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TOWN OF HEMPSTEAD

SPECIAL MEETING

TOWN HALL PAVILION

One Washington Street

Hempstead, New York 11550

August 31, 2023

11:30 A.M.

BEFORE: DONALD X. CLAVIN, JR.

SUPERVISOR



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A P P E A R A N C E S :

- DEPUTY SUPERVISOR GOOSBY
- COUNCILMAN CARINI (ABSENT)
- COUNCILMAN DUNNE
- COUNCILWOMAN MILLER
- COUNCILMAN MUSCARELLA
- COUNCILWOMAN RYDER
- RECEIVER OF TAXES DRISCOLL
- CLERK MURRAY
- DEPUTY CLERK POKALSKY
- TOWN ATTORNEY MACCARONE
- CHIEF OF STAFF LIBERT



1 SUPERVISOR CLAVIN: Welcome to the Special
2 Meeting of the Hempstead Town Board.

3 Madam Clerk, please, call the roll.

4 CLERK MURRAY: Supervisor Clavin?

5 SUPERVISOR CLAVIN: I am here.

6 CLERK MURRAY: Councilman Dunne?

7 COUNCILMAN DUNNE: Here.

8 CLERK MURRAY: Deputy Supervisor Goosby?

9 DEPUTY SUPERVISOR GOOSBY: Here.

10 CLERK MURRAY: Councilwoman Miller?

11 COUNCILWOMAN MILLER: Here.

12 CLERK MURRAY: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: Here.

14 CLERK MURRAY: Councilwoman Ryder?

15 COUNCILWOMAN RYDER: Here.

16 CLERK MURRAY: Receiver of Taxes Driscoll?

17 RECEIVER OF TAXES DRISCOLL: Here.

18 SUPERVISOR CLAVIN: Just because you're
19 unique, I'm going to ask you to leave us in the Pledge of
20 Allegiance, Councilman Muscarella.

21 Oh, you know what, I take it back, Receiver
22 of Taxes Janine Driscoll lead us in the Pledge of
23 Allegiance.

24 (Whereupon, Receiver of Taxes Janine
25 Driscoll led the Assembly in the Pledge of Allegiance.

1 After, the
2 following ensued.)

3 SUPERVISOR CLAVIN: Thank you, Receiver of
4 Taxes Driscoll for doing it.

5 It's much better than Tommy could have ever
6 done it.

7 Madam Clerk, would you please call today's
8 Special Public Hearing.

9 CLERK MURRAY: We have the determination if
10 434 Hempstead Turnpike in West Hempstead, New York, is a
11 public nuisance.

12 SUPERVISOR CLAVIN: All right, Mr. Maccarone,
13 would you care to address the Board?

14 TOWN ATTORNEY MACCARONE: Yes, Mr.
15 Supervisor, Members of the Board, as you know, a
16 significant amount of litigation has already occurred
17 with regard to this matter,

18 And, an issue has been raised as to the
19 timing of this Hearing, which we believe is without
20 merit.

21 However, in an abundance of caution, I would
22 ask that at the end of today's proceedings, that you
23 continue this Hearing until Wednesday, September 6th, at
24 10:30.

25 And to be clear, the premises are closed now,

1 and they will continue to be closed through the pendency
2 of the Hearing on Wednesday.

3 And, at this time, Mr. Supervisor, based upon
4 the fact that the Town Board considers this a very
5 significant and serious issue, you're aware that we've
6 retained outside Counsel to help us in this endeavor.

7 And so, at this time, I would like to call Mr.
8 Joe Macy to make a presentation.

9 SUPERVISOR CLAVIN: Mr. Macy, if you'd come up
10 to the front and give your name and address, that mic
11 seems a little low for you. I'm a little concerned, Joe,
12 unless you're sitting down, Joe.

13 And I don't see a chair there, either, so it's
14 going to be a tough seat. Okay.

15 ATTORNEY MACY: Supervisor Clavin, I have been
16 told that I speak very loudly, so, I don't think that is
17 going to be necessary.

18 Having said that, I will try to get the
19 microphone.

20 Good Morning, I have had the pleasure of
21 meeting most of you, those of you who I've not met and
22 for the record, my name is Joseph Macy, law firm Berkman,
23 Henoeh, Peterson & Peddy. 100 Garden City Plaza, Garden
24 City.

25 So, we are Special Counsel to the Town in this

1 matter.

2 I have been asked to present to you this
3 morning the Chapter 91 Proceedings for your determination.

4 Just to be clear, this relates to the premises
5 at 434 Hempstead Turnpike in West Hempstead.

6 I know that you're all familiar with that
7 premises.

8 It's commonly known as the Capri Motel.

9 The presentation that I'm going to be making
10 this morning is essentially going to come in two parts.

11 I'm going to go through with you the
12 requirements of Chapter 91, the procedural and substantive
13 requirements and the evidence that establishes those
14 requirements.

15 And then I will call Inspector Crawford from
16 the Nassau County Police Department to testify to certain
17 conditions at that premises.

18 For the record and just so that everything is
19 complete and to refresh everybody's recollection, the Town
20 Code under Chapter 91 establishes a procedure for declaring
21 a premises a public nuisance.

22 For the record and for your assistance, I have
23 included for each of you a booklet of exhibits that will be
24 admitted at today's proceeding.

25 Exhibit 1 is a copy of Chapter 91 of your Town

1 Code in the event that you wish to look and follow along
2 with any of that.

3 And, the purpose of it is essentially to
4 establish a collaborative relationship between the Police
5 Department and the Town for the protection of the public
6 property values and to ensure that criminal activity does
7 not occur at any particular premises within the Town.

8 Very importantly to that end, the Chapter
9 establishes certain definitions which you are going to have
10 to consider and apply in consideration of this Hearing this
11 morning.

12 Those are set forth, again, in the Exhibit
13 that I have included for you.

14 There are three relevant definitions which I
15 just like to go over with you.

16 The first is a predicate arrest. That is a
17 defined term.

18 It is an arrest for any of the predicate
19 offenses defined under Chapter 91.

20 Predicate offense, which is really the heart
21 of the matter, is defined as a violation of any of the
22 following Sections of Law; Article 220 of the Penal Law,
23 those deal with controlled substances, 221 involving
24 marijuana, whether those are still relevant or not is a
25 consideration, since 221 has been substantially amended by

1 the Legislature.

2 But it's not really relevant to your
3 consideration today, since we'll be presenting no evidence
4 of 221 violations.

5 Okay, Article 230, which deals with
6 prostitution offenses.

7 Article 263, involving sexual performance
8 of a child.

9 Article 260, again, unlawfully dealing
10 with a child, and then certain violations of the New York
11 State Alcohol and Beverage Control Act, okay.

12 Those are the predicate offenses which
13 would justify your finding of a public nuisance under your
14 law.

15 And, then finally, and I think this is
16 most important, the definition of a "public nuisance."

17 And, I'll just read it for the record,
18 "any building or structure in the unincorporated areas of
19 the Town of Hempstead, wherein, at least, two predicate
20 offenses have been alleged by the Nassau County Police or
21 by any Peace Officer acting pursuant to his or her special
22 duties to have occurred, resulting in at least two
23 predicate arrests."

24 Again, the definition of "predicate
25 arrest," "for any thereof within any twelve month period,

1 but not including a case in which the predicate offenses
2 are alleged to have occurred within any single 24 hour
3 period."

4 So, as long as the predicate offenses occur separated by 24
5 hours within a twelve month period, that would constitute
6 technically sufficient evidence to establish a public
7 nuisance.

8 Okay, obviously, the Code prohibits anyone
9 from maintaining a property as a public nuisance that's set
10 forth in Section 91-3.

11 And, in order to implement this, it
12 establishes certain procedures which this Board is going to
13 have to consider in determining whether or not a public
14 nuisance has occurred.

15 Your first job, quite candidly, is going to
16 be determine whether or not those procedures have been met
17 so that procedural due process has been complied with.

18 And, I would refer you under the Code to
19 Section 91-4.

20 In those instances, when a predicate
21 offense occurs at a premises that establishes a procedure
22 wherein the Department of Buildings within 30 days of the
23 arrest again, not the conviction, but 30 days of the arrest
24 serves a written Notice on the owner, lessee, person or
25 entity in control of the premises by personal delivery or

1 certified mail return receipt requested to their last known
2 address, advising them of the date on which the arrest
3 occurred, the specific offense which would constitute a
4 predicate offense under your Code and, if known, the name
5 of the arrestee.

6 That Notice must also advise the party
7 that if a second predicate offense occurs within that one
8 year period, the Town may proceed with enforcement as
9 provided in the Code.

10 I would refer you now to Exhibit 2,
11 which has been included in your book, that is a Predicate
12 Notice served by the Department of Buildings on July 27th
13 of this year.

14 It specifically advises of an arrest
15 occurring on July 24, 2023 at the above reference premises,
16 that premises being the one at issue here, 434 Hempstead
17 Turnpike in West Hempstead.

