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TOWN OF HEMPSTEAD
ONE WASHINGTON STREET
TOWN HALL PAVILION
HEMPSTEAD, NEW YORK 11550
SEPTEMBER 3, 2019
10:30 A.M.

BEFORE: LAURA A. GILLEN,
SUPERVISOR

APPEARANCES:

DEPUTY SUPERVISOR/COUNCILMAN BLAKEMAN

SENIOR COUNCILWOMAN GOOSBY

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COUNCILMAN D'ESPOSITO

COUNCILMAN DUNNE, SR.

MAJORITY LEADER/COUNCILWOMAN KING-SWEENEY

COUNCILMAN MUSCARELLA

TOWN CLERK CABANA

DEPUTY TOWN CLERK SEDACCA

TOWN ATTORNEY RA

TOWN BOARD COUNSEL REGINA

RECEIVER OF TAXES CLAVIN, JR. (ABSENT)

MICHELE HANSON, TOWN CLERK OFFICE

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1 SUPERVISOR GILLEN: All right,
2 good morning everybody. Welcome to this
3 regularly scheduled Town Board meeting. Page 3

4 Before we begin, I'd like to just
5 point out that September is Pediatric
6 Cancer Awareness Month, and the
7 international symbol for childhood
8 cancer is the gold ribbon.

9 So you may have noticed outside we
10 have gold ribbons placed on lampposts
11 throughout the Town of Hempstead. And
12 in addition, our Town clock tower will
13 be illuminated in gold to bring
14 awareness to this very important cause.

15 I'd like to thank our partners,
16 the Christina Renna Foundation and the
17 Mary Ruchalski Foundation, who are
18 joining us in efforts to bring -- spread
19 awareness of pediatric cancer.

20 I'd also like to give a really big
21 round of applause for our Town
22 of Hempstead EMTs and lifeguards. Town
23 lifeguards Frank Falcone and Morgan Rinn
24 rescued a 17-year-old woman from a
25 riptide yesterday -- or Sunday. And the

1 woman was not breathing. And due to
2 their efforts, they saved this woman's
3 life.

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4 So we have amazing lifeguards in
5 the Town of Hempstead. I'd like to give
6 them a big round of applause.

7 (Whereupon, applause from the
8 audience was heard. After, the
9 following ensued.)

10 SUPERVISOR GILLEN: All right.
11 For those of you who never attended a
12 Town Board meeting before, we will first
13 have Public Hearings, followed by an
14 Administrative Calendar.

15 There are agendas available in the
16 rear of the Pavilion. If you'd like to
17 be heard on any matter, please fill out
18 a slip, which you can get right by the
19 agendas. Fill it out for anything on
20 which you'd like to be heard, and hand
21 it over to one of our clerks and they
22 will bring it up to us.

23 After the Meeting is adjourned, we
24 will remain in session to hear Public
25 Comment on any other matters on which

HEMPSTEAD TOWN BOARD MO/DA/YR

1 members of the Public would like to
2 address the Town Board.

3 Madam Clerk, will you please call Page 5
4 the roll.

5 CLERK CABANA: Supervisor Gillen?

6 SUPERVISOR GILLEN: Here.

7 CLERK CABANA: Councilman Blakeman?

8 COUNCILMAN BLAKEMAN: Here.

9 CLERK CABANA: Councilman D'Esposito?

10 COUNCILMAN D'ESPOSITO: I'm here.

11 CLERK CABANA: Councilman Dunne?

12 COUNCILMAN DUNNE: Here.

13 CLERK CABANA: Senior Councilwoman
14 Goosby?

15 SENIOR COUNCILWOMAN GOOSBY: Here.

16 CLERK CABANA: Councilwoman
17 King-Sweeney?

18 COUNCILWOMAN KING-SWEENEY: Here.

19 CLERK CABANA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: Here.

21 SUPERVISOR GILLEN: I'd now ask
22 Senior Councilwoman Goosby to lead us in
23 the Pledge of Allegiance.

24 Everybody please rise.

25 SENIOR COUNCILWOMAN GOOSBY: Hand over

1 heart.

2 (Whereupon, Senior Councilwoman
3 Goosby led us in the Pledge of
4 Allegiance. After, the following
5 ensued.)

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6 SUPERVISOR GILLEN: All right
7 Madam Clerk, will you please call our
8 first Public Hearing.

9 CLERK CABANA: Proposed Local Law
10 Re: "Regulations and Restrictions"
11 to limit parking in Baldwin, Bellmore,
12 Merrick Roosevelt, Uniondale, Wantagh,
13 West Hempstead (To amend Chapter 202 of
14 the Code of the Town of Hempstead)

15 SUPERVISOR GILLEN: I do not have
16 any slips on this Public Hearing. Is
17 there anyone who'd like to be heard?

18 (Whereupon, no response was heard.
19 After, the following ensued.)

20 SUPERVISOR GILLEN: Hearing none,
21 may I have a motion?

22 COUNCILWOMAN KING-SWEENEY: Supervisor,
23 I move the hearing be closed and the
24 item be adopted.

25 SENIOR COUNCILWOMAN GOOSBY: Second.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SUPERVISOR GILLEN: Madam Clerk.
2 CLERK CABANA: Supervisor Gillen?
3 SUPERVISOR GILLEN: Aye. Page 7
4 CLERK CABANA: Councilman Blakeman?
5 COUNCILMAN BLAKEMAN: Aye.
6 CLERK CABANA: Councilman D'Esposito?
7 COUNCILMAN D'ESPOSITO: Aye.
8 CLERK CABANA: Councilman Dunne?
9 COUNCILMAN DUNNE: Aye.
10 CLERK CABANA: Senior Councilwoman
11 Goosby?
12 SENIOR COUNCILWOMAN GOOSBY: Aye.
13 CLERK CABANA: Councilwoman
14 King-Sweeney?
15 COUNCILWOMAN KING-SWEENEY: Aye.
16 CLERK CABANA: Councilman Muscarella?
17 COUNCILMAN MUSCARELLA: Aye.
18 SUPERVISOR GILLEN: Madam Clerk,
19 please call the next Public Hearing.
20 CLERK CABANA: Proposed Local Law
21 Re: "Parking or Standing Prohibitions
22 in Baldwin, Bellmore, (NR) Bethpage,
23 (NR) Cedarhurst, Franklin Square,
24 North Merrick, (NR) Valley Stream,
25 (NR) Westbury and West Hempstead. (To

HEMPSTEAD TOWN BOARD MO/DA/YR

1 amend Section 202-1 of the Code of the
2 Town of Hempstead)

3 SUPERVISOR GILLEN: I do not have Page 8
4 any slips on this Public Hearing. Is
5 there anyone who'd like to be heard?

6 (Whereupon, no response was heard.
7 After, the following ensued.)

8 SUPERVISOR GILLEN: Hearing none,
9 may I have a motion?

10 COUNCILMAN BLAKEMAN: Supervisor,
11 I move that the Public Hearing be closed
12 and that the Local Law be adopted.

13 COUNCILWOMAN KING-SWEENEY: Second.

14 SUPERVISOR GILLEN: Madam Clerk.

15 CLERK CABANA: Supervisor Gillen?

16 SUPERVISOR GILLEN: Aye.

17 CLERK CABANA: Councilman Blakeman?

18 COUNCILMAN BLAKEMAN: Aye.

19 CLERK CABANA: Councilman D'Esposito?

20 COUNCILMAN D'ESPOSITO: Aye.

21 CLERK CABANA: Councilman Dunne?

22 COUNCILMAN DUNNE: Aye.

23 CLERK CABANA: Senior Councilwoman
24 Goosby.

25 SENIOR COUNCILWOMAN GOOSBY: Aye.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 CLERK CABANA: Councilwoman

2 King-Sweeney?

3 COUNCILWOMAN KING-SWEENEY: Aye. Page 9

4 CLERK CABANA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: Aye.

6 SUPERVISOR GILLEN: Madam Clerk,

7 please call the next Public Hearing.

8 CLERK CABANA: Proposed Local Law

9 Re: "Arterial Stops" in Baldwin,

10 Bellmore, (NR) East Rockaway, Elmont

11 Levittown, (NR) Westbury (To amend

12 Section 197-5 of the Code of the

13 Town of Hempstead)

14 SUPERVISOR GILLEN: I do not have

15 any slips on this Public Hearing. Is

16 there anyone who'd like to be heard?

17 (Whereupon, no response was heard.

18 After, the following ensued.)

19 SUPERVISOR GILLEN: Hearing none,

20 may I have a motion?

21 COUNCILWOMAN KING-SWEENEY: Supervisor,

22 I move the hearing be closed and the

23 item adopted.

24 COUNCILMAN BLAKEMAN: Second.

25 CLERK CABANA: Supervisor Gillen?

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SUPERVISOR GILLEN: Aye.
2 CLERK CABANA: Councilman Blakeman?
3 COUNCILMAN BLAKEMAN: Aye. Page 10
4 CLERK CABANA: Councilman D'Esposito?
5 COUNCILMAN D'ESPOSITO: Aye.
6 CLERK CABANA: Councilman Dunne?
7 COUNCILMAN DUNNE: Aye.
8 CLERK CABANA: Senior Councilwoman
9 Goosby?
10 SENIOR COUNCILWOMAN GOOSBY: Aye.
11 CLERK CABANA: Councilwoman
12 King-Sweeney?
13 COUNCILWOMAN KING-SWEENEY: Aye.
14 CLERK CABANA: Councilman Muscarella?
15 COUNCILMAN MUSCARELLA: Aye.
16 SUPERVISOR GILLEN: Madam Clerk,
17 please call the next Public Hearing.
18 CLERK CABANA: Proposed Local Law
19 Re: "Bus Stops" in Bellmore (To amend
20 Section 202-52 of the Code of the Town
21 of Hempstead)
22 SUPERVISOR GILLEN: I do not have
23 any slips on this Public Hearing. Is
24 there anyone who'd like to be heard?
25 (Whereupon, no response was heard.)

HEMPSTEAD TOWN BOARD MO/DA/YR

1 After, the following ensued.)

2 SUPERVISOR GILLEN: Hearing none,
3 may I have a motion? Page 11

4 COUNCILWOMAN KING-SWEENEY: I move
5 that the hearing be closed and the item
6 adopted.

7 COUNCILMAN DUNNE: Second.

8 SUPERVISOR GILLEN: Madam Clerk.

9 CLERK CABANA: Supervisor Gillen?

10 SUPERVISOR GILLEN: Aye.

11 CLERK CABANA: Councilman Blakeman?

12 COUNCILMAN BLAKEMAN: Aye.

13 CLERK CABANA: Councilman D'Esposito?

14 COUNCILMAN D'ESPOSITO: Aye.

15 CLERK CABANA: Councilman Dunne?

16 COUNCILMAN DUNNE: Aye.

17 CLERK CABANA: Senior Councilwoman
18 Goosby?

19 SENIOR COUNCILWOMAN GOOSBY: Aye.

20 CLERK CABANA: Councilwoman
21 King-Sweeney?

22 COUNCILWOMAN KING-SWEENEY: Aye.

23 CLERK CABANA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 SUPERVISOR GILLEN: Madam Clerk,

1 please call the next Public Hearing.

2 CLERK CABANA: Proposed Local Law

3 Re: "Traffic Regulations in the Page 12

4 vicinity of schools" in Oceanside (To

5 amend Section 197-13 of the Code of the

6 Town of Hempstead)

7 SUPERVISOR GILLEN: I do not have

8 any slips on this Public Hearing. Is

9 there any who'd like to be heard?

10 (Whereupon, no response was heard.

11 After, the following ensued.)

12 SUPERVISOR GILLEN: Hearing none,

13 may I have a motion?

14 COUNCILMAN D'ESPOSITO: I move

15 that the Public Hearing be closed and

16 the Local Law adopted.

17 COUNCILWOMAN KING-SWEENEY: Second.

18 SUPERVISOR GILLEN: Madam Clerk.

19 CLERK CABANA: Supervisor Gillen?

20 SUPERVISOR GILLEN: Aye.

21 CLERK CABANA: Councilman Blakeman?

22 COUNCILMAN BLAKEMAN: Aye.

23 CLERK CABANA: Councilman D'Esposito?

24 COUNCILMAN D'ESPOSITO: Aye.

25 CLERK CABANA: Councilman Dunne?

HEMPSTEAD TOWN BOARD MO/DA/YR

1 COUNCILMAN DUNNE: Aye.

2 CLERK CABANA: Senior Councilwoman
3 Goosby? Page 13

4 SENIOR COUNCILWOMAN GOOSBY: Aye.

5 CLERK CABANA: Councilwoman
6 King-Sweeney?

7 COUNCILWOMAN KING-SWEENEY: Aye.

8 CLERK CABANA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Aye.

10 SUPERVISOR GILLEN: Madam Clerk, please
11 call the next Public Hearing.

12 CLERK CABANA: Proposed Local Law
13 Re: "Prohibition of Left Turns" in or
14 (NR) Westbury (To amend Section 197-15
15 of the Code of the Town of Hempstead)

16 SUPERVISOR GILLEN: I do not have
17 any slips on this Public Hearing. Is
18 there anyone who'd like to be heard?

19 (Whereupon, no response was heard.
20 After, the following ensued.)

21 SUPERVISOR GILLEN: Hearing none,
22 may I have a motion?

23 COUNCILMAN MUSCARELLA: Motion to
24 close, adopt the item.

25 COUNCILMAN DUNNE: Second.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SUPERVISOR GILLEN: Madam Clerk.
2 CLERK CABANA: Supervisor Gillen?
3 SUPERVISOR GILLEN: Aye. Page 14
4 CLERK CABANA: Councilman Blakeman?
5 COUNCILMAN BLAKEMAN: Aye.
6 CLERK CABANA: Councilman D'Esposito?
7 COUNCILMAN D'ESPOSITO: Aye.
8 CLERK CABANA: Councilman Dunne?
9 COUNCILMAN DUNNE: Aye.
10 CLERK CABANA: Senior Councilwoman
11 Goosby?
12 SENIOR COUNCILWOMAN GOOSBY: Aye.
13 CLERK CABANA: Councilwoman
14 King-Sweeney?
15 COUNCILWOMAN KING-SWEENEY: Aye.
16 CLERK CABANA: Councilman Muscarella?
17 COUNCILMAN MUSCARELLA: Aye.
18 SUPERVISOR GILLEN: Madam Clerk,
19 please call the next Public Hearing.
20 CLERK CABANA: Proposed Local Law
21 Re: "Assault Upon Town of Hempstead
22 Enforcement Officials" (To enact a new
23 Section 2-4 of Chapter 2 of the Code of
24 the Town of Hempstead)
25 SUPERVISOR GILLEN: I have a slip

1 from Felix Procacci on this hearing.

2 FELIX PROCACCI: Felix Procacci.

3 First, I'd like to know how does Page 15

4 this law differ than from existing New
5 York State Law that defines the various
6 degrees of assault and battery in, you
7 know, within the State Law?

8 I read extensively on this and
9 there's a --

10 COUNCILMAN BLAKEMAN: It makes it
11 a specific offense against the Town of
12 Hempstead Enforcement Official.

13 FELIX PROCACCI: Yeah, I get that.
14 But there is -- what would be the
15 difference if, you know, according to
16 New York State Law, what you describe in
17 your Law, it's the same thing. And in
18 some cases, I think the State Law might
19 even be harsher in the punishment.

20 I understand how the history of
21 this. And no need to go through it, I
22 think we all do.

23 But the idea behind it was that
24 they wanted to make the punishment
25 stronger, that they wanted to make this,

1 the liquid thing throwing water on a
2 police officer a felony and not a
3 misdemeanor. It's already a
4 misdemeanor.

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5 And I looked at if someone just
6 blocks me from going into a public
7 building, that could be considered, you
8 know, assault.

9 And, you know, I read all this
10 other stuff. We don't need to go
11 through it, because I don't have enough
12 time for it.

13 But, you know, it seems like
14 you're just being redundant here.
15 You're not adding anything to State Law.
16 You're not adding anything to anything.

17 And I think that if you don't have
18 police powers in the Town for that
19 purpose anyway, you know, the Public
20 Safety Officers are only here to prevent
21 it. They can't initiate an arrest or
22 something to come and take someone
23 away --

24 COUNCILMAN D'ESPOSITO: Right.

25 But it's --

1 FELIX PROCACCI: -- unless they're
2 doing something violent.

3 COUNCILMAN D'ESPOSITO: -- not Page 17
4 just --

5 FELIX PROCACCI: So I'm not sure
6 what the purpose of this is, because the
7 State Law seems to take care of all this
8 and more.

9 And I think it's just confuses the
10 issue. If you bring it to Court, I
11 think they would just throw this Law
12 out, and just go by State Law and follow
13 those guidelines.

14 BOARD COUNSEL REGINA: Mr. Procacci,
15 my understanding is the New York State
16 Penal Law classifies specific people as
17 protected from certain attacks, police
18 officers, peace officers,
19 MTA transit workers.

20 What the Town Board is proposing
21 to do is create its own special class of
22 protected people in our enforcement
23 officials.

24 FELIX PROCACCI: Yeah, I just
25 think it's just redundant.

1 And I said -- like I said, the
2 punishment if someone threw water on me
3 or any other resident, that would be Page 18
4 considered assault. If someone spit on
5 you, whether you are a Town Official or
6 not, it would still be considered
7 assault.

8 So I just think it's a bit
9 redundant.

10 I just want to go, you know, bring
11 up one point, because this --

12 COUNCILMAN BLAKEMAN: But what's
13 the harm, Felix?

14 FELIX PROCACCI: This is --

15 COUNCILMAN BLAKEMAN: What's --

16 FELIX PROCACCI: Well --

17 COUNCILMAN BLAKEMAN: -- what's
18 the harm?

19 FELIX PROCACCI: -- they're -- it --

20 COUNCILMAN BLAKEMAN: They're
21 providing a little extra protection for
22 the --

23 FELIX PROCACCI: -- well, I don't --

24 COUNCILMAN BLAKEMAN: -- for the --

25 FELIX PROCACCI: -- think --

1 making a convoluted set of laws, there
2 is always a problem when you confuse the
3 issue.

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4 Like I always spoke about like
5 with the Breastfeeding Law, I thought
6 that that was redundant.

7 But I just want to bring up this
8 one point.

9 COUNCILMAN D'ESPOSITO: And Felix,
10 if I could just point out --

11 FELIX PROCACCI: Let me just
12 finish my thought, then you have all the
13 time in the world.

14 SENIOR COUNCILWOMAN GOOSBY: I
15 have a letter. I should have --

16 FELIX PROCACCI: In 2016, you
17 know, Dorothy Goosby told the Public
18 Safety officers to throw me out of the
19 building, because I was talking about
20 windows in restaurants. Right away
21 Joe Ra jumped up and told them not to
22 touch me.

23 You know, at that time, I didn't
24 know the Law. But it turns out if they
25 had touched me, I would have been able

1 to consider that assault.

2 And the thing is, like I said,
3 this was already existing Law. And all Page 20
4 you're doing is just adding redundancy
5 and confusion to it, because it's
6 already a crime under
7 New York State Law.

8 Now, you could say whatever you
9 want.

10 COUNCILMAN D'ESPOSITO: Okay.

11 SENIOR COUNCILWOMAN GOOSBY: I'm done.

12 FELIX PROCACCI: Okay, that's it.

13 Bye.

14 SUPERVISOR GILLEN: Thank you,
15 Mr. Procacci.

16 SENIOR COUNCILWOMAN GOOSBY:
17 Supervisor, I would like for him to,
18 when he makes statements, to make sure
19 they're correct.

20 I did not ask him to throw him
21 out. I just pointed my hand, because
22 then they knew, because he was very
23 obnoxious and very disrespectful.

24 I just received a letter. I'm
25 sure you received a copy of it too, from

1 some people in the audience who are
2 speaking very bad about some of the
3 things, the way he treats us and the
4 way he does not respect anyone, not
5 even himself.

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6 SUPERVISOR GILLEN: Okay. I do
7 not have any other slips on this Public
8 Hearing. Is there anybody else who'd
9 like to be heard?

10 (Whereupon, no response was heard.
11 After, the following ensued.)

12 SUPERVISOR GILLEN: Hearing none,
13 may I have a motion?

14 COUNCILWOMAN KING-SWEENEY: Supervisor
15 --

16 COUNCILMAN D'ESPOSITO: Supervisor --

17 COUNCILWOMAN KING-SWEENEY: I'm
18 sorry, you go. It's yours, I'm sorry.

19 COUNCILMAN D'ESPOSITO: No
20 problem.

21 Supervisor, I move the Public
22 Hearing be closed and the Local Law
23 adopted.

24 COUNCILWOMAN KING-SWEENEY: Second.
25 Sorry.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SUPERVISOR GILLEN: Madam Clerk.
2 CLERK CABANA: Supervisor Gillen?
3 SUPERVISOR GILLEN: Aye. Page 22
4 CLERK CABANA: Councilman Blakeman?
5 COUNCILMAN BLAKEMAN: Aye.
6 CLERK CABANA: Councilman D'Esposito?
7 COUNCILMAN D'ESPOSITO: Aye.
8 CLERK CABANA: Councilman Dunne?
9 COUNCILMAN DUNNE: Aye.
10 CLERK CABANA: Senior Councilwoman
11 Goosby?
12 SENIOR COUNCILMAN GOOSBY: Aye.
13 CLERK CABANA: Councilwoman
14 King-Sweeney?
15 COUNCILWOMAN KING-SWEENEY: Aye.
16 CLERK CABANA: Councilman Muscarella?
17 COUNCILMAN MUSCARELLA: Aye.
18 SUPERVISOR GILLEN: Madam Clerk,
19 please call the next Public Hearing.
20 CLERK CABANA: To review the
21 recommendation of Town of Hempstead
22 Landmarks Preservation Commission, that
23 the "Franklin Square Movie Theatre",
24 989 Hempstead Turnpike, Franklin Square,
25 New York.

1 TOWN ATTORNEY RA: Supervisor, if
2 I might, we received a letter last
3 Friday from the property owner
4 questioning the method of service and
5 it's a jurisdictional issue.

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6 Rather than have -- go through
7 with the hearing and take a chance that
8 they're right and we're wrong, I
9 respectfully request that the matter be
10 adjourned to October 2nd, so we can send
11 out the proper notices.

12 COUNCILMAN BLAKEMAN: Mr. Ra, is
13 it possible that they are wrong, and
14 that we can just pass it today, and that
15 we could pass a remedial resolution if,
16 in fact, the procedures were not
17 followed?

18 TOWN ATTORNEY RA: Well, I don't
19 like to talk about litigation in a
20 public forum.

21 But let me just say that from a
22 prospect if there were to be litigation,
23 that would not be a good idea.

24 SUPERVISOR GILLEN: So I think we
25 need -- do we need a Board Member to

1 make that motion?

2 TOWN ATTORNEY RA: Yes.

3 SUPERVISOR GILLEN: Okay. Anyone Page 24
4 willing to make that motion in Franklin
5 Square?

6 COUNCILMAN D'ESPOSITO: Well, I'm
7 going to defer to the Councilman from
8 the area.

9 COUNCILMAN BLAKEMAN: Well, I got
10 to tell you, I'm very, very unhappy that
11 this wasn't calendered properly.

12 The people in Franklin Square have
13 been very patient in waiting for us to
14 take action with respect to the
15 recommendations made by the Historical
16 Committee, who unanimously voted to
17 create an historical site of the
18 Franklin Square Movie Theater.

19 And I just feel that we should
20 pass it. And if there's a procedural
21 issue, we can always take remedial
22 action.

23 Are you saying that that would
24 jeopardize our position?

25 TOWN ATTORNEY RA: It's a

1 jurisdictional issue. It's not
2 procedural.

3 It will obviate the -- anything Page 25
4 that goes on here today.

5 SUPERVISOR GILLEN: So Mr. Ra?

6 TOWN ATTORNEY RA: It's much
7 better to wait the one month and do it
8 right, make sure we do it 100 percent
9 right.

10 COUNCILMAN BLAKEMAN: All right.
11 Well, I'm not going to move to adjourn
12 it. If it doesn't have a motion to be
13 passed, it's held anyway, so --

14 SUPERVISOR GILLEN: Is there
15 anyone who'd like to be heard on this
16 Public Hearing?

17 (Whereupon, no response was heard.
18 After, the following ensued.)

19 TOWN ATTORNEY RA: Councilman
20 Blakeman, the community was also advised
21 that there would be --

22 COUNCILMAN BLAKEMAN: Well, I
23 know. But if there is no --

24 TOWN ATTORNEY RA: -- a request
25 for an adjournment.

1 COUNCILMAN BLAKEMAN: -- if
2 there's no motion -- procedurally if
3 there's no motion to adopt this, it's Page 26
4 the same thing as adjourning it;
5 correct?

6 TOWN ATTORNEY RA: Well, we'd need
7 a motion to adjourn to October 2nd.

8 COUNCILMAN BLAKEMAN: 'Cause if
9 it's jurisdictional, you can't adjourn
10 it because you can't bring it back. Am
11 I right or wrong?

12 TOWN ATTORNEY RA: We'll re --
13 yes, we'll re-notice for October 2nd.

14 COUNCILMAN BLAKEMAN: Thank you.

15 SUPERVISOR GILLEN: Is there
16 anyone who'd like to heard on this
17 Public Hearing?

18 (Whereupon, no response was heard.
19 After, the following ensued.)

20 SUPERVISOR GILLEN: So are we
21 having a motion on this hearing?

22 TOWN ATTORNEY RA: We can just
23 move on.

24 SUPERVISOR GILLEN: Okay.
25 Madam Clerk, please call the next

1 Public Hearing.

2 CLERK CABANA: Application of
3 CarMax Auto Superstores, Inc. for a
4 special exception (public garage) to
5 allow the introduction of CarMax used
6 car dealership with a proposed
7 automotive service and repair area,
8 automated car wash facility and
9 underground fuel storage tanks and
10 fueling station, premises located at
11 2000 Hempstead Turnpike in East Meadow.

