know, this would be -- somebody said that we would be

1793365-TownBoard-1  
working with the AARP and confirm our desire  
to support our seniors and have initiatives  
to help them age in place, and I'd like to  
offer the resolution and move for its  
adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

144

Town Board - 10/21/14

MR. WINK: Item 30. A resolution  
authorizing the execution of an agreement  
with Capitol Awning Company for the purchase  
and installation of awnings at the Gold  
Coast Arts Center in Great Neck, New York.

COUNCILWOMAN KAPLAN: I offer the  
resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

Page 118

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

145

Town Board - 10/21/14

MR. WINK: Item 31. A resolution authorizing the execution of an agreement with the community chest of Port Washington, New York, Inc. to provide programs within the Town including but not limited to their annual Thanksgiving Day Run.

SUPERVISOR BOSWORTH: So this is just an example of, you know, we see summer's over and we're moving into spooky walk for Halloween and now we're talking about Thanksgiving, and so it goes.

I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

146

Town Board - 10/21/14

MR. WINK: Item 32. A resolution authorizing the execution of an agreement with Holzmacher, McLendon & Murrell

1793365-TownBoard-1  
Consulting for engineering services for  
sports lighting at Manorhaven Park in Port  
Washington, New York. DPW Project No. 14-08.

SUPERVISOR BOSWORTH: I'd like to  
offer the resolution and move for its  
adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

147

Town Board - 10/21/14

MR. WINK: Item 33. A resolution  
authorizing the execution of an agreement  
with Bowne Management Systems, Inc. for Town  
storm sewer system mapping. DPW Project No.  
14-12.

SUPERVISOR BOSWORTH: This is a  
project that's as a result of our EPA audit.  
I'd like to offer the resolution and move  
for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

Page 120

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

148

Town Board - 10/21/14

MR. WINK: Item 34. A resolution authorizing the execution of an agreement with the Kimmel Foundation and Self-Help Community Services for a virtual senior center program in connection with Project Independence.

SUPERVISOR BOSWORTH: All right. So this is really an extraordinary program. There will be no cost to the seniors and no cost to the Town, but it sets up a system of virtual classes so that those homebound seniors are able to be part of this cyber network where they're able to take classes, where they're able to communicate with each other, and it helps to, you know, mitigate that sense of isolation.

I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: I just want to say this is a wonderful program. Supervisor Bosworth and I attended the demonstration of this and it's a tremendous way to connect with seniors and have them connect with other seniors so that no one's isolated, no one's homebound, and I think it's a great

program.  
Aye.

♀

149

Town Board - 10/21/14

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

150

Town Board - 10/21/14

MR. WINK: Item 36. A resolution authorizing the Town to enter into agreements with municipalities, Special Districts and School Districts within the Town of North Hempstead for the use of the Town's reverse 311 system.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

151

Town Board - 10/21/14

1793365-TownBoard-1

MR. WINK: Item 37. A resolution authorizing the execution of an agreement with the Nassau County Office of Community Development for the receipt of Community Development Block Grant 40th Program Year Funds.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

152

Town Board - 10/21/14

MR. WINK: Item 38. A resolution authorizing an amendment to an agreement with Joseph J. Chearmonte, Architect, P.C., to provide plan review services.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

Page 123

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

153

Town Board - 10/21/14

MR. WINK: Item 39. A resolution authorizing an amendment to an agreement with QSCEND Technologies Inc. to include annual software maintenance for the Town's "My North Hempstead" mobile application.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

154

Town Board - 10/21/14

MR. WINK: Item 41. A resolution authorizing an amendment to an agreement with TGI Office Automation for maintenance

of copiers.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

155

Town Board - 10/21/14

MR. WINK: Item 43. A resolution ratifying the execution of an agreement with Archangel Michael Greek Orthodox Church for the Town's 2014 Greek Festival.

SUPERVISOR BOSWORTH: Obviously this is retroactive because the Greek Festival took place, it was a terrific event.

I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

156

Town Board - 10/21/14

MR. WINK: Item 44. A resolution authorizing the amendment of a professional services agreement with Howard Weitzman.

SUPERVISOR BOSWORTH: So this is extending the agreement that we have with Mr. Weitzman. We are going to be hiring a permanent now Town Comptroller, we're very excited about that. Howard has been a huge help and we need his help as we continue to complete this budget process. The new Comptroller will be beginning in December.

So I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

157

Town Board - 10/21/14

MR. WINK: Item 45. A resolution  
Page 126

authorizing the Town Clerk to transmit to the Nassau County Legislature and the Board of Assessment of the County of Nassau the lists of unpaid water rents filed by Special Districts in the Town of North Hempstead for the purpose of having same levied against the property liable.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

‡

158

Town Board - 10/21/14

MR. WINK: Item 46. A resolution authorizing the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of employees and/or officials in various departments of the Town.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

159

Town Board - 10/21/14

MR. WINK: Item 47. A resolution authorizing and a proffering the payment of claims against the Town of North Hempstead and authorizing and directing the Comptroller or Deputy Comptroller to pay the cost thereof.

SUPERVISOR BOSWORTH: I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

♀

160

Town Board - 10/21/14

MR. WINK: Item 48. A resolution approving the action of the Vigilant Engine & Hook & Ladder Co., Inc., Great Neck, New York, in electing Arnie Cooper, Scott Diehl, Zachary Shavolian, Jamal Duke, Aleksander Cikon, Zakary Leuenthal, and removing from membership Orang Marizadeh, Seth Kislin, Michael Kahen, Ariel Barnehama and Daniel Hanasab.

COUNCILWOMAN SEEMAN: I offer the resolution and move for its adoption.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.

COUNCILWOMAN KAPLAN: I have to commend you, you did a wonderful job reading those names.

MR. WINK: Thank you.

♀

Town Board - 10/21/14

SUPERVISOR BOSWORTH: So believe it or not, I move to adjourn.

MR. WINK: Councilman Ferrara?

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Kaplan?

COUNCILWOMAN KAPLAN: Aye.

MR. WINK: Councilwoman Russell?

1793365-TownBoard-1

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman?

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman?

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth?

SUPERVISOR BOSWORTH: Aye.  
(Time noted: 11:32 p.m.)

♀

162

C E R T I F I C A T I O N

I, ROBIN LaFEMINA, a Registered Professional Reporter, Certified Livenote Reporter and Notary Public, within and for the State of New York, do hereby certify that the above transcript is a true and accurate copy of the minutes taken by myself stenographically at the aforementioned special public meeting of the Town Board of the Town of North Hempstead held on October 21, 2014.

ROBIN LaFEMINA