18 It identifies the name of the defendant
19 arrested.

20 Assuming that I pronounce it properly, I
21 believe it's Assane Gilbreth, (Phonetic spelling) and
22 charging her with an offense of prostitution under Article
23 230 of the Penal law.

24 As I've stated, Article 230 is defined
25 as a predicate offense under your law.

1 That Notice, in addition to the Notice,
2 you will find next, as part of your package, the certified
3 mail return receipt, request receipt that reflects the
4 mailing of that and the signed copy reflecting that it was
5 received by the property owner.

6 So, that is all part of your package,
7 and we would ask that be considered as Exhibit 2 in this
8 Hearing.

9 Okay, moving along, if I may, that
10 really brings us to the proceedings and what has caused us
11 here today.

12 After a second Notice for a second
13 procedural offense, the Board is authorized to declare the
14 premises a public nuisance, a substantial threat to the
15 health and safety and well being of either the building and
16 occupants or the residents of the surrounding vicinity.

17 And upon such finding, you may order
18 the premises closed or boarded up for up to one year's
19 time, if the Department of Buildings posts it in the case
20 that were you to find that this constituted a public
21 nuisance, prohibiting entry into the business.

22 Particularly important to your
23 consideration here today, 91-5-C of the Town Code provides
24 for Notice of this Hearing and I want to go through the
25 requirements of it.

1 And, then I will go through the evidence
2 showing that those requirements have been met.

3 The Notice of a Hearing under Chapter
4 91 to declare a premises, a public nuisance must be in
5 writing and served not less than ten days prior to the
6 Hearing.

7 It must be served on the owner, lessee
8 person or entity in control of the premises, again to the
9 last known address by personal delivery or certified mail
10 return receipt requested and by physical delivery.

11 So, there's additional requirement
12 under the second Predicate Notice, physical delivery to the
13 premises.

14 If I can refer you to Exhibit 3, which
15 is included in your packet, that is the second Predicate
16 Notice served by the Department of Buildings.

17 It is dated August H2nd and as
18 provided, it sets forth the date and time of the hearing
19 that we are conducting here today.

20 It advises that the purpose of the
21 Hearing is to determine whether or not the premises
22 constitutes a public nuisance and it sets forth the actions
23 that the Board may have taken, as I may take, as I
24 previously described them to you.

25 It further sets forth that the prior

1 Predicate Notice of the first offense was served on July
2 24th and it includes the report detailing both that arrest
3 report and the second report which is alleged to have
4 occurred on August 1 of this year.

5 It also sets forth, as required by the
6 Code, a copy in full of Chapter 91 so as to inform the
7 property owner of the requirements of the law.

8 As I've indicated, if you look, that
9 second predicate offense occurred on August 1 of 2023.

10 It involved an allegation of criminal
11 sale of a controlled substance under Article 220 of the
12 Penal Law of the State of New York.

13 Again, as defined, a predicate offense
14 and it identifies the name of the defendant as Seth Adams.

15 All right, just to move on and to
16 complete the record on this, on Exhibit 4, you will see the
17 Affidavits of Service reflecting the service of posting and
18 mailing of that Notice as required by Chapter 91 on August
19 22.

20 And Exhibit 5 is a series of photographs
21 which shows again, the required Notice under Chapter 91
22 being posted on the building.

23 And there are a series of photographs
24 which show it both in detail and in larger context.

25 In a few minutes, I'm going to call

1 Inspector Crawford to make a statement and to testify
2 regarding the specific events the two predicate offenses
3 which bring us here today.

4 But before doing so, I just want to
5 introduce to you a couple of additional exhibits.

6 If you look at Exhibit 6, that is the
7 report of the Nassau County Police Department of a
8 prostitution arrest occurring on July 24 of this year at
9 the location that is the prostitution arrest, which is the
10 first predicate offense and which resulted in the service
11 of the first Notice.

12 It alleges a violation of Penal Law Section
13 230, Article 230, as I've said.

14 All right, again, identifying the
15 defendant's name and sets forth that the predicate - - and
16 as set forth in the Predicate Notice it contains all of the
17 required information.

18 So, that is the Police Report that brought
19 us and caused the first Predicate Notice for this Hearing
20 today.

21 Exhibit 7 is, again, a second Nassau County
22 Police Department Police Report involving a drug offense
23 under Article 220, controlled substances at the location.

24 And again, I remind you this is one of the
25 designated predicate offenses under Chapter 91 at the

1 property occurring, as I said, on the date of August 1st,
2 again identifying the name of the defendant as is set forth
3 in the Notice and as set forth in the second Predicate
4 Notice.

5 So, you should have before you the two
6 Notices which have brought us here today the two offenses
7 which constitute predicate offenses under your Code and
8 which have caused this Hearing that reflects the arrest of
9 two individuals for the specified offense at this location
10 all recurring in 2023 within a twelve-month period.

11 Just to summarize, you'll have to pardon
12 me, at one point in life, I was an Assistant District
13 Attorney and we used to charge grand juries and I'm
14 accustomed to doing so and I go through the elements of
15 everything.

16 So I'm going to do it with all of you, just
17 so it's clear.

18 So I apologize if this is somewhat
19 pedantic.

20 SUPERVISOR CLAVIN: Not at all.

21 ATTORNEY MACY: If you conclude in reviewing
22 all the evidence that proper Notice as required under
23 Chapter 91 has been served for both of the Predicate
24 Notices on the property owner, lessee or person or entity
25 in control with respect to the premises at 434 Hempstead

1 Turnpike, that the first and second predicate offenses
2 are established by the arrest records before you, and
3 that the conduct described in the Notice, an attached
4 Police Report establishes the arrests for those predicate
5 offenses, that they have been properly advised in today's
6 Hearing and that they occurred within one year of each
7 other and that as a result of this, you determine that
8 the premises constitutes a public nuisance.

9 And, after Hearing all of the public
10 comment and such statements as the respondent may choose
11 to make in this case then you may determine to impose the
12 enforcement proceedings that are set forth in Chapter 1
13 including the closure of this building for up to a one-
14 year period.

15 All right. Before I proceed to call
16 Inspector Crawford are there any questions that the Town
17 Board might have either procedurally or substantively as
18 to where we are at this time?

19 SUPERVISOR CLAVIN: I don't see any at this
20 time, Mr. Macy, so I'll let you proceed.

21 ATTORNEY MACY: Thank you, Supervisor
22 Claven.

23 If I could ask Inspector Crawford to step up
24 and give his full name.

25 SUPERVISOR CLAVIN: Good Morning, Inspector.

1 INSPECTOR CRAWFORD: James Crawford,
2 Commanding Officer.

3 SUPERVISOR CLAVIN: Good morning again,
4 Inspector.

5 Thanks for taking the time. Maybe just
6 announce yourself again. We have a lot of residents who
7 came, and we appreciate it.

8 INSPECTOR CRAWFORD: I'm Inspector James
9 Crawford, the Fifth Precinct Commanding Officer.

10 ATTORNEY MACY: Mr. Supervisor, I know that
11 before I ask any questions of the Inspector, he has an
12 initial statement that he'd like to address to the Board.

13 With your permission, I'd ask him to be
14 allowed to do so.

15 SUPERVISOR CLAVIN: Absolutely.

16 INSPECTOR CRAWFORD: Thank you for giving me
17 the opportunity to share some alarming facts with the
18 community and the Town Board.

19 The Capri Motel has been a host to criminal
20 activity for many years.

21 This establishment has placed an undue burden
22 on the community and first responders, exposing the
23 community to crime and tying up valuable Police, Fire and
24 EMS resources.

25 In the past two years, the Police have been

1 brought to the motel 597 times, many times for overdoses
2 and other criminal activity, including ten undetermined
3 deaths.

4 In the past year, 89 arrests have been made
5 in connection with this motel.

6 To put that in perspective, that's an arrest
7 every three calendar days.

8 These arrests consisted of attempted murder,
9 assault, gun possession, drug possession, prostitution,
10 and the course of sexual conduct against a minor.

11 On behalf of the Police Department and the
12 community we happily serve, it's in everyone's best
13 interest this motel remains closed. Thank you.

14 SUPERVISOR CLAVIN: Thank you, Inspector.

15 ATTORNEY MACY: Supervisor, with your
16 permission, I'd like to ask some questions of the
17 Inspector.

18 SUPERVISOR CLAVIN: Absolutely, Mr. Macy.

19 ATTORNEY MACY: Inspector, you briefly stated
20 your background, if you could just elaborate on your
21 background, your history within the Police Department for
22 the record.

23 INSPECTOR CRAWFORD: I've been with the
24 Nassau County Police Department approximately 18 years,
25 served in seven of the eight precincts in various

1 capacities.

2 I've been the Commanding Officer of the Fifth
3 for the last several months.

4 ATTORNEY MACY: And, as Commanding Officer of
5 the Fifth Precinct, what are your duties and
6 responsibilities encompass?

7 INSPECTOR CRAWFORD: I'm in charge of the
8 operational aspects of the precinct and maintaining a
9 quality of life for the residents of the precinct.