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12 ATTORNEY BONESSO: Good morning,
13 Supervisor Gillen, members of the Board.

14 William Bonesso, Forchelli Deegan
15 Terrana, 333 Earle Ovington Boulevard,
16 Uniondale, New York, here on behalf of
17 the applicant Carmax Auto Superstores,
18 Inc.

19 Seated to my right is Mr. Jason Pruitt,
20 a representative of CarMax.

21 We also have with us today,
22 Mr. Barry Nelson, a recognized
23 real estate expert, as well as
24 John Hotter -- Harter who's also a
25 recognized traffic expert.

1 The clerk or Michelle Hanson from
2 the Clerk's Office is providing the
3 Board members with a handout, a set of Page 28
4 handout sheets to allow you to get a
5 little bit of information about CarMax
6 as we proceed through the presentation.

7 This property is known as
8 2000 Hempstead Turnpike in East Meadow.

9 The Board probably knows it better
10 as the site of the former Home Depot on
11 Hempstead Turnpike in East Meadow.

12 The proposal for this project is
13 to demolish a portion of that
14 Home Depot building and replace it with
15 a CarMax operation.

16 It will entail construction of two
17 smaller buildings and the operation of
18 an automotive -- used automotive sales
19 and buying business.

20 CarMax is a national retailer.
21 You may have seen their ads on
22 television.

23 They are very different from
24 the -- from what you may think of when
25 you think of used car lots with the

1 flashing light and the banners.

2 This is a very professional, very
3 attractive operation that is run. And Page 29
4 I'll get into that in just a moment with
5 Mr. Pruitt.

6 Before I do that though, just to
7 discuss what relief we require from this
8 Board, used car sales is a special use
9 permit. But that's something that we
10 have to go to the Zoning Board to obtain
11 approval for.

12 We're before this Board today,
13 because of the automotive repair and
14 servicing work that they provide as
15 well, that is open to the public.

16 We're also here, because they will
17 be maintaining an automated car washing
18 facility on the premises that will not
19 be open to the public, but it will be
20 used by the employees who are preparing
21 vehicles for delivery or cars that have
22 been serviced are being washed there.

23 And then there's also a storage, a
24 gasoline storage tank that is on the
25 premises, 12,000 gallon storage tank

1 filled with regular grade gasoline only.

2 And again, that too is only
3 operated by the employees of CarMax.

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4 It's not open to the public.

5 It's there to fuel the vehicles
6 that they are ultimately selling.

7 So the special exception that we
8 need from this Board is for those uses.

9 That being said, this site fronts
10 on Hempstead Turnpike. It also has
11 frontage on Front Street in East Meadow.

12 Same access points will be used.
13 We're not making any changes to those
14 access points on either State road.

15 All activity will be occurring
16 within the CarMax leasehold.

17 It's approximately 4-and-a-half,
18 4.6 acres of the overall 10-acre parcel
19 of property that makes up the overall
20 property.

21 This is an operation which is very
22 well run. It is one that has become
23 very successful across the Country.

24 The first CarMax will be opening
25 in Smithtown on Long Island. This will

1 be the second CarMax.

2 So now if I may, I'd like to just
3 have Mr. Pruitt provide some information Page 31
4 about CarMax, a little bit about its
5 history and just how the operation
6 works.

7 Mr. Pruitt, would you tell us a
8 little bit about CarMax and the company
9 itself?

10 JASON PRUITT: Sure.

11 So thank you for having us here
12 today.

13 My name is Jason Pruitt. I'm a
14 real estate manager with CarMax.

15 CarMax is the nation's largest
16 used vehicle retailer, as Bill
17 mentioned. We currently have over 200
18 stores throughout the Country and we're
19 growing rapidly.

20 We're growing at a rate of about
21 10 to 15 stores a year. But we're not
22 in the New York market yet.

23 So we are new to this area. As
24 Bill mentioned, this would be part of
25 our first wave of Long Island stores

1 here in Hempstead, with the other being
2 in Smithtown.

3 CarMax is a "Fortune 500" Page 32
4 company. And we're also on
5 "Fortune 100 Best Companies to Work
6 For" list.

7 What really sets CarMax apart from
8 other vehicle dealers though, is our
9 customer experience. So we're known for
10 offering a very transparent and open
11 sales process.

12 When you go to a CarMax, the price
13 you see in a car is the price you pay.
14 There is no haggling, no negotiation.
15 So it's very much like a traditional
16 retail experience, more so than what you
17 often expect in a car-buying experience.

18 All of our cars have been very
19 thoroughly reconditioned and go through
20 a roughly 12-hour reconditioning
21 process. So you know any car that you
22 buy from CarMax has been very thoroughly
23 examined and you have less likelihood of
24 getting a lemon.

25 We also offer a great selection of

1 vehicles. You can go on our website at
2 any time and look at over 50,000 cars at
3 any of our CarMax stores throughout the Page 33
4 Country, and have any of those cars
5 brought to your local CarMax store for a
6 no-obligation test drive.

7 If you like the car and want to
8 buy it, great. If not, that's fine too.
9 No obligation to buy.

10 We also buy cars from our
11 customers and offer free no-obligation
12 appraisals of any vehicle and will buy
13 any vehicle a customer brings us.

14 So unlike other dealers, we don't
15 do trade-ins. If you buy a car from
16 CarMax and you sell us your car, those
17 are separate transactions. Those are
18 not handled as trade-ins, as at other
19 dealers.

20 That's the brief CarMax overview.

21 ATTORNEY BONESSO: Now, tell us,
22 you also have a service and maintenance
23 facility. Tell us a little bit about
24 that.

25 JASON PRUITT: Sure.

1 So this particular CarMax location
2 will have a service operation. It will
3 be a retail service operation.

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4 It will be light vehicle service
5 and maintenance. When you think of, you
6 know, oil changes, tire rotations, that
7 kind of thing, that's what'll be taking
8 place here.

9 We won't be doing any sort of
10 heavy engine work, or body work or
11 painting at this location.

12 Also, any sort of reconditioning
13 work will be done on off site at our
14 Smithtown location.

15 So when inventory's prepared FOR
16 sale --

17 ATTORNEY BONESSO: Let me ask a
18 question.

19 JASON PRUITT: -- it will be
20 reconditioned in Smithtown, then brought
21 to this particular location.

22 Whenever a customer buys an
23 extended service plan from us or has a
24 vehicle still under warranty, they can
25 still bring that car to CarMax, but we

1 then partner with other new car dealers
2 in the area to send that work to those
3 other dealers.

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4 And so it actually also results in
5 additional service work for other
6 dealers when CarMax comes to Town.

7 ATTORNEY BONESSO: What are your
8 typical hours of operation?

9 JASON PRUITT: So our retail sales
10 operation is open generally from 9 to 9,
11 Monday through Saturday. And we also
12 offer Sunday hours as permitted locally.

13 Those hours are not set in stone
14 though. Those hours tend to vary by
15 location. We set those closer to the
16 store opening.

17 Our service retail operation is
18 typically open from 7:30 to 6 each day
19 from Monday through Friday.

20 ATTORNEY BONESSO: Monday through
21 Friday. It's not open on Saturdays?

22 JASON PRUITT: Correct.

23 ATTORNEY BONESSO: And when
24 somebody comes in with a vehicle that
25 they either want to sell or they come in

1 to see cars that they may want to buy,
2 what -- what's that experience? How
3 does it work?

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4 JASON PRUITT: Sure.

5 So when a customer comes to CarMax --
6 and you'll have a site plan in the
7 package of information that was
8 presented to you -- they will park in
9 our customer employee lot. That's a
10 public parking lot. It also is going to
11 be shared with the adjacent shopping
12 center.

13 They'll come and park in that
14 parking lot, and they'll enter our sales
15 building where they'll be greeted by a
16 sales associate.

17 That associate will then either
18 take them on a tour of the vehicles in
19 the sales lot, or the customer has the
20 option of browsing the sales lot on
21 their own.

22 Then from there, if they decide to
23 take a test drive of a vehicle, they can
24 test drive any vehicle on site. And a
25 sales associate will take that sales

1 vehicle out of -- to the gate at the
2 sales lot, and then the customer will
3 start the test drive.

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4 So the sales lot is basically a
5 private inventory area where customers
6 don't drive cars.

7 If a customer has arranged for a
8 vehicle to be transported from another
9 CarMax to this location for a test
10 drive, they can set an appointment, go
11 into the sales building.

12 Then from there, their vehicle
13 will be waiting for them in the
14 presentation lanes that are, in this
15 particular case, immediately south of
16 the sales building. And then from
17 there, they can take it for a test
18 drive.

19 You'll also notice there is a
20 vehicle staging area on the site plan.
21 That is another private secured area for
22 vehicles that are either waiting for
23 service, or have been serviced or
24 vehicles waiting to be put out on the
25 sales lot.

1 ATTORNEY BONESSO: Now, in terms
2 of deliveries of vehicles, they will be
3 brought by car carrier?

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4 JASON PRUITT: They will. So
5 vehicles will be brought in by car
6 carriers.

7 We have a designated loading and
8 unloading zone on site. So unlike other
9 dealers, we do provide for that space on
10 site.

11 So there's never a need for our
12 carriers to load or unload in adjacent
13 right-of-ways or outside of our leased
14 premises.

15 ATTORNEY BONESSO: So you would
16 accept a condition, if the Board were to
17 see fit to approve this. In a
18 Declaration of Restrictive Covenants,
19 you would accept a condition that there
20 would be no off loading or loading of
21 car carriers, either on Front Street or
22 Hempstead Turnpike?

23 JASON PRUITT: Correct. And we
24 plan for that at all of our locations.

25 ATTORNEY BONESSO: Now, do you

1 also control the times that those trucks
2 come and make their deliveries?

3 JASON PRUITT: We do.

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4 So we only accept deliveries
5 during our operating hours, so just
6 because, of course, we don't want
7 vehicles loaded, unloading in a public
8 area. They need to be taken to a secure
9 area. So we only accept vehicles during
10 those hours from carriers.

11 ATTORNEY BONESSO: Okay.

12 Now, I think you indicated that
13 this operation would generate
14 approximately 55 to 65 total jobs, and
15 that it would about 20 to 30 employees
16 present at any given time on the site.

17 JASON PRUITT: That's correct.

18 And I'll just add that CarMax is a
19 "Fortune 100 Best Companies to Work
20 For," because of the great work
21 environment and wages we pay our
22 employees. So we have been cited as
23 providing quality jobs to the
24 communities we're in.

25 ATTORNEY BONESSO: And what

1 community activities does CarMax engage
2 in?

3 JASON PRUITT: Well, we operate Page 40
4 the CarMax Foundation, which is a
5 non-profit, which makes grants to other
6 local non-profits, as chosen by the
7 local store employees.

8 We also encourage all of our
9 employees to take part in public
10 service, and we allow them paid time off
11 to do that.

12 We actually have 100 percent
13 participation rate for stores, not for
14 employees, but for stores. So
15 basically, all of our stores have public
16 service programs that employees are
17 encouraged to participate in.

18 ATTORNEY BONESSO: And I
19 understand you actively recruit
20 veterans, Military veterans for
21 employment?

22 JASON PRUITT: We do.

23 So CarMax recognizes the important
24 role that our Military plays and the
25 transition those people often face when

1 they leave the Military.

2 We actively recruit ex-Military
3 for employment. Roughly 10 percent of Page 41
4 our hirees are ex-Military.

5 ATTORNEY BONESSO: Okay.

6 I have no further questions for
7 Mr. Pruitt.

8 If the Board has any questions,
9 otherwise I'll call our next witness.

10 COUNCILMAN MUSCARELLA: All right.
11 I have some questions.

12 COUNCILMAN DUNNE: I have a
13 question.

14 COUNCILMAN MUSCARELLA: I have a
15 question.

16 COUNCILMAN DUNNE: The --

17 COUNCILMAN MUSCARELLA: Do you
18 sell electric cars?

19 JASON PRUITT: So --

20 COUNCILMAN DUNNE: Excuse me?
21 That I'm --

22 COUNCILMAN MUSCARELLA: Oh, you
23 were talking. I'm sorry.

24 (Whereupon, laughter was heard.
25 After, the following ensued.)

1 COUNCILMAN DUNNE: Gees.

2 COUNCILMAN MUSCARELLA: Okay.

3 COUNCILMAN DUNNE: It takes me a Page 42
4 little longer to spit out what I wanted
5 to spit out.

6 20 to 30 employees at any one
7 specific time that are going to be
8 sitting there?

9 ATTORNEY BONESSO: Correct.

10 COUNCILMAN DUNNE: And so that's
11 going to be a good for the economy
12 around there. They're going to eat
13 lunch.

14 They're going to have to get their
15 cars -- they're not going to have to gas
16 up in your place, the employees; right.

17 ATTORNEY BONESSO: No.

18 COUNCILMAN DUNNE: That's for the
19 people that purchase and the cars
20 themselves. The --

21 ATTORNEY BONESSO: Not only that,
22 Mr. Dunne, Councilman --

23 COUNCILMAN DUNNE: Speak into the
24 mic. please.

25 ATTORNEY BONESSO: I'm sorry, not

1 only that, Councilman Dunne, you're
2 right, the employees will be using
3 services and buying goods in the area. Page 43

4 But Jason also informed me that in
5 terms of their service and repair, if
6 there's work that their facility cannot
7 do or does not do, they actually farm
8 out to other local automotive repair and
9 auto body repair facilities in the area.
10 So it will also generate business for
11 those entities.

12 COUNCILMAN DUNNE: Okay. So
13 that's like body work, painting and all
14 of that, you'll be sharing with the
15 community, whoever is with the Chamber,
16 or whomever, whatever. Just the local
17 merchants will get some kind of business
18 from your business?

19 JASON PRUITT: So we actually
20 partner with new vehicle dealers in the
21 area.

22 So if a customer buys a Toyota
23 from CarMax, and they bring that Toyota
24 back and it needs engine work, or body
25 work or work that we don't do, then we

1 partner with that local Toyota dealer to
2 have that work done.

3 COUNCILMAN DUNNE: Okay. The Page 44
4 School Districts, and Little Leagues and
5 all that, you're neighborhood friendly?
6 You contribute to them if they come and
7 ask?

8 Generally, you have a good
9 neighbor policy; correct?

10 You just said you give grants, as
11 corporate gives grants to certain
12 things. Is that considered Scouts, and
13 the Little Leagues and all that too or
14 no?

15 JASON PRUITT: It does.

16 So we basically allow our local
17 stores to determine how they want local
18 grant money to be distributed. And
19 local non-profits can actually work with
20 the store.

21 You know, we support, you know,
22 our local boys and girls clubs and
23 various non-profits.

24 But it's all at the discretion of
25 local store, in terms of who they

1 partner with.

2 COUNCILMAN DUNNE: I read that
3 there was no objection from the Nassau Page 45
4 Planning Commission. Have you gone
5 before the Commission?

6 ATTORNEY BONESSO: Yes.

7 In they're -- in the 239m referral
8 that was sent to the Nassau County
9 Planning Commission, they came back with
10 the Local Determination, which is as
11 close as an approval or support as they
12 give. So they have no objection.

13 COUNCILMAN DUNNE: Okay. I've
14 gone to a number of tournaments
15 throughout the Country, athletic
16 tournaments and some of the hotels that
17 are right next to CarMax. And I got to
18 tell you, they are very professional
19 looking.

20 I think the community would like
21 to have a decent business in
22 its -- in that empty vacant store for so
23 long.

24 So I'm welcome you, providing that
25 the community has an input. Has there

1 been a community meeting where people
2 can give they're -- I've not heard of
3 it, but can you tell me about it then? Page 46

4 ATTORNEY BONESSO: Some time ago
5 when CarMax first started looking at
6 this site and even before we filed our
7 application to the Town Board, we held a
8 community meeting.

9 We contacted CEMCO --

10 COUNCILMAN DUNNE: Yes.

11 ATTORNEY BONESSO: -- the East
12 Meadow Community Organization.

13 We also invited everyone who
14 received a notice of this hearing today
15 to the East Meadow Fire Department. And
16 we had a lengthy discussion explaining
17 exactly -- I had Jason there, I had
18 another person from CarMax there. Did
19 just what we did here today, explained
20 the operations, explained how the site
21 would be used. And we got very good
22 feedback.

23 COUNCILMAN DUNNE: Okay.

24 And the diesel trucks that are
25 delivering these vehicles, they're not

1 going to be there early in the morning
2 with the fumes going through the
3 community.

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4 I like that that's --

5 ATTORNEY BONESSO: No, I
6 understand that that was a problem with
7 Home Depot.

8 We talked to Jason specifically
9 about that. And because they only allow
10 deliveries during their business hours,
11 which would be 9 to 9, there won't be
12 vehicles coming in at 6 in the morning,
13 or at 3 in the morning or whatever the
14 case may be, idling and waiting to
15 unload.

16 COUNCILMAN DUNNE: Okay. A couple
17 of other things and now I'll -- Blakeman
18 would like to have a couple questions.

19 But, you know, the good neighbor
20 thing, you know, this is a very heavy
21 Veteran area. And you're going to be
22 employing the men and women coming out
23 of the Military and veterans that are
24 looking for employment. That's -- did I
25 understand that correctly?

1 JASON PRUITT: That's correct.

2 COUNCILMAN DUNNE: And what about
3 a Veteran's discount for -- is that
4 included in your corporate thing?

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5 I know that Burger King and
6 Dunkin Donuts gives a veteran discount.

7 I don't know if you guys give a
8 discount too. That has nothing to do
9 with whether you're going to get it or
10 not.

11 It's just, I'm a retired Marine
12 that's why I'm -- I'm not going to buy a
13 used car, believe me.

14 Anyway, go ahead. That's --

15 JASON PRUITT: Sure.

16 And so we consider ourselves a
17 retailer like, you know, like a Target.
18 You know, the price you see on the car
19 is the price you pay. So we actually
20 don't do discounts for Veterans or any
21 group.

22 So that is truly a no-haggle price
23 you see on our cars.

24 COUNCILMAN DUNNE: Excellent.

25 So you met with the community.

1 You met with the Planning Board. And
2 there's been no -- the only thing I ever
3 heard was one person said they wanted Page 49
4 something else there. And, you know
5 what, it didn't happen.

6 And I was wondering why we didn't
7 have a CarMax on Long Island. And now
8 we're going to have two of them.

9 Because it was -- I slept right
10 next to your parking lot, right next to
11 the building. And I said this is great.

12 It's not like a used car lot.
13 Like you usually think there's a used
14 car lot, it's going to be -- it's not
15 going to be a nice thing for the
16 neighborhood.

17 And I thought that was -- if we're
18 going to get any kind of a used car lot,
19 this is the kind we would want in our
20 community.

21 So I'm sure the people have seen
22 the same, and that that's probably why
23 you got the --

24 Now, the pictures you show
25 are mostly the ruins that are there, I'm

1 thinking as to this.

2 But I appreciate your doing the
3 display, because you really did come Page 50
4 prepared.

5 The questions you asked, a lot of
6 them were mine. And you asked them, so
7 I -- I've had my questions answered.

8 And I'd like to now remit to
9 Mr. Blakeman. You had some questions?

10 COUNCILMAN BLAKEMAN: Yes, I just
11 had a couple of questions.

12 In the spirit of former Councilman
13 Gary Hudes, who was our residence
14 arborist, I looked at your site plan.

15 And it is going to be an
16 improvement, but I did think that the
17 trees along Hempstead Turnpike were a
18 little light.

19 And maybe you could supplement
20 that a little more. A little less
21 concrete, a little more greenery.
22 That's number one.

23 And number two is with the test
24 drives, I'm a little concerned, because
25 you're starting off in Councilman

1 Dunne's district. You might end up in
2 my district.

3 I'm a little bit concerned about Page 51
4 the test drives, that they not be done
5 in a residential area, or away from
6 schools. So that's something you might
7 want to pass on to the local manager.

8 ATTORNEY BONESSO: Councilman?

9 COUNCILMAN BLAKEMAN: The last
10 thing -- go ahead.

11 ATTORNEY BONESSO: I had neglected
12 to point that out. We had actually
13 covered that subject with the neighbors
14 back when we had a community meeting.

15 They are prepared to agree to a
16 covenant that they may not do test
17 drives in -- on the residential streets;
18 that they'll limit their test drives to
19 the main commercial thoroughfares.

20 COUNCILMAN BLAKEMAN: Great.

21 Thank you.

22 I think that will be a big help.

23 ATTORNEY BONESSO: That's my
24 mistake for not mentioning that.

25 COUNCILMAN BLAKEMAN: The last

1 thing is don't make the car, you know,
2 the used car buying experience too good,
3 because then used car dealers will have Page 52
4 a better reputation than politicians and
5 we can't have that.

6 (Whereupon, laughter was heard.
7 After, the following ensued.)

8 COUNCILMAN DUNNE: Now, that you
9 did mention the shrubbery, that the
10 greenery around it.

11 And I understand there's already
12 been an agreement, there will be an
13 American Flag at this facility.

14 ATTORNEY BONESSO: Yes, there'll
15 be a Flag prominently displayed on the
16 property.

17 COUNCILMAN DUNNE: Excellent.

18 Councilman Muscarella had a
19 question on the other side.

20 I'm sorry.

21 COUNCILMAN MUSCARELLA: Hi.

22 My question is do -- are you
23 selling electric cars?

24 JASON PRUITT: So we sell
25 passenger vehicles that are late model,

1 low milage.

2 And we sell -- we do sell electric
3 cars as well.

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4 COUNCILMAN MUSCARELLA: Are you
5 planning any charging stations on the
6 premises?

7 JASON PRUITT: No, we don't have
8 charging stations at our stores.

9 COUNCILMAN MUSCARELLA: Okay.

10 ATTORNEY BONESSO: If there are no
11 further questions for Mr. Pruitt, I'll
12 call up Mr. Nelson.

13 BARRY NELSON: Good morning.

14 It's Barry Nelson, 220 Pettit
15 Avenue, Bellmore, New York 11710.

16 Quickly, I'd like to hand in:

17 Some photographs that include the
18 subject property, and uses and pattern
19 of development surrounding the subject
20 property;

21 I also have some aerial views;

22 And attached to that would include
23 the Nassau County Department of
24 Assessment Tax Map and the Zoning Map
25 for the Town of Hempstead, Maps No. 37

1 and 38.

2 (Handing documents. After, the
3 following ensued.)

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4 BARRY NELSON: The application
5 before the Board is for a special use,
6 as counselor went over it. And it's
7 included in the verified petition.

8 And it would be for the use of the
9 repair facility, the automated car wash,
10 the gas and the gas storage on the site.

11 If you look at my photographs,
12 you'll see that this property is part of
13 a development that'll encompass
14 Hempstead Turnpike to the north,
15 Front Street to the south and
16 East Meadow Avenue to the west.

17 It's a triangular block that
18 includes various uses. It's all within
19 the business district.

20 In fact, that entire block
21 contains over 35 acres and it does have
22 uses that would be special use-type
23 permits, that includes:

24 A car wash which is off the
25 premises to the east, Miami Car Wash;

1 It also has at the triangle of
2 Front Street and Hempstead Turnpike, a
3 Arby's drive-through;

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4 To the west, in fact, the
5 northeast corner of East Meadow Avenue
6 and Front Street, which was former
7 Pathmark Shopping Center, now is
8 Stew Leonard's, has undergone a
9 substantial upgrading. Renovations,
10 new storefronts, new parking field and
11 signage.

12 That now encompassing the block
13 itself with the subject property under a
14 substantial renovation, the elimination
15 of a -- which would -- can -- could be
16 considered a more onerous use as a
17 former site of Home Depot, it will
18 maintain some retail, as far as Modells
19 and a smaller addition to the east of
20 Modell's.

21 But they're removing what used to
22 be an old building built in the late
23 50s, early 60s, approximately 80-plus
24 thousand square feet that will be
25 removed.

1 The west, to the west, the
2 southeast corner of Hempstead Turnpike
3 and East Meadow Avenue, it includes a
4 five-story office building, retail. It
5 includes two night clubs. That
6 encompasses the entire block.

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7 Hempstead Turnpike is the main
8 arterial road. You'll look at my
9 photographs, the last several sections
10 of the photographs will depict similar
11 uses that you'll find on Hempstead
12 Turnpike.

13 And you can just begin, just to
14 west of the subject property and
15 continue east up to approximately
16 Wantagh Parkway, maybe further east,
17 there are additional car dealerships,
18 new and used auto sales display, auto
19 repairs, including Ford on the north
20 side, Chrysler Lincoln -- Chrysler Jeep
21 on the south side near Newbridge Road,
22 Kia.

23 And they are all within the
24 business zone on Hempstead Turnpike.

25 They are adjacent and near

1 residential communities.

2 They are amongst commercial uses,
3 retail, professional services. In this Page 57
4 immediate vicinity of the subject
5 property, as I mentioned, you'll find
6 auto repairs, gas stations and car
7 washes. You'll see drive-thrus, office
8 buildings, et cetera.

9 The redevelopment of this site for
10 an auto repair facility, for CarMax, is
11 less than 4,500 square feet. The car
12 wash, which maintains a setback of
13 almost 100 -- over 181 feet from
14 Front Street, and from -- to the
15 nearest facility of commercial on the
16 block is -- in the subject block is over
17 160 feet.

18 It's approximately a 17 by 52
19 building for the car wash.

20 The repair facility is
21 approximately 65 by 65, like I said,
22 less than 4,500 square feet. And it's
23 in the center of the block.

24 The criteria for granting the
25 special exception would be under the

1 Town Law 267D2. I reviewed that. I
2 could read each one, but to keep it
3 brief and to the point, it's online.
4 It's available.

