

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWN OF HEMPSTEAD

TOWN BOARD MEETING

One Washington Street

Hempstead, New York 11550

September 6, 2023

10:30 A.M.

BEFORE: DONALD X. CLAVIN, JR.

SUPERVISOR



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DEPUTY SUPERVISOR GOOSBY

COUNCILMAN CARINI

COUNCILMAN DUNNE

COUNCILWOMAN MILLER

COUNCILMAN MUSCARELLA

COUNCILWOMAN RYDER

CLERK MURRAY

DEPUTY CLERK POKALSKY

TOWN ATTORNEY MACCARONE

CHIEF OF STAFF LIBERT

COMPTROLLER MASTROMARINO



1 SUPERVISOR CLAVIN: All right. Good
2 morning, everybody, and welcome to the September 6, 2023
3 Hempstead Town Board Meeting.

4 Madam Clerk, please call the roll.

5 DEPUTY CLERK POKALSKY: Supervisor Clavin?

6 SUPERVISOR CLAVIN: Here.

7 DEPUTY CLERK POKALSKY: Councilman Carini?

8 COUNCILMAN CARINI: Here.

9 DEPUTY CLERK POKALSKY: Councilman Dunne?

10 COUNCILMAN DUNNE: Here.

11 DEPUTY CLERK POKALSKY: Deputy Supervisor
12 Goosby?

13 DEPUTY SUPERVISOR GOOSBY: Here.

14 DEPUTY CLERK POKALSKY: Councilwoman Miller?

15 COUNCILWOMAN MILLER: Here.

16 DEPUTY CLERK POKALSKY: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: Here.

18 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

19 COUNCILWOMAN RYDER: Here.

20 SUPERVISOR CLAVIN: I'm now going to ask that
21 Councilwoman Ryder lead us in the Pledge of Allegiance.

22 COUNCILWOMAN RYDER: Hand over your heart.

23 (Whereupon, Councilwoman Ryder led the
24 Assembly in the Pledge of Allegiance. After, the
25 following ensued.)

1 SUPERVISOR CLAVIN: Thank you.

2 TOWN ATTORNEY MACCARONE: Mr. Supervisor - -

3 SUPERVISOR CLAVIN: Yes.

4 TOWN ATTORNEY MACCARONE: - - And, Members of
5 the Board regarding Item Number 15, I received a letter
6 from the Applicant's Attorney requesting an adjournment
7 of the Hearing to October 3, 2023 at 10:30 A.M.

8 He needs to finalize certain aspects of the
9 site plan and so I recommend that the Board so adjourn
10 the Hearing, now, so residents do not have to
11 unnecessarily wait.

12 SUPERVISOR CLAVIN: Okay, before we actually
13 make a Motion, I'm going to ask everyone to join for a
14 moment of silence.

15 Last week, or about a week and a half ago, the
16 Town lost somebody, I think very, very special to
17 everybody in this place, Jeff Kruska.

18 He's worked here for decades.

19 You never heard anybody say a bad thing about
20 the guy because he was just always smiles, a real
21 sweetheart, one of the top people you ever worked with,
22 and really, you know what, just an all-around great human
23 being.

24 So, I'm going to ask everybody to give a
25 moment of silence to Jeff.

1 (Whereupon, a moment of silence was observed.
2 After, the following ensued.)

3 SUPERVISOR CLAVIN: God rest his soul.

4 Mr. Maccarone, now, then, I'm going to ask if
5 someone can make a Motion to adjourn Item number 15, is
6 that correct?

7 TOWN ATTORNEY MACCARONE: That is correct.

8 SUPERVISOR CLAVIN: Until October 3, 2023.
9 Can I have a motion?

10 COUNCILWOMAN MILLER: I move the Public
11 Hearing be adjourned to October 3, 2023 at 10:30 A.M.

12 SUPERVISOR CLAVIN: Can I get a second?

13 DEPUTY SUPERVISOR GOOSBY: Second.

14 DEPUTY CLERK POKALSKY: Supervisor Clavin?

15 SUPERVISOR CLAVIN: Aye.

16 DEPUTY CLERK POKALSKY: Councilman Carini?

17 COUNCILMAN CARINI: Aye.

18 DEPUTY CLERK POKALSKY: Councilman Dunne?

19 COUNCILMAN DUNNE: Aye.

20 DEPUTY CLERK POKALSKY: Deputy Supervisor
21 Goosby?

22 DEPUTY SUPERVISOR GOOSBY: Aye.

23 DEPUTY CLERK POKALSKY: Councilwoman Miller?

24 COUNCILWOMAN MILLER: Aye.

25 DEPUTY CLERK POKALSKY: Councilman Muscarella?

1 COUNCILMAN MUSCARELLA: Aye.

2 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

3 COUNCILWOMAN RYDER: Aye.

4 SUPERVISOR CLAVIN: Okay, for any residents
5 who came here, that's Item Number 3 in relation to a
6 project in Malverne that has now been adjourned at the
7 request of the applicant until October 3, 2023 at 10:30
8 A.M.