10 ATTORNEY MACY: Are you familiar with the
11 premises at 434 Hempstead Turnpike in West Hempstead?

12 INSPECTOR CRAWFORD: I am, sir.

13 ATTORNEY MACY: And does that particular
14 property address, fall within the jurisdiction of the
15 Nassau County Police Department's, Fifth Precinct?

16 INSPECTOR CRAWFORD: Yes, sir.

17 ATTORNEY MACY: Okay. Describe for us just
18 generally the circumstances that have led you to become
19 familiar with that premises.

20 INPSECTOR CRAWFORD: As I stated earlier, it
21 is a burden to the precinct.

22 It brings us there on a regular basis.

23 I'm familiar with it.

24 I was a Police Officer in the precinct.

25 I was Lieutenant there. I'm back as the

1 Inspector, and it's been a problem for the last 18 years.

2 ATTORNEY MACY: So, in your professional
3 capacity, have you had occasion to actually go to that
4 premises?

5 INSPECTOR CRAWFORD: Many times.

6 ATTORNEY MACY: Okay. And just generally, if
7 you would describe for the Town Board the premises and
8 how it is constituted currently.

9 INSPECTOR CRAWFORD: The physical property
10 has a parking lot, three structures, one being two
11 stories, the other being one story, and contains several
12 motel rooms.

13 ATTORNEY MACY: Would you describe, first,
14 the surrounding community in that area, please?

15 INSPECTOR CRAWFORD: It's a mixed-use area.
16 There's Commercial, but there are Residential streets,
17 Residential homes within one hundred feet of the motel.

18 ATTORNEY MACY: You told the Board in your
19 opening statement that you've had occasion or, I'm sorry,
20 that the Fifth Precinct has had occasion to respond to
21 that location over the last two years, just under 600
22 times. Is that what the department would refer to as a
23 call for service?

24 INSPECTOR CRAWFORD: Yes, sir.

25 ATTORNEY MACY: And what technically

1 constitutes a call for service?

2 INSPECTOR CRAWFORD: When a member of the
3 public dials 911 or calls the precinct and requests the
4 police to respond.

5 ATTORNEY MACY: Now, in connection with those
6 calls for service, when the Nassau County Police
7 Department responds to a location, is a record kept of
8 the responses to the location?

9 INSPECTOR CRAWFORD: Yes.

10 ATTORNEY MACY: Mr. Supervisor, with your
11 permission, I would like to hand to the witness the
12 document that has been submitted in your packet as
13 Exhibit 8.

14 SUPERVISOR CLAVIN: Okay, absolutely.

15 ATTORNEY MACY: Inspector, can you tell me
16 if you are familiar with the document that is before you
17 as Exhibit 8?

18 INSPECTOR CRAWFORD: Yes.

19 ATTORNEY MACY: And what is that document?

20 INSPECTOR CRAWFORD: It is a list of case
21 reports generated at the motel over the last, I believe
22 it's two years.

23 ATTORNEY MACY: And, is that report
24 prepared by the Nassau County Police Department?

25 INSPECTOR CRAWFORD: Yes.

1 ATTORNEY MACY: Is it made in its regular
2 course of business?

3 INSPECTOR CRAWFORD: Yes.

4 ATTORNEY MACY: And it's the regular
5 business of the Police Department to make and keep that
6 record?

7 INSPECTOR CRAWFORD: Yes.

8 ATTORNEY MACY: The entries that are
9 contained on there and I note it's multiple pages, are
10 they made at or about the time of the events to which
11 they relate?

12 INSPECTOR CRAWFORD: Yes.

13 ATTORNEY MACY: And when the Police
14 Department makes those entries, are they under a duty to
15 do so accurately?

16 INSPECTOR CRAWFORD: Yes.

17 ATTORNEY MACY: Okay. I'd like to just go
18 through that report briefly.

19 You've reviewed this report, generally, what
20 is this report, if you could explain to the Town Board?

21 INSPECTOR CRAWFORD: So, we track all case
22 reports that occur at locations, and they're classified
23 into different categories of what police action is
24 necessary when we're there.

25 And this is, I don't know, probably 50 pages

1 worth of case reports.

2 ATTORNEY MACY: And does it relate to the
3 premises at 434 Hempstead Turnpike and West Hempstead?

4 INSPECTOR CRAWFORD: Yes, all pages do.

5 ATTORNEY MACY: Each of these entries is
6 related to that.

7 Let's just, for the record look - - okay,
8 Inspector, just, if I could, the categories here, I'm not
9 going to go through each one of them.

10 The document will speak for itself, but if I
11 could just the first column, it's labeled as "CR," what
12 is that?

13 INSPECTOR CRAWFORD: That's the computer
14 generated case report number that's assigned to the call.

15 ATTORNEY MACY: And towards the fifth column
16 as one moves in it's "Report as," what does that
17 reflect?

18 INSPECTOR CRAWFORD: It's the classification
19 of the case report.

20 ATTORNEY MACY: And does it reflect the date
21 and time when each of these occurred?

22 INSPECTOR CRAWFORD: Yes.

23 ATTORNEY MACY: And when you say the
24 classification of case report, would that be the type of
25 activity that caused the Police response to that

1 location?

2 INSPECTOR CRAWFORD: Yes.

3 ATTORNEY MACY: Okay, you could put that
4 aside. I appreciate it.

5 Mr. Supervisor, may I, again, approach the
6 witness and show him.

7 SUPERVISOR CLAVIN: Absolutely.

8 ATTORNEY MACY: Inspector can you tell me if
9 you recognize the document that has been submitted as
10 Exhibit Six?

11 INSPECTOR CRAWFORD: I do recognize it.

12 ATTORNEY MACY: And, what is that?

13 INSPECTOR CRAWFORD: It's a case report from
14 July 24 of 2023.

15 ATTORNEY MACY: And does that reflect a case
16 report for an incident occurring at the Capri Motel at
17 434 Hempstead Turnpike?

18 INSPECTOR CRAWFORD: Yes.

19 ATTORNEY MACY: And what is the offense that is
20 designated on that?

21 INSPECTOR CRAWFORD: Prostitution.

22 ATTORNEY MACY: Is there a narrative portion of
23 that report, Inspector?

24 INSPECTOR CRAWFORD: Yes.

25 ATTORNEY MACY: Could you just read that for

1 the record?

2 INSPECTOR CRAWFORD: Yes.

3 On July 24th, Narcotics Vice Squad Detectives
4 initiated an investigation while utilizing Escort
5 Alligator.com, a web based escort site.

6 At this time, a text conversation started with
7 phone number 516-972-5678 requiring about a date in
8 response to an ad.

9 During the text conversation, agreement was
10 reached with the individual listed in the ad for a date
11 for the sum of 500 United States currency.

12 This agreed upon date includes sex with a
13 condom for a period of 2 hours.

14 This is confirmed during these text and
15 subsequent phone calls.

16 At, approximately, 21:20 hours, the
17 prearranged meet location, Room 226 of the Capri Motel
18 located at 434 Hempstead Turnpike in West Hempstead.

19 Defendant Isaian Gilbreth was placed into
20 custody.

21 The defendant was transported to the Fifth
22 Precinct for arrest processing.

23 ATTORNEY MACY: Thank you, Supervisor.

24 May I show one last exhibit to the Inspector?

25 SUPERVISOR CLAVIN: Absolutely.

1 ATTORNEY MACY: Recognize that?

2 INSPECTOR CRAWFORD: Yes, I do.

3 ATTORNEY MACY: What do you recognize that as?

4 INSPECTOR CRAWFORD: A case report from August
5 1st of 2023.

6 ATTORNEY MACY: And is that reflected in an
7 arrest made by the Nassau County Police Department at the
8 Capri Motel at 434 Hempstead Turnpike?

9 INSPECTOR CRAWFORD: Yes.

10 ATTORNEY MACY: Okay. Would you read from
11 the narrative portion of that for the Town Board, please?

12 INSPECTOR CRAWFORD: Just a little lengthy,
13 this one.

14 On August 1st, 2023, approximately 17:45
15 hours Cert Officers Kelty and Sheller were conducting
16 surveillance at the Capri Motor Inn, located at 434
17 Hempstead Turnpike, West Hempstead, New York, in response
18 to recent increases in violent crime and quality of life
19 issues.

20 From their vantage point in the Motel's lot
21 Officers observed listed defendant Taylor Ebony enter
22 Room 211, located on the second floor of the Motel's East
23 Wing and emerge, approximately, two minutes later.

24 While exiting the room, Taylor began to look
25 over her shoulder and around the parking lot in a nervous

1 manner.

2 As Taylor ambulated through the lot, she began
3 to display signs of being under the influence of cocaine.

4 She made involuntary jerking motions, walked
5 with a labored and unsteady gait, and appeared to be
6 talking to herself.

7 Moments later, Taylor met with listed
8 defendant Basil Patsy, and the two began to speak with
9 one another.

10 The defendants separated and left the
11 Officer's view.

12 Officer Sheller then alerted additional Cert
13 Units to possible narcotics activity and broadcast a
14 physical description of the two individuals.