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5 I looked at the pattern of
6 development, the nature of character of
7 this area, the uses found on Hempstead
8 Turnpike, and on Front Street, I
9 recognize and I'm sure the Board
10 recognizes to the south side of
11 Front Street. And that'll include
12 the residential streets nearby of
13 single-family dwellings.

14 The proposed development mitigates
15 any impact to the residential. You'll
16 see the development is towards the
17 center of the property, closer to
18 Hempstead Turnpike.

19 There's provided landscaping and
20 the fencing along the southerly property
21 line.

22 We'll --

23 COUNCILMAN BLAKEMAN: So Mr. Nelson,
24 did you make a thorough investigation of
25 the whole neighborhood and uses?

1 BARRY NELSON: Yes, sir.

2 COUNCILMAN BLAKEMAN: And is this
3 use consistent with the uses that
4 currently exist in that area?

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5 BARRY NELSON: Yes, sir.

6 COUNCILMAN BLAKEMAN: And would
7 there be any adverse effect on the
8 property values in that area, if we
9 approved this application?

10 BARRY NELSON: No, sir, none at
11 all.

12 Thank you.

13 ATTORNEY BONESSO: Thank you,
14 Mr. Nelson.

15 And now very briefly, I'd just
16 call Mr. John Harter of Atlantic
17 Traffic, just to speak to the site
18 circulation and the trip generation for
19 this use.

20 ENGINEER HARTER: Thanks, Bill.

21 Hi.

22 ATTORNEY BONESSO: Go ahead.

23 ENGINEER HARTER: Go ahead?

24 John Harter H-a-r-t-e-r, Principal
25 of Atlantic Traffic and Design

1 Engineers, located in 2929 Expressway
2 Drive North in Hauppauge, New York.

3 I've been there 25 years and I am Page 60
4 a licensed engineer as well, in the
5 State.

6 ATTORNEY BONESSO: Very briefly if
7 you would, I know you had performed an
8 analysis of this proposed operation, the
9 CarMax project.

10 And you've made some, drawn some
11 conclusions with regard to the safety of
12 site circulation, with regard to trip
13 generation, with regard to overall
14 potential impacts on parking and
15 traffic.

16 ENGINEER HARTER: Right.

17 A good story to tell from a
18 traffic perspective. The site today has
19 about 135,000 square feet of retail and
20 60 -- roughly 60 percent of that will be
21 removed, 84,000 square feet.

22 And the remaining, or the proposed
23 used car dealer or CarMax facility will
24 be a very low generator in terms of
25 traffic.

1 We've done ITE trip generation
2 estimates for that retail 84,000 square
3 feet that's being removed and the car Page 61
4 dealership.

5 And a car dealership generates in
6 the order of 25 to 45 trips in a peak
7 hour, two-way trips in and out.

8 Whereas, the retail was roughly 150 to
9 300-plus trips.

10 So if that were to be re-occupied
11 as retail, it would be a significant
12 generator compared to what our proposal
13 is.

14 The site access is being
15 maintained.

16 We've received preliminary
17 comments from DOT. So assuming locally
18 we're approved, we would address those
19 and move forward with little issue.

20 The site circulation, we will
21 maintain the access as noted.

22 We will -- that will include a
23 30-foot, very generous two-way aisle
24 around the CarMax area that will serve
25 almost as a loop road. That will serve

1 all vehicles, including car carrier
2 that's proposed. And just in
3 perspective, a 24-foot aisle is typical, Page 62
4 so it's an oversized circulation plan
5 for that.

6 The parking is -- we're proposing
7 412 overall spaces and we exceed the
8 requirement of 408.

9 So again, I think all the traffic
10 components here are very, you know, well
11 addressed.

12 ATTORNEY BONESSO: Thank you.

13 ENGINEER HARTER: Thank you.

14 ATTORNEY BONESSO: That's our
15 direct presentation.

16 I would just like the opportunity
17 to respond to any Public comment.

18 COUNCILMAN DUNNE: Now, there's
19 cars going to be parked outside that are
20 going to be up for sale, or are they
21 going to be inside?

22 ATTORNEY BONESSO: The way -- if
23 you take a look at the site plan and the
24 handout, there is a gated and enclosed
25 area where the vehicle display takes

1 place.

2 And then exterior of that, there
3 is parking for customers. The people do Page 63
4 not park in and amongst the cars that
5 are out for display.

6 COUNCILMAN DUNNE: And that'll be
7 handicap accessible?

8 ATTORNEY BONESSO: Oh, absolutely.

9 COUNCILMAN DUNNE: You have to
10 comply with the ADA rules anyway?

11 ATTORNEY BONESSO: Yes.

12 COUNCILMAN DUNNE: All right. And
13 you said that there won't be any
14 traffic, there won't be a ton of
15 traffic?

16 When Home Depot was there, there
17 was a ton of traffic. But this isn't a
18 Home Depot kind of place.

19 ATTORNEY BONESSO: It's a much
20 smaller generator --

21 COUNCILMAN DUNNE: Traffic's not
22 going to be, you know --

23 ATTORNEY BONESSO: Correct.

24 COUNCILMAN DUNNE: Okay, that's
25 good.

1 SUPERVISOR GILLEN: Thank you.

2 Thank you, Mr. Bonesso.

3 COUNCILMAN DUNNE: Thank you. Page 64

4 SUPERVISOR GILLEN: I have a slip
5 from Vanessa Masell.

6 ATTORNEY BONESSO: She was the
7 first --

8 SUPERVISOR GILLEN: Oh.

9 ATTORNEY BONESSO: -- she's with
10 CarMax.

11 SUPERVISOR GILLEN: Okay.

12 Teresa Bainton.

13 Good morning, Ms. Bainton.

14 If you could just state your name
15 and address for the record.

16 TERESA BAINTON: Teresa,
17 T-e-r-e-s-a, Bainton, B-a-i-n-t-o-n.

18 SUPERVISOR GILLEN: Thank you.

19 TERESA BAINTON: 2108 Seventh
20 Street, East Meadow.

21 Thank you for this opportunity,
22 just to raise a concern.

23 Presently we have test wells on
24 our block, because of a dry cleaner's
25 contamination, which was located on

1 Front Street between Hempstead Turnpike
2 and Front Street, I think probably
3 adjacent to this particular business. Page 65

4 And the concern that I have is in
5 reference to storage tanks for the
6 gasoline, and any oil that's going to be
7 removed, and oil changes and things of
8 that sort.

9 SUPERVISOR GILLEN: Mr. Bonesso,
10 would you like to speak to that?

11 ATTORNEY BONESSO: Sure.

12 In terms of the storage tank, this
13 is a very small tank as compared to --

14 SUPERVISOR GILLEN: If you could
15 just speak into the mic.

16 Thank you.

17 ATTORNEY BONESSO: This is a very
18 small tank as compared to what a
19 gasoline service station would have on
20 site. This is a twelve thousand gallon
21 tank.

22 Gas stations can have upwards of
23 fifty and sixty thousand gallon tanks.

24 But be that as it may, it still is
25 going to be installed and having to meet

1 all of the requirements that apply to
2 underground storage tanks.

3 It's a double walled, Page 66
4 state-of-the-art facility. It will have
5 monitors and sensors, so that if one
6 wall breaches, there's a notice that --
7 there's an electronic notice that goes
8 to the thing.

9 It's -- they're much safer than
10 even the generation 20 years ago.

11 Additionally, any oils or
12 by-products resulting from lubrications,
13 car, car oil changes and the like, those
14 are all removed by licensed professional
15 from the premises. Nothing goes into
16 the ground.

17 They have strict requirements for
18 that, too, that they adhere to.

19 SUPERVISOR GILLEN: Ms. Bainton,
20 does that answer your question?

21 TERESA BAINTON: Yes, it does.
22 Thank you very much.

23 SUPERVISOR GILLEN: Thank you.

24 COUNCILMAN DUNNE: Thank you.

25 Teresa, that was good questions.

1 Thank you, Teresa.

2 SUPERVISOR GILLEN: I have
3 Andrew Bainton also.

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4 ANDREW BAINTON: I don't need to
5 speak.

6 SUPERVISOR GILLEN: Okay, thank
7 you.

8 I do not have any other slips on
9 this application. Is there anyone else
10 who'd like to be heard?

11 (Whereupon, no response was heard.
12 After, the following ensued.)

13 SUPERVISOR GILLEN: You want to
14 conclude?

15 ATTORNEY BONESSO: That sums up
16 our presentation.

17 Thank you very much for your time.

18 COUNCILMAN DUNNE: Thank you.

19 SUPERVISOR GILLEN: We have
20 Ms. Kreye. She's coming to say a
21 few words.

22 MARY ELLEN KREYE: Good morning.

23 Mary Ellen Kreye, 436 Locust
24 Avenue, Uniondale.

25 My question is about the car wash.

1 Is this for the dealership or for
2 the general public?

3 ATTORNEY BONESSO: Strictly for Page 68
4 the dealership.

5 MARY ELLEN KREYE: Okay. Then I
6 have no objection, because I feel there
7 are plenty of car washes and we have
8 concerns about water usage.

9 Thank you.

10 SUPERVISOR GILLEN: Thank you,
11 Ms. Kreye.

12 Is there anybody else who'd like
13 to be heard on this application?

14 (Whereupon, no response was heard.
15 After, the following ensued.)

16 SUPERVISOR GILLEN: Hearing none,
17 may I have a motion?

18 COUNCILMAN DUNNE: I'd like to
19 make a motion that being there was no
20 objection from the Planning Committee,
21 and that CEMCO and the Fire Department
22 are on board, and the traffic's going to
23 be less than Home Depot was, that I'd
24 like to close the hearing and move the
25 item.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 COUNCILMAN BLAKEMAN: Second.
2 SUPERVISOR GILLEN: Madam Clerk.
3 CLERK CABANA: Supervisor Gillen? Page 69
4 SUPERVISOR GILLEN: Aye.
5 CLERK CABANA: Councilman Blakeman?
6 COUNCILMAN BLAKEMAN: Aye.
7 CLERK CABANA: Councilman D'Esposito?
8 COUNCILMAN D'ESPOSITO: Aye.
9 CLERK CABANA: Councilman Dunne?
10 COUNCILMAN DUNNE: Aye.
11 CLERK CABANA: Senior Councilwoman
12 Goosby?
13 SENIOR COUNCILWOMAN GOOSBY: I'm
14 very happy to see a profitable business
15 coming to that area.
16 SUPERVISOR GILLEN: So vote.
17 SENIOR COUNCILWOMAN GOOSBY: So
18 moved, I vote yes.
19 (Whereupon, laughter was heard.
20 After, the following ensued.)
21 CLERK CABANA: Councilwoman
22 King-Sweeney?
23 COUNCILWOMAN KING-SWEENEY: Aye.
24 CLERK CABANA: Councilman Muscarella?
25 COUNCILMAN MUSCARELLA: Aye.

1 SUPERVISOR GILLEN: All right.

2 Madam Clerk, please call our next
3 Public Hearing.

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4 CLERK CABANA: Application of S&S
5 Realty Inc. for a modification of
6 declaration of restrictive covenants
7 affecting real property located on the
8 northeast corner of Atlantic Avenue and
9 Davidson Avenue in Oceanside.

10 SUPERVISOR GILLEN: Okay, good
11 morning.

12 ATTORNEY GUARDINO: Good morning.
13 Good morning, Supervisor Gillen,
14 members of the Board.

15 My name is Anthony Guardino. I'm
16 a partner with the law firm of Farrell
17 Fritz in Hauppauge, New York.

18 I represent the applicant, S&S
19 Atlantic Realty in connection with this
20 application, which is for a modification
21 of a restrictive covenant that was
22 imposed by a predecessor Board back in
23 2010, so that it can now construct a
24 fully-compliant, from a zoning point of
25 view, 23-unit luxury rental development

1 on an assemblage of five properties that
2 it owns in Oceanside, at 404 and 418
3 Atlantic Avenue.

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4 I also have with me Michael
5 Bonacassa, a registered architect and
6 the principals of S&S Atlantic Realty
7 are also here if you have any questions.

8 Essentially as I mentioned, this
9 is a modification of a covenant and
10 restriction.

11 It sounds like a change of zone.
12 The change was zone already done, so
13 this is not a change of zone
14 application.

15 And the Board may recall back in
16 July of this year, the Board voted to
17 reinstate the prior change of zone. So
18 the change of zone now is still
19 effective.

20 However we do need -- my clients
21 need a modification of the covenant,
22 because originally when they made the
23 application in 2010, and also when they
24 came back in 2011, it was for an 18-unit
25 condominium complex with a recreational

1 club house,

2 et cetera.

3 Now, they are proposing to have Page 72
4 the units be rental apartments. There
5 would be 23 rental apartments.

6 As I mentioned, it fully complies
7 with zoning. It complies with density,
8 which is allowed on this site, which is
9 a little over an acre size. It has
10 sufficient parking. It meets all of the
11 setbacks. It meets the height.

12 It is -- it needs nothing, other
13 than the relief from this Board at this
14 point.

15 The -- there was a petition that
16 was filed. There was a proposed draft,
17 I guess of a modified covenants and
18 restrictions, which would have to be
19 modified a little bit more, because the
20 original application changed in terms of
21 parking spaces, et cetera.

22 It kind of evolved. We did have
23 many meetings with the Building
24 Department. There were a number of
25 comments. The comments had to be

1 addressed.

2 What you have before you in terms
3 of a site plan which is in your packet, Page 73
4 I believe at Exhibit 5, is the product
5 of the back and forth with the Building
6 Department.

7 And we believe it resulted in a
8 far-improved application from what was
9 originally submitted.

10 My client -- just without getting
11 into anymore detail here, 'cause it is
12 kind of a simple application from a
13 zoning point of view. My client did
14 start this process in 2010, as I
15 mentioned. They applied for the 18
16 condominium units. It was approved for
17 the change of zone.

18 They came back in 2011. Asked to
19 allow for some of -- for the units to be
20 rented. The Board, at the time, allowed
21 them to be rented, but only for a period
22 of three years. So that doesn't work
23 for today.

24 And then there was a complete, you
25 know, collapse of the condominium

1 financing market in 2011.

2 Then of course Sandy hit.

3 and my clients actually own a bunch
4 of properties in the area, so they were
5 forced to divert their attention and
6 their economic resources to correct the
7 damages or remedy the damages on the
8 other properties they had.

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9 So they kind of shelved this for a
10 little while. So I just wanted to give
11 you an explanation as to why we're
12 coming back now.

13 And it's been -- well, we started
14 last year. So it was probably a
15 seven-year delay. But that's the
16 reason.

17 And at this point, you know, I
18 don't really have much more to add. I
19 did give you the booklet. You -- there
20 are photos of the subject property. You
21 could see what's on it.

22 It was split zoned. So there's
23 some commercial use of the property and
24 there's some residential use of the
25 property, because each parcel, 404 was I

1 believe zoned Business "X" and 418 was
2 zoned Residential. So you see a mix of
3 uses on the property today.

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4 All of the buildings will come
5 down. There are a number of buildings
6 on the property. Everything will be
7 come down in order to build this new
8 development.

9 So I don't really have much more.
10 I'm happy to answer any questions that
11 the Board may have.

12 COUNCILMAN D'ESPOSITO: I just
13 have actually one question.

14 The -- all the parking for the
15 units is on site; correct?

16 ATTORNEY GUARDINO: That's
17 correct.

18 COUNCILMAN D'ESPOSITO: There's no --

19 ATTORNEY GUARDINO: No, no.

20 COUNCILMAN D'ESPOSITO: -- street
21 parking?

22 ATTORNEY GUARDINO: And it
23 complies. It --

24 COUNCILMAN D'ESPOSITO: Right.

25 And it's --

1 ATTORNEY GUARDINO: -- meets the
2 Town requirements.

3 COUNCILMAN D'ESPOSITO: -- a Page 76
4 decent distance from the train station,
5 so --

6 ATTORNEY GUARDINO: Yes,
7 Councilman.

8 Actually I put an exhibit, I think
9 it's Exhibit 10, which I took from
10 Google Maps and basically shows, you
11 know, we're close to two train stations.
12 This is a very unique piece of property.

13 COUNCILMAN D'ESPOSITO: Right.

14 ATTORNEY GUARDINO: If you see on
15 the first page of Exhibit 10, it shows
16 you that it's a .3 miles away from the
17 East Rockaway Train Station, which it
18 says here a 7-minute walk.

19 And if you flip the page, you have
20 the Oceanside Train Station, which is .7
21 miles, so a little further away. But
22 still it's only a 13-minute walk.

23 COUNCILMAN D'ESPOSITO: Right.

24 ATTORNEY GUARDINO: So you have
25 two, you know, in proximity to mass

1 transit is tremendous.

2 COUNCILMAN D'ESPOSITO: My biggest
3 concern was the parking --

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4 ATTORNEY GUARDINO: No.

5 COUNCILMAN D'ESPOSITO: -- that's
6 all.

7 ATTORNEY GUARDINO: Fully
8 compliant.

9 SUPERVISOR GILLEN: Any other
10 member of the Board have any other
11 questions?

12 (Whereupon, no response was heard.
13 After, the following ensued.)

14 ATTORNEY GUARDINO: No.

15 SUPERVISOR GILLEN: Thank you,
16 Mr. Guardino.

17 ATTORNEY GUARDINO: Thank you very
18 much.

19 SUPERVISOR GILLEN: I have a slip
20 from Kenneth Coleman.

21 KENNETH COLEMAN: Good morning.

22 SUPERVISOR GILLEN: Good morning.

23 If you would just state your name
24 and address for the record please, sir.

25 KENNETH COLEMAN: Kenneth Coleman.

1 I live at 2881 Davison Avenue,
2 Oceanside, New York 11572.

3 SUPERVISOR GILLEN: Thank you. Page 78

4 KENNETH COLEMAN: I had a couple
5 of questions about, number one, is it
6 going to be senior living? Is it going
7 to be low-income living? Is it going to
8 be rental units?

9 SUPERVISOR GILLEN: Mr. Guardino,
10 would you come back and answer some of
11 these questions?

12 ATTORNEY GUARDINO: Of course.

13 SUPERVISOR GILLEN: Thank you.

14 ATTORNEY GUARDINO: Happy to.
15 So it will not be -- it'll be
16 market rate. It will not be age
17 restricted. And it will actually be
18 luxury housing is what we're proposing,
19 on the higher end.

20 KENNETH COLEMAN: And the next
21 question I had was where would they do
22 the curb cuts for the traffic?

23 I know across the street there's a
24 Dee's Nursery, there's Contractor
25 Express and there's a lot of traffic.

1 In fact, there's 18-wheelers that
2 park on Atlantic Avenue, right now every
3 day. And obviously they can't fit in a Page 79
4 12-foot lane, so they stick into the
5 street. That's another concern for
6 another day.

7 But I'm just concerned about how
8 are the car's going to pull out safely?

9 I was hoping that it'd become a
10 post office, but that didn't happen.

11 ATTORNEY GUARDINO: Yeah,
12 the -- I'll just show you the plan here.

13 Exhibit 5 of our booklet shows
14 that there's a single curb cut that
15 serves the site. And it's in the same
16 location as the curb cut or driveway
17 that serves 418 Atlantic.

18 KENNETH COLEMAN: Uh-huh.

19 ATTORNEY GUARDINO: Okay. So it's
20 going to be -- right now there are two
21 curb cuts on the site, one for 404, one
22 for 418.

23 So we're eliminating a curb cut,
24 so that's a good thing. So there'll be
25 less conflict or interaction I should

1 say, with the vehicles that are
2 traveling on Atlantic Avenue.

3 KENNETH COLEMAN: So is this
4 going straight across to Silver Lane?

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5 ATTORNEY GUARDINO: Well, it
6 doesn't go through, no.

7 KENNETH COLEMAN: Okay.

8 ATTORNEY GUARDINO: It doesn't.
9 There's no opening. There's just a
10 single access.

11 KENNETH COLEMAN: And the other
12 thing is I spoke to my neighbors. And
13 today being the first day back to school
14 was kind of a hard day to meet.

15 And the other thing was that the
16 location was given at northeast corner.
17 The northeast corner's a church.

18 So everybody was -- and this has
19 nothing to do with the church that's
20 there. And the other thing was the
21 street was the wrong street.

22 So a lot of my neighbors who got
23 this thought it was either something for
24 the church, or were misrepresented by
25 how it was proposed to us and how it was

1 delivered.

2 And even though it did come
3 registered mail -- well, my next door Page 81
4 neighbor, Donald Decker, well his -- the
5 -- his nanny signed for it. So he got
6 it, but just assumed it was something
7 for the church, 'cause it said northeast
8 corner which is the church.

9 And the street is wrong. It's
10 Davison Avenue, when it's clearly
11 Davison Street.

12 So there would have been more
13 people here today.

14 ATTORNEY GUARDINO: Well,
15 that -- we didn't generate the legal
16 notice. But you are here, and your
17 neighbor, as you mentioned, did receive
18 it.

19 The fact that their nanny signed
20 for it, that's, you know, that's up to
21 them. You know, that there's --

22 KENNETH COLEMAN: Right, but --

23 ATTORNEY GUARDINO: -- nothing we
24 could do.

25 KENNETH COLEMAN: -- he thought it

1 was just for the church, which is the
2 northeast corner.

3 ATTORNEY GUARDINO: Well, it's, Page 82
4 I believe it said that it was northeast
5 of the intersection of Davison Avenue
6 and --

7 KENNETH COLEMAN: Which is the
8 church.

9 ATTORNEY GUARDINO: -- and
10 Atlantic.

11 Well, but this is still northeast.
12 It is still the northeast intersection.

13 KENNETH COLEMAN: But, I think it
14 was specifically address wasn't given.

15 COUNCILMAN D'ESPOSITO: Sir, you
16 wouldn't happen to have a copy of the --

17 KENNETH COLEMAN: I don't --

18 COUNCILMAN D'ESPOSITO: -- the
19 letter?

20 KENNETH COLEMAN: -- but my next
21 door neighbor, Joe Noon, who maybe has
22 one.

23 Oh, there you are.

24 SUPERVISOR GILLEN: Could you give
25 it to Ms. Hanson, so she could bring it

1 up for us?

2 JOE NOON: The address isn't in
3 there.

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4 SUPERVISOR GILLEN: If you'd hand
5 it over to Ms. Hanson please.

6 KENNETH COLEMAN: Do you want to
7 see this (indicating)?

8 SUPERVISOR GILLEN: Yeah, yeah.
9 If you'd hand it to Ms. Hanson,
10 she'll bring it up.

11 ATTORNEY GUARDINO: You have it?
12 (Whereupon, no response was heard.
13 After, the following ensued.)

14 ATTORNEY GUARDINO: There you go.
15 (Handing document.)

16 KENNETH COLEMAN: And I live on
17 Davison Street.

18 ATTORNEY GUARDINO: Do you have a
19 copy of this? Do you have another?
20 (Whereupon, no response was heard.
21 After, the following ensued.)

22 COUNCILMAN D'ESPOSITO: And
23 obviously I don't know the dimensions
24 off the top of my head. But we'll look
25 at it after the hearing's over and we'll

1 figure out where we're at; okay?

2 ATTORNEY GUARDINO: Can I just
3 make a comment here?

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4 I'm looking at the official legal
5 notice that was sent. And it -- what it
6 says here, that it's a parcel that's
7 1.18 -- 1.187 acres, which is located
8 145.19 feet from the northeast corner --

9 COUNCILMAN D'ESPOSITO: Right.

10 ATTORNEY GUARDINO: -- of the
11 intersection.

12 That's the way you describe
13 things. You know, you give the distance
14 from the corner. We have to work from
15 the corner, 'cause that's the landmark
16 or the milestone, you know, or the
17 specific location.

18 KENNETH COLEMAN: On the corner of
19 what street?

20 ATTORNEY GUARDINO: It says
21 Davidson Avenue.

22 KENNETH COLEMAN: Well, it's not
23 Davidson Avenue. That's the problem.

24 ATTORNEY GUARDINO: It's Davison
25 Street. I can tell you --

1 KENNETH COLEMAN: And my wife and
2 I don't have tape measures. I'm a
3 police officer, I know a little bit more Page 85
4 about feet.

5 But I just saw this the other day.
6 My wife signed for it. She's the one
7 that received it.

8 And she didn't know what
9 150 feet was. She just assumed it was
10 the church, because that is the
11 northeast corner of Davison Street.

12 SUPERVISOR GILLEN: So does it say
13 the wrong street? It says?

14 COUNCILMAN D'ESPOSITO: It says,
15 "An irregular shaped 1.187 acres of land
16 located 145.19 feet from the northeast
17 corner of Davidson Avenue and Atlantic
18 Avenue, situate lying and being in the
19 Hamlet of Oceanside, Town of Hempstead,
20 Nassau County." And then it lists a
21 section, block, lots of the parcels.

22 SUPERVISOR GILLEN: So it isn't
23 Davidson Avenue; is that right? It's
24 Davison Street?

25 KENNETH COLEMAN: Davison Street,

1 yes, ma'am.

2 ATTORNEY GUARDINO: I have to just
3 point out the official documents that I Page 86
4 have from the Town says Avenue.

5 So I mean I've never seen an
6 application, you know, tripped up by the
7 fact of whether something is a road, or
8 a street or an avenue.

9 I mean you clearly, you live on
10 the street. You did get the notice.
11 The notice comes to people within a
12 certain radius. You know, there's no
13 Davison Avenue somewhere else that's
14 within the radius.

15 KENNETH COLEMAN: Yes, there is.

16 ATTORNEY GUARDINO: So --

17 KENNETH COLEMAN: Yes, there is.

18 ATTORNEY GUARDINO: Yeah, not
19 within 200 feet?

20 KENNETH COLEMAN: Well, again my
21 wife is not clear about 200 feet. But
22 there is a Davison Avenue about two
23 blocks away.