9 Madam Clerk, please call the Public Hearings.

10 DEPUTY CLERK POKALSKY: We have a Proposed
11 Local Law regarding "Regulations and Restrictions" to
12 limit parking in Lido Beach and Oceanside - (To amend
13 Chapter 202 of the Code of the Town of Hempstead)

14 SUPERVISOR CLAVIN: Okay, any Member of the
15 Board wish to be heard?

16 (Whereupon, no comments were heard. After,
17 the following ensued.)

18 SUPERVISOR CLAVIN: All right, I do not have
19 any slips on Item Number 1.

20 Does anybody wish to be heard on Item Number
21 1 who did not sign in?

22 (Whereupon, no comments were heard. After,
23 the following ensued.)

24 SUPERVISOR CLAVIN: If not, may I please
25 have a motion?

1 COUNCILMAN CARINI: I move the Public
2 Hearing be closed and the board adopt the item.

3 DEPUTY SUPERVISOR GOOSBY: Second the
4 Motion.

5 DEPUTY CLERK POKALSKY: Supervisor Clavin?

6 SUPERVISOR CLAVIN: Aye.

7 DEPUTY CLERK POKALSKY: Councilman Carini?

8 COUNCILMAN CARINI: Aye.

9 DEPUTY CLERK POKALSKY: Councilman Dunne?

10 COUNCILMAN DUNNE: Aye.

11 DEPUTY CLERK POKALSKY: Deputy Supervisor
12 Goosby?

13 DEPUTY SUPERVISOR GOOSBY: Aye.

14 DEPUTY CLERK POKALSKY: Councilwoman Miller?

15 COUNCILWOMAN MILLER: Aye.

16 DEPUTY CLERK POKALSKY: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: Aye.

18 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

19 COUNCILWOMAN RYDER: Aye.

20 SUPERVISOR CLAVIN: Madam Clerk, please call
21 the next item.

22 DEPUTY CLERK POKALSKY: Proposed Local Law
23 regarding, "Parking or Standing Prohibitions," in Elmont
24 and Merrick - (To amend Section 202-1 of the Code of the
25 Town of Hempstead.)

1 SUPERVISOR CLAVIN: Okay, any Member of the
2 Board wish to be heard?

3 (Whereupon, no comments were heard. After,
4 the following ensued.)

5 SUPERVISOR CLAVIN: I do not have any
6 slips. Any member of the public that did not sign in and
7 wish to be heard on this item?

8 (Whereupon, no comments were heard. After,
9 the following ensued.)

10 SUPERVISOR CLAVIN: If not, may I please
11 have motion?

12 COUNCILMAN MUSCARELLA: I move the Public
13 Hearing be closed and the Board adopt the item.

14 COUNCILMAN CARINI: Second.

15 DEPUTY CLERK POKALSKY: Supervisor Clavin?

16 SUPERVISOR CLAVIN: Aye.

17 DEPUTY CLERK POKALSKY: Councilman Carini?

18 COUNCILMAN CARINI: Aye.

19 DEPUTY CLERK POKALSKY: Councilman Dunne?

20 COUNCILMAN DUNNE: Aye.

21 DEPUTY CLERK POKALSKY: Deputy Supervisor
22 Goosby?

23 DEPUTY SUPERVISOR GOOSBY: Aye.

24 DEPUTY CLERK POKALSKY: Councilwoman Miller?

25 COUNCILWOMAN MILLER: Aye.

1 DEPUTY CLERK POKALSKY: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: Aye.

3 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

4 COUNCILWOMAN RYDER: Aye.

5 SUPERVISOR CLAVIN: Madam Clerk, please call
6 the next item.

7 DEPUTY CLERK POKALSKY: Proposed local law
8 regarding "Arterial Stops in Baldwin and Oceanside - (To
9 amend Section 197-13 of the Code of the Town of Hempstead)

10 SUPERVISOR CLAVIN: Any Member of the Board
11 wish to be heard?

12 (Whereupon no comments were heard. After the
13 following ensued.)