15 At this time, Cert officers Moore and Angel
16 conducted surveillance where they observed both
17 defendants Taylor and Basil at the Speedway Gas Station
18 located at 435 Hempstead Turnpike, where both individuals
19 looked as if they were waiting for someone.

20 A few minutes later, Officers observed a Black
21 male wearing a gray sweater and blue sweatpants rode up
22 to the above listed location on a bicycle.

23 At which point he handed defendant Taylor what
24 appeared to be a plastic twist of cracked cocaine.

25 The same male, now, known to me as defendant

1 Adams Seth then engaged in another hand-to-hand
2 transaction with defendant Basil during which he handed
3 Basil what appeared to be crack cocaine.

4 At this time, Cert officers Belena and Aquilina
5 approached defendant Taylor and covered two clear plastic
6 bags with white rock-like substance cocaine believed to
7 be crack cocaine that was inside the Subway paper bag
8 from her right hand.

9 Officer Angel approached defendant Basil and
10 recovered a plastic bag with two clear plastic bags with
11 a white rock substance believed to be crack cocaine from
12 her left hand.

13 Officer Moore then approached defendant Adams
14 at which point, defendant Adams tensed up and pulled away
15 from officer Moore and started to run for a short
16 distance when officer Moore and officer Balina were able
17 to apprehend the defendant.

18 Officer Moore then recovered a clear plastic
19 bag with 55 clear plastic bags inside with white rock
20 like substances believed to be crack cocaine and one
21 green bottle with clear plastic bags inside with a white
22 rock like substance believed to be crack cocaine.

23 All defendants were placed into custody and
24 transported to the Fifth Precinct for processing.

25 Cert officers seized 168 dollars United States

1 currency for asset forfeiture which is believed to be the
2 proceeds of the illegal narcotics sales.

3 It continues.

4 Upon further investigation, officers
5 identified the defendant through station house running
6 defendant Taylor.

7 Officers were made aware defendant had four
8 active bench warrants from Nassau County, issued on
9 12/5/2022 signed by the Honorable David Wright, issued
10 from 12/5, Docket Number CR-008496-22 NA, signed by
11 Honorable David Wright, issued from December 5, 2022,
12 Docket Number CR-0195-84-22 NA, signed by the Honorable
13 David Wright.

14 ATTORNEY MACY: Inspector, let me just
15 interrupt you.

16 I don't think I need you to go into the
17 warrants anymore.

18 INSPECTOR CRAWFORD: Okay.

19 ATTORNEY MACY: That's fine.

20 INSPECTOR CRAWFORD: Sounds good.

21 ATTORNEY MACY: Mr. Supervisor, I have no
22 further questions for the Inspector unless the Board
23 would like to inquire of him.

24 SUPERVISOR CLAVIN: Not at all.

25 I just want to thank the Inspector for taking

1 the time to come today. Thank you for the service to
2 Nassau county and thanked everybody in the Fifth Squad.
3 I know as somebody who grew up in Valley Stream, it's a
4 great Department. They do a tremendous job.

5 We're lucky and all of your assets and you
6 put your lives out there. And we're grateful for your
7 time.

8 And your presentation here today is very
9 impactful, if I might say so, at the least.

10 SUPERVISOR CLAVIN: Welcome, sir. Thank you
11 for your time.

12 ATTORNEY MACY: Mr. Supervisor, that
13 concludes my presentation.

14 Unless the Board has further evidence, I'm
15 happy to review it with you.

16 I think I had done so initially at the
17 conclusion before calling Inspector Crawford.

18 Basically, what you have before you is you
19 have evidence of two predicate arrests as defined by Town
20 Code, Article 91, the first one being prostitution, the
21 second one being a drug offense, both recurring within a
22 twelve-month period at the premises at 434 Hempstead
23 Turnpike as defined under your Code.

24 Predicate offenses is sufficient to
25 constitute a public nuisance.

1 Additionally, you have proof of service of
2 both of these in accordance with your Code.

3 And, I suggest that the evidence is adequate
4 should the Board wish to make that finding that the
5 premises constitutes public nuisance, it would then be up
6 to the Board to determine what the appropriate remedy is.

7 As indicated, your Code would permit the
8 property to be boarded for up to one year, should you
9 make such a determination.

10 SUPERVISOR CLAVIN: Thank you, Mr. Macy,
11 for the presentation.

12 Your evidence skills from the DA's office
13 did not miss me. I liked that tremendously, made me
14 smile.

15 I have a tremendous amount of individuals
16 who have put in slips, so I'll ask you to just hang out
17 for a little bit.

18 And I'm going to start with, I see
19 Legislator John Giuffre.

20 ATTORNEY MACY: Do you want me to sit or
21 stand?

22 SUPERVISOR CLAVIN: I'm not going to
23 punish you. You can stand. No, I'm joking with you,
24 John. You can sit. You can sit.

25 Why don't we acknowledge we'll go to the

1 back podium for anybody who wants to testify. That would
2 be great. Thank you very much.

3 CLERK MURRAY: While Legislator Giuffre is
4 going to the podium, I do want to note, for the record,
5 that a joint letter from Legislator John Giuffree and
6 Legislator Bill Gaylor has been submitted and will be
7 made part of the official record.

8 SUPERVISOR CLAVIN: Yeah, that's a fair
9 representation.

10 I know that Legislator Gaylor was called to
11 a family emergency. I know he wanted every intention of
12 being here, but I know that he and Legislator Giuffre
13 really been very focused on this, to say the least.

14 I'm grateful for taking time and of course,
15 Legislators Gaylor's letter will be made part of the
16 record. But of course, we're delighted to have
17 Legislator Giuffre.

18 LEGISLATOR GIUFFRE: Thank you. Thank you,
19 Supervisor.

20 Again, I'm Legislator John Giuffre and on
21 behalf of myself and Legislator Gaylor, we want to thank
22 the Town Board, the Police department and you, Supervisor
23 Clavin, for the work that you have done in shutting down
24 the Capri Motor Lodge and based on the evidence, the
25 residents of our districts, 144,000 people, we would like

1 the closure to be for as long as the law allows under
2 your Town code, Section 91-5.

3 SUPERVISOR CLAVIN: We appreciate the
4 sentiment.

5 And then again, I want to thank you and
6 Legislator Gaylor for working with us and listening to
7 the residents, as well.

8 And, I think we can all agree the residents
9 speak very loudly here, so thank you.

10 Next, I have up Jeff Schreiber.

11 Mr. Schreiber, if you give your name and
12 address for the record, thank you,

13 ATTORNEY SCHREIBER: Supervisor Clavin,
14 Members of the Board, my name is Jeffrey Schreiber.

15 I'm a Partner in the firm of Meister, Seelig
16 & Fein, PLLC, at 125 Park Avenue in New York City.

17 With me today, also I have the manager and
18 co-manager of the Capri Motel, as well as, my co-counsel
19 Chris Brown from McLaughlin and Stern.

20 Before I begin my presentation, I have a few
21 preliminary matters to go through.

22 The first is I see that there is a clock
23 ticking in front of me and my question is whether - -

24 SUPERVISOR CLAVIN: Counselor, I've called
25 you up and I'm giving you the courtesy of speaking and

1 making your presentation.

2 I really do appreciate you traveling in from
3 the City.

4 We do appreciate you visiting Nassau County,
5 obviously a lot of people do.

6 But if you'd like to do a presentation, that
7 sounds great.

8 And when it comes to any issues that come up,
9 they'll come up during the time.

10 We're not here to be, you know, sort of given
11 a little question/answer session from you.

12 ATTORNEY SCHREIBER: Mr. Clavin - -
13 Supervisor Clavin, with respect, I'm here to represent a
14 client and I need to do it in a way that's efficient to
15 protect the client's rights.

16 I need to know before I start if the Board,
17 which is theoretically sitting here as a determinative
18 Body, although we'll come to that, intends to restrict my
19 time so that I can choose what I have to say, including
20 about the attempt to restrict my time.

21 SUPERVISOR CLAVIN: Mr. Schreiber, again, no
22 one's attempted to restrict your time.

23 ATTORNEY SCHREIBER: So, the fact that the
24 clock - -

25 SUPERVISOR CLAVIN: Mr. Schreiber, again,

1 perhaps, this is your first time ever being anywhere with
2 rules, when you ask a question and someone gives you an
3 answer and I'm not going to lie to you, trust me, I've
4 gone to a courtroom too, a Judge wouldn't be too kind to
5 you right now.

6 So, what I'm saying to you is we've never said
7 we restrict it.

8 And if a problem comes up, of course, I would
9 notify you of it.

10 So, I'm asking you to present, you know, on
11 behalf of your client.

12 ATTORNEY SCHREIBER: So, I will take your
13 response to mean that you are not restricting my time.

14 SUPERVISOR CLAVIN: Mr. Schreiber, you can
15 take my response however you want, but don't put words in
16 my mouth. Again - -

17 ATTORNEY SCHREIBER: There are several other
18 issues that need to be addressed before I can begin my
19 presentation.