24 ATTORNEY GUARDINO: Right.

25 I --

1 COUNCILMAN D'ESPOSITO: So I think
2 the best bet here is to -- we'll go
3 through the proceedings.

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4 I will have somebody from my
5 office get in touch with you and we'll,
6 you know, we'll figure this all out.

7 KENNETH COLEMAN: And have they
8 done anything with as far as the
9 traffic?

10 And, you know, and again --

11 COUNCILMAN D'ESPOSITO: Counsel?

12 KENNETH COLEMAN: -- and I love
13 the nursery. I love --

14 COUNCILMAN D'ESPOSITO: Dee's?

15 KENNETH COLEMAN: -- Contractor
16 Express I use.

17 We -- everybody uses Dee's
18 Nursery. And we're very happy with
19 their service to the community.

20 And I'm just worried about the
21 traffic on Atlantic Avenue is a second
22 issue I have.

23 COUNCILMAN D'ESPOSITO:

24 Understood.

25 ATTORNEY GUARDINO: On that issue,

1 I, you know, again, this is a
2 reinstatement of a covenant.

3 It's not -- I'm not asking for Page 88
4 any relief.

5 This is a use that was or a zoning
6 designation that was decided ten years
7 ago. It was recently restated.

8 I'm just asking to modify the
9 covenants.

10 COUNCILMAN D'ESPOSITO: Right.

11 ATTORNEY GUARDINO: So this is
12 more housekeeping than anything, from my
13 perspective.

14 But I'm happy to address, you
15 know, your concerns.

16 COUNCILMAN D'ESPOSITO: Yeah, I
17 think what would work out best, sir, if
18 you don't mind, we could have Kathy from
19 my office kind of link you guys together
20 and open up a line of communication.

21 This way if you or your neighbors
22 have any specific questions, we can get
23 them answered for you.

24 KENNETH COLEMAN: Okay, thank you.

25 Thank you.

1 SUPERVISOR GILLEN: Thank you,
2 sir.

3 Joe Noon?

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4 KENNETH COLEMAN: Thank our
5 Veterans.

6 (Whereupon, laughter was heard.
7 After, the following ensued.)

8 COUNCILMAN D'ESPOSITO: Sir, I'm
9 going to give you back your --

10 JOE NOON: I appreciate that.

11 COUNCILMAN D'ESPOSITO: -- yeah.

12 JOE NOON: My name is Joe -- first
13 of all, good morning, if it's still
14 morning.

15 My name is Joe Noon. I'm a -- I
16 live at 2887 Davison Street, Oceanside,
17 right next to Kenny.

18 My family's has been in Oceanside
19 since Oceanside was called Christian
20 Hook and Davison Avenue was clearly, you
21 know, two or three blocks away where
22 Oceanside Library is.

23 So I understand where they got
24 Davison Avenue was Davison Street was
25 Davison Avenue back when Oceanside

1 was Christian Hook, 'cause it's on
2 all of my old paperwork from my
3 over-a-hundred-year-old house.

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4 So that being said, I have a --
5 first of all, I'd like to know what the
6 modification is. The one thing I did
7 hear the gentleman say is that it was
8 going to be switched from condos, which
9 people own, to rentals. And I have a
10 concern about that.

11 I also have -- I just want to get
12 through my time with what I have to say.
13 This is the first time I'm speaking in a
14 Public Hearing like this.

15 It was clearly a wrong address on
16 the sheets given to us.

17 I work during the day and
18 everything. It was very hard to get my
19 certified letter, that only got to my
20 house around a week-and-a-half to two
21 weeks ago. I think I'm fair in saying
22 that. And I only got my letter in the
23 middle of last week, right before Labor
24 Day Weekend.

25 What exactly is being done to this

1 property is my main question? Whose
2 property is it? It's the one right
3 behind say Davison Street or is it the Page 91
4 one over by the old American Legion
5 Hall -- because I know there was
6 supposed to be 70 units over in the
7 corner. But I believe it's on the
8 property directly behind my --

9 COUNCILMAN D'ESPOSITO: Mr. Noon,
10 it's definitely not the American Legion.

11 JOE NOON: Okay. So it's directly
12 behind me --

13 COUNCILMAN D'ESPOSITO: It's not
14 the Grossman property.

15 JOE NOON: So it's -- the
16 gentleman Sammy owns the property?

17 COUNCILMAN D'ESPOSITO: I don't
18 know who the --

19 JOE NOON: Is that who owns it?

20 ATTORNEY GUARDINO: Yes.

21 JOE NOON: I believe Sammy's here
22 in the back.

23 So that's right behind our house.

24 Now, it was always commercial for
25 the first 100 feet.

1 My main concern is that behind
2 100 feet, it clearly, clearly stays
3 residential.

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4 And I believe that it's always
5 been 100 feet Class "B" Commercial and
6 then behind that is was 100 percent
7 Residential property.

8 The difference between this legal
9 letter and CarMax who was on the docket
10 before this, was they clearly stated
11 their address on Hempstead Turnpike.

12 It's right next door to her
13 girlfriend's house and all that.

14 I realize that they're welcoming
15 that property coming into that area.

16 But this did not have a clear
17 address on this. And it's been an
18 ongoing fight just with the properties
19 behind us.

20 Sammy's has been a very good owner
21 behind us. Him and I have had contact
22 with each other in a very professional
23 manner.

24 I don't have any problems to say
25 about Sammy. But I do, if it's going to

1 be commercial property behind my house.

2 Main thing is what this
3 modification exactly is?

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4 And what -- where these condos are
5 going to be built -- or excuse me, you
6 said apartments.

7 That's the problem with the
8 neighborhood, I know that. There'd
9 probably be around 20 people in here
10 from the neighborhood, if they knew that
11 behind us is going to be apartments. I
12 could tell you that much right now.

13 SUPERVISOR GILLEN: Okay,
14 Mr. --

15 JOE NOON: That's all I have to
16 say.

17 Thank you very much for listening
18 to me.

19 SUPERVISOR GILLEN: Thank you,
20 Mr. Noon.

21 If you want to stay for a moment,
22 Mr. Guardino can answer some of your
23 questions.

24 ATTORNEY GUARDINO: Just a couple
25 of comments.

1 JOE NOON: Certainly.

2 ATTORNEY GUARDINO: Yeah, and
3 before I get into you substantive
4 comment.

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5 You know, I think what you had
6 said about Davison Avenue or Davison
7 Street being Davidson Avenue prior, I
8 think that's probably the genesis of why
9 some of the Town records say Davidson
10 Avenue. I can only go by what's in the
11 official record.

12 So when the notices are prepared,
13 and when I mail them and we do the
14 radius, we work off of what the Town
15 has. If that's not accurate, I can't
16 do --

17 JOE NOON: There was no
18 address though --

19 ATTORNEY GUARDINO: -- do anything
20 about that.

21 JOE NOON: -- in the letter.

22 ATTORNEY GUARDINO: So the --
23 well, the letter describes a legal --
24 has a legal description of the property,
25 'cause that's what's required by the

1 Town Code.

2 With respect to the timing of the
3 letter, you have to understand that Page 95
4 there's a window of time. I can't send
5 them too early, because then I'd violate
6 the law. I can't send them too late,
7 because I'd violate the law.

8 I understand that it may not have
9 worked for you and you would have liked
10 it earlier. I can't do that legally.

11 I'm bound by what the Code says,
12 so that's why the letter came when it
13 came.

14 And then with respect to your
15 concern about the zoning, about it being
16 only 100 feet of commercial, first of
17 all, this is a "CA" Residence District,
18 which is multi-family residential.

19 But the zoning was done already.
20 The zoning was done ten years ago. So
21 we're not here to talk about whether
22 it's going to change the zoning.

23 All we're here to discuss is -- or
24 to request is a modification of the
25 covenants and restrictions to allow the

1 number of units to go from
2 18 condominiums to 23 rental units, in
3 a development that complies with all
4 other requirements of the Town's Code.

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5 JOE NOON: There's presently a
6 two-family house behind me. So I don't
7 know where it went from -- maybe this
8 room could tell me when it did change
9 from a residential to the different zone
10 commercial property.

11 COUNCILMAN D'ESPOSITO: I think it
12 was --

13 SUPERVISOR GILLEN: 2010.

14 ATTORNEY GUARDINO: 2010.

15 COUNCILMAN D'ESPOSITO: Yeah, 2010
16 or '09?

17 ATTORNEY GUARDINO: 2010.

18 JOE NOON: And what modification
19 are we looking for here?

20 COUNCILMAN D'ESPOSITO: They're
21 just looking to go from 18 units to
22 20?

23 ATTORNEY GUARDINO: 23.

24 COUNCILMAN D'ESPOSITO: 23 units.

25 SUPERVISOR GILLEN: Originally it

1 was supposed to be condominiums, and
2 there were going to be 18 condominiums.

3 And now they're going to be -- Page 97
4 they're changing to make it 23 rental
5 units, instead of condominiums.

6 COUNCILMAN D'ESPOSITO: Right.
7 The zoning from the single-family
8 residential or two-family residential
9 home, whichever's there, to the zoning
10 that allows buildings like this was
11 passed in -- I'm sorry, I think it was'
12 10?

13 SUPERVISOR GILLEN: 2010.

14 COUNCILMAN D'ESPOSITO: 2010.

15 JOE NOON: Well, I would say that
16 the neighborhood would probably have a
17 problem with it.

18 COUNCILMAN D'ESPOSITO: Okay.

19 SUPERVISOR GILLEN: The zoning has
20 already passed, though. That happened
21 years ago.

22 So it -- they can -- they have the
23 right to build it. They're just
24 changing it from --

25 JOE NOON: So what's that mean, a

1 third level up on top of two stories, so
2 now they're looking into my yard?

3 COUNCILMAN D'ESPOSITO: I'm not Page 98
4 sure.

5 Is it three stories?

6 KENNETH COLEMAN: Two stories.

7 ATTORNEY GUARDINO: Two stories.

8 COUNCILMAN D'ESPOSITO: So the
9 entire units --

10 JOE NOON: How far off the
11 property lines?

12 ATTORNEY GUARDINO: Well, it fully
13 complies with all the zoning.

14 I'm happy to share the plan with
15 you.

16 JOE NOON: I've never seen a plan.

17 ATTORNEY GUARDINO: I know, but
18 I'm happy to give you a copy of the
19 plan.

20 The -- I will point out then,
21 maybe this helps you or -- is that the
22 building will be located on the east
23 side of the property. And only the
24 parking will be behind your property,
25 not the building.

1 So you -- the building is further
2 away from where you live.

3 JOE NOON: So I have the cars Page 99
4 running in my backyard, and smelling the
5 gas with the children and the
6 grandchildren.

7 ATTORNEY GUARDINO: It's the cars
8 or the building, you know. And so the
9 --

10 JOE NOON: Uh-huh.

11 SUPERVISOR GILLEN: Mr. Guardino,
12 maybe your client can just speak to some
13 of the adjacent owners to try to work
14 with them to get them to support, and
15 understand what the project is and
16 accommodate some of their concerns.

17 ATTORNEY GUARDINO: I'm happy to
18 do that.

19 COUNCILMAN D'ESPOSITO: Yeah.

20 Perhaps we could, you know,
21 increase fencing, increase, you know,
22 shrubbery, whatever helps.

23 ATTORNEY GUARDINO: Yeah, we're
24 happy to continue a dialogue.

25 JOE NOON: Uh-huh.

1 I'm just going to take a picture
2 of that.

3 ATTORNEY GUARDINO: Sure. Page 100

4 SUPERVISOR GILLEN: Thank you.

5 And maybe if, Mr. Guardino, if you
6 could give Mr. Noon your contact
7 information.

8 ATTORNEY GUARDINO: I will.

9 SUPERVISOR GILLEN: You could
10 exchange, you could give him some
11 documents as well.

12 ATTORNEY GUARDINO: Absolutely.

13 SUPERVISOR GILLEN: Thank you.

14 ATTORNEY GUARDINO: I'm happy to
15 do that.

16 Thank you.

17 JOE NOON: Thank you.

18 COUNCILMAN D'ESPOSITO: Thank you,
19 Mr. Noon.

20 JOE NOON: Thank you.

21 ATTORNEY GUARDINO: Thank you.

22 SUPERVISOR GILLEN: Thank you.

23 I do not have any other slips on
24 this Public Hearing. Is there anyone
25 else who'd like to be heard?

1 META MEREDAY: (Gesturing.)

2 (Whereupon, laughter was heard.

3 After, the following ensued.)

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4 ATTORNEY GUARDINO: I almost got

5 away.

6 (Whereupon, laughter was heard.

7 After, the following ensued.)

8 META MEREDAY: This close.

9 Meta J. Mereday, Baldwin resident.

10 I had a question with regard to
11 the possibility of "PILOTS" with this
12 project. Since you mentioned we're
13 looking at luxury accommodations, what
14 happens if they're not fully rented?

15 ATTORNEY GUARDINO: Well, the
16 intention is that the market right now
17 is very, very strong for rental units,
18 particularly, for rental units that are
19 within walking distance of two train
20 stations.

21 You know, we fully anticipate that
22 these units will all be rented. My
23 client is, you know, is proceeding with
24 this development with the thought that
25 it will be very successful.

1 And I, you know, again, I'm a land
2 use attorney. I think this is an
3 excellent site for what they're
4 proposing here.

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5 META MEREDAY: Unfortunately, the
6 market doesn't always accommodate the
7 workforce on Long Island.

8 We have a very high unemployment
9 rate. We have lack of affordable
10 housing. We have lack of housing for
11 workforce, lack of housing for senior
12 citizens and lack of housing for
13 Veterans.

14 I'm always uncomfortable when I
15 hear about additional luxury
16 accommodations, when residents are
17 fleeing, because they cannot afford to
18 live here.

19 So again, because of the increase
20 in "PILOTs" in this region and the tax
21 burden on the middle class, I would like
22 to know, what are the assurances that
23 residences will not be seeing a PILOT
24 brought to this body with regard to this
25 project?

1 ATTORNEY GUARDINO: Well again,
2 there's -- I can't give you an assurance
3 that my client is not going to seek Page 103
4 "IDA" benefits, because it's entitled to
5 do.

6 So where that ends up, I can't
7 tell you. But, you know, they're not
8 going to give up their right to request
9 the right to those -- to be eligible for
10 those benefits.

11 I just I do want to point out for
12 just maybe this will answer some of your
13 questions. The rents here, while this
14 is, you know, considered luxury housing,
15 you know, that these are not, you know,
16 this is not waterfront housing.

17 So the rents here I just -- and
18 I'm just going to mention them, because
19 they're in the public record and they're
20 estimated rents. But for the one -- for
21 a one-bedroom unit \$1,950 is what is
22 being estimated at this point. For a
23 two-bedroom unit on the second floor
24 \$2,650, and for a two-bedroom unit on
25 the first floor it would be slightly

1 higher at 2,750.

2 That's what we're targeting and
3 estimating at this point. That could Page 104
4 change. But, you know, these are not,
5 you know, these are not some of the -- I
6 know the Town has seen some luxury units
7 that -- where rents are in the \$3,000
8 ranges. That's not we're proposing
9 here.

10 So they would be somewhat
11 affordable to a greater number of
12 people.

13 META MEREDAY: And who are you
14 advertising these to?

15 ATTORNEY GUARDINO: I'm the land
16 use attorney. I don't know who they're
17 advertising them to.

18 I'm thinking they're advertising
19 them to the local community and to, you
20 know, people who are empty nesters who
21 might want to downsize and young
22 professionals who might want to get into
23 the housing market.

24 META MEREDAY: And my last comment
25 has to do with the Town itself.

1 The last two presentations,
2 residents had to sit back in this gold
3 building and watch these blank screens Page 105
4 yet again that we pay for. It is a
5 disservice for residents not to be able
6 to see the projects and all of the
7 exhibits for us to bring healthy
8 dialogue and discussion, for the amount
9 of money that we pay to live in this
10 jurisdiction. It is appalling because
11 it continues to happen.

12 And again, I wanted to make the
13 point with regard to the ongoing lack of
14 outreach for -- and support services for
15 our seniors and our Veterans, as it
16 pertains to housing, and our young
17 residents, because again, that is a
18 luxury that most of us cannot afford on
19 the back end.

20 Thank you.

21 SUPERVISOR GILLEN: Thank you,
22 Ms. Mereday. I hope your voice gets
23 better.

24 META MEREDAY: Thank you.

25 SUPERVISOR GILLEN: Thank you,

1 Mr. Guardino.

2 ATTORNEY GUARDINO: Thank you.

3 SUPERVISOR GILLEN: Is there Page 106
4 anybody else who'd like to be heard on
5 this Public Hearing?

6 (Whereupon, no response was heard.
7 After, the following ensued.)

8 SUPERVISOR GILLEN: Hearing none,
9 may I have a motion?

10 COUNCILMAN D'ESPOSITO: I move
11 that the Public Hearing be closed and we
12 reserve decision.

13 SENIOR COUNCILMAN GOOSBY: Second
14 the motion.

15 SUPERVISOR GILLEN: Madam Clerk.

16 CLERK CABANA: Supervisor Gillen?

17 SUPERVISOR GILLEN: Aye.

18 CLERK CABANA: Councilman Blakeman?

19 COUNCILMAN BLAKEMAN: Aye.

20 CLERK CABANA: Councilman D'Esposito?

21 COUNCILMAN D'ESPOSITO: Aye.

22 CLERK CABANA: Councilman Dunne?

23 COUNCILMAN DUNNE: Aye.

24 CLERK CABANA: Senior Councilwoman
25 Goosby?

1 SENIOR COUNCILWOMAN GOOSBY: Aye.

2 CLERK CABANA: Councilwoman

3 King-Sweeney?

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4 COUNCILWOMAN KING-SWEENEY: Aye.

5 CLERK CABANA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Aye.

7 SUPERVISOR GILLEN: Madam Clerk,

8 please call the next Public Hearing.

9 CLERK CABANA: Resolution finding
10 the draft generic environmental impact
11 statement, DGEIS, for proposed Baldwin
12 mixed-use overlay district (b-mx) to be
13 complete and adequate for public review
14 and comment, in terms of both its scope,
15 and content, and calling a combined
16 Public Hearing on the creation of a new
17 Chapter -- I don't know, what is this --
18 xlii of the Baldwin Zone Ordinance of
19 the Town of Hempstead entitled "Baldwin
20 mixed-use overlay district (b-mx)" and
21 the draft generic environmental impact
22 statement (DGEIS) for the proposed b-mx,
23 Baldwin.

24 SUPERVISOR GILLEN: Thank you.

25 Good afternoon.

1 MARWA FAWAZ: Good afternoon.
2 Thank you, Supervisor and Town Board.
3 My name is Marwa Fawaz. I'm Page 108
4 with VHB. I'm a Senior Project Manager,
5 located at 100 Motor Parkway, Hauppauge,
6 New York 1174 -- 117 -- well, you have
7 the zip code.

8 I'm joined today by Eric Alexander
9 from Vision Long Island, as well as
10 Elissa Kyle from Vision Long Island, and
11 Daniel Winkelman from VHB.

12 Next slide please.

13 Today we're here to discuss the
14 proposed "B-MX" Overlay District within
15 the Hamlet of Baldwin. It's along the
16 Grand Avenue corridor.

17 Our presentation will be pretty
18 short. We want to give a brief overview
19 of where we're at in the process, and
20 then open it up to the public for any
21 comments or questions they may have.

22 We'll start off by giving an
23 overview of the Baldwin Revitalization
24 Project, as well as an update on the
25 SEQRA process, the draft zoning and

1 design guidelines, the specific SEQRA,
2 and Generic Environmental Impact
3 Statement topics and conclusions. And Page 109
4 then we will open it up to Town Board
5 and public comments.

6 Next slide please.

7 So a brief overview of the
8 process, the Baldwin Revitalization
9 Project has been pretty much ongoing for
10 the last five or six years. And it
11 started off in -- about four years ago
12 with a down -- "Baldwin Downtown
13 Commercial and Corridor Resiliency"
14 study, which outlined implementable
15 strategies to foster economic investment
16 and provide housing options, as well as
17 increased pedestrian amenities and
18 enhance public space within Downtown
19 Baldwin.

20 One of the core community-based
21 recommendations from this study was
22 transit, a transit-oriented development
23 overlay district that would allow for a
24 compact and walkable mixed-use downtown,
25 centered around the Baldwin Long Island

1 Railroad Train Station.

2 Specifically, the study called for
3 an overlay zoning framework to allow Page 110
4 for a mix of uses and increased
5 densities near the train station.

6 Following the completion and
7 adoption of the "DCCR" study by the
8 Town of Hempstead, they engaged VHB and
9 Vision Long Island to draft the zoning
10 as well as design guidelines and conduct
11 the environmental review in accordance
12 with New York State's SEQRA process of
13 those two documents.

14 Throughout the process, we've held
15 two large public engagement meetings, as
16 well as we've included quite a bit of
17 close coordination and monthly meetings
18 with the Baldwin community, and
19 coordination with the development
20 community, as well as the civics and the
21 Chamber. And we'll get into a little
22 bit more detail about the detail -- the
23 community outreach that we conducted a
24 little later in our presentation.

25 Next slide please.

1 So some of the project goals,
2 as mentioned earlier, are really -- of
3 the "B-MX" Overlay District is to
4 facilitate private investment within
5 this specific corridor. I'll show a
6 little bit later what the boundaries
7 of the corridor are as well as the
8 "B-MX" District.

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9 But specifically, the goals of the
10 "B-MX" Overlay District would be to
11 facilitate public investment, increase
12 public benefits and economic development
13 within Downtown Baldwin.

14 It would promote a
15 transit-oriented development around the
16 train station, as well as increase
17 demand for housing alternatives, drive
18 foot traffic and increase the demand for
19 retail uses, including sit-down
20 restaurants.

21 It would leverage the area's
22 proximity to public transportation, to
23 strengthen economic and physical
24 resiliency within the Baldwin community.

25 I also want to note that as part

1 of the process, we -- there has been a
2 concurrent study and effort
3 led by Nassau County DPW for the Page 112
4 Grand Avenue corridor that would work in
5 cohesion with this, with the "B-MX"
6 Overlay District. And part of that is
7 to implement transportation and
8 infrastructure improvements to
9 accommodate the future growth that is
10 anticipated from the "B-MX" Overlay
11 District.

12 It would also enhance visual
13 quality and pedestrian amenities in the
14 Downtown, through the implementation of
15 design standards and streetscape
16 improvements, which we will also discuss
17 in a bit.

18 ERIC ALEXANDER: So the community
19 engagement's really important in this.
20 We had heard from the community for many
21 years, downtown revitalization projects
22 have been happening across the Island,
23 but Baldwin had somehow had been left
24 behind.

25 There have been -- not by lack of

1 a lot of efforts here with the Town, and
2 with the community, and with the many
3 property owners and potential
4 developers, there was a 15-year process
5 to try to get some things off the
6 ground.

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7 The -- we started this process
8 in August at a very hot meeting in the
9 auditorium in -- at the Baldwin High
10 School. And I think most folks, Baldwin
11 folks here remember it. And I remember
12 that Erin, and Supervisor, and Anthony
13 D'Esposito also were there and Dot
14 Goosby, of course, Senior Councilwoman.
15 So we know that we all were there.

16 We had to turn lemons into
17 lemonade through this process. We had
18 to build up trust that something can
19 happen.

20 So we started -- the real problem
21 was the economics -- can we create a
22 buildable code? So we first went
23 through the process of interviewing -- I
24 guess what we call it developer speed
25 dating.

1 But we had meetings. We looked at
2 the 25-transit oriented developers on
3 Long Island, focused on different
4 categories and got through as many of
5 them as possible.

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6 I think we interviewed about
7 fifteen of them, got their inputs on,
8 you know, parking ratios, the impact of
9 school kids, all these things.

10 So we got information from the
11 developers on the front end. We also
12 got information from the community
13 through the meetings. And we had had
14 those prior studies with the corridor
15 study, a prior study even before that
16 with the Federal Government through the
17 County.

18 So there's plenty of information
19 that has been assembled in short order.
20 We stuck to schedule, which folks were
21 like, "This is going to be another two
22 years."

23 It hasn't been another two years.
24 It's -- we're just about a year from
25 that hot meeting that we had.

1 And so we've got a lot of
2 tremendous input. The Civic and Chamber
3 have worked really great together. Page 115
4 We've had great participation.

5 And even to the point where, you
6 know, all the details, and we'll hear
7 about the design guidelines and the
8 concerns about walkability. And, you
9 know, just making sure that small
10 businesses and vacancies are filled.
11 Those are bottom-line issues, safety,
12 security, maintenance. These are types
13 of things we hear.

14 So we're excited that we -- we've
15 got a product here that's ready to go.
16 And with that I know, you know, and I
17 don't want to steal your thunder, but
18 the State has been very interested in
19 Baldwin. So I won't take that away from
20 you and Councilwoman's --

21 COUNCILWOMAN KING-SWEENEY: Ten
22 dollars worth --

23 ERIC ALEXANDER: -- and the
24 Supervisor --

25 COUNCILWOMAN KING-SWEENEY: Ten

1 million dollars worth.

2 ERIC ALEXANDER: Ten million
3 dollars, exactly.

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4 So congratulations to you for your
5 efforts.

6 But we're great to be -- we're
7 excited to be on the ground floor with
8 the community.

9 I know there's community folks
10 here that are ready to say some words
11 about this as well, so I'll stop here
12 and continue on.

13 COUNCILWOMAN KING-SWEENEY: Yeah.

14 If I could just jump in, Eric and
15 Marwa, I can't thank you enough. I mean
16 to the average person sitting here this
17 might not sound overly sexy. But what
18 has gone into this over really the last
19 twenty years is unbelievable.

20 And the fact that this thing has
21 been pulled off in a year and we're
22 making it sound kind of boring right now
23 and routine is unbelievable. And it is
24 a tribute to you, to all the members on
25 the Board here and also to the Baldwin

1 community.