14 SUPERVISOR CLAVIN: I do not have any slips on
15 this item.

16 Anybody who wishes to be heard that did not
17 sign in?

18 (Whereupon, no comments were heard. After,
19 the following ensued.)

20 SUPERVISOR CLAVIN: If not, may please have a
21 motion.

22 COUNCILWOMAN MILLER: I move that the Public
23 Hearing be closed and the Board adopt the item.

24 DEPUTY SUPERVISOR GOOSBY: Second the motion.

25 DEPUTY CLERK POKALSKY: Supervisor Clavin?

1 SUPERVISOR CLAVIN: Aye.

2 DEPUTY CLERK POKALSKY: Councilman Carini?

3 COUNCILMAN CARINI: Aye.

4 DEPUTY CLERK POKALSKY: Councilman Dunne?

5 COUNCILMAN DUNNE: Aye.

6 DEPUTY CLERK POKALSKY: Deputy Supervisor

7 Goosby?

8 DEPUTY SUPERVISOR GOOSBY: Aye.

9 DEPUTY CLERK POKALSKY: Councilwoman Miller?

10 COUNCILWOMAN MILLER: Aye.

11 DEPUTY CLERK POKALSKY: Councilman

12 Muscarella?

13 COUNCILMAN MUSCARELLA: Aye.

14 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

15 COUNCILWOMAN RYDER: Aye.

16 SUPERVISOR CLAVIN: Madam Clerk, please call
17 the next item.

18 DEPUTY CLERK POKALSKY: We have a proposed
19 Local Law regarding, "Traffic Regulations In The Vicinity
20 Of Schools" - Oceanside- (To amend Section 197-13 of the
21 Code of the Town of Hempstead)

22 SUPERVISOR CLAVIN: Any Member of the Board
23 wishes to be heard?

24 (Whereupon, no comments were heard. After,
25 the following ensued.)



1 SUPERVISOR CLAVIN: Okay. I do not have any
2 slips on this item.

3 Anybody wish to be heard that did not sign
4 in?

5 (Whereupon, no comments were heard. After,
6 the following ensued.)

7 SUPERVISOR CLAVIN: If not, may I please
8 have a motion?

9 COUNCILWOMAN MILLER: I move that the Public
10 Hearing be closed and the Board adopt the item.

11 DEPUTY SUPERVISOR GOOSBY: Second the motion.

12 DEPUTY CLERK POKALSKY: Supervisor Clavin?

13 SUPERVISOR CLAVIN: Aye.

14 DEPUTY CLERK POKALSKY: Councilman Carini?

15 COUNCILMAN CARINI: Aye.

16 DEPUTY CLERK POKALSKY: Councilman Dunne?

17 COUNCILMAN DUNNE: Aye.

18 DEPUTY CLERK POKALSKY: Deputy Supervisor
19 Goosby?

20 DEPUTY SUPERVISOR GOOSBY: Aye.

21 DEPUTY CLERK POKALSKY: Councilwoman Miller?

22 COUNCILWOMAN MILLER: Aye.

23 DEPUTY CLERK POKALSKY: Councilman
24 Muscarella?

25 COUNCILMAN MUSCARELLA: Aye.

1 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

2 COUNCILWOMAN RYDER: Aye.

3 SUPERVISOR CLAVIN: Madam Clerk, please call
4 the next item.

5 DEPUTY CLERK POKALSKY: Proposed
6 Local Law regarding, "Gross Weight Restrictions," in
7 North Merrick, Wantagh - (To amend Section 192-1 of the
8 Code of the Town of Hempstead)

9 SUPERVISOR CLAVIN: Any Member of the Board
10 wish to be heard?

11 (Whereupon, no comments were heard. After,
12 the following ensued.)

13 SUPERVISOR CLAVIN: I do not have any slips
14 for this item.

15 Is there anybody that wants to be heard on
16 this item that did not sign in?

17 (Whereupon, no comments were heard. After,
18 the following ensued.)