20 First, there are two Members sitting on the
21 Board, including you Supervisor Clavin, as well as, Town
22 Board Member Muscarella, who have already made public
23 statements in which they have prejudged and indicated to
24 the public that they've prejudged that my client's
25 property constitutes a public nuisance under chapter 91

1 of the Town's Ordinances.

2 For that reason, those two, you and Board
3 Member Muscarella, have to recuse themselves from this
4 proceeding because they can't sit in judgment on
5 something that they've already prejudged.

6 So, we move that the two of you recuse yourself
7 before you proceed.

8 SUPERVISOR CLAVIN: Okay, I don't think I've
9 made any such statement.

10 I think we're reflective of our concerns when
11 we're having a Public Hearing like we're having here for
12 everybody here, today.

13 So, that's I think, fair to say, we don't
14 feel that we've made that representation.

15 In fact, we welcomed everybody to come to the
16 Public Hearing so we could hear their thoughts.

17 ATTORNEY SCHREIBER: So you're denying the
18 motion?

19 SUPERVISOR CLAVIN: Once, again, Mr.
20 Schreiber, I don't know, you know, how you are with other
21 entities.

22 You don't put words into anybody's mouths.

23 I just want to be clear on that.

24 Okay, so, don't tell people what we're doing.
25 We're being very, very respectful of you.

1 We're giving you the opportunity to present
2 your case.

3 You know what? We've made a very nice record
4 here. We're delighted, again, you came to visit us all
5 the way from New York City and we're asking you to
6 present your case.

7 You made a statement, we've given an answer,
8 and with that, we will move on.

9 ATTORNEY SCHREIBER: The second thing that I
10 would request is given that my client is the subject of
11 this Hearing and that Mr. Macy put before the Board a
12 record with exhibits and that other letters, evidently,
13 have become part of the record before this Board based on
14 what's occurred before I got up to speak, I would ask
15 that we be given copies of those exhibits so that I can
16 determine what to do about those exhibits, including
17 questioning witnesses who might have to testify or have
18 already testified about the contents of those exhibits.

19 SUPERVISOR CALVIN: Mr. Macy, if you'd like
20 to respond to that.

21 ATTORNEY MACY: Supervisor, if you would
22 like, I have a full set of exhibits.

23 This is a public forum.

24 Obviously, I'm more than happy to provide
25 Mr. Schreiber, with a set of those exhibits.

1 SUPERVISOR CLAVIN: It's very kind to you.
2 Thank you very much.

3 ATTORNEY SCHREIBER: Great.

4 Now, I would also ask, Mr. Supervisor, if
5 the Town Board intends to consider comments by the public
6 as part of the evidentiary record in making a
7 determination against my client.

8 You're calling me to defend against
9 statements that have not yet been made that I've not yet
10 heard or will have an opportunity to test through cross
11 examination or respond to.

12 So, asking me to speak before I hear the
13 evidence against my client unfairly and improperly
14 prejudices my client.

15 SUPERVISOR CLAVIN: I respectfully disagree
16 on your presentation, making that we're giving you the
17 opportunity.

18 Mr. Macy said he'd present you with the
19 documentation.

20 You're an accomplished Attorney.

21 I'm sure you're very confident in any sort
22 of comments or defense you were going to put forth. And
23 we appreciate it.

24 ATTORNEY SCHREIBER: Sure, okay.

25 So, now, let's go to - -

1 (Whereupon, the three-minute bell rang.
2 After, the following ensued.)

3 SUPERVISOR CLAVIN: I don't want you to get
4 upset that three minute timer wasn't on you, so we don't
5 want you getting a little frazzled there. So don't do
6 the time again.

7 ATTORNEY SCHREIBER: So, I'm going to tell
8 you, first of all, why you should not close this motel
9 and why you should not deprive my clients of their
10 property without any compensation and without, in fact,
11 proper notice and an opportunity to be heard before you
12 did so, because you closed them on August 7th, that's
13 first of all.

14 And then I'm going to tell you why you
15 cannot close their property.

16 So let's start with why you should not.

17 You've heard a lot of testimony this
18 morning, and we'll come back to it, and we have things to
19 say about it.

20 Now, that I've had the exhibits, I'd ask
21 the indulgence of the Board for an opportunity to review
22 them so that I can cross examine the witnesses who've
23 been called against my client and have testified against
24 my client.

25 I just want to talk a little bit about the

1 history of the Capri Motel and my client's ownership of
2 it.

3 This property has been operated as a motel
4 continuously for the last 60 years, the last 40 of which
5 were under the stewardship and ownership of my client.

6 During that time, the motel has complied
7 with all of the Town's Zoning Rules, all obtained, all
8 permits, passed all inspections.

9 There have never been any issues at the
10 motel, which is clean and maintained and orderly until
11 suddenly, this year, when out of cycle in May, after
12 having passed all of its prior inspections, there was an
13 inspection that came out of the blue which notified my
14 clients of a single supposed infraction.

15 That was the claim that my clients
16 supposedly did not have carbon monoxide detectors
17 installed.

18 And even though carbon monoxide detectors
19 are not required because there's no gas on the premises,
20 to comply with the request that was made in May, my
21 client promptly installed those carbon monoxide
22 detectors.

23 Now, there are 27 employees of this motel.

24 They and their families rely on the
25 incomes that they earn as a result of their employment at

1 this motel, all of whom will be put out of business and
2 will lose their incomes if you shut the motel.

3 Now, during the time that my clients have
4 been operating the motel, they have served as a valuable
5 public resource cooperating with the police in connection
6 with police investigations that occurred relating to
7 activity, where the police requested cooperation and
8 where my clients affirmatively volunteered such
9 cooperation.

10 And the motel was also used to house
11 people who DSS requested to put there because they could
12 afford to stay there.

13 The hotel was clean, was safe, and was
14 well maintained.

15 Everything was fine and everything was
16 proceeding correctly until on August 7, a team of people,
17 including Police and Fire and other people came to the
18 motel, put a barrage of tickets on the motel alleging
19 fire and safety violations.

20 At the time, there was only a single, what
21 Mr. Macy called predicate notice, which had been sent to
22 the motel on July 27, alleging that a predicate offense
23 had occurred on July 24.

24 And although there is no right under the
25 Town's Ordinances that were cited in the tickets to close

1 the motel at the time, everyone came with the padlocks in
2 hand because it had already been determined, despite this
3 Hearing that you're supposed to be having, to close the
4 motel already.

5 And that's, in fact, what happened, even
6 though at the time and I have people here from the motel
7 who will testify that they were told that, in fact, the
8 motel was being closed as a public nuisance,
9 notwithstanding the fact that there was no second notice
10 given yet and no Hearing yet given.

11 In fact, the second notice that was given,
12 what you call a second notice, was not given until August
13 22, nine days before this Hearing, which is supposed to
14 happen on ten days notice.

15 And by the way, adjourning it so that it's
16 not closed until next week doesn't cure the fact that
17 when it happened, it happened with improper notice.

18 That second notice said that there was a
19 predicate arrest that occurred on August 1.

20 Of course, my clients did not get that
21 notice until August 22, after the hotel had been closed
22 for more than two weeks.

23 So, now let's talk a little bit about what
24 - - I'm just going to finish before I come back, that I
25 just want to get back to the last point about why

1 shouldn't close the motel, right.

2 What population does the motel service and
3 why are we here?

4 The motel was primarily occupied by people
5 who DSS put them, who needed a place to go in order to
6 find a place to stay.

7 And the motel, for 60 years, 40 under my
8 clients stewardship, has serviced the needs of people who
9 need to have a place to stay and can't afford to stay at
10 the Four Seasons.

11 They need places to stay, too, and they
12 stay often at the Capri Motel, which was highly rated,
13 frankly, on travel sites before the Town swooped in and
14 closed it.

15 And we all know that people, perhaps, did
16 not like the way those people looked, but that is not a
17 basis to swoop in and close.

18 Now, going back to the notices that were
19 issued, so there are some procedural problems with you
20 proceeding other than the ones that I mentioned at the
21 outset.

22 First, as Mr. Macy noted, under Chapter 91,
23 the first notice, in order to be a valid notice, has to
24 be served along with a copy of Chapter 91 of the
25 Ordinances of the Town.

1 It was not done.

2 So, all that was given was a letter that
3 said there has been a predicate arrest at the site.

4 It also had the name of the arrestee.

5 It did not have, by the way, the address of
6 the arrestee, which your ordinance also requires by its
7 expressed terms, if that's available to the Town.

8 We have no idea whether the Town
9 reasonably was aware of it or not because none of the
10 materials that were previously provided to us.

11 So, without that there you have two
12 defects in your first notice, and the last time I
13 checked, even though I'm a lawyer and math is not my
14 strong suit, you can't get to two without counting to
15 one, first.

16 The second notice, which in fact, was
17 served with the Chapter, was served too late to have this
18 Hearing begin today, which is only nine days notice when
19 your statute requires ten.