2 I know that you have Baldwin Civic
3 leaders. You've got Karen Montalbano Page 117
4 here. I think Erik Mahler, I saw him
5 walk in. "The Lorax" is over there.

6 And but with all of these people
7 in the community, I think everyone is so
8 well meaning and so ready finally for
9 something to happen. And so at the
10 local Town level, the County level and
11 the State level, everyone has been
12 fully, fully committed to progress in
13 Baldwin.

14 So thank you for making this
15 happen. I can taste it.

16 I said I'm doing monthly Town Hall
17 meetings until there's a shovel in the
18 ground, so God, let's bring that shovel,
19 because it's getting onerous -- no, I'm
20 just kidding.

21 But really thank you for
22 everything. This is great stuff.

23 SENIOR COUNCILWOMAN GOOSBY: And
24 certainly I would like to thank you as
25 well. I'm not going to try to go

1 through all the words that she said.

2 (Whereupon, laughter was heard.

3 After, the following ensued.)

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4 SENIOR COUNCILWOMAN GOOSBY: But I
5 think most of them made sense. And I
6 agree with many of them, since I've been
7 here quite some time and had been really
8 wanting this to happen. And so it looks
9 like it's going to.

10 And I thank you so much for all
11 that you've done.

12 And I thank the community for
13 being so involved with it too.

14 COUNCILMAN D'ESPOSITO: Great job.

15 MARWA FAWAZ: It's been a pleasure
16 working with the community, and with the
17 Board, and with the Supervisor's Office
18 and everybody's just really on board
19 working together to get this happening.

20 It's definitely a breath of fresh
21 air, because you don't see that a lot in
22 communities. So very exciting.

23 And a part of the biggest point of
24 this process wasn't drafting the zoning
25 or even the design guidelines. But it's

1 really doing the environmental review,
2 which is where a lot of developers get
3 stuck in the process is getting through Page 119
4 the environmental review process.

5 So the Town's investment in doing
6 the "B-MX" Overlay District and doing
7 the SEQRA that goes along with that
8 Overlay District to help get rid of some
9 of that red tape and some of those
10 hurdles that developers run in to, and
11 takes up time and money is going to be a
12 huge, huge bonus to them when they come
13 in and propose under this Overlay
14 District.

15 So with that being said, I'd like
16 to discuss the SEQRA timeline. So a
17 little mundane, I know. And this is
18 just something that we have to go
19 through under New York State Regulation.

20 But a Positive Declaration was
21 issued on April 16th, 2019. The DGEIS,
22 which is the Draft Generic Environmental
23 Impact Statement was completed, and
24 accepted as complete and adequate for
25 public review by the Town Board on

1 August 6th. And today we sit here to
2 describe what is in that document.

3 That document has been made Page 120
4 available on the Town's website, as well
5 as hard copies at the Baldwin Library
6 and the Town Hall for review, and
7 comment and question to be provided, so
8 that we can respond to all comments and
9 questions in what will be called a
10 "Final Generic Environmental Impact
11 Statement."

12 So today we will listen to
13 comments after our presentation, and
14 comments will be accepted until
15 September 16th.

16 The reason the last three bullets
17 there are kind of "to be determined" is
18 because it'll all be based on how many
19 comments we receive on the Overlay
20 District and design guidelines. So
21 after September 16th, which is the close
22 of the comment period, we'll be able to
23 better assess subsequent dates.

24 Next slide please.

25 So with that being said, I'd like

1 to get into discussing a little bit
2 about the draft zoning of the "B-MX"
3 Overlay District as well as the design Page 121
4 guideline.

5 Next slide please.

6 The proposed action that we
7 evaluated under the State Environmental
8 Quality Review Act is the amendment to
9 the Town of Hempstead Building Zone
10 Ordinance, which is creating a new
11 overlay district entitled the Baldwin
12 Mixed-Use Overlay District within --
13 with accompanying "B-MX" design
14 guidelines.

15 The "B-MX" zoning map amendment
16 will incorporate 189 parcels.

17 Next slide please.

18 Those individual taxed parcels are
19 within an 87, approximately an 87-acre
20 study area along Grand Avenue.

21 As seen, I know it's -- it might
22 be a little hard to see up there, but as
23 seen on this map, the district is
24 bounded by the intersection of Florence
25 Street and Milburn Avenue to the north

1 and Merrick Road to the south.

2 The Baldwin Long Island Railroad
3 Station is centrally located within the Page 122
4 Overlay District at the intersection of
5 Grand Avenue and Sunrise Highway. The
6 Overlay District boundary is shown as
7 the Baldwin Mixed-Use Overlay District
8 Map.

9 There are three subdistricts
10 designated within this study area that
11 allow for overall density -- in varying
12 allowances of overall density and
13 building height. These subdistricts
14 convey the specific character that the
15 Town wishes to achieve within the study
16 area.

17 So the pink subdistrict is noted
18 as the Mixed-Use Transit-Oriented
19 Development subdistrict, which is the
20 area closest to the Baldwin Long Island
21 Railroad's Train Station and would allow
22 for a maximum height of 75 feet.

23 Along Merrick Road and the
24 area -- yes, thank you -- that blue area
25 down there along Merrick Road and the

1 intersection of Grand is known as the
2 Merrick Road Gateway, which includes the
3 southern portion of the study area at Page 123
4 the intersection of Grand and Merrick.
5 And it's a maximum height of 60 feet
6 would be allowed within this Overlay
7 District.

8 And then the pink transition areas --
9 I'm sorry, the green transition areas
10 are the -- known as the commercial
11 transition areas. And these are
12 low-density subdistricts, that are
13 located north, south and west of the
14 "B-MX TOD" Subdistrict with a maximum
15 height of 45 feet.

16 Next slide please.

17 This table summarizes the proposed
18 lot and bulk controls within each
19 subdistrict. I'm not going to go
20 through everything listed on the table.

21 But to summarize, the major
22 components are the maximum floor area
23 ratio. There are three different floor
24 area ratios based on each of the
25 subdistricts, and they vary from .5 up

1 to 1.5 near the train station.

2 Further, the density as noted
3 above is -- varies as well. Within
4 the "TOD" District, there is no maximum
5 density per acre. Within the Merrick
6 Road, it's 45 units per acre. And
7 within the commercial transition, it
8 would be 30 units per acre.

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9 The height, as I discussed
10 earlier, vary from 75 feet in the
11 "TOD" District down to 45 feet in
12 the commercial transition areas.

13 As part of -- next slide please.

14 As part of the Overlay District,
15 the Town is also incorporating something
16 called development bonuses. What these
17 development bonuses are is an inclusion
18 of provisions that would allow and
19 encourage developers to provide public
20 benefits and/or amenities in exchange
21 for FAR bonuses, and/or adjustments to
22 off-street parking requirements as
23 outlined in the "B-MX" District.

24 This would be provided at the
25 discretion of the Town Board, upon the

1 determination that a public benefit or
2 amenity provided would provide a greater
3 value to the community than the Page 125
4 potential impacts of those development
5 bonuses that would be granted.

6 So eligible activities that would
7 be included are noted above at the
8 slides, which include the provision,
9 renovation or the rehabilitation of the
10 community benefit or amenity,
11 "Brownfield" or derelict property
12 remediation and restoration, and
13 contributions to community benefit --
14 benefits that are non-site related
15 infrastructure improvements.

16 The zoning really outlines, as
17 well as the DGEIS, a great deal more
18 than this. But the bottom line is
19 providing -- for the developer or a
20 project to provide back to the community
21 in order to get a little bit more, it
22 really helps to benefit the community,
23 as well as the developer on the overall
24 project, at the end of the day.

25 ERIC ALEXANDER: And I just want

1 to emphasize the point here that where
2 this has been done on the Island or else
3 off site, that community input is key Page 126
4 to this. This isn't just a give away.
5 This has to be really a solid public
6 benefits that are agreed upon with the
7 public.

8 And we know there's a very active
9 Civic and Chamber here. So we know
10 you'll hear from folks and you hear from
11 folks regularly.

12 But this is something that is not
13 automatic. This is something that there
14 really has to be these tangible benefits
15 that the community is looking for.

16 MARWA FAWAZ: Next slide please.

17 I will -- Elissa will talk about
18 the design guidelines.

19 ELISSA KYLE: Sure.

20 In coordination with the Overlay
21 Zoning, the design guidelines were
22 created to help ensure that any
23 development that happens here is done in
24 a pedestrian-friendly and attractive
25 manner that really enhances the quality

1 of Downtown Baldwin, looking to create a
2 pedestrian amenities, architecture that
3 facilitates a pedestrian-oriented
4 environment.

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5 The guidelines would have -- they
6 touch upon everything from architecture
7 to signage, exterior lighting, parking,
8 landscaping, streetscaping, all these
9 issues, and would provide a checklist
10 essentially that developers would need
11 to show that they are meeting all of
12 these requirements.

13 And then there would be a review
14 board within the Town to review the
15 proposal and ensure that these
16 requirements are being met, and that
17 this proposed development meets these
18 higher levels of aesthetics and
19 walkability.

20 MARWA FAWAZ: Next slide.

21 So now we'll get into the details
22 and conclusions of the State
23 Environmental Quality Review Act. But
24 quickly, just for the benefit of
25 everybody, I'd like to go over what

1 exactly that means.

2 So the New York State
3 Environmental Quality Review Act
4 requires all State and Local government
5 agencies to consider environmental
6 impacts during the discretionary
7 decision making.

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8 The Draft Generic Environmental
9 Impact Statement, also known as the
10 "DGEIS," was prepared following the
11 development of the proposed zoning for
12 the project area.

13 There have been conditions and
14 criteria drafted for future development.
15 And I'll get into what that really means
16 later.

17 But essentially for any proposed
18 project that comes in under the "B-MX"
19 Overlay District, the Town Board will
20 need to look at the conditions and
21 criteria of the environmental analysis
22 that was done for the overall "B-MX"
23 Overlay District, in order to make sure
24 that they are consistent with our -- the
25 findings of the State Environmental

1 Quality Review Act.

2 So the DGEIS evaluated the impacts
3 associated with the adoption of the Page 129
4 proposed zoning amendments, as well as
5 impacts resulting from a theoretical
6 build-out scenario.

7 So what is the theoretical
8 build-out scenario? What we looked at
9 was basically what is the approximate
10 and greatest amount of development that
11 could happen under the proposed "B-MX"
12 Overlay District within a 10-year period
13 and evaluated the impacts of that.

14 We came up with a theoretical
15 build-out scenario of approximately
16 1,000 -- 1,000,000 -- 1,700,000
17 million -- 1,700,000 square feet of
18 residential and commercial development
19 on nine potential parcels along the
20 "B-MX" Overlay District boundary.

21 Now, those parcels might not
22 necessarily be the ones that will be
23 developed. But those are the ones that
24 have the maximum amount of potential
25 development.

1 So we looked at those and
2 evaluated the impacts within the DGEIS,
3 to come up with what the future -- next Page 130
4 slide please -- what the future proposed
5 developments that come in will need, to
6 meet the requirements of this conditions
7 and criteria that's drafted within the
8 DGEIS.

9 Once we're done with the FGEIS
10 process, this will be streamlined and
11 finalized to be included as part of the
12 findings that the Town Board adopts, so
13 that future projects that come in under
14 the "B-MX" Overlay District will be
15 evaluated for consistency with the
16 conditions and thresholds, or conditions
17 and criteria that are listed under
18 SEQRA.

19 So any action that contravenes
20 from that conditions and criteria that
21 we've provided to the Town would require
22 a supplemental SEQRA review.

23 The idea is projects that come in
24 under the "B-MX" Overlay District and
25 want to avoid going through a new SEQRA

1 process should meet the conditions and
2 criteria that are listed within the
3 document there.

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4 And it's meant to fast track, as I
5 mentioned earlier, the environmental
6 review process for those applicants
7 meeting the criteria and conditions.

8 Next slide please.

9 So I'm not going to go into every
10 single topic, because then we'd all be
11 here forever. But I did -- we do want
12 to cover a few key topics in greater
13 detail today.

14 But the DGEIS did evaluate several
15 topics. And we looked at the physical
16 alteration of land, as well as
17 groundwater resources and flooding,
18 aesthetic resources, historic and
19 archeological resources, transportation,
20 energy, noise and light, and community
21 character.

22 And we looked at the existing
23 conditions, as well as the possible
24 impacts from the proposed "B-MX" Overlay
25 District and any potential development

1 within that Overlay District.

2 I would -- do you want to add
3 anything?

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4 ERIC ALEXANDER: No.

5 MARWA FAWAZ: Okay. So with that
6 being said, I will turn it over to Dan,
7 who will go into greater detail about
8 transportation.

9 DANIEL WINKELMAN: Good afternoon,
10 Supervisors, members of the Town Board.

11 As part of the SEQRA process, we
12 conducted a very comprehensive traffic
13 and parking study.

14 Please put up the next slide.
15 Thank you.

16 As you can see up here on the
17 screen, we indicated our study
18 intersections as those in red along
19 Sunrise Highway. We started at our
20 Rockwood Avenue. We included Grand
21 Avenue, Milburn and Central, which all
22 lie along Sunrise Highway.

23 In addition to this, we relied on
24 studies that were conducted by the
25 Nassau County Department of Public

1 Works. They were conducting the
2 "Grand Avenue Complete Streets" corridor
3 study, which extended from Merrick Road Page 133
4 all the way through Milburn Avenue.

5 And it's kind of difficult to see,
6 but there is highlighted yellow
7 intersections along Grand Avenue on
8 that. And we relied on the studies for
9 that, as well as the improvements that
10 they were proposing along that corridor.

11 Next slide please.

12 As part of our study, we evaluated
13 existing traffic conditions, as well as
14 2029 no-build conditions and future 2029
15 build conditions for each of those four
16 intersections highlighted in red. We
17 also reviewed the Nassau County DPW's
18 Grand Avenue corridor "Complete Streets"
19 study, as well as their proposed
20 improvements to Grand Avenue, which
21 were -- all lie within our study area.

22 We looked at walkability to and
23 from the train station, as well as in
24 the Downtown area.

25 We reviewed vehicle crash data

1 along Grand Avenue and Sunrise Highway,
2 to determine if there were any accident
3 trends or patterns that need to be
4 mitigated.

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5 We looked at site access
6 requirements for new development, to
7 ensure safe access to properties and so
8 that they don't impact traffic flow
9 along main corridors.

10 We looked at off-street parking
11 requirements for each of the three
12 separate "B-MX" zoning subdistricts.

13 And we looked at incentives
14 to reduce off-street parking
15 requirements, as well as increase FAR to
16 increase for certain land uses,
17 particularly those closest to the train
18 station.

19 We also looked at mitigation
20 funding methods to determine how such
21 improvements, if necessary, could be
22 funded.

23 Next slide please.

24 The findings of the traffic study
25 indicated that traffic operations in

1 2029 no-build condition, would be
2 generally comparable to that of the
3 build condition. This is primarily
4 because a lot of retail use would be
5 replaced with multi-family use. And
6 during certain periods traffic volumes
7 would actually go down, such as in the
8 a.m. period -- peak periods on a typical
9 weekday, as well as during the midday
10 peak period. However, during the p.m.
11 peak period, some traffic volumes may
12 increase.

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13 In particular, because Sunrise
14 Highway is such a heavily-traveled
15 corridor, operations at certain
16 intersections may deteriorate, such as
17 that Sunrise Highway and Grand Avenue.
18 And mitigation may be needed, which I
19 will explain a little further detail in
20 a moment.

21 We also reviewed the County's
22 "Complete Streets" project and we agree
23 with their improvements, that it would
24 calm traffic, increase walkability and
25 improve safety along the Grand Avenue

1 corridor.

2 We also reviewed off-street
3 parking requirements. And we agree Page 136
4 that certain parking requirements can be
5 reduced, especially for ones closest to
6 the train station.

7 And we also determined funding
8 source, which could help pay for any
9 mitigation, which I'll discuss in a
10 second.

11 Next slide please.

12 In regards to our recommendations,
13 we would recommend modifying signal
14 timings, offsets and traffic progression
15 along Sunrise Highway to help improve
16 traffic flow.

17 We'd also recommend adding
18 eastbound and westbound left turn lanes
19 at the intersection of Sunrise Highway
20 and Grand Avenue, to help improve the
21 overall operation of that intersection.

22 That intersection is located in
23 the core of the "TOD" District and would
24 receive the heaviest amounts of increase
25 to traffic.

1 Density in areas closest to the
2 train station could also be increased,
3 since they promote walkability and
4 would therefore result in lower parking
5 demands. As a result, off-street
6 parking requirements for multi-family,
7 and retail and commercial uses could be
8 reduced.

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9 Recommendations to control access
10 to the new developments were provided in
11 order to provide safer operations and to
12 reduce impacts to traffic flow.

13 Incentives could be allowed for
14 reduced parking requirements and
15 increased FAR, in exchange for community
16 amenities, as well as payments in lieu.
17 There were thresholds that were outlined
18 in the conditions and criteria section,
19 for which the incentives could be issued
20 up to.

21 The Town would also have to
22 establish a traffic mitigation fund, and
23 most particularly for the mitigation
24 improvements to Sunrise Highway at
25 Grand Avenue.

1 This fund would be created, and
2 developers would pay into it based on
3 the number of Saturday midday peak trips Page 138
4 that they generated.

5 Those funds could then be used to
6 provide the mitigation measures in the
7 future.

8 That concludes the proposal on
9 traffic.

10 Unless you have any questions,
11 I'll turn it over and we can talk about
12 groundwater resources.

13 MARWA FAWAZ: So another core
14 topic that was reviewed in the DGEIS was
15 the groundwater resources and flooding.

16 A major part of the "Baldwin
17 Downtown and Commercial Corridor" study
18 was to provide resiliency within the
19 Grand Avenue corridor.

20 As climate change happens and we
21 are more susceptible to natural
22 disasters and flooding, et cetera, it's
23 very important that we take into
24 consideration, and make sure we are
25 totally aware and regulating the

1 possible storm water and erosion
2 requirements that would be within the
3 "B-MX" Overlay District, since this is Page 139
4 an area that is prone to flooding.

5 So one of -- the findings that we
6 came up with in the groundwater
7 resources and flooding section of the
8 DGEIS includes that any development
9 within the "B-MX" District would be
10 subject to compliance with the Town's
11 storm water and erosion requirements.

12 Those areas within the "B-MX"
13 District that are within a special flood
14 hazard area would need to comply as
15 well, with the Town and FEMA flood
16 mitigation standards. And water
17 efficiency measures and "Green"
18 infrastructure are encouraged in new
19 development as part of the design
20 guidelines.

21 Next slide please.

22 And the last topic we'd like to
23 highlight is the aesthetic resources and
24 community character. A large part and
25 goal of the "B-MX" Overlay District is

1 to make sure that the development is
2 aesthetically pleasing, and in line with
3 what the community has voiced all along Page 140
4 that they want to see within their
5 Grand Avenue commercial corridor.

6 So the increased height and
7 density would be concentrated around the
8 train station, and there would be
9 restrictive height limits proposed near
10 a single-family development. So as I
11 described earlier, those commercial
12 transition areas would be limited to
13 45 feet.

14 Redevelopment and development
15 would benefit the aesthetic character of
16 the Downtown through high-quality
17 design, and reduction in retail
18 vacancies and aesthetic cohesion.

19 And then finally, the incentives,
20 the development incentives that we
21 discussed earlier will add to public
22 benefits and community character, by
23 incentivizing those public benefits and
24 other types of proposals that could come
25 forth, and really help advance the

1 community and their needs.

2 Next slide.

3 So this concludes our
4 presentation.

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5 As I mentioned earlier, the public
6 comment period on the Draft Generic
7 Environmental Impact Statement and
8 zoning ends September 16th. So we will
9 be accepting comments that we will --
10 and questions that we will respond to in
11 the Final Generic Environmental Impact
12 Statement.

13 Comments and questions can be
14 submitted via e-mail. The e-mail's up
15 on the screen there. It's
16 "BaldwinScoping@tohmail.org" or
17 you can send it via mail to
18 Rebecca Sinclair or Richard Regina at
19 Hempstead Town Hall, One Washington
20 Street, Hempstead, New York.

21 And you can also access the Draft
22 Generic Environmental Impact Statement
23 at the web link above. And as I
24 mentioned earlier, there are hard copies
25 at the Baldwin Public Library and Town

1 Hall.

2 ERIC ALEXANDER: Yeah, and I
3 think, you know, one, we get common
4 questions, kind of "What's next?"

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5 Obviously, get your comments in.

6 There are some folks here who'll
7 want to speak.

8 Stay engaged in the monthly
9 meetings. I know Councilwoman, I think
10 you're going to keep going
11 with --

12 COUNCILWOMAN KING-SWEENEY: My
13 marathon three-hour sessions?

14 ERIC ALEXANDER: Yes.

15 (Whereupon, laughter was heard.
16 After, the following ensued.)

17 ERIC ALEXANDER: We have seen some
18 quick wins, small businesses come into
19 Grand Avenue. A "Painting with a Twist"
20 is one opening, and there are others
21 that want to get in.

22 And then there are three
23 developers that have proposed projects
24 that we hear are coming around and five
25 or six are -- developers are looking.

1 So we know there's activity. But
2 we obviously have to carry this process
3 towards the end, so we can get that
4 development moving in accordance with
5 the community's goals.

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6 I just want to take a personal
7 preference to say I want to thank
8 the collaboration of Rebecca Sinclair
9 and Rich Regina, who have just been
10 fantastic in this process, as far as
11 staffing, all you guys and Shelley
12 Brazley's also been great.

13 So that concludes.

14 MARWA FAWAZ: Yup.

15 SUPERVISOR GILLEN: Okay, thank
16 you for a very thorough comprehensive
17 presentation that provided a lot of
18 useful information.

19 I'll ask you to stand close by, in
20 case we have some residents who have
21 questions for you.

22 Thank you.

23 Okay. The first slip I have is
24 from Michael Ranieri.

25 ATTORNEY RANIERE: Good morning.

1 My name is Michael Ranieri from Ingerman
2 and Smith, 150 Motor Parkway, Hauppauge,
3 New York.

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4 I'm here on behalf of the Baldwin
5 Union Free School District.

6 The School District had asked me
7 to be present for the Public Hearing and
8 really just asked me to make their
9 presence known for the record.

10 The School District is -- you
11 know, doesn't take any specific position
12 with regard to the matters before the
13 Board or for the Council today. But
14 District intends to be an active
15 participant in all phases of this
16 project, as part of the ongoing efforts
17 within the community.

18 Thank you.

19 SUPERVISOR GILLEN: Great, thank
20 you.

21 And we welcome their
22 participation.

23 Karen Montalbano?

24 KAREN MONTALBANO: Karen
25 Montalbano, 2611 Park Avenue, Baldwin,

1 New York.

2 As you know, I'm a Baldwin
3 resident, also a longtime member of the Page 145
4 Baldwin Civic Association.

5 A little bit of a difference here,
6 I want to say thank you. Thank you to
7 all of you for moving this along
8 expeditiously, for giving us a plan
9 after 20 years of stalled development in
10 Baldwin and giving us hope for all
11 working together.

12 That has been really such a great
13 thing to see and that bi-partisan
14 fashion has really, along with the
15 zoning overlay, led to that \$10 million
16 grant, which I am so looking forward to
17 see what we can do with that money in
18 our community.

19 So this working together is what
20 we need to succeed. And I just want to
21 let you know that it has been much
22 appreciated.

23 Thank you.

24 SUPERVISOR GILLEN: Thank you,
25 Karen.

1 Thanks, Karen.

2 Erik Mahler.

3 ERIK MAHLER: Good afternoon, Page 146
4 everyone.

5 Erik Mahler, Baldwin Chamber of
6 Commerce President.

7 We fully support this Overlay
8 District. And your vote of approval is
9 a blessing for the Baldwin community so
10 please, without hesitation, continue on
11 this process.

12 Thank you.

13 SUPERVISOR GILLEN: Thank you,
14 Erik. And thank you for your
15 participation in this whole process and
16 all that you and Karen have done to move
17 this thing forward.

18 Thank you.

19 COUNCILWOMAN KING-SWEENEY:
20 Thanks, Karen and Erik.

21 AND we will promise you'll have
22 some trees.

23 ERIC MAHLER: Thank God.

24 (Whereupon, laughter was heard.

25 After, the following ensued.)

1 SUPERVISOR GILLEN: Nicholas from
2 Sahn Ward.

3 ATTORNEY CAPPADORA: Good Page 147
4 afternoon, Supervisor, members of the
5 Board.

6 My name's Nick Cappadora from
7 Sahn Ward Coschignano.

8 We represent Breslin Realty
9 Development with respect to a parcel
10 that's within the Overlay.

11 And we're very much in support of
12 continuing the work that you started on
13 and are continuing today.

14 Also want to thank Rich Regina and
15 Rebecca Sinclair for their coordination.

16 And that we offer our assistance,
17 if we can be of assistance, with the
18 continued development of the
19 regulations. We have some
20 correspondence in that I'm not going to
21 go through, that I don't have enough
22 time. But I'm sure in the coming days,
23 weeks, months, we'll go through it, and
24 just offer our assistance and voice our
25 support.

1 Thank you.

2 SUPERVISOR GILLEN: Thank you.

3 Meta Mereday.

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4 META MEREDAY: Meta Mereday,

5 Baldwin resident.

6 First of all, I am in support of
7 this process.

8 But in all things, I still have
9 questions and concerns from many of the
10 residents in Baldwin, who -- who's
11 voices still have not been heard.

12 Considering that Baldwin runs from
13 the Bay to the Parkway, there are
14 businesses that have issue with regard
15 to whether there's going to be
16 inclusion, with regard to any of these
17 proposed benefits and assistance to
18 develop all of Baldwin along Grand
19 Avenue.