19 SUPERVISOR CLAVIN: If not, may I please
20 have a motion?

21 COUNCILMAN DUNNE: I move the Public
22 Hearing be closed and the Board adopt the item.

23 COUNCILMAN CARINI: Second.

24 DEPUTY CLERK POKALSKY: Supervisor Clavin?

25 SUPERVISOR CLAVIN: Aye.

1 DEPUTY CLERK POKALSKY: Councilman Carini?

2 COUNCILMAN CARINI: Aye.

3 DEPUTY CLERK POKALSKY: Councilman Dunne?

4 COUNCILMAN DUNNE: Aye.

5 DEPUTY CLERK POKALSKY: Deputy Supervisor

6 Goosby?

7 DEPUTY SUPERVISOR GOOSBY: Aye.

8 DEPUTY CLERK POKALSKY: Councilwoman Miller?

9 COUNCILWOMAN MILLER: Aye.

10 DEPUTY CLERK POKALSKY: Councilman

11 Muscarella?

12 COUNCILMAN MUSCARELLA: Aye.

13 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

14 COUNCILWOMAN RYDER: Aye.

15 SUPERVISOR CLAVIN: Madam Clerk, please call

16 the next item.

17 DEPUTY CLERK POKALSKY: Adopting the Town of

18 Hempstead Public Parking Field Maps showing parking

19 regulations at certain Parking Fields in Oceanside- 03 -

20 (To amend Section 80-4 of the Code of the Town of

21 Hempstead)

22 SUPERVISOR CLAVIN: Okay. Any Member of the

23 Board wish to be heard?

24 (Whereupon, no comments were heard. After,

25 the following ensued.)



1 SUPERVISOR CLAVIN: I do not have any slips
2 on this item. Is there anybody that did not sign in
3 that wishes to be heard?

4 (Whereupon, no comments were heard. After,
5 the following ensued.)

6 If not, may I please have a motion?

7 COUNCILWOMAN RYDER: I move that the Public
8 Hearing be closed and the Board adopt the item.

9 COUNCILWOMAN MILLER: Second

10 DEPUTY CLERK POKALSKY: Supervisor Clavin?

11 SUPERVISOR CLAVIN: Aye.

12 DEPUTY CLERK POKALSKY: Councilman Carini?

13 COUNCILMAN CARINI: Aye.

14 DEPUTY CLERK POKALSKY: Councilman Dunne?

15 COUNCILMAN DUNNE: Aye.

16 DEPUTY CLERK POKALSKY: Deputy Supervisor
17 Goosby?

18 DEPUTY SUPERVISOR GOOSBY: Aye.

19 DEPUTY CLERK POKALSKY: Councilwoman Miller?

20 COUNCILWOMAN MILLER: Aye.

21 DEPUTY CLERK POKALSKY: Councilman

22 Muscarella?

23 COUNCILMAN MUSCARELLA: Aye.

24 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

25 COUNCILWOMAN RYDER: Aye.

1 SUPERVISOR CLAVIN: Madam Clerk, please call
2 the next item.

3 DEPUTY CLERK POKALSKY: Proposed "Handicapped
4 Parking on Public Streets, near East Rockaway, Elmont,
5 Franklin Square, Wantagh, West Hempstead - (Williamson
6 Street, Clement Avenue, Hunnewell Avenue, Fenworth Blvd.,
7 Shelburne Drive, McClean Avenue, Sycamore Street.

8 SUPERVISOR CLAVIN: Okay. Any Member of the
9 Board wish to be heard?

10 (Whereupon, no comments were heard. After,
11 the following ensued.)

12 SUPERVISOR CLAVIN: I don't have any slips on
13 this item.

14 Is there anybody that did not sign in that
15 wishes to be heard on this item?

16 (Whereupon, no comments were heard. After,
17 the following ensued.)

18 SUPERVISOR CLAVIN: If not, may I, please,
19 have a Motion.

20 COUNCILWOMAN MILLER: I move the Public
21 Hearing be closed and the Board adopt the item.

22 COUNCILMAN MUSCARELLA: I second that.

23 DEPUTY CLERK POKALSKY: Supervisor Clavin?

24 SUPERVISOR CLAVIN: Aye.

25 DEPUTY CLERK POKALSKY: Councilman Carini?

1 COUNCILMAN CARINI: Aye.

2 DEPUTY CLERK POKALSKY: Councilman Dunne?

3 COUNCILMAN DUNNE: Aye.

4 DEPUTY CLERK POKALSKY: Deputy Supervisor
5 Goosby?

6 DEPUTY SUPERVISOR GOOSBY: Aye.

7 DEPUTY CLERK POKALSKY: Councilwoman Miller?

8 COUNCILWOMAN MILLER: Aye.

9 DEPUTY CLERK POKALSKY: Councilman
10 Muscarella?

11 COUNCILMAN MUSCARELLA: Aye.

12 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

13 COUNCILWOMAN RYDER: Aye.

14 SUPERVISOR CLAVIN: Madam Clerk, please call
15 the next item.

16 DEPUTY CLERK POKALSKY: We have Resolution
17 adopting a S.E.Q.R. negative declaration and
18 determination of non-significance in connection with the
19 proposed sale of five properties located in Elmont - Town
20 of Hempstead.