20 Moreover, the entire statutory scheme is
21 subject to challenge.

22 You began this proceeding by pledging
23 allegiance to the Flag and the republic for which it
24 stands, which includes the Constitution of the United
25 States of America, as well as, the Constitution of New

1 York State, both of which apply even in the Town of
2 Hempstead.

3 Now, what those require is that they have
4 certain concepts in them, like the fact that my client,
5 which has been an upstanding citizen, and frankly, if
6 you'll permit, will have testimony, has taken all steps
7 consistent with industry norms, to prevent and do
8 whatever was in its power reasonably possible to prevent
9 criminal activity at its premises, of which, by the way,
10 it is as much a victim as anybody else.

11 Officer Crawford talked earlier about
12 calls from the motel.

13 Many of those calls come from my client's
14 staff who are asking the Police to deal with problems not
15 of my client's creation, but of other people's creation.

16 In fact, everyone here, people who are
17 homeowners or have their own businesses, always have the
18 potential that someone else could choose to engage in
19 improper conduct on their property.

20 And because your ordinance uses
21 convictions - - uses arrests, excuse me, as a proxy for
22 convictions and arrests, because everyone is entitled to
23 a presumption of innocence, means that you can't assume
24 that there was a crime, let alone where the arrests
25 actually occurred.

1 Based on the second notice and the
2 testimony you've had today, what you've set up is a
3 paradigm under which anyone that the Town decides they
4 don't like can be shut down for a period of up to a year
5 simply because the Town decides to go and have someone
6 make arrests there that fall within the predicate
7 offenses even if the predicate offenses didn't occur.

8 In fact, we have no idea whether any of
9 the arrests at issue in this case resulted in
10 convictions, whether any of the underlying predicate
11 offenses occurred, or whether my client failed in any way
12 to take any action one way or another, to either permit
13 affirmatively those things to happen or failed to take
14 actions necessary to prevent them.

15 So, you are punishing my client by taking
16 away its property for the actions of others that may or
17 may not have been criminal and doing so without respect
18 to any culpability on the part of my client.

19 That is not consistent with the Pledge
20 that we all stood when we put our hands over our hearts
21 and pledged our allegiance to the values for which this
22 Republic stands.

23 And frankly, everyone here, even those who
24 are unhappy with the motel being where it is, which, by
25 the way, the motel is not in a residential area.

1 It is in a commercial area.

2 It backs up onto a ShopRite.

3 It backs up onto other stores in a strip
4 where there's really no residences immediately in that
5 area.

6 Everyone here is subject to, if someone
7 decides they don't like them, to the draconian provisions
8 of your Town Ordinance which allow you, irrespective of
9 their own culpability and irrespective of their own
10 responsible acts to take their property away merely
11 because you dispatch someone to make arrests there,
12 irrespective of whether the underlying offense has
13 actually occurred.

14 That is unconstitutional.

15 It's also unconstitutional to close a
16 business without giving them an opportunity to address
17 the issues that you claim caused the closure or justify
18 the closure, particularly when the Town doesn't have the
19 power to do so.

20 And by the way, the Town does not have the
21 power to do so, right.

22 This is an Ultra Vires Act. You cannot
23 act as judge, jury and executioner.

24 And, we all understand that, that's
25 exactly what's happening here.

1 So you can go ahead with your Hearing. I
2 have witnesses who I would like to call both in support
3 of my client's position and I would like to cross examine
4 witnesses who testify against my client.

5 So my question to you is, when will I have
6 the opportunity to do that?

7 This is a statement.

8 It's not evidence.

9 It's argument. When do I have the
10 opportunity to examine the evidence that's put in against
11 me and against my client, test the sufficiency of the
12 evidence and put on my own evidence in order to address
13 the claims that are being made?

14 SUPERVISOR CLAVIN: Absolutely. Mr.
15 Maccarone, our Town Attorney, I will let you respond. I
16 do want to set the record straight, though, that I think
17 it's a Stop & Shop and not a ShopRite next door. I'm
18 correctly right just want to set that record, right.

19 But I'll let Mr. Maccarone respond.

20 TOWN ATTORNEY MACCARONE: Mr. Schreiber,
21 you made a number of interesting claims, one of which was
22 that the hotel was closed as a result of this proceeding.
23 Nothing is further from the truth.

24 ATTORNEY SCHREIBER: That's not what I
25 said, Mr. Maccarone.

1 TOWN ATTORNEY MACCARONE: Well, the record
2 speaks for itself.

3 In May, an inspection was done and your
4 client was given a notice of violation and required to
5 fix a number of things, none of which he did.

6 The hotel was, thereafter, closed at the
7 beginning of August, I believe, it was August 7th, as a
8 result of not only our Building Inspectors and Building
9 Department inspecting the premises, but also an outside
10 engineer consultant looked at the premises and determined
11 it was an unsafe structure.

12 This action, the result of this Hearing,
13 was the result of two predicate arrests.

14 And you're making an argument as to the
15 constitutionality of the law.

16 This law has been on the books a long
17 time.

18 You made allegations that we're basically
19 sending people there to make these types of arrests.

20 Nothing is further from the truth.

21 As Inspector Crawford gave testimony to
22 this Board, over 500 arrests occurred.

23 They were called there 500 times.

24 You even admitted that your own employees
25 at times called and you didn't say they weren't calling

1 about your occupants and they were talking about people
2 walking on the street.

3 So you've made a lot of allegations as to
4 the constitutionality of the law.

5 This is not an appropriate forum for that.

6 Our policy here - - this is a Public
7 Hearing.

8 You don't normally get to cross examine
9 witnesses, your own witnesses.

10 Everything that Mr. Macy introduced and
11 gave to the Town Board is a part of our public record.

12 Mr. Macy, as a courtesy, gave you a copy
13 of those exhibits.

14 You can have other people testify.

15 You can't ask them questions, you can't
16 cross examine them.

17 I would ask the Board, based upon the
18 fact that normally we don't do this, but we've extended to
19 you a courtesy based upon the fact that you represent the
20 owner of a building that potentially could be closed, I
21 don't believe anybody has predetermined anything, that
22 you'd be given the opportunity to address this Board again
23 on Wednesday when this Board reconvenes.

24 But as far as bringing witnesses, that's
25 not the way our Hearings work here.

1 So, if you have someone else that would
2 like to testify as to certain situations or concerns that
3 they may have, they're more than happy to and testify.

4 It started out that way.

5 Nobody here is testifying.

6 Nobody's been sworn in.

7 This is a Public Hearing for you, as well
8 as, the public to address the Town Board on their concerns
9 about this issue.

10 ATTORNEY SCHREIBER: Thank you, Mr.
11 Maccarone.

12 And I do appreciate the courtesy.

13 So, given what you've just said, I'll
14 reserve, and I will see you again next week.

15 SUPERVISOR CLAVIN: Okay, thank you very
16 much. We appreciate it.

17 Next, I'm going to bring up Maureen
18 Greenberg. Just remind everybody, if you just give your
19 name and address when you go up to the mic, make it a
20 little bit easier. I appreciate it.

21 MAUREEN GREENBERG: Hello, Maureen
22 Greenberg, 408 Tyler Place, West Hempstead.

23 I'm the President of the West Hempstead
24 Community Support Association.

25 And, I'm here on behalf of the Executive

1 Board and the community residents that have contacted us
2 with their concerns on the Capri Motel.

3 The Executive Board has voted unanimously
4 that this blight on the community should be closed
5 forever.

6 I have in hand over 757 signed petitions
7 and twelve letters from residents that wanted to be here
8 today but could not, in support of keeping the motel
9 closed.

10 Two blocks from this motel is the West
11 Hempstead Union Free School district, George Washington
12 School.

13 These students and teachers should not
14 have to deal with people hanging around the blocks
15 surrounding the school and looking through the fence.

16 My own granddaughter has been witness to
17 this.

18 Residents who live around the
19 establishment for years have had to put up with the drugs
20 and illegal activities.

21 Local businesses, Stop & Shop, in
22 particular, and I've spoken with the Manager there, has
23 put up with issues of patrons of the hotel, causing
24 issues in the stores, as well as, our residents being
25 approached in the parking lot while doing their weekly

1 shopping.

2 The Town saw it fit to shut it down and
3 now must keep it shut.

4 Supervisor Clavin, Councilman Muscarella,
5 you saw fit to hold a news conference last week speaking
6 on how the quality of life can only be upheld by keeping
7 the Capri closed and addressing it by holding today's
8 Meeting.

9 As with the Courtesy Hotel years ago, we
10 will not stand for our neighborhood to be overrun by
11 crime and inappropriate businesses.

12 We, the citizens of West Hempstead, call
13 on the Elected Officials of this Board to keep the Capri
14 closed and to keep our residents safe and living in a
15 community that is conducive to raising families and
16 moving around freely and without fear.

17 We look forward to nothing but the
18 permanent closure of the Capri.

19 Thank you.

20 I would like to hand in, if possible,
21 these petitions.

22 SUPERVISOR CLAVIN: Absolutely, Ms.
23 Greenberg.

24 And, we'll make that part of the record.

25 Thanks for taking the time to come down

1 today.