20 Secondly, most of the residents
21 are largely concerned about the fact
22 that their major supermarket has yet to
23 be restored. So again, that is a
24 concern.

25 So I'm just hoping that there is

1 some flexibility within this, because I
2 don't want to have to come back later
3 and be told you we were in the room Page 149
4 when you saw how this package was
5 presented and approved, and that there
6 was no wiggle room. So I need know and
7 residents need to know with regard to
8 that, because there are other
9 organizations that predate the Baldwin
10 Civic Association.

11 And it takes nothing away from the
12 work that they did, but the Baldwin Oaks
13 Civic Association predates this
14 scenario, and has been looking for a
15 development in this area from the Bay to
16 the Parkway for decades. So we are
17 looking forward to that.

18 And considering we have a
19 "Brownfield" region across the street
20 from the Town park at Coe's Neck that
21 needs to be remediated, but it is
22 outside of the Overlay District, what do
23 we tell the residents on the northern
24 end of Baldwin with regard to that
25 property?

1 Secondly, the amenities that are
2 going towards parking, again, what is
3 going to be addressing those issues Page 150
4 when you're talking about increasing the
5 lanes on Sunrise Highway and you have a
6 road calming process?

7 You will now have two lanes
8 turning from Sunrise Highway into one
9 lane on Grand Avenue. And you cannot
10 tell me that that's not going to pose
11 some challenges.

12 So again, I still have questions.
13 I always will have questions.

14 And I'm hopeful that we will
15 continue, as Karen said previously, to
16 work as a united front to represent all
17 of the interests of all of Baldwin.

18 Thank you.

19 SUPERVISOR GILLEN: Thank you,
20 Ms. Mereday.

21 And perhaps to address some of
22 your traffic concerns, someone from VH1
23 can meet with Ms. Mereday out, you know,
24 on the sidelines, and just kind of
25 explain some things that she might have

1 some questions for.

2 Thank you.

3 Okay. I don't have any other Page 151
4 slips on this Public Hearing. Is there
5 anyone else who'd like to be heard?

6 (Gesturing.)

7 SUPERVISOR GILLEN: I think I see
8 a hand, yes.

9 JESSENIA MENDEZ: This is
10 nerve-racking.

11 SUPERVISOR GILLEN: Just take a
12 deep breath, just to say your name and
13 address for the record. And then just
14 say whatever you want to say.

15 JESSENIA MENDEZ: Jessenia Mendez,
16 Baldwin resident, also on the BCA and a
17 business owner in Town.

18 And do you need the address? No,
19 you don't need it?

20 SUPERVISOR GILLEN: Baldwin is
21 fine.

22 JESSENIA MENDEZ: I'm in Baldwin,
23 that's it.

24 So I have just like -- well, I
25 have many concerns, but I think we could

1 all talk about that a different, you
2 know, a different time.

3 But one main thing that I have a Page 152
4 big issue with is the weight limit that
5 is able to go through the Town on Grand
6 and on Merrick.

7 Being that my business is on
8 Merrick, I have two cars that was hit,
9 you know, where the cars are speeding by
10 that are trucks. And the trucks are
11 there, cars are going around. So it's
12 always a problem, not to mention how
13 many people have gotten hit by a car on
14 that road, because of the speed.

15 So I was wondering are they going
16 to -- since it's Merrick, are they going
17 to try to slow down the traffic in that
18 area right there between, you know, on
19 Grand and --

20 SUPERVISOR GILLEN: Is this
21 something that we looked at in our
22 study?

23 DANIEL WINKELMAN: This is
24 actually something that the County
25 looked at in their study. And they do

1 propose geometric improvements to the
2 intersection of Grand and Merrick, to
3 help better control traffic as it
4 enters the intersection to tighten it
5 up a little bit, which will essentially
6 slow traffic as it goes through that
7 area.

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8 JESENNIA MENDEZ: But they
9 proposed it. Are they really going to
10 do it?

11 DANIEL WINKELMAN: My
12 understanding is they're in the detail
13 design right now for implementation.

14 JESSENIA MENDEZ: So that's going
15 to be added to it, hopefully, when
16 everything starts to come together?

17 DANIEL WINKELMAN: That's my
18 understanding, yes.

19 JESSENIA MENDEZ: Okay.

20 What about the weight limit?
21 Meaning we have tractor trailers coming
22 through Grand, you know, and also on
23 Merrick.

24 And, you know, Rockville Centre
25 doesn't have that. They got to make a

1 left on Sunrise and keep going.

2 But through us, they just keep
3 flying by, so --

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4 DANIEL WINKELMAN: Yeah.

5 I would have to coordinate with
6 the County. They are the ones who are
7 going to put any weight restrictions on
8 the roadways.

9 So that is a question I can't
10 answer.

11 SUPERVISOR GILLEN: So if you
12 want, we can take your information. You
13 can share your information and we'll try
14 to get some more information from the
15 County for you, as they're part of their
16 traffic calming measures that they're
17 taking.

18 JESSENIA MENDEZ: And lots of
19 signage.

20 In reference to the parking, we do
21 have Town-supplied parking, but nobody
22 ever knows that it's there.

23 How can -- what are we going to do
24 in reference to showing people, "Hey,
25 there's actually parking back there.

1 There's a parking over here"?

2 There's no signage that you can
3 see where there's actually Town parking. Page 155

4 SUPERVISOR GILLEN: Well, I think
5 the hope is, is that once this area kind
6 of becomes revitalized and you have
7 bustling businesses there, that
8 certainly the businesses that are there
9 are going to try to let their customers
10 know.

11 And we can probably put up a sign,
12 "Municipal Parking." I don't think
13 that's going to be a challenge.

14 JESSENIA MENDEZ: A sign?

15 SUPERVISOR GILLEN: Yeah.

16 JESSENIA MENDEZ: 'Cause I mean
17 you can put -- you know, people put the
18 signs in front of their store.

19 We have back parking, but nobody
20 ever either sees it. And then a lot of
21 businesses lose business because they
22 don't even know that there's a parking,
23 or the little parking lot is hard to get
24 to because they don't know beforehand,
25 "Hey, there's a parking lot there."

1 SUPERVISOR GILLEN: Point well
2 taken.

3 JESSENIA MENDEZ: And so they Page 156
4 just keep going.

5 SUPERVISOR GILLEN: Sure. We can
6 make sure that people are properly
7 noticed that there's parking available.

8 JESSENIA MENDEZ: Yes.

9 SENIOR COUNCILWOMAN GOOSBY: We're
10 hoping.

11 SUPERVISOR GILLEN: That's our
12 hope, that we just have cars flowing
13 into our parking lots 'cause businesses
14 are booming in Baldwin.

15 JESSENIA MENDEZ: I hope so, too.

16 All right, that's it for me.

17 SUPERVISOR GILLEN: Thank you.

18 JESSENIA MENDEZ: Thanks.

19 SUPERVISOR GILLEN: All right. Is
20 there anybody else who'd like to be
21 heard on this Public Hearing?

22 (Whereupon, no response was heard.
23 After the following ensued.)

24 SUPERVISOR GILLEN: Hearing none,
25 may I have a motion?

1 COUNCILWOMAN KING-SWEENEY: Okay.

2 Just some procedural things.

3 I move to amend Section 431.1C, Page 157

4 such that it reads in pertinent part,

5 "community benefits or amenities

6 outlined in Section 431.1.B."

7 I move to close the Public Hearing

8 on the DGEIS, and the proposed ordinance

9 to keep the record open

10 on the DGEIS 'til 5 p.m. on

11 September 16th, 2009 -- '19.

12 And to keep the record open on the

13 proposed ordinance for purposes of

14 considering comments and amendments to

15 the ordinance, until such time as the

16 Board renders a decision.

17 All that's required language,

18 so --

19 SENIOR COUNCILWOMAN GOOSBY: I

20 forgot the lawyers continue to talk.

21 (Whereupon, laughter was heard.

22 After, the following ensued.)

23 SENIOR COUNCILWOMAN GOOSBY: Okay.

24 But anyway, I second the motion.

25 SUPERVISOR GILLEN: Madam Clerk.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 CLERK CABANA: Supervisor Gillen?

2 SUPERVISOR GILLEN: Yes.

3 CLERK CABANA: Councilman

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4 Blakeman?

5 COUNCILMAN BLAKEMAN: I think it's

6 great for the Town.

7 Yes.

8 CLERK CABANA: Councilman D'Esposito?

9 COUNCILMAN D'ESPOSITO: Aye.

10 CLERK CABANA: Councilman Dunne?

11 COUNCILMAN D'ESPOSITO: Aye.

12 CLERK CABANA: Senior Councilwoman

13 Goosby?

14 SENIOR COUNCILWOMAN GOOSBY: Very

15 happily, yes.

16 CLERK CABANA: Councilwoman

17 King-Sweeney?

18 COUNCILWOMAN KING-SWEENEY: Yes,

19 with pleasure.

20 CLERK CABANA: Councilman Muscarella?

21 COUNCILMAN MUSCARELLA: Aye.

22 SUPERVISOR GILLEN: All right.

23 Okay, that concludes our Public

24 Hearings.

25 Madam Clerk, will you please call

1 the Administrative Calendar?

2 CLERK CABANA: Yes, there are
3 Items 12 through 52 on the
4 Administrative Calendar.

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5 I also have an item of an urgent
6 nature entitled "Resolution Calling a
7 Public Hearing, to review the
8 recommendation of the Town of Hempstead
9 Landmark's Preservation Commission, that
10 the "FRANKLIN SQUARE MOVIE THEATER" at
11 989 Hempstead Turnpike, FRANKLIN SQUARE,
12 NY, Section 35, Block 004, Lot 126 be
13 designated an historical landmark.

14 This will be Item No. 53 on the
15 Calendar.

16 SUPERVISOR GILLEN: With respect
17 to the Administrative Calendar, Item No.
18 41 is an item that calls for the
19 settlement of certain lawsuits.

20 And with respect to the settlement
21 with Double Eagle Golf Course, I move
22 that that item be adjourned until
23 October 2nd, since I have just become
24 aware of some information that may be
25 relevant as it whether or not we should

1 settle this litigation.

2 May I have a second on that?

3 COUNCILWOMAN KING-SWEENEY:

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4 Second.

5 SUPERVISOR GILLEN: This is me
6 tabling Item No. 41, Double Eagle, until
7 October 2nd.

8 Madam Clerk.

9 COUNCILMAN BLAKEMAN: Well, I have
10 a question, Supervisor.

11 Is there a chance that by October
12 2nd, that this matter won't be resolved?

13 Maybe we should just adjourn it
14 without date.

15 SUPERVISOR GILLEN: That would
16 be --

17 COUNCILMAN BLAKEMAN: Does that
18 would make any sense?

19 SUPERVISOR GILLEN: That would be
20 acceptable to me as well.

21 COUNCILMAN BLAKEMAN: Does that
22 make more sense?

23 COUNCILWOMAN KING-SWEENEY: Yeah.

24 COUNCILMAN BLAKEMAN: So you would
25 be willing to amend that?

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1 COUNCILWOMAN KING-SWEENEY: Yes.

2 SUPERVISOR GILLEN: So --

3 COUNCILMAN BLAKEMAN: On 41? Page 161

4 COUNCILWOMAN KING-SWEENEY: I'm
5 willing to second the amended version.

6 SUPERVISOR GILLEN: All right, so
7 I will amend my motion to table Item No.
8 41 without a date.

9 COUNCILWOMAN KING-SWEENEY: Second.

10 SUPERVISOR GILLEN: Madam Clerk.

11 CLERK CABANA: Supervisor Gillen?

12 SUPERVISOR GILLEN: Aye.

13 CLERK CABANA: Councilman Blakeman?

14 COUNCILMAN BLAKEMAN: Aye.

15 CLERK CABANA: Councilman D'Esposito?

16 COUNCILMAN D'ESPOSITO: Aye.

17 CLERK CABANA: Councilman Dunne?

18 COUNCILMAN DUNNE: Aye.

19 CLERK CABANA: Senior Councilwoman
20 Goosby?

21 SENIOR COUNCILWOMAN GOOSBY: Aye.

22 CLERK CABANA: Councilwoman
23 King-Sweeney?

24 COUNCILWOMAN KING-SWEENEY: Aye.

25 CLERK CABANA: Councilman Muscarella?

1 COUNCILMAN MUSCARELLA: Aye.

2 COUNCILMAN D'ESPOSITO: Supervisor,

3 I also have two proposed emergency Page 162
4 resolutions.

5 The first is an appointment of
6 Dominick Longobardi, as the second
7 deputy comptroller in the office of the
8 Town comptroller.

9 TOWN ATTORNEY RA: Is there any
10 objection from any member of the Board?

11 SUPERVISOR GILLEN: I object. I
12 don't know why this is an emergency.

13 I don't know how an emergency just
14 all of a sudden happened, between when
15 we started this meeting and when I just
16 received this, when Ms. Montalbano
17 was speaking about ten minutes ago.

18 In fact, I did hear rumblings that
19 there is going to be some urgent hand
20 up. I asked Council to the majority if
21 he could even give me the topic of what
22 the emergency hand up was. And he said,
23 "No," he could not share that with me.

24 I have not seen this. The members
25 of the public haven't seen this.

1 This is not the way government
2 should be run. If you have something
3 that's an emergency, you should discuss Page 163
4 it with your Board Members before the
5 meeting. And you should talk about it
6 openly. And the members of the public
7 had the right to know that there's going
8 to be something handed up.

9 Has anybody in the audience seen
10 this (indicating)?

11 (Whereupon, "No," was heard
12 calling out from the audience.)

13 SUPERVISOR GILLEN: No, no one's
14 seen this.

15 Or this (indicating) one, which is
16 coming up next, which, this one I get a
17 kick out of, "Resolution declaring the
18 Supervisor's directive that Averil Smith
19 is acting comptroller and overseeing the
20 day-to-day operations of the office will
21 be null and void." That's quite comical
22 as well.

23 Under Town Law, I am the
24 day-to-day manager of the Town. And
25 this, there's nothing to even nullify,

1 because there was no action by the
2 Board. So I don't even know what legal
3 merit this has.

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4 But this is ridiculous. This is
5 not the way government should be run.

6 COUNCILMAN DUNNE: I'm going to
7 second the motion of my Colleague
8 D'Esposito. And I want to thank him for
9 the Board making this appointment. Good
10 job.

11 Thank you.

12 COUNCILMAN BLAKEMAN: I'd like to
13 respond, if I might.

14 So Supervisor, the reason there is
15 an emergency is because you decided that
16 you were going to appoint your finance
17 director as the acting comptroller,
18 which is in violation of the Town Law,
19 which creates a conflict of interest.

20 The comptroller should not be
21 representing the Supervisor. The
22 comptroller should not be representing
23 the Town Board.

24 The comptroller is there to make
25 sure that all of the financial important

1 issues regarding the Town are reviewed
2 by that office. And that includes the
3 budget.

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4 And when the comptroller finds
5 that there's something that is not
6 fiscally sound, it's the comptroller's
7 job to push back when the Town Board or
8 the Supervisor want to do something
9 that's contrary to what the comptroller
10 thinks is prudent and physically sound.

11 So the bottom line is, you have
12 somebody that you've nominated who isn't
13 in that position. She's in the position
14 of being an advocate for you and your
15 budget, which is perfectly fine.
16 There's nothing wrong with it.

17 But to carry those two jobs, it's
18 like riding two horses at the same time.
19 It doesn't work.

20 So what we suggested in a letter
21 to you, and we hope you consider it, is
22 as follows. Let Ms. Smith work with the
23 comptroller's office to prepare your
24 budget, which you are going to present
25 to the Town Board. And if you like,

1 Ms. Smith can make that presentation as
2 if she was the comptroller.

3 But the Code is very clear that Page 166
4 the second deputy comptroller assumes
5 the position of comptroller in the event
6 there's a vacancy.

7 And for the purposes of making it
8 clear, there's a resolution
9 that just makes it clear that
10 Mr. Longobardi is the second deputy,
11 because that is the mechanism that is in
12 the Town Code.

13 There is no mechanism for
14 Ms. Smith to be appointed by you. And
15 we want to thank Ms. Smith if she's
16 filled in, in the week or ten days that
17 there's been a vacancy and thank her for
18 helping out.

19 But really, her role is to
20 represent you. And the comptroller's
21 role is to represent the people of the
22 Town of Hempstead.

23 SUPERVISOR GILLEN: So I think
24 there lies in the fundamental difference
25 between the way you see things,

1 Mr. Blakeman, and the way I see things.

2 There's not "my budget." There's
3 not "your budget." There's the
4 "taxpayers' budget."

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5 The budget is prepared for the
6 best interests of the taxpayers. That's
7 who I represent. That's who Ms. Smith
8 represents. That's who Mr. Longobardi
9 represents. And that's supposed to be
10 who you represent.

11 So we shouldn't -- there's been a
12 warring budget last year. There
13 shouldn't be a warring budget this year.

14 We should all be working together
15 collaboratively, to make a budget that
16 is the best budget, the most responsible
17 budget for our taxpayers, that they can
18 have. That is how we should be working
19 together.

20 But I sent a letter in July of
21 last year, asking the Town Board members
22 to work with me collaboratively
23 on the budget. They declined to do so.

24 Once the tentative budget was
25 filed, I invited them all to come into

1 my office. I cleared my schedule to
2 meet with them.

3 They didn't meet with me. And Page 168
4 instead, on the hearing we're trying to
5 adopt the tentative budget as the
6 preliminary budget, all of these people
7 sitting here held a press conference and
8 dropped 73 amendments to a budget in
9 front of me that I had no time to
10 review, that Ms. Smith had no time to
11 review and that the comptroller had no
12 time to review, because they cut him out
13 of the budget and hired somebody else on
14 your dime to prepare these 73
15 amendments. That's bad government.

16 There's not two budgets. There's
17 one budget. And the people it's
18 supposed to serve are the taxpayers of
19 this Town.

20 And we should be working together
21 and not working at odds. That's
22 Ms. Smith's motion, that's her desire.
23 I think that's Mr. Longobardi's desire,
24 Mr. Capobianco's desire and Mr. Ramos's
25 desire, all of whom I've met with and

1 all of who have worked very
2 collaboratively with Ms. Smith, who is
3 a licensed CPA; who has done budgets Page 169
4 before; who prepared the budget in the
5 Town of North Hempstead, and has done an
6 ample job working collaboratively with
7 all of these gentlemen here.

8 I thank you, Ms. Smith. And I
9 thank you gentlemen for coming in and
10 meeting with me and talking about the
11 best way to move forward together.

12 COUNCILMAN BLAKEMAN: Yeah, I'd
13 like --

14 (Whereupon, applause from the
15 audience was heard. After, the
16 following ensued.)

17 COUNCILMAN BLAKEMAN: -- I'd like
18 to --

19 COUNCILMAN DUNNE: Stop.

20 COUNCILMAN BLAKEMAN: -- I'd like
21 to respond to that.

22 First of all, the Town Code is
23 very clear that the comptroller, with
24 the assistance of the Supervisor in all
25 the departments in the Town of Hempstead

1 are to collaborate on the Supervisor's
2 budget, that the Supervisor presents to
3 the Town Board.

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4 The Town Board then looks at the
5 budget and they make a decision as to
6 whether or not they want to amend that
7 budget. And they do it according to
8 law, on the day that we did it.

9 The reason why you claim you
10 weren't part of it is because it was the
11 Town Board's function, at that point, to
12 look at the budget that you presented
13 and then make changes if we saw fit.

14 And we didn't vote on it that day.
15 We voted on it I think 25 days after
16 that, which gave the public, which gave
17 you, which gave your office 25 days to
18 review and comment on the changes that
19 the Town Board wanted to make.

20 And, you know, there are
21 philosophical differences sometimes.
22 You presented a budget with a tax
23 increase. We wanted a budget with a tax
24 cut.

25 So the fact of the matter is,

1 there is a tension between the
2 Supervisor's budget and the Town Board
3 that's a healthy tension. That's Page 171
4 called checks and balances. That's
5 called being able to review what the
6 Supervisor and what the comptroller
7 present, and be able to make amendments
8 if we have a philosophical difference,
9 or if we don't agree with the numbers
10 that are presented with your budget.

11 So it's -- the final budget is the
12 people's budget. But the budget that
13 you presented, according to law, is your
14 budget. And the final budget is the
15 budget we all vote on, which is the
16 Town's budget, which is the People's
17 budget.

18 SUPERVISOR GILLEN: I must correct
19 you on two points, Mr. Blakeman.

20
21 We did vote that day. You dropped
22 73 amendments to the budget in front of
23 me. And that day, you voted and changed
24 the tentative budget to
25 be the preliminary budget, with those 73

1 amendments that I had no time to review.

2 And as I recall, I tried to take a
3 break to try to go talk to the
4 comptroller and my finance director
5 about them and they didn't even want to
6 let me take a break. I had to pull the
7 clerk out with me so we could take a
8 break, so I could at least look at them
9 and count how many amendments there
10 were.

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11 So yes, in fact, we did vote that
12 day and you did change the tentative
13 budget.

14 And I must correct you again. I
15 know you're going with this spin, but
16 the reality is I had proposed amendments
17 to the budget, to the tentative budget,
18 which I shared with all of you well in
19 advance of the hearing, that would have
20 a zero-tax increase.

21 So the budget, as amended, has
22 zero-tax increase.

23 Thank you.

24 COUNCILMAN BLAKEMAN: And I
25 respectfully disagree with the

1 characterization, but reasonable people
2 can differ and disagree.

3 COUNCILMAN DUNNE: And just to Page 173
4 make it quite simple, the day-to-day
5 operation is the Supervisor's job.

6 We lost our comptroller and she
7 temporarily appointed somebody to fill
8 that spot until the Board meets. That's
9 the way it's supposed to be. The Board
10 is meeting now, so we will make our
11 appointment.

12 Thank you for appointing a
13 temporary person to fill in that gap, so
14 there is no void.

15 But Ms. Smith, thank you for
16 filling in the spot until this time.

17 At this time, we now we'll appoint
18 somebody, and the Board will do that.

19 COUNCILMAN BLAKEMAN: Second?

20 SUPERVISOR GILLEN: Well, I thank
21 you Mr. Dunne.

22 COUNCILMAN DUNNE: I seconded the --

23 SUPERVISOR GILLEN: Thank you.

24 COUNCILMAN DUNNE: -- the motion
25 that was made by our Town Councilman

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1 D'Esposito.

2 SUPERVISOR GILLEN: And so now
3 we'll have a vote on whether or not this Page 174
4 Item is added to the agenda.

5 Madam Clerk.

6 CLERK CABANA: Supervisor Gillen?

7 SUPERVISOR GILLEN: No.

8 CLERK CABANA: Councilman Blakeman?

9 COUNCILMAN BLAKEMAN: Aye.

10 CLERK CABANA: Councilman D'Esposito?

11 COUNCILMAN D'ESPOSITO: Aye.

12 CLERK CABANA: Councilman Dunne?

13 COUNCILMAN DUNNE: Aye.

14 CLERK CABANA: Senior Councilwoman
15 Goosby?

16 SENIOR COUNCILWOMAN GOOSBY: Aye.

17 CLERK CABANA: Councilwoman
18 King-Sweeney?

19 COUNCILWOMAN KING-SWEENEY: Aye.

20 CLERK CABANA: Councilman Muscarella?

21 COUNCILMAN MUSCARELLA: Aye.

22 SENIOR COUNCILWOMAN GOOSBY: And I vote
23 aye, because of the fact we must follow
24 the Code.

25 I hear what you're saying,

1 Supervisor. But there are some things
2 that are being done that are incorrect.

3 COUNCILMAN D'ESPOSITO: I have
4 one more emergency resolution. Do I
5 have to read it or is it yours 'cause
6 you read it already?

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7 BOARD COUNSEL REGINA: Just the
8 caption.

9 COUNCILMAN MUSCARELLA: Just the
10 caption, okay.

11 A Resolution declaring the
12 Supervisor's directives that Averil
13 Smith is acting controller and
14 overseeing the day-to-day operations of
15 the Office of the Comptroller, null and
16 void.

17 COUNCILMAN DUNNE: Second.

18 SUPERVISOR GILLEN: This again is
19 a vote on whether or not this Item will
20 be added to the Administrative Calendar
21 as No. 55; is that correct?

22 CLERK CABANA: Yeah, 52.

23 BOARD COUNSEL REGINA: Yes.

24 CLERK CABANA: Yes, that's
25 correct.

1 SUPERVISOR GILLEN: Okay,

2 Madam Clerk.

3 CLERK CABANA: Supervisor Gillen? Page 176

4 SUPERVISOR GILLEN: No.

5 CLERK CABANA: Councilman Blakeman?

6 COUNCILMAN BLAKEMAN: Aye.

7 CLERK CABANA: Councilman D'Esposito?

8 COUNCILMAN D'ESPOSITO: Aye.

9 CLERK CABANA: Councilman Dunne?

10 COUNCILMAN DUNNE: Aye.

11 CLERK CABANA: Senior Councilwoman

12 Goosby?

13 SENIOR COUNCILWOMAN GOOSBY: I
14 have a statement that I would like to
15 read.

16 "Supervisor Gillen, fellow Council
17 members and Town Board, Town of
18 Hempstead citizens. I believe that
19 Ms. Smith is very qualified to serve as
20 the Town's comptroller based on her
21 years of experience in municipal
22 finance, which includes serving as the
23 comptroller of the Town of North
24 Hempstead. However, I have concerns
25 about the manner in which Ms. Smith was

1 appointed the acting comptroller, and
2 the fact that she currently holds the
3 position of Secretary to the Supervisor. Page 177

4 The Town Board is the only legal
5 authority that may appoint individuals
6 to the positions at the Town of
7 Hempstead. It is important that the
8 authority of the Town Board to appoint
9 individuals to positions in Town
10 government be guarded and respected."