21 SUPERVISOR CLAVIN: Does any Member of the
22 Board wish to be heard?

23 (Whereupon, no comments were heard. After,
24 the following ensued.)

25 SUPERVISOR CLAVIN: Okay. I don't have any



1 slips. Anybody that has not signed in that wishes to be
2 heard?

3 (Whereupon, no comments were heard. After,
4 the following ensued.)

5 SUPERVISOR CLAVIN: If not, may I please
6 have a motion?

7 COUNCILMAN MUSCARELLA: I move the Public
8 Hearing be closed and the Board adopt the item.

9 COUNCILWOMAN MILLER: I second the motion.

10 DEPUTY CLERK POKALSKY: Supervisor Clavin?

11 SUPERVISOR CLAVIN: Aye.

12 DEPUTY CLERK POKALSKY: Councilman Carini?

13 COUNCILMAN CARINI: Aye.

14 DEPUTY CLERK POKALSKY: Councilman Dunne?

15 COUNCILMAN DUNNE: Aye.

16 DEPUTY CLERK POKALSKY: Deputy Supervisor
17 Goosby?

18 DEPUTY SUPERVISOR GOOSBY: Aye.

19 DEPUTY CLERK POKALSKY: Councilwoman Miller?

20 COUNCILWOMAN MILLER: Aye.

21 DEPUTY CLERK POKALSKY: Councilman

22 Muscarella?

23 COUNCILMAN MUSCARELLA: Aye.

24 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

25 COUNCILWOMAN RYDER: Aye.

1 SUPERVISOR CLAVIN: Madam Clerk, please call
2 the next item.

3 DEPUTY CLERK POKALSKY: Authorizing the
4 conveyance of certain vacant parcels of land in Elmont -
5 Town of Hempstead- Department of Planning & Economic
6 Development (DUCK SOUP PROPERTIES, LLC.)

7 SUPERVISOR CLAVIN: Okay. Anybody Member of
8 the Board wish to be heard?

9 (Whereupon, no comments were heard. After,
10 the following ensued.)

11 SUPERVISOR CLAVIN: I do not have any slips
12 on this item.

13 Anybody not sign in wish to be heard? Great.
14 If you go to the back podium and give your name and
15 address for the record, that'd be awesome. Morning.

16 PEARL JACOBS: Pearl Jacobs, Uniondale.

17 I would like for you to provide clarification
18 regarding that conveyance that transferring of ownership.

19 TOWN ATTORNEY MACCARONE: Mr. MacCarone?

20 PEARL JACOBS: Can you clarify Item Number 9,
21 please, with the conveyance? I can't hear you.

22 TOWN ATTORNEY MACCARONE: These properties
23 have been in Elmont - - are in Elmont.

24 They're five properties on two blocks on
25 Hempstead Turnpike.

1 They involve an RFP that was done,
2 approximately, three years ago.

3 And, we had a developer who came in, only one
4 developer, and he bid a certain price for it and COVID
5 hit and other situations occurred and as a result, the
6 sale wasn't consummated.

7 So, several months ago, someone raised the
8 issue about the appraisal of the property and the
9 Supervisor very correctly asked that we get a new
10 appraisal, which we got.

11 And, we negotiated a sale for various reasons
12 with that developer for significantly more than the
13 \$975,000.

14 From what I understand, this property has been
15 vacant for approximately 20 years.

16 The contract calls for a restaurant to be done
17 there.

18 If the developer decides that he doesn't want
19 to build a restaurant, he has to come back to the Town
20 Board for approval.

21 PEARL JACOBS: Okay, so I asked because we
22 have several vacant lots in Uniondale that languish in
23 Uniondale.

24 I have pictures, here, that I will hand in if
25 the young lady would be nice enough to come pick them up

1 for me.