2 And again, when you go up there, everyone
3 has three minutes and then you give your name and
4 address.

5 Next, I have Dorothy Krinsky.

6 And if I maul your name, I really
7 apologize, okay. Just letting you know, because I know I
8 mauled your name.

9 DOROTHY KRIMSKY: My name is Dorothy
10 Krinsky. I live at 257 Walton Street in West Hempstead.

11 I'm speaking for people. I was debating
12 whether to speak at all, but I know that there are a lot
13 of people who wanted to be here today but couldn't
14 because of the time.

15 So, I felt that I could represent them.

16 I moved to West Hempstead, it's going to
17 be ten years.

18 And, I moved here not only for my
19 children and grandchildren, but because it's a very warm
20 and very safe community.

21 I do a lot of walking in the morning and
22 I walk past businesses.

23 I would hate to walk through the driveway
24 to Stop & Shop on the entrance of Hempstead Turnpike and
25 many times I drove through and I see people drinking on

1 the street, hanging around, and I don't feel safe, and I
2 want to feel safe.

3 I want to just ask you to keep this motel
4 closed for the safety of the residents. Thank you.

5 SUPERVISOR CLAVIN: Okay, thank you very
6 much for taking the time to come down.

7 Next, I have Moshe Hill.

8 MOSHE HILL: My name is Moshe Hill. My
9 address is 685 Hempstead Avenue.

10 I was born and raised in West Hempstead.
11 I moved back to the neighborhood around seven years ago
12 with my family, had a couple more kids while I was here.

13 And, I have been avoiding the Capri Motel
14 for my 37 years.

15 There used to be a Blockbuster right next
16 to the Capri Motel.

17 We would ride our bikes over there, and it
18 was literally one of the only places in West Hempstead
19 where I had to lock up my bicycle as a teenager because
20 it's a generally very safe community, a very lovely
21 community, a great place to grow up and a great place to
22 raise my own children.

23 But I had to lock up my bicycle just to go
24 get a video from Blockbuster.

25 I'm dating myself a little bit because I

1 was afraid that by the time I came out ten minutes later,
2 it wouldn't be there anymore.

3 I've had personal experience with the
4 surrounding area of the Capri Motel.

5 I have personally called 911 when I saw
6 somebody passed out a block away very, very close by and,
7 um, I hope they were only passed out. I have no idea
8 because I didn't stay to check on them. I called 911 and
9 went on my way.

10 And it's been a very tough, as was said,
11 blight on our community for many, many years.

12 And, I hope that the Council finds that
13 this place should stay closed for as long as the law
14 allows.

15 SUPERVISOR CLAVIN: Thank you. Thank you
16 so much. Next, I have Marge Kelly.

17 MARGARET KELLY: Hi, good afternoon.
18 Thank you for giving me the opportunity to speak.

19 My name is Margaret Kelly. I am the
20 President of the Community League of Garden City South,
21 PO. Box 7229, Garden City, New York, 11530.

22 We did speak with the West Hempstead Civic
23 Association and the community league of just to give you
24 a little background, the Community League of Garden City
25 South is the first New York State incorporated civic

1 association on Long Island.

2 We were established in 1929.

3 We're proud to serve the residents
4 immersions within what is now known as Franklin Square
5 School District 17, all of Garden City South, most of
6 Franklin Square, areas of West Hempstead, North, Valley
7 Stream, and Elmont.

8 Our motto is neighbors supporting neighbors,
9 and today we stand in solidarity to support our
10 neighbors, the West Hempstead Community support and civic
11 association in opposition of the reopening of the Capri
12 Motor Inn, which stands approximately five hundred feet
13 from our District line.

14 The establishment, built in 1957, has been
15 a public nuisance and hazard to not only the West
16 Hempstead community, but the surrounding communities for
17 many years.

18 It has become a dilapidated structure
19 that has only received Band-aid repairs over many
20 decades.

21 To date, there has not been any
22 structural or infrastructural repairs which makes this
23 parcel unsafe.

24 As the Capri Motor Inn offers hourly
25 rates, it has become a HUB for criminal activity.

1 This building has also been associated
2 with rodents and vermin that cause health issues for
3 neighboring properties, domestic animals and wildlife in
4 proximity.

5 Crimes monopolize the neighboring
6 properties.

7 Crimes monopolize the time of the Nassau
8 County Police, which in turn keeps our dedicated officers
9 from policing other areas of the communities.

10 The time that is paid for by taxpayers and
11 is spent more often than not within the confines of this
12 immoral motel property.

13 We have faced public safety issues as well
14 as being forced to endure having to witness prostitution,
15 vagrancy loitering, illicit substance abuse, and sales.

16 There has been drug-related overdoses and
17 investigations into attempted murders at the location of
18 this establishment.

19 People have been abused, bodies have been
20 removed, and arrests have been made within this 1.1338
21 acre property.

22 We, the Community League of Garden City
23 South, have stood with both Nassau County and the Town of
24 Hempstead in the opposition of the County and Town of
25 Hempstead as sanctuary district.

1 Through research, I have discovered that
2 privately-owned transient motels such as this one,
3 regardless of the safety and condition of the building,
4 are being rented by Governor Hochul to place undocumented
5 and - -

6 (Whereupon, the three-minute bell rang.
7 After, the following ensued.)

8 SUPERVISOR CLAVIN: You know we have the
9 three minute rule. But if you have more notes and you
10 want to submit them, you can email them or present it to
11 the Clerk, we'll make it part of the record.

12 MARGARET KELLY: I'll submit the letter
13 now. Thank you for your time.

14 SUPERVISOR CLAVIN: Thank you very much.
15 Next, I have Dan Oppenheimer.

16 DAN OPPENHEIMER: Good afternoon to all.
17 My name is Dan Oppenheimer. I live at 23 Bedell Avenue
18 in the Village of Hempstead.

19 Obviously, there's a parallel with this
20 and the Courtesy Hotel, which was closed about twelve
21 years ago.

22 One of the benefits of closing the
23 Courtesy Hotel was not only the closure of an area that
24 had been crime ridden and was a detriment to the
25 community, but also that Mill Creek Residential was

1 ready, willing and able to develop it into the
2 residential building that is there, now,

3 That was a two-part process, the closing
4 of a negative and the building of a positive.

5 So, so far, obviously, I'm hearing a lot
6 about the negative of the Capri Motel.

7 Judging from what we hear from the
8 Attorney, the owner does not want to sell, does not want
9 to redevelop.

10 I would certainly hope that in the event
11 that it is closed, that a better and higher usage can be
12 developed for the property.

13 I also wanted to mention the National
14 Liquidators, just East of this property down the road,
15 which has been closed off and on over the last several
16 years and was recently rezoned from commercial into
17 residential use.

18 And, apparently a new residential
19 facility is on tap for there.

20 So, if the Capri is closed, and from what
21 I'm hearing and from what I know, it should be, perhaps
22 after that it should be rezoned so, this returns to a
23 Commercial usage, not a residential usage.

24 It doesn't seem that, that location is
25 appropriate for residential.

1 And I just wanted to make one comment
2 about Department of Social Services families that are in
3 need of emergency housing, temporary housing.

4 I don't know any of the residents of the
5 Capri, and I would imagine most of the people here don't
6 know them.

7 I would assume that a great many of them
8 are not selling drugs or not prostitutes.

9 They are people in need of emergency
10 housing. They are there temporarily.

11 I don't know what percentage of the
12 calls that the Inspector referenced resulted in arrests
13 and indeed how many came from someone there who needed
14 some help.

15 Obviously, addiction plays a big part in
16 a lot of the calls that come from there.

17 So whatever happens to the hotel, these
18 residents, they're not going to disappear.

19 They need housing, they need help.

20 That is part of the problem with places
21 like the Capri.

22 Thank you.

23 SUPERVISOR CLAVIN: Okay, thank you very
24 much. Next, I have Barbara Hafner.

25 BARBARA HAFNER: Hi, Barbara Hafner, 202

1 Walker Place, West Hempstead, New York.

2 I've been a resident of West Hempstead
3 and that residence for over 42 years.

4 My husband's family built that house in
5 1950, so we've been around a while.

6 I am a retired educator who actually
7 worked in the school that is two blocks away from the
8 Capri Hotel. So I can tell you that the activities that
9 go on in the Capri will definitely affect the children
10 that I had the opportunity to teach and are attending
11 those schools now.

12 I have friends that live directly
13 across the street on Osborne. Osborne is a block away.
14 Brooklyn is two blocks away. Across the street is Pearl
15 Grove Drive and then Oakland Avenue and Garden City
16 Boulevard.

17 So, that area is truly a residential
18 area.

19 And, based on the Inspector's report of
20 597 arrests in two years and 18 years worth of recorded
21 problems, I think it's beyond the time that's needed to
22 make that hotel disappear. Thank you.

23 SUPERVISOR CLAVIN: Thank you, Ms.
24 Hafner. Tom Tittmann.

25 Mr. Tittmann, if you go to the back,

1 give your name and address for the record. Thank you so
2 much.