11 I obtain -- abstain from voting on
12 the resolution declaring null and void
13 the appointment by the Supervisor of
14 Ms. Smith as acting comptroller.

15 So in other words, I abstain.

16 CLERK CABANA: Councilwoman
17 King-Sweeney?

18 COUNCILWOMAN KING-SWEENEY: Aye.

19 CLERK CABANA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: Aye.

21 SUPERVISOR GILLEN: Okay. Would
22 any of the Council members like to sever
23 any of the items on the Administrative
24 Calendar?

25 COUNCILMAN DUNNE: I -- if I may,

1 I move that item 40, insofar
2 as to remove -- I move to amend
3 40, insofar as to remove the Page 178
4 Dolores Sedacca and Gaspare Tumminello -- I
5 hope I pronounced his name right -- from
6 the Committee.

7 I don't think that four of the
8 eight members of the Committee must be
9 from the Clerk's office. I think the
10 Clerk Cabana and Ms. Powers are all we
11 need.

12 Is there a second on the motion?

13 COUNCILMAN D'ESPOSITO: I mean I
14 can't --

15 COUNCILMAN DUNNE: Oh, that's
16 right.

17 Bruce?

18 COUNCILMAN BLAKEMAN: I'm
19 abstaining from it, so I can't second.

20 COUNCILMAN DUNNE: Well, as --
21 just let me explain, the Clerk gets four
22 appointees on this. We're just making
23 it two.

24 It's always been six. We're going
25 to keep it six. We don't need eight,

1 two extras from the Clerk.

2 The Clerk is serving herself
3 on the Board, as is our Councilman
4 D'Esposito. That's why he can't second
5 the motion.

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6 SUPERVISOR GILLEN: I think we
7 should give the Clerk -- this is the
8 Taxi and Taxi Cab Advisory Committee.

9 Maybe the Clerk --

10 COUNCILMAN DUNNE: The Committee
11 that we have put forward --

12 SUPERVISOR GILLEN: -- do you want
13 to say why you need these people on the
14 Board, if you need these people on the
15 Board?

16 CLERK CABANA: Yes. Well, I was
17 told that I could appoint that many
18 people.

19 And there may be times where there
20 are meetings that I can't attend, so I
21 just wanted one of my deputies, either
22 one or the other. So maybe if one of
23 them could at least be included, that's
24 all.

25 I mean I chose Mr. D'Esposito,

1 because I think his experience is
2 proper, is actually perfect to be on
3 this Committee. So I --

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4 COUNCILMAN BLAKEMAN: I didn't
5 know that Mr. D'Esposito drove a cab.

6 CLERK CABANA: No, just as --

7 COUNCILMAN D'ESPOSITO: There's a
8 lot that you don't know about me, Bruce.

9 (Whereupon, laughter was heard.
10 After, the following ensued.)

11 CLERK CABANA: Just his --

12 COUNCILMAN BLAKEMAN: Has --

13 CLERK CABANA: -- his law
14 enforcement experience I thought would
15 be relevant and --

16 COUNCILMAN BLAKEMAN: Well, I like
17 Gaspare very much. I'm not going to
18 vote against him.

19 (Whereupon, laughter was heard.
20 After the following ensued.)

21 COUNCILMAN DUNNE: You like
22 Gaspare? So you want Gaspare to come in
23 too?

24 COUNCILMAN BLAKEMAN: Well, I
25 vote -- we'll --

1 SUPERVISOR GILLEN: So you're
2 saying you just wanted four
3 appointments, so you could have someone Page 181
4 cover the meeting if you're not there?

5 This is like, not really, I don't
6 think -- Mr. D'Esposito I'll refer over
7 to you and your expertise. Is this is
8 controversial stuff, the Taxi Cab
9 Advisory Committee?

10 COUNCILMAN D'ESPOSITO: Do I think
11 it's controversial?

12 SUPERVISOR GILLEN: Yeah, I mean
13 it's --

14 COUNCILMAN D'ESPOSITO: Listen,
15 I'm happy to serve with the Clerk on
16 this Committee.

17 COUNCILMAN DUNNE: If it's a
18 weighted vote and then you'll lose votes
19 because -- if it's a weighted vote in
20 their Committee. That's my concern.

21 If it is a weighted vote, then
22 we'll compromise. And I'll have -- I'll
23 go with Gaspare.

24 SUPERVISOR GILLEN: What do we
25 vote on in the Taxi Cab Advisory

1 Committee that's so controversial, that
2 we're worried about weighted votes?

3 COUNCILMAN DUNNE: I say we don't Page 182
4 know.

5 SENIOR COUNCILWOMAN GOOSBY: It
6 can be.

7 COUNCILMAN DUNNE: We don't know.

8 SENIOR COUNCILWOMAN GOOSBY: I
9 observed what we're voting, but it can
10 be --

11 CLERK CABANA: We're just
12 exploring --

13 COUNCILMAN DUNNE: Interesting.

14 CLERK CABANA: -- we're just
15 exploring the existing law and possibly
16 any necessary amendments.

17 I didn't know it was
18 controversial, but if the Board decides
19 they don't want my deputies that's --

20 COUNCILMAN BLAKEMAN: I
21 would ask that the motion made by
22 Councilman Dunne be compromised, and
23 that we leave Mr. Tumminello on,
24 and --

25 COUNCILMAN DUNNE: I agree. I

1 agree. I second it.

2 COUNCILMAN BLAKEMAN: -- leave it
3 at three appointments.

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4 Is that okay with you, Sylvia?

5 COUNCILMAN DUNNE: And it's
6 seconded, so we have to --

7 CLERK CABANA: Yeah, without
8 Delores.

9 COUNCILMAN DUNNE: -- let's vote
10 on it.

11 CLERK CABANA: It --

12 COUNCILMAN DUNNE: Those that can
13 vote.

14 CLERK CABANA: -- it's -- that's
15 fine.

16 Thank you for leaving
17 Mr. Tumminello on.

18 SUPERVISOR GILLEN: Okay. So
19 we're moving on the amendment to this
20 Item?

21 SENIOR COUNCILWOMAN GOOSBY: What is it?

22 SUPERVISOR GILLEN: I mean we're
23 voting on it, sorry.

24 Madam Clerk, please call the roll.

25 CLERK CABANA: Yeah, okay.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 Supervisor Gillen?

2 SUPERVISOR GILLEN: I like

3 Ms. Sedacca very much, so I'm going to Page 184
4 vote no.

5 (Whereupon, laughter was heard.

6 After, the following ensued.)

7 CLERK CABANA: Councilman Blakeman?

8 COUNCILMAN BLAKEMAN: This is
9 nothing against her, but I vote yes on
10 the amendment.

11 CLERK CABANA: Councilman D'Esposito?

12 COUNCILMAN D'ESPOSITO: I am
13 abstaining, as I am a part or a proposed
14 part of the Committee.

15 CLERK CABANA: Councilman Dunne?

16 COUNCILMAN DUNNE: Aye.

17 CLERK CABANA: Senior Councilwoman
18 Goosby?

19 SENIOR COUNCILWOMAN GOOSBY: Okay, yes.

20 CLERK CABANA: Councilwoman
21 King-Sweeney?

22 COUNCILWOMAN KING-SWEENEY: Aye.

23 CLERK CABANA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 SUPERVISOR GILLEN: Okay.

1 May I have a motion on the
2 Administrative Calendar?

3 SENIOR COUNCILWOMAN GOOSBY: Are Page 185
4 we finished? Is it complete?
5 Everything's done?

6 SUPERVISOR GILLEN: Does anybody
7 want to sever or amend anything else or
8 hand up anything else?

9 SENIOR COUNCILWOMAN GOOSBY: Oh,
10 well, wait a minute.

11 Do I have get -- my ethics guy,
12 he's on here; right?

13 BOARD COUNSEL REGINA: He's on
14 there.

15 SENIOR COUNCILWOMAN GOOSBY: He's
16 on here. Oh, okay, fine.

17 SUPERVISOR GILLEN: He's on there.

18 SENIOR COUNCILWOMAN GOOSBY: Oh, okay,
19 fine. So that's done.

20 So I move that --

21 TOWN ATTORNEY RA: Move the entire
22 Administrative.

23 SENIOR COUNCILWOMAN GOOSBY: I
24 move the entire Administrative Calendar.

25 COUNCILMAN BLAKEMAN: I second.

1 SUPERVISOR GILLEN: All right, I
2 have a number of slips of people who
3 would like to be heard. First, Page 186
4 Felix Procacci.

5 FELIX PROCACCI: I'm Felix Procacci.

6 I want to bring up the fact that
7 New York State Town Law does require, in
8 the general powers of Town Board, to
9 appoint heads of departments, so it
10 can't be done unilaterally by the
11 Supervisor.

12 Also, since we're talking about
13 budgets in this case, amendments to the
14 budget should be done according to
15 New York State Law, on recommendation of
16 the Supervisor, approval of modifications
17 and transfers of money.

18 So we kind of did it backwards,
19 'cause it's, you know, the Town Board,
20 that's not under their rules. It's
21 under the Supervisor's rules.

22 Also, what's missing from
23 the Administrative Calendar is, you
24 know, we need to have a resolution
25 accepting the -- the resignation of

1 Kevin Conroy, who retired. That should
2 be part of the resolutions.

3 And that's just -- it should be, Page 187
4 but it's even more important now because
5 a lot of our budget projections are
6 based on a projection of how many people
7 retired.

8 So if we're going make -- say
9 we're going to save the taxpayers
10 \$8 million or \$12 million based on the
11 number of retirees, it should be public
12 information when they retire. So at the
13 end of the year, people who monitor this
14 could see that, well, they projected 100
15 and only got, according to the FOIL's I
16 got, 44.

17 But it should be public
18 information. And we still don't put
19 that on the resolution which is
20 required.

21 I want to bring this up not to
22 talk about it specifically, but just
23 we're asking for change funds of \$100
24 each, for each cash register at the
25 Building Department. I agree with this.

1 But there was a controversy as to
2 whether things about \$100 should even
3 come before the Town Board.

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4 Everything should be coming before
5 the Town Board, like I said last time.
6 Petty cash funds of \$1,500 and less, and
7 how they're -- how they are actually
8 spent, according to New York State
9 Town Law, is supposed to come before the
10 Town Board, because any ways monies IS
11 spent needs to be accounted for, because
12 there could be somebody stealing money
13 at \$100 at a time.

14 And if you don't have any
15 accountability, no feedback loop and you
16 just give it one way discretion on some
17 commissioner, who doesn't have any --
18 requires you give any feedback, you
19 could steal money \$100 at a time. And
20 you could steal quite a bit of money
21 \$100 at a time. So it should be
22 accounted for.

23 And just since we're finally
24 appointing the fifth member -- we've
25 been illegal for so many times at the

1 Hempstead Board -- can we please publish
2 all the rules in a clear, understandable
3 way of how to make an ethics complaint? Page 189

4 I know the law's up there. But
5 who is -- it says under Law, Secretary
6 to the Board of Ethics, it would be nice
7 if we put a person's name there.

8 (Whereupon, the bell rang. After,
9 the following ensued.)

10 FELIX PROCACCI: Thank you.

11 SUPERVISOR GILLEN: Thank you,
12 Mr. Procacci.

13 Diane Madden.

14 DIANE MADDEN: Diane Madden,
15 Hempstead.

16 Full disclosure, I'm running for
17 Town of Hempstead Supervisor.

18 Item No. 42, the various offices
19 and positions, I understand that there's
20 some kind of change being made with
21 Ms. Fogarty at the Animal Shelter, but
22 it wasn't specific, nor was it specific
23 in August.

24 Is there a -- what is that change
25 being made to this employee?

1 SUPERVISOR GILLEN: Mr. Sammon,
2 are you here?

3 (Whereupon, no response was heard Page 190
4 After, the following ensued.)

5 SUPERVISOR GILLEN: Mr. Sammon, is
6 it -- are you aware of a change for
7 Ms. Fogarty at the Animal Shelter.

8 HR DIRECTOR SAMMON: No,
9 I'm not Supervisor.

10 SUPERVISOR GILLEN: No, it's not
11 on --

12 A VOICE: He's not aware of
13 anything.

14 SUPERVISOR GILLEN: No, we're not
15 aware of anything going on with her.
16 She's not on the Personnel Calendar.

17 DIANE MADDEN: For today? Was it
18 for an amendment, because she is. I
19 looked up the documents before the
20 Town Board meeting.

21 SUPERVISOR GILLEN: No.
22 Fogarty?

23 COUNCILMAN D'ESPOSITO: I didn't
24 see that.

25 SUPERVISOR GILLEN: No.

1 DIANE MADDEN: Was it the August
2 meeting?

3 SUPERVISOR GILLEN: I'm not sure, Page 191
4 because I don't that calendar in front
5 of me. But there's no Fogarty on
6 today's Personnel Calendar.

7 DIANE MADDEN: Okay.

8 With regards to these committees
9 for the towing, for the taxi cab, is
10 this something new?

11 SUPERVISOR GILLEN: No.

12 CLERK CABANA: I believe it was
13 provided for in the Town Court -- in the
14 Code, but it was never really officially
15 formed.

16 So in reviewing it, I thought it
17 would be a good thing to form them. And
18 I asked Mr. -- Councilman D'Esposito,
19 as well, to join, so 'cause I think it's
20 important things that need to be looked
21 into, so --

22 DIANE MADDEN: Right, absolutely.

23 I'm just wondering, because
24 there's never been any kind of committee
25 as such regarding the Animal Shelter.

1 So on that subject, I'd like to
2 know if anything was put together
3 regarding the RFP responses for the Page 192
4 trainer, for the operational inspection,
5 anything?

6 SUPERVISOR GILLEN: So the
7 operational audit, my understanding is
8 we only got one response.

9 So we put it back out again to try
10 to get, bring in some more responses.

11 DIANE MADDEN: Is the current
12 lawsuit still in place against the
13 County regarding the County's loss, the
14 County's audit, the operational audit?

15 I know you were going to have a
16 conversation with Mr. Ra at the last
17 meeting, when I had asked how is it
18 possible that an RFP is out to do an
19 audit operationally of the Animal
20 Shelter, while taxpayers are funding a
21 lawsuit to fight an operational audit at
22 the Animal Shelter.

23 SUPERVISOR GILLEN: I believe that
24 we're moving it -- we're trying to
25 settle that litigation now.

1 Is that right, Mr. Ra?

2 TOWN ATTORNEY RA: That is
3 correct, Supervisor.

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4 DIANE MADDEN: Okay. So you're in
5 settlement conversations about --

6 SUPERVISOR GILLEN: Well, it's
7 kind of the whole lawsuit is pretty much
8 moot at this point, since we're doing an
9 operational audit.

10 So we're trying to just
11 discontinue the lawsuit.

12 DIANE MADDEN: Well, not really,
13 because an operational audit by the
14 County will require the County to hand
15 over any findings to the District
16 Attorney.

17 Wherein the case of a hand-picked,
18 cherry-picked audit to be done by an
19 outsider, you basically get to choose
20 who's doing the audit, and essentially
21 according to the years and history of
22 the Town of Hempstead, basically pick
23 the outcome as well. And someone from
24 the outside that's doing an audit
25 operationally of the Shelter may not

1 know what to look for and may not
2 understand what possible criminality is,
3 in comparison to the Nassau County team Page 194
4 of auditors.

5 So I completely disagree with
6 that. And if that's the plan to do away
7 with the operational audit for the
8 County, to hand pick someone to do
9 operational audit, that is not in the
10 best interest the animals. And it's
11 certainly not in the best interest of
12 the taxpayers.

13 Thank you.

14 SUPERVISOR GILLEN: Ms. Gordon.

15 RORI GORDON: Rori Gordon,
16 Hauppauge, New York.

17 On No. 48, building construction
18 administration, there's a little
19 paragraph in there. It says, "It is the
20 intent of these provisions to prohibit
21 impropriety and the appearance of
22 impropriety."

23 What consequences will employees
24 endure that violate this statute?

25 SUPERVISOR GILLEN: This is just a

1 call for. The Public Hearing will be on
2 at the next Town Board meeting, I think
3 on that.

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4 RORI GORDON: Okay.

5 SUPERVISOR GILLEN: Yeah.

6 RORI GORDON: Okay.

7 SUPERVISOR GILLEN: Yeah, it's
8 September 24th.

9 RORI GORDON: Oh, all right, let's
10 see. So I have to go --

11 On No. 35, who is the Secretary
12 for the Town of Hempstead Board of
13 Ethics?

14 SENIOR COUNCILWOMAN GOOSBY: Who is
15 the Secretary?

16 SUPERVISOR GILLEN: We've
17 just, I think, and in this calendar,
18 Senior Councilwoman Goosby is just
19 appointing her designee to the Board of
20 Ethics.

21 So they're going to convene and
22 there's no -- they haven't convened yet,
23 because we've been waiting for people to
24 be appointed.

25 So now the Town Board Majority has

1 appointed their person. I have
2 appointed my representative or my
3 designee for the Board. And Page 196
4 Senior Councilwoman, in this meeting, is
5 appointing her person to be on the Board
6 of Ethics. And the Town Attorney's also
7 on the Board of Ethics.

8 So they'll decide who's going to
9 have what office when they meet,
10 according to the Code.

11 RORI GORDON: Prior to this new
12 Ethics Committee, when is the last time
13 the old Ethics Committee met?

14 SUPERVISOR GILLEN: Mr. Ra,
15 do -- can you answer that?

16 TOWN ATTORNEY RA: I do not have
17 that information available.

18 RORI GORDON: Did they ever meet?

19 TOWN ATTORNEY RA: I do not have
20 that information available.

21 RORI GORDON: Okay.

22 No. 27, I was not aware there were
23 eight cash registers in the Building
24 Department. Where are they located?

25 I know the main one. I thought

1 that was the only one.

2 SUPERVISOR GILLEN: I don't know
3 if we should disclose that, because of Page 197
4 when we're keeping cash in Town Hall, I
5 don't think we want to say where those
6 cash registers are, just as a matter of
7 public safety.

8 SENIOR COUNCILWOMAN GOOSBY: And I
9 agree with that.

10 RORI GORDON: Well, what is the
11 need to have eight people collecting
12 money, I guess would be a better way to
13 put it?

14 SUPERVISOR GILLEN: I mean
15 Commissioner, what do we collect money
16 for? Permit fees?

17 RORI GORDON: That's in the --
18 that's right in the main room?

19 TOWN ATTORNEY RA: If I can just
20 -- before the Commissioner says whatever
21 it is he'd like to say, departmental
22 needs would be the answer. And I do not
23 know how far we want to go in talking
24 about cash and cash registers.

25 But if the Commissioner wants to

1 add something, but departmental needs
2 would be the answer.

3 RORI GORDON: I'm concerned about Page 198
4 eight salaries. I didn't even know that
5 such a situation existed in the Building
6 Department.

7 TOWN ATTORNEY RA: The answer
8 would be -- my answer would be
9 departmental needs, but that --

10 RORI GORDON: Okay.

11 On No. 25, there's a resolution
12 here about printing.

13 With the reduction of printing, is
14 there a reduction of payroll since
15 you've taken your office? Because
16 you've really done a good job on getting
17 rid of all those mailers.

18 Okay, there's occasional mailers.
19 But it's nothing like it was before.

20 SUPERVISOR GILLEN: This is an
21 award of a contract, No. 25.

22 RORI GORDON: Right.

23 SUPERVISOR GILLEN: We got two
24 bids. And this is the lowest bidder
25 that is being awarded the contract.

1 RORI GORDON: But it's in the
2 printing department; correct?

3 SUPERVISOR GILLEN: It's an Page 199
4 outside vendor that's being brought in.

5 RORI GORDON: Oh, so that's on top
6 of the salaries that -- what we have
7 already paid for the printing
8 department? It's not incumbent in the
9 actual?

10 SUPERVISOR GILLEN: No. I don't
11 know if --

12 TOWN ATTORNEY RA: It's a
13 maintenance agreement.

14 SUPERVISOR GILLEN: -- it's
15 a -- oh, it's a maintenance agreement.
16 So they maintain some of our equipment.

17 RORI GORDON: On No. 23, how does
18 this work when the date's already
19 passed, but we're going to do the
20 resolution today?

21 SUPERVISOR GILLEN: This is
22 for --

23 TOWN ATTORNEY RA: They're
24 ratifying and confirming resolutions.

25 RORI GORDON: I'm sorry.

1 TOWN ATTORNEY RA: The -- these
2 resolutions ratify and confirm the
3 action that was taken --

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4 RORI GORDON: But --

5 TOWN ATTORNEY RA: -- to use the
6 parking.

7 RORI GORDON: -- don't you do that
8 beforehand?

9 SUPERVISOR GILLEN: We have been
10 trying to make a push in the Clerk's
11 Office to make sure that applicants get
12 their --

13 RORI GORDON: That makes sense.

14 SUPERVISOR GILLEN: -- their
15 applications in before the date.

16 But because especially in the
17 summer when we only have one Board
18 meeting per month, it's been harder for
19 them to do that.

20 We're trying to get -- in the
21 past, they could get away with doing
22 this. We're trying to push them to get
23 their applications in earlier, with
24 plenty of time so we can do it
25 beforehand. We're trying to move in

1 that direction.

2 RORI GORDON: Okay.

3 And No. 22, this file trail Page 201

4 thing just eats at my craw, because
5 there's thousands of files just
6 tossed all over the place in the
7 Building Department. Any day of the
8 week, you could go back there and look.

9 Any progress in getting into the
10 21st Century?

11 SUPERVISOR GILLEN: We're trying
12 to make that migration right now.

13 This is a sole source company that
14 does -- that maintains the software that
15 they currently use in the Building
16 Department. So this is a sole source,
17 so that's why they have to be the one to
18 get this work.

19 RORI GORDON: It fails.

20 There's so many files that they
21 can't find or they find the file and
22 there's nothing inside of the file.

23 It's just a terrible system, and
24 they keep renewing it and renewing it.

25 You got to go digital, like

1 New York City. And I know you want to.
2 And I appreciate that, 'cause I spend a
3 lot of time in the Building Department. Page 202

4 And Item No. 21, who is the
5 counsel -- and I don't how you say this
6 word, e-m-e-r-i-t-u-s.

7 SUPERVISOR GILLEN: I don't know.
8 21 looks like it's --

9 RORI GORDON: It's one of the
10 people that has to attend.

11 TOWN ATTORNEY RA: Is that
12 authorizing them to go to their
13 training?

14 SUPERVISOR GILLEN: Yes, it's a
15 \$500 fee for attendance.

16 TOWN ATTORNEY RA: This is
17 mandatory training that members of the
18 Board of Zoning Appeals must go to every
19 year. It's required by the State of New
20 York.

21 RORI GORDON: I understand that.
22 Just so for my own education, it
23 said, "counsel and counsel" -- and how
24 do you say the word, e-m-e-r-i-t-u-s?

25 COUNCILWOMAN KING-SWEENEY: Emeritus.

1 COUNCILMAN DUNNE: Emeritus.

2 SENIOR COUNCILWOMAN GOOSBY: You said
3 21? Page 203

4 RORI GORDON: Yes, ma'am.

5 TOWN ATTORNEY RA: So I'm going to
6 guess -- who authorized it?

7 (Whereupon, no response was heard.
8 After, the following ensued.)

9 TOWN ATTORNEY RA: I would have to
10 think that that's a typo.

11 A VOICE: No. It's right here
12 (indicating) and it's counsel emeritus.

13 A VOICE: Emeritus, it's like a
14 formally --

15 TOWN ATTORNEY RA: That's a form
16 of counsel.

17 It might be Richard Regina, but
18 I'm going to guess it refers to a
19 counsel who was here many years ago and
20 they've just copied the wrong -- they
21 just copied a resolution, and it
22 shouldn't say counsel emeritus.

23 COUNCILMAN D'ESPOSITO: So
24 misrepresenting the training?

25 (Whereupon, laughter was heard.)

1 After, the following ensued.)

2 TOWN ATTORNEY RA: Who's counsel
3 emeritus?

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4 RORI GORDON: That doesn't need it
5 for the Board of Appeals.

6 TOWN ATTORNEY RA: Probably ask, I
7 don't know.

8 BOARD COUNSEL REGINA: It's not
9 me.

10 SUPERVISOR GILLEN: All right,
11 we'll get back to you with that
12 information, Ms. Gordon.

13 RORI GORDON: I was just --

14 SUPERVISOR GILLEN: That probably
15 shouldn't have been in there.

16 RORI GORDON: -- I was just
17 curious, how many people actually go to
18 that seminar?

19 A VOICE: The whole Board. The
20 whole board.

21 TOWN ATTORNEY RA: The entire
22 Zoning Board goes.

23 RORI GORDON: And Counsel to the
24 Zoning Board?

25 TOWN ATTORNEY RA: And the

1 Counsel, yes.

2 RORI GORDON: And Counsel to the
3 Zoning Board?

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4 BOARD COUNSEL REGINA: Yeah.

5 Under the law, it's not required.

6 But when I was Counsel and the Counsel
7 before me usually went with them.

8 RORI GORDON: Okay, thank you.

9 SUPERVISOR GILLEN: Thank you, Ms.
10 Gordon.

11 SENIOR COUNCILWOMAN GOOSBY: We missed
12 you.

13 SUPERVISOR GILLEN: Meta Mereday.

14 META MEREDAY: Okay, it's getting
15 worse and worse.

16 I brought signs, 'cause the
17 conduct today is not hot; okay? It's
18 not, and it's cold in this room.

19 I got a couple of issues.

20 Meta Mereday, Baldwin resident.

21 I'm concerned, as usual, with
22 regard to a number of these contracts.

23 I'm still not seeing any designation,

24 that I'd asked previously to be

25 inclusive of minority women and Veteran

1 businesses.