2 We have languishing lots in Uniondale and we
3 need some sort of action.

4 SUPERVISOR CLAVIN: Do you have any further
5 questions on this?

6 PEARL JACOBS: I'm just elaborating on this,

7 SUPERVISOR CLAVIN: No, no, we're talking
8 about this.

9 PEARL JACOBS: I understand what you're
10 talking about.

11 SUPERVISOR CLAVIN: No, I know, but you've
12 been here so many times that - -

13 PEARL JACOBS: You're addressing the vacant
14 lots in Elmont.

15 SUPERVISOR CLAVIN: if you'd like to follow
16 up, the Deputy Supervisor and I could set up a conference
17 with you.

18 PEARL JACOBS: I sent you some more pictures.
19 And I have been emailing you, Supervisor.

20 SUPERVISOR CLAVIN: I understand that this is
21 regarding the piece of property in Elmont, right now.

22 PEARL JACOBS: I will submit more pictures.
23 Thank you.

24 SUPERVISOR CLAVIN: Thank you so much. We
25 appreciate it.

1 All right. Anybody else wish to be heard?
2 (Whereupon, no comments were heard. After,
3 the following ensued.)

4 SUPERVISOR CLAVIN: If not, may I please
5 have a motion?

6 COUNCILMAN MUSCARELLA: I move the public
7 hearing be closed and the Board adopt the item.

8 COUNCILWOMAN MILLER: I second the motion.

9 DEPUTY CLERK POKALSKY: Supervisor Clavin?

10 SUPERVISOR CLAVIN: Aye.

11 DEPUTY CLERK POKALSKY: Councilman Carini?

12 COUNCILMAN CARINI: Aye.

13 DEPUTY CLERK POKALSKY: Councilman Dunne?

14 COUNCILMAN DUNNE: Aye.

15 DEPUTY CLERK POKALSKY: Deputy Supervisor
16 Goosby?

17 DEPUTY SUPERVISOR GOOSBY: Aye.

18 DEPUTY CLERK POKALSKY: Councilwoman Miller?

19 COUNCILWOMAN MILLER: Aye.

20 DEPUTY CLERK POKALSKY: Councilman
21 Muscarella?

22 COUNCILMAN MUSCARELLA: Aye.

23 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

24 COUNCILWOMAN RYDER: Aye.

25 SUPERVISOR CLAVIN: Okay, Madam Clerk, please

1 call the next item.

2 DEPUTY CLERK POKALSKY: Proposed Second
3 Amendment to that certain lease agreement dated March 31,
4 1999 between Crown Atlantic Company, LLC and the Town of
5 Hempstead to modify the lease term by adding four
6 additional five-year renewals beyond the original lease
7 term and to extend the total potential lease term to June
8 11, 2043, unless terminated sooner. And consider the
9 designation of the town board of the town of Hempstead as
10 the lead agency and review the lease extension under the
11 State Environmental Quality Review law pursuant to 6
12 NYCRR, 617.7 at the property located at Greenfield
13 Cemetery, Greenwich Street (Tax parcel #2089-36-468-0-
14 0024-0) in Uniondale - Town of Hempstead.

15 SUPERVISOR CLAVIN: Any Member of the Board
16 wish to be heard on this?

17 (Whereupon, no comments were heard. After,
18 the following ensued.)

19 SUPERVISOR CLAVIN: All right, I don't have
20 any slips on this, does any member of the public wish to
21 be heard?

22 (Whereupon, no comments were heard. After,
23 the following ensued.)

24 SUPERVISOR CLAVIN: If not, may I please
25 have a motion?

1 DEPUTY SUPERVISOR GOOSBY: I move Number 10.

2 COUNCILMAN DUNNE: Second.

3 DEPUTY CLERK POKALSKY: Supervisor Clavin?

4 SUPERVISOR CLAVIN: Aye.

5 DEPUTY CLERK POKALSKY: Councilman Carini?

6 COUNCILMAN CARINI: Aye.

7 DEPUTY CLERK POKALSKY: Councilman Dunne?

8 COUNCILMAN DUNNE: Aye.

9 DEPUTY CLERK POKALSKY: Deputy Supervisor

10 Goosby?

11 DEPUTY SUPERVISOR GOOSBY: Aye.

12 DEPUTY CLERK POKALSKY: Councilwoman Miller?

13 COUNCILWOMAN MILLER: Aye.

14 DEPUTY CLERK POKALSKY: Councilman

15 Muscarella?

16 COUNCILMAN MUSCARELLA: Aye.

17 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

18 COUNCILWOMAN RYDER: Aye.

19 SUPERVISOR CLAVIN: Madam Clerk, please, call

20 the next item.

21 DEPUTY CLERK POKALSKY: Proposed First

22 Amendment to that certain lease agreement dated May 23,

23 2000 between Crown Atlantic Company, LLC and the Town of

24 Hempstead to modify the lease term by adding four

25 additional five year renewals beyond the original lease



1 term and to extend the total potential lease term to May
2 22, 2045, unless terminated sooner and to consider the
3 designation of the Town Board of the Town of Hempstead as
4 a lead agency and review the lease extension under the
5 State Environmental Quality Review law pursuant to 6
6 NYCRR 617.7 at the property located at 3320 Beltagh
7 Avenue in Wantagh.