3 TOM TITTMANN: My name is Tom Tittmann.

4 I live at 50 New York Avenue in West Hempstead.

5 I like to thank the Board for this
6 opportunity just to address this issue.

7 I live right across the street from the
8 school.

9 Our son went to education there.

10 We just paid off our house, so I feel
11 like we're staying.

12 We're not going to Florida.

13 And learning about this issue has given
14 me concern for our young people and hearing that there
15 are families housed there by the Department of Social
16 Services, first of all, their judgment in using that
17 location probably needs to be evaluated.

18 Our children need to grow up safe.

19 I spent a lot of years as a Sunday
20 school teacher, probably 30, with young children, and
21 children are very important. They are our future.

22 What I'd just like to mention is I walk
23 the neighborhood every day, basically depending on what's
24 in bloom and whose neighbor has roses and other flowers.
25 And I go to Stop & Shop.

1 That's our regular local supermarket.
2 And walking past this place, the Stop & Shop is right in
3 the back.

4 And actually, it should be probably
5 called Stop and Cop or maybe Stop and Frisk. We need to
6 look at this.

7 I'm so glad that people are raising
8 this issue because it's not visible to a lot of people.

9 But fortunately, the Nassau County
10 Police Department has been documenting these records, and
11 I think the record stands for itself.

12 Something needs to be done with a
13 facility that is housing people involved in criminal
14 activity.

15 And then we need to find affordable
16 housing for the people who are displaced by the closing
17 of this.

18 We can't forget that there are people
19 that don't have a house that they own and that for
20 whatever life is dealt them, are in a tough place.

21 So, you know, building luxury
22 apartments like, were built at the train station, that's
23 not a solution.

24 So, if residential is considered, we
25 need to find a way to build places that people can afford

1 people on ordinary salaries, people that work hard for a
2 living.

3 Thank you.

4 SUPERVISOR CLAVIN: Thank you, Mr.
5 Tittmann.

6 Arcadias Colossus? Arcadia Colossus?
7 Sal Brooks? Okay.

8 I have Barbara Keaty? Barbara Keaty?
9 Those are the slips I have from anybody
10 who signed in.

11 Does anybody else wish to be heard?
12 That's okay. Does anybody else wish to be heard that did
13 not sign in?

14 If you just go to the back and give
15 your name and address for the record, sir. Thank you.

16 TIMOTHY SHANLEY: Actually, I did mark it
17 off on my sheet when I signed in.

18 SUPERVISOR CLAVIN: Okay, just give your
19 name and address. That's great.

20 TIMOTHY SHANLEY: Timothy Shanley, 36
21 Oakland Avenue. I've been living in West Hempstead, now,
22 60 years, my whole life.

23 First part of it was on the other side of
24 town, where I wasn't affected by the Capri but you heard
25 the rumors.

1 In '95, I bought a house on Oakland
2 Avenue, a stone's throw from the Capri Hotel.

3 And for all the time we've lived there,
4 me and my wife, I have four children, we had called the
5 police multiple times with issues.

6 We had to get a guard dog for almost 16
7 years.

8 Every night, if you didn't lock your
9 doors, your cars were broken into, things were stolen.

10 Nights when you did lock the doors,
11 sometimes they broke the antenna in your car because they
12 were frustrated because they didn't get anything in your
13 car.

14 My children were never allowed, the whole
15 time growing up, to play outside by themselves in front
16 of the house.

17 They had to stay in the back. That is
18 no way for a family to grow up.

19 I mean, just because there's a building,
20 a stone throw from your house that isn't safe for a
21 family.

22 We stopped getting our fuel at Speedway.
23 We got tired of being harassed by people begging for
24 money.

25 And sometimes they actually get, like,

1 nasty and violent.

2 I think the best thing is that the Capri
3 is never open again, and we find something else to put
4 there that can actually support the neighborhood instead
5 of hinder it.

6 And again, people in West Hempstead don't
7 utilize that. No one in West Hempstead wants - - we're
8 not a vacation spot.

9 No one wants to go to this hotel. So it
10 really has no part in the culture of West Hempstead.

11 Thank you. Thank you for your time.

12 SUPERVISOR CLAVIN: No, thank you for taking
13 the time to come today.

14 I do not have any other slips. Is anybody
15 else wish you ever heard in the subject that did not sign
16 in?

17 (Whereupon, no comments were heard.

18 After, the following ensued.)

19 SUPERVISOR CLAVIN: Okay. Mr. Maccarone
20 or Mr. Macy.

21 ATTORNEY MACY: Supervisor, I have nothing
22 further unless the Board has additional questions.

23 I do think Mr. Maccarone addressed some of
24 the comments made by Mr. Schreiber, and I think those
25 were pertinent.

1 He did, to some extent, confuse the
2 Chapter 90 proceedings, which are before the Supreme
3 Court with this proceeding here.

4 And I think he's drawn that appropriately.
5 But unless you have other questions, I will stand on the
6 record as it exists, now.

7 SUPERVISOR CLAVIN: Mr. Maccarone, just to
8 clarify, as Town Attorney, your suggestion was the formal
9 part of this meeting is continuing, the meeting next
10 Wednesday, is that correct?

11 TOWN ATTORNEY MACCARONE: That is correct.

12 SUPERVISOR CLAVIN: And that would be an
13 opportunity for any residents who did not come here
14 today, to come and make whatever statement they deem
15 necessary, is that correct?

16 TOWN ATTORNEY MACCARONE: That is correct.

17 COUNCILMAN MUSCARELLA: And the Capri Motel
18 will remain closed till then, correct?

19 TOWN ATTORNEY MACCARONE: It will remain
20 closed.

21 It's not closed because of the subject of
22 this proceedings.

23 It's closed because it was deemed a
24 dangerous building.

25 SUPERVISOR CLAVIN: Okay, duly noted. Okay.

1 And anybody in that time period from now through that
2 continuation, if they choose to come, they can come. But
3 if they choose to submit an email comment or something
4 else, representative, they'll be made part of the record,
5 is that fair to say?

6 TOWN ATTORNEY MACCARONE: That is correct.

7 Mr. Supervisor.

8 SUPERVISOR CLAVIN: If you spoke today, you
9 don't get to speak again, with the exception of the
10 council, the residents.

11 But if new residents come down, they will
12 be made part of the record, right?

13 TOWN ATTORNEY MACCARONE: That is correct.

14 SUPERVISOR CLAVKIN: Okay. I just want
15 that to be clarified. All right, so with that, I'm going
16 to ask for a motion.

17 COUNCILMAN MUSCARELLA: I move the Public
18 Hearing be continued to Wednesday, September 6, 2023 at
19 10:30 A.M.

20 SUPERVISOR CLAVIN: Can I please get a second
21 on that?

22 DEPUTY SUPERVISOR GOOSBY: I second that.

23 SUPERVISOR CLAVIN: Thank you, Deputy
24 Supervisor.

25 CLERK MURRAY: Supervisor Clavin?

1 SUPERVISOR CLAVIN: Aye.

2 CLERK MURRAY: Councilman Dunne?

3 COUNCILMAN DUNNE: Aye.

4 CLERK MURRAY: Deputy Supervisor Goosby?

5 DEPUTY SUPERVISOR GOOSBY: Aye.

6 CLERK MURRAY: Councilwoman Miller?

7 COUNCILWOMAN MILLER: Aye.

8 CLERK MURRAY: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Aye.

10 CLERK MURRAY: Councilwoman Ryder?

11 COUNCILWOMAN RYDER: Aye.

12 SUPERVISOR CLAVIN: Okay, I'd like to thank
13 everybody who came down.

14 And again, you heard Mr. Maccarone tell you,
15 we're going to have a continuation of the Hearing on
16 Wednesday.

17 If anybody else wishes to come down, let
18 your neighbors know.

19 I know we received a couple of emails along
20 the way for residents who couldn't come down. We
21 appreciate that.

22 With that, may I please have a motion?

23 DEPUTY SUPERVISOR GOOSBY: Move that we
24 suspend the meeting. We finished the meeting. It's
25 finished.

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SUPERVISOR CLAVIN: All right.
COUNCILMAN MUSCARELLA: Second that motion.
CLERK MURRAY: Supervisor Clavin?
SUPERVISOR CLAVIN: I am here.
CLERK MURRAY: Councilman Dunne?
COUNCILMAN DUNNE: Here.
CLERK MURRAY: Deputy Supervisor Goosby?
DEPUTY SUPERVISOR GOOSBY: Here.
CLERK MURRAY: Councilwoman Miller?
COUNCILWOMAN MILLER: Here.
CLERK MURRAY: Councilman Muscarella?
COUNCILMAN MUSCARELLA: Here.
CLERK MURRAY: Councilwoman Ryder?
COUNCILWOMAN RYDER: Here.



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CERTIFICATE BY COURT REPORTER

I do hereby certify that the foregoing Verbatim Transcript of the Town of Hempstead Town Board Meeting held on August 31, 2023 consisting of pages 1 through 72 is an accurate transcription of my cryptic notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.

CFM

CERTIFIED COURT REPORTER

NORTH SHORE COURT REPORTERS

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