2 Generally, as you may or may not
3 be aware, that in government
4 contracting, they do make an effort to
5 be inclusive in their documents when
6 they're doing business, and to designate
7 that a contract has been awarded to a
8 minority woman or Veteran-owned
9 business.

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10 I have yet to see that in our
11 documents. That is disconcerting to me
12 now, in 2019, particularly when we're
13 talking about going into a budget.

14 I can only hope that this body
15 will finally, at some point, look into
16 actually putting some funding to do some
17 real outreach and development for our
18 service-disabled businesses, so that we
19 when we hear developers coming to the
20 table, I will hear more than a request
21 to have a flag put out in their front of
22 their building.

23 We need these businesses that have
24 job-creation models, so that we can hire
25 other Veterans, that we can build up

1 minority and women-owned firms, so that
2 we can keep residents here who can
3 provide, who can pay for affordable
4 housing. We haven't reached the level
5 of affording luxury housing as yet.

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6 Unfortunately, I was outside for
7 the bulk of the discussion with regard
8 to the appointment for the comptroller.
9 I do want to commend the Supervisor for
10 at least trying to keep the operations
11 of the Town in place.

12 And unfortunately, there have been
13 many missteps by this Board with regard
14 to appointments and cozy arrangements
15 that have not benefited the public and
16 the residents. So I do commend you for
17 that.

18 If you were outside of the Code,
19 then you have to follow the Code. But
20 we all have to follow the Code. And you
21 all have to follow the Code.

22 So it is hopeful that whoever the
23 appointee is, that there is some kind of
24 process that we do not have to go
25 through another family chain to find

1 that there's another cousin, brother,
2 sister-in-law, wife, niece or daughter,
3 that is getting an appointment for this Page 208
4 type of position, because again,
5 residents are watching. And we are very
6 concerned about the atmosphere and the
7 attitude that continues to prevail in
8 this Township.

9 It is disheartening to hear the
10 reputation of this Township and this
11 County, outside of this area.

12 So I am hopeful that we can do a
13 better job this time around, because
14 residents are distressed. They are in
15 need. And they to need that our elected
16 officials are representing their
17 interests.

18 Thank you.

19 (Whereupon, the bell rang. After,
20 the following ensued.)

21 SUPERVISOR GILLEN: Thank you,
22 Ms. Mereday.

23 Ms. Jacobs, Pearl Jacobs.

24 PEARL JACOBS: Pearl Jacobs,
25 Uniondale.

1 Regarding Item 16 on the
2 Administrative Calendar, naming an
3 unnamed street in the Unincorporated
4 Area of Uniondale, 1 Law Enforcement
5 Way, Town of Hempstead, is this
6 pertaining to the new Nassau County
7 Police Department Academy?

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8 SUPERVISOR GILLEN: Yes, it is.

9 And the Commissioner reached out,
10 and asked if we would do this. And so
11 we're doing this to --

12 PEARL JACOBS: Well, that's fine
13 with me.

14 Nassau County Police Department
15 does a fantastic job. We're fortunate
16 to have them.

17 And thank you for putting the name
18 Uniondale there. I appreciate that.

19 Senior Councilwoman Goosby, I have
20 a question for you. Do you -- all the
21 mailings that go out, do you sort of vet
22 and look at the mailings that go out to
23 your constituents?

24 SENIOR COUNCILMAN GOOSBY: Which ones?

25 PEARL JACOBS: Well, I have

1 one here in my hand that's from the
2 Don Clavin Receiver of Taxes, sending it
3 out to Uniondale residents, announcing Page 210
4 meetings, Uniondale Public "Livrary,"
5 L-i-v-r-a-r-y. It's a misspelling.

6 SENIOR COUNCILWOMAN GOOSBY: Is
7 that mine? Did I do that?

8 PEARL JACOBS: I didn't say you.
9 I said it came out from Don Clavin.

10 SENIOR COUNCILWOMAN GOOSBY: Oh.

11 PEARL JACOBS: I asked you do you
12 vet the mailings that go out to your
13 constituents?

14 SENIOR COUNCILWOMAN GOOSBY: When I
15 have to, yes.

16 PEARL JACOBS: You do?

17 Did you catch this?

18 SENIOR COUNCILWOMAN GOOSBY: No.

19 PEARL JACOBS: Okay.

20 And the reason why I bring this
21 up -- the reason I bring this is up is
22 because, you know, this, to me, speaks
23 to neglect and the lack of oversight
24 when it comes to public communications.
25 And I do remember at a previous Town

1 Hall meeting that Supervisor Gillen was
2 presented with great opposition, when
3 she proposed cutting the budget from Page 211
4 mailers.

5 And in my opinion, when large
6 amounts of taxpayers' monies are spent
7 to send out mailers, they should at
8 least be reviewed and at least spell
9 checked.

10 Councilwoman Goosby, do you agree?

11 SENIOR COUNCILWOMAN GOOSBY: What is it?

12 PEARL JACOBS: That they
13 should -- okay, I'll repeat myself.

14 SENIOR COUNCILWOMAN GOOSBY: Repeat.

15 PEARL JACOBS: I said this speaks
16 to neglect and lack of oversight when it
17 comes to public communications.

18 I remember at a previous Town Hall
19 meeting, when Supervisor Gillen was
20 presented with great opposition when she
21 proposed cutting the budget for mailers.

22 And I -- my opinion is that when
23 large amount of taxpayer's monies are
24 spent to send out mailers -- a lot of
25 money is spent to send out these

1 mailers -- they should at least be
2 reviewed and they should be spell
3 checked.

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4 SENIOR COUNCILWOMAN GOOSBY: Well, you
5 probably -- you should go to the person
6 who is responsible.

7 PEARL JACOBS: Well, you're my
8 Councilwoman. But if I was the council
9 person, I would review every mailer
10 that's coming out to my community.

11 SENIOR COUNCILWOMAN GOOSBY: But is it
12 mine? Is that mine?

13 PEARL JACOBS: I -- you represent
14 your community.

15 SENIOR COUNCILWOMAN GOOSBY: I did
16 not send that out.

17 PEARL JACOBS: This is a -- well,
18 I'm not making a -- everybody makes a
19 mistake, but this a lot of money.

20 It's not like you're making a typo
21 on when you're writing --

22 SENIOR COUNCILWOMAN GOOSBY: It may
23 be, but you're speaking to the wrong
24 person --

25 PEARL JACOBS: -- a paper.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SENIOR COUNCILWOMAN GOOSBY: --

2 Ms. Jacobs.

3 PEARL JACOBS: No, I'm not. Who Page 213
4 else do I go to, Senior Councilwoman Goosby.

5 SENIOR COUNCILWOMAN GOOSBY: You don't
6 come -- go to the person who sent it
7 out.

8 PEARL JACOBS: Who else do I go
9 to?

10 SENIOR COUNCILWOMAN GOOSBY: Go to
11 the person --

12 PEARL JACOBS: I -- I --

13 SENIOR COUNCILWOMAN GOOSBY: -- who
14 sent it out.

15 PEARL JACOBS: -- say that you
16 should at least review every --

17 SENIOR COUNCILWOMAN GOOSBY: I
18 don't review those.

19 PEARL JACOBS: -- communication
20 that comes out to your --

21 SENIOR COUNCILWOMAN GOOSBY: I
22 review my own.

23 PEARL JACOBS: -- to your
24 constituents.

25 SENIOR COUNCILWOMAN GOOSBY: Not

1 me.

2 PEARL JACOBS: -- I'm just
3 explaining to you.

Page 214

4 SENIOR COUNCILWOMAN GOOSBY: You're not
5 speaking -- you're wrong.

6 (Whereupon, the bell rang. After,
7 the following ensued.)

8 COUNCILMAN BLAKEMAN: May I add
9 something?

10 SENIOR COUNCILWOMAN GOOSBY:
11 You're wrong.

12 PEARL JACOBS: Yes.

13 COUNCILMAN BLAKEMAN: Yeah, I
14 don't think it's reasonable. And it's
15 certainly not a responsibility for a
16 member of Town Board to review the mail
17 of any other Town Board member or any
18 other elected official on the Town.

19 I think that that is really an
20 unreasonable --

21 PEARL JACOBS: Well, Councilwoman
22 [sic] -- I'm sorry, Councilman Blakeman.

23 SENIOR COUNCILWOMAN GOOSBY: I
24 don't know why she would pick me for
25 this. I only take care of my own.

1 PEARL JACOBS: Because you're my
2 Council person.

3 SENIOR COUNCILWOMAN GOOSBY: Not Page 215
4 his. He's a grown man.

5 PEARL JACOBS: If I was a council
6 person, I would tell you what I would
7 do. I would read every mailer that
8 comes out to my constituents.

9 COUNCILMAN BLAKEMAN: But we don't
10 get the --

11 PEARL JACOBS: That's what I would
12 do --

13 COUNCILMAN BLAKEMAN: -- preview.

14 PEARL JACOBS: Well, that's what I
15 would do.

16 SENIOR COUNCILWOMAN GOOSBY: And
17 you go to him and speak to him about it.

18 PEARL JACOBS: That's what I would
19 do. Don't explain it to me --

20 SUPERVISOR GILLEN: I don't think
21 that the tax --

22 COUNCILMAN BLAKEMAN: You're
23 wrong.

24 SUPERVISOR GILLEN: -- collector
25 shared that with everybody. I certainly

1 didn't see it before it went out.

2 But when I tried to stop his
3 mailings, they passed legislations, so Page 216
4 I couldn't stop --

5 PEARL JACOBS: Well, you know what --

6 SUPERVISOR GILLEN: -- frivolous
7 mail.

8 PEARL JACOBS: -- I will bring
9 this to his attention as well.

10 SENIOR COUNCILWOMAN GOOSBY: But you
11 send them out too, Supervisor.

12 I'd think this is very silly and I
13 think --

14 PEARL JACOBS: Well, this
15 (indicating) is thousands --

16 SENIOR COUNCILWOMAN GOOSBY: -- that's
17 something that should not be stated
18 here.

19 PEARL JACOBS: -- and thousands.

20 SENIOR COUNCILWOMAN GOOSBY: That's
21 wrong.

22 PEARL JACOBS: This is thousands
23 and thousands of dollars.

24 SENIOR COUNCILWOMAN GOOSBY: Well, then
25 you need to --

1 PEARL JACOBS: Okay.

2 SENIOR COUNCILWOMAN GOOSBY: -- go speak
3 to him. He's not here. Page 217

4 PEARL JACOBS: Like I said, it's
5 neglect and lack of oversight.

6 Thank you.

7 SUPERVISOR GILLEN: Thank you,
8 Ms. Jacobs.

9 COUNCILMAN D'ESPOSITO: Excuse me,
10 but not for nothing, if we're going to
11 criticize mailing and how much things
12 cost about a spelling error, we should
13 also criticize when there's mailings
14 sent out costing nearly \$75,000 and they
15 get to homes after the event has even
16 taken place.

17 And that's happened under the
18 Gillen administration, so let's point
19 out the facts and not only focus on a
20 spelling error.

21 PEARL JACOBS: Well, I'm bringing
22 this to you now. This --

23 COUNCILMAN D'ESPOSITO: And I'm
24 just clearing up the record to let you
25 know that there's been mailings that

1 have sent, you know, that had to be
2 rushed overnight, overtime, all kinds of
3 stuff, and then they arrive at people's Page 218
4 houses after the event's taken place.

5 PEARL JACOBS: Neglect and
6 oversight.

7 Thank you.

8 SENIOR COUNCILWOMAN GOOSBY: And I'd
9 like to say to you too, I don't read the
10 mailers from your home either.

11 PEARL JACOBS: Oh, you don't?

12 SENIOR COUNCILWOMAN GOOSBY: I
13 don't read them.

14 PEARL JACOBS: Well, there you go.

15 SUPERVISOR GILLEN: Mary Ellen
16 Kreye?

17 PEARL JACOBS: I'm sure you don't.

18 SUPERVISOR GILLEN: I think she
19 left.

20 All right, that is all the slips
21 that I have -- oh, I'm sorry.

22 COUNCILMAN BLAKEMAN: There she
23 is.

24 SENIOR COUNCILWOMAN GOOSBY: We
25 finished?

1 MARY ELLEN KREYE: It just take me
2 a little longer to get up.

3 SUPERVISOR GILLEN: I'm sorry, Page 219
4 Ms. Kreye. I didn't see you.

5 COUNCILMAN DUNNE: Before you
6 speak, I just wanted to weigh in that
7 Senior Councilwoman had nothing to do
8 with that printing. And why she was
9 being beat up for something that she had
10 nothing to do with, I just can't sit
11 back, and let this happen and go
12 unanswered.

13 We had nothing to do with that
14 mailing. And to say something to this
15 woman whose worked so hard for her
16 District is really pathetic.

17 SUPERVISOR GILLEN: All right.
18 Ms. Kreye, you're up.

19 MARY ELLEN KREYE: Mary Ellen
20 Kreye, 436 Locust Avenue, Uniondale.

21 On No. 16, where exactly is that 1
22 Law Enforcement Way?

23 SUPERVISOR GILLEN: It's going to
24 be right in front of the new police
25 academy that they're building.

1 MARY ELLEN KREYE: And where is
2 that being built?

3 SUPERVISOR GILLEN: It's right Page 220
4 near, it's adjacent to like Nassau
5 Community College.

6 A VOICE: It is adjacent.

7 SUPERVISOR GILLEN: Yeah.

8 MARY ELLEN KREYE: Oh, it's where
9 all that building --

10 SUPERVISOR GILLEN: It's on the
11 same property.

12 MARY ELLEN KREYE: -- is going
13 currently right now?

14 SUPERVISOR GILLEN: Yes, yes.

15 MARY ELLEN KREYE: That's not part
16 of the Hempstead Plains.

17 SUPERVISOR GILLEN: It's -- I mean
18 I don't --

19 COUNCILMAN DUNNE: I think it is.

20 SUPERVISOR GILLEN: -- I don't --

21 COUNCILMAN DUNNE: At one time it
22 was, yes. That the whole Nassau
23 Community College and Hofstra was on the
24 Hempstead Plains.

25 Yes, I graduated Hofstra. I

1 graduated --

2 MARY ELLEN KREYE: I'm talking
3 about --

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4 COUNCILMAN DUNNE: -- Nassau.

5 MARY ELLEN KREYE: -- the current
6 Hempstead Plains.

7 Thank you.

8 Item No. --

9 COUNCILMAN DUNNE: The road
10 exists. The road does exist already, so
11 they're just renaming it. They're not
12 putting any more --

13 MARY ELLEN KREYE: I'm sorry, I
14 did not catch --

15 COUNCILMAN DUNNE: The road --

16 MARY ELLEN KREYE: -- the roads
17 already exist, I see.

18 COUNCILMAN DUNNE: -- yes. Yes,
19 ma'am.

20 MARY ELLEN KREYE: So that is that
21 loopy road that goes around the
22 perimeter?

23 COUNCILMAN DUNNE: Right, that
24 goes by where the building's going for
25 the Academy.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 MARY ELLEN KREYE: And it connects
2 to Endo Boulevard?

3 COUNCILMAN DUNNE: I believe so. Page 222
4 It's been a while since I've been over
5 there. But yeah, I believe so.

6 MARY ELLEN KREYE: Item No. 19, so
7 this authorizing the renewal
8 application, where is this youth
9 services going? The youth project,
10 where is it going to be located please?

11 SUPERVISOR GILLEN: It's the
12 Office of Family Services.

13 Commissioner, do you know exactly
14 where it's located?

15 (Whereupon, no response was heard.
16 After, the following ensued.)

17 SUPERVISOR GILLEN: Is he here?

18 (Whereupon, no response was heard.
19 After, the following ensued.)

20 SUPERVISOR GILLEN: Let me look at
21 the resolution.

22 Mr. Ra, do you know where this is
23 located?

24 MARY ELLEN KREYE: 19.

25 SUPERVISOR GILLEN: 19.

1 Mr. Bakich is not here. Oh,
2 Ms. Brooks can you answer this?

3 MS. BROOKS: What's this?

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4 TOWN ATTORNEY RA: It's an
5 application for --

6 SUPERVISOR GILLEN: Yeah.

7 TOWN ATTORNEY RA: -- a grant.

8 MS. BROOKS: Yes, it's just a
9 grant.

10 SUPERVISOR GILLEN: Okay.

11 TOWN ATTORNEY RA: It's a grant.

12 MS. BROOKS: That's correct.

13 SUPERVISOR GILLEN: It's just a
14 grant that we're applying for from the
15 State of New York; is that right
16 Ms. Brooks?

17 MS. BROOKS: That's correct.

18 SUPERVISOR GILLEN: Thank you.

19 MARY ELLEN KREYE: So for not any
20 particular project?

21 SUPERVISOR GILLEN: That's right.

22 MARY ELLEN KREYE: Well, I would
23 like to express my thanks for the
24 funding for Uniondale Community Council
25 Youth Project, for our summer camp.

1 Thank the Board. Thanks, Senior
2 Councilwoman Goosby for your advocacy,
3 because it makes a big difference to the Page 224
4 children of Uniondale.

5 And on No. 28 for the Department
6 of Parks, the splash pad, our summer
7 camp used the splash pad at Bernard
8 Brown Park every week during its summer
9 camp. So that's a very useful and
10 helpful thing that we need during the
11 summertime.

12 SENIOR COUNCILWOMAN GOOSBY: I'm glad
13 you enjoyed it. I'm glad they're doing
14 something very nice over there for you.

15 MARY ELLEN KREYE: Yes. It makes
16 a big difference and the children really
17 do appreciate that, especially this
18 summer when it was so hot.

19 On Item No. 34, so I'm wondering
20 is this on the east or the west side of
21 Merrick Avenue? Is it where the Jewish
22 Center was or near Corporate Drive, this
23 six-story apartment building with the --

24 TOWN ATTORNEY RA: I think it's
25 Simms.

1 MARY ELLEN KREYE: Oh, where Simms
2 was?

3 TOWN ATTORNEY RA: Correct. Page 225
4 Yeah, it's Simms' property.

5 MARY ELLEN KREYE: Okay, all
6 right.

7 So there is no residential area
8 behind it. That was my concern, six
9 stories.

10 On Item No. 47, I'm in favor of
11 this, because the news on the these
12 devices continues to gets worse every
13 time and --

14 TOWN ATTORNEY RA: That's a Public
15 Hearing.

16 MARY ELLEN KREYE: -- we look
17 forward to the hearing.

18 Thank you.

19 SUPERVISOR GILLEN: Thank you,
20 Ms. Kreye.

21 Okay. I do not have any other
22 slips on the Administrative Calendar.
23 Is there anyone else who'd like to be
24 heard?

25 (Whereupon, no response was heard.)

1 After, the following ensued.)

2 SUPERVISOR GILLEN: Hearing none,
3 Madam Clerk, will you please call the Page 226
4 roll for the Administrative Calendar?

5 CLERK CABANA: Supervisor Gillen?

6 SUPERVISOR GILLEN: On the
7 Administrative Calendar, I vote yes with
8 certain exceptions.

9 On Item No. 18, while the
10 RFP Committee may have selected this
11 vendor, I feel that his work on behalf
12 of the Town for the past years has been
13 subpar at best. Because of the poor
14 work done by this contractor, we have
15 been sued by basically every major
16 telecom carrier. And whatever we may
17 have collected in permit fees has been
18 lost to outside counsel costs.

19 I'm not sure how this conclusion
20 was reached, but there is no way I
21 support this vendor to continue working
22 with the Town. I vote no on Item 18.

23 On Item No. 42, which is the
24 Personnel Calendar, I vote yes on all
25 personnel with the exception of

1 Marc Mercado and James Vouloukos.
2 Neither of these raises were discussed
3 with my office.

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4 I object to the Town Board
5 continuing to put forward these
6 unwarranted items onto the Agenda and
7 onto the Personnel Calendar.

8 There is still 22 part-time
9 workers who we are required to make
10 full-time, off the Tosner list. And
11 throwing money away to things we don't
12 need, makes it harder to get the things
13 that we have to do done.

14 Additionally, as I stated, a
15 major concern of mine during the budget
16 process last year -- Felix, here you
17 go -- we are missing the less savings,
18 that artificial accounting trick that
19 was put into the budget over my
20 objection, we are missing it -- the
21 Board's promise that we would see.

22 Based on the numbers shared by the
23 Comptroller's Office, we are currently
24 \$3.5 million in the hole on our
25 full-time salaries, because we are not

1 achieving the savings the Board alleged
2 last October that we would see.

3 Un-budgeted raises and promotions Page 228
4 only make matters worse. And I cannot
5 support that kind of irresponsibility.

6 I vote no on those two
7 individuals, again, because they were
8 never discussed with my office.

9 With respect to Item No. 54, I
10 think Mr. Longobardi has done great work
11 for the Town. He's been a real asset
12 for us.

13 However, he did express to me,
14 that he had a -- he had thought there
15 was a potential conflict of interest
16 from him taking on the role of
17 comptroller, because he is also the
18 Mayor of Floral Park. And to avoid any
19 appearance of a conflict of interest, he
20 inclined -- he declared to me that he
21 thought that that was maybe a problem.
22 So that's why I vote no on him.

23 Again, no comment on your
24 professionalism, Mr. Longobardi, and
25 your help that you have been throughout

1 this year and now with the budget
2 process.

3 And with respect to No. 55, I Page 229
4 have power under Town Law to manage the
5 day-to-day operations of the Town, and I
6 will continue to do so. And I don't
7 even think there's anything to nullify,
8 but I vote no to 55.

9 CLERK CABANA: Councilman Blakeman?

10 COUNCILMAN BLAKEMAN: Yes,
11 I'm going to vote yes on the
12 Administrative Calendar.

13 SENIOR COUNCILWOMAN GOOSBY: No, I
14 abstain on that.

15 And you're not on microphone.

16 COUNCILMAN BLAKEMAN: The
17 microphone's not on.

18 And --

19 A VOICE: Council Blakeman, your
20 mic's not on.

21 TOWN ATTORNEY RA: Your
22 microphone's not on.

23 COUNCILMAN BLAKEMAN: I vote aye
24 for the Administrative Calendar.

25 I'd like to point out that with

1 respect to Item 18, I am going to vote
2 for that, but I was distressed to learn
3 that this particular contract had been Page 230
4 going on for some time without Town
5 Board approval.

6 I brought it to the attention of
7 the Town Board. I'm happy that it went
8 out for RFP, because basically we can't
9 have a practice where we're going to
10 just continue contracts without Town
11 Board oversight.

12 CLERK CABANA: Councilman D'Esposito?

13 COUNCILMAN D'ESPOSITO: I vote
14 aye, with the exception of 39 and 40 to
15 which I recuse myself, being that I am a
16 proposed member of each Committee.

17 CLERK CABANA: Councilman Dunne?

18 COUNCILMAN DUNNE: I vote aye on
19 all the items, and including 40 as
20 amended.

21 CLERK CABANA: Senior Councilwoman
22 Goosby?

23 SENIOR COUNCILWOMAN GOOSBY: I
24 vote yes on all except 55, which I
25 abstain.

HEMPSTEAD TOWN BOARD MO/DA/YR

1 CLERK CABANA: Councilwoman

2 King-Sweeney?

3 COUNCILWOMAN KING-SWEENEY: Yes Page 231

4 on all, except No. 38 I abstain, because

5 I received a campaign donation from one

6 of the principals involved.

7 CLERK CABANA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: I vote aye

9 on all.

10 SUPERVISOR GILLEN: Okay. That

11 concludes the formal portion of today's

12 Town Board's meeting. We will remain in

13 session to hear Public Comment.

14 The first person we have is

15 Felix Procacci.

16 TOWN ATTORNEY RA: We need a

17 motion to adjourn.

18 SUPERVISOR GILLEN: I'm sorry,

19 yes, we do need a motion to adjourn.

20 May I have a motion to adjourn?

21 SENIOR COUNCILWOMAN GOOSBY: I

22 make a motion to adjourn.

23 COUNCILMAN D'ESPOSITO: Second.

24 SUPERVISOR GILLEN: Madam Clerk.

25 CLERK CABANA: Supervisor Gillen?

HEMPSTEAD TOWN BOARD MO/DA/YR

1 SUPERVISOR GILLEN: Aye.
2 CLERK CABANA: Councilman Blakeman?
3 COUNCILMAN BLAKEMAN: Aye. Page 232
4 CLERK CABANA: Okay.
5 Councilman D'Esposito?
6 COUNCILMAN D'ESPOSITO: Aye.
7 CLERK CABANA: Councilman Dunne?
8 COUNCILMAN DUNNE: Aye.
9 A VOICE: He'll be out in a
10 minute.
11 CLERK CABANA: Okay.
12 COUNCILMAN BLAKEMAN: I make a
13 motion to adjourn.
14 CLERK CABANA: All right.
15 Senior Councilwoman Goosby?
16 SENIOR COUNCILWOMAN GOOSBY: Yes.
17 CLERK CABANA: Councilwoman
18 King-Sweeney?
19 COUNCILWOMAN KING-SWEENEY: Aye.
20 CLERK CABANA: Councilman Muscarella?
21 COUNCILMAN MUSCARELLA: Aye.
22 (Whereupon, the official meeting
23 of the Hempstead Town Board was
24 concluded at 1:46 p.m.)
25

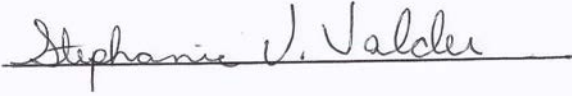
HEMPSTEAD TOWN BOARD MO/DA/YR

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CERTIFICATE BY COURT REPORTER

I, do hereby certify that the foregoing testimony in the matter of Page 233 the Hempstead Town Board Meeting held on September 4, 2010, consisting of pages 1 through 233 inclusive is an accurate transcription of my cryptic notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.



STEPHANIE J. VALDER

CERTIFIED COURT REPORTER

NOTARY PUBLIC - STATE OF NEW YORK