8 SUPERVISOR CLAVIN: Any Member of the Board
9 wish to be heard?

10 (Whereupon, no comments were heard. After,
11 the following ensued.)

12 SUPERVISOR CLAVIN: I do not have any slips.
13 on this item, anybody wish to be heard that did not sign
14 in?

15 (Whereupon, no comments were heard. After,
16 the following ensued.)

17 SUPERVISOR CLAVIN: If not, may I please
18 have a motion?

19 DEPUTY SUPERVISOR GOOSBY: I move Number 11.

20 COUNCILMAN DUNNE: I second the motion.

21 DEPUTY CLERK POKALSKY: Supervisor Clavin?

22 SUPERVISOR CLAVIN: Aye.

23 DEPUTY CLERK POKALSKY: Councilman Carini?

24 COUNCILMAN CARINI: Aye.

25 DEPUTY CLERK POKALSKY: Councilman Dunne?

1 COUNCILMAN DUNNE: Aye.

2 DEPUTY CLERK POKALSKY: Deputy Supervisor
3 Goosby?

4 DEPUTY SUPERVISOR GOOSBY: Aye.

5 DEPUTY CLERK POKALSKY: Councilwoman Miller?

6 COUNCILWOMAN MILLER: Aye.

7 DEPUTY CLERK POKALSKY: Councilman
8 Muscarella?

9 COUNCILMAN MUSCARELLA: Aye.

10 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

11 COUNCILWOMAN RYDER: Aye.

12 SUPERVISOR CLAVIN: Madam Clerk, please call
13 the next item.

14 DEPUTY CLERK POKALSKY: Proposed Second
15 Amendment to that certain lease agreement dated December
16 14, 2004, between T Mobile USA Tower LLC and the Town of
17 Hempstead to modify the lease term by adding four
18 additional five year renewals beyond the original lease
19 term and to extend the total potential lease term to
20 September 30, 2050 unless terminated sooner and to
21 consider the designation of the Town Board of the Town of
22 Hempstead as a lead agency and review the lease extension
23 under the State Environmental Quality Review law pursuant
24 to 6 NYCRR 617.7 at the property located at 335 East
25 Clinton Avenue in Roosevelt.

1 SUPERVISOR CLAVIN: Okay. Anybody Member
2 of the Board wish to be heard?

3 (Whereupon, no comments were heard. After,
4 the following ensued.)

5 SUPERVISOR CLAVIN: I do not have any
6 slips, does anybody wish to be heard that didn't sign in
7 for this matter?

8 (Whereupon, no comments were heard.
9 After, the following ensued.)

10 SUPERVISOR CLAVIN: If not, may, I,
11 please, have a motion.

12 DEPUTY SUPERVISOR GOOSBY: I move Number
13 12.

14 COUNCILMAN DUNNE: I second the motion.

15 DEPUTY CLERK POKALSKY: Supervisor Clavin?

16 SUPERVISOR CLAVIN: Aye.

17 DEPUTY CLERK POKALSKY: Councilman Carini?

18 COUNCILMAN CARINI: Aye.

19 DEPUTY CLERK POKALSKY: Councilman Dunne?

20 COUNCILMAN DUNNE: Aye.

21 DEPUTY CLERK POKALSKY: Deputy Supervisor
22 Goosby?

23 DEPUTY SUPERVISOR GOOSBY: Aye.

24 DEPUTY CLERK POKALSKY: Councilwoman Miller?

25 COUNCILWOMAN MILLER: Aye.

1 DEPUTY CLERK POKALSKY: Councilman
2 Muscarella?

3 COUNCILMAN MUSCARELLA: Aye.

4 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

5 COUNCILWOMAN RYDER: Aye.

6 SUPERVISOR CLAVIN: Madam Clerk, please call
7 the next item.

8 DEPUTY CLERK POKALSKY: Proposed Local Law
9 regarding taxation, partial exemption of real property
10 for certain persons with limited income of the Hempstead
11 Town Code to accord with recent amendments to New York
12 Real Property Tax Law Section 467.

13 SUPERVISOR CLAVIN: Any Member of the Board
14 wish to be heard?

15 (Whereupon, no comments were heard. After,
16 the following ensued.)

17 SUPERVISOR CLAVIN: Okay, I don't have any
18 slips on this item, any member of the public wish to be
19 heard on this that did not sign in?

20 (Whereupon, no comments were heard. After,
21 the following ensued.)

22 SUPERVISOR CLAVIN: If not, may I please
23 have a motion?

24 COUNCILWOMAN MILLER: I moved the Public
25 Hearing be closed and the Board adopt the item.

1 COUNCILWOMAN RYDER: Second.

2 DEPUTY CLERK POKALSKY: Supervisor Clavin?

3 SUPERVISOR CLAVIN: Aye.

4 DEPUTY CLERK POKALSKY: Councilman Carini?

5 COUNCILMAN CARINI: Aye.

6 DEPUTY CLERK POKALSKY: Councilman Dunne?

7 COUNCILMAN DUNNE: Aye.

8 DEPUTY CLERK POKALSKY: Deputy Supervisor

9 Goosby?

10 DEPUTY SUPERVISOR GOOSBY: Aye.

11 DEPUTY CLERK POKALSKY: Councilwoman Miller?

12 COUNCILWOMAN MILLER: Aye.

13 DEPUTY CLERK POKALSKY: Councilman

14 Muscarella?

15 COUNCILMAN MUSCARELLA: Aye.

16 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

17 COUNCILWOMAN RYDER: Aye.

18 SUPERVISOR CLAVIN: Madam Clerk, please, call

19 the next item.

20 DEPUTY CLERK POKALSKY: Proposed local law

21 regarding taxation, partial exemption for disabled

22 persons with limited income of the Hempstead Town Code to

23 accord with recent amendments to New York Real property

24 Tax Law, Section 459-C.

25 SUPERVISOR CLAVIN: Okay, any Member of the



1 Board wish to be heard?

2 (Whereupon, no comments were heard. After,
3 the following ensued.)

4 SUPERVISOR CLAVIN: I do not have any slips,
5 anybody wish to be heard that did not sigh in?

6 (Whereupon, no comments were heard. After,
7 the following ensued.)

8 SUPERVISOR CLAVIN: If not, may I please
9 have a motion?

10 COUNCILWOMAN MILLER: I move the Public
11 Hearing be closed and the Board adopt the item.

12 COUNCILWON RYDER: Second.

13 DEPUTY CLERK POKALSKY: Supervisor Clavin?

14 SUPERVISOR CLAVIN: Aye.

15 DEPUTY CLERK POKALSKY: Councilman Carini?

16 COUNCILMAN CARINI: Aye.

17 DEPUTY CLERK POKALSKY: Councilman Dunne?

18 COUNCILMAN DUNNE: Aye.

19 DEPUTY CLERK POKALSKY: Deputy Supervisor
20 Goosby?

21 DEPUTY SUPERVISOR GOOSBY: Aye.

22 DEPUTY CLERK POKALSKY: Councilwoman Miller?

23 COUNCILWOMAN MILLER: Aye.

24 DEPUTY CLERK POKALSKY: Councilman
25 Muscarella?



1 COUNCILMAN MUSCARELLA: Aye.

2 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

3 COUNCILWOMAN RYDER: Aye.

4 SUPERVISOR CLAVIN: Okay, Item Number 15 was
5 adjourned earlier, so, now we are on to Item Number 16.

6 DEPUTY CLERK POKALSKY: We have a continuation
7 from the August 31st Hearing; Determination, if 434
8 Hempstead Turnpike, West Hempstead, New York 11552 is a
9 public nuisance.

10 SUPERVISOR CLAVIN: Okay, Mr. Maccarone, just
11 correct me if I'm wrong, it's a continuation of a
12 Hearing, so if you testified at the first Hearing, you
13 don't get to testify again, is that correct?

14 TOWN ATTORNEY MACCARONE: That is correct.

15 SUPERVISOR CLAVIN: Okay, just want to make
16 sure.

17 With that, I will start off with Legislator
18 Gaylor.

19 I will remind everybody who wants to testify,
20 You go to the back podium, you have three minutes.

21 Just, please, give your name and address for
22 the record. We really appreciate that. Thank you.

23 NASSAU COUNTY LEGISLATOR GAYLOR: Good Morning
24 Supervisor, Town Board, Members of the Community:

25 My name is Legislator Bill Gaylor, Nassau

1 County Legislator for the 6th District.

2 I do reside in Lynbrook, 40 Harding Avenue,
3 Lynbrook, New York 11563.

4 I'm glad to be here and proud to be here
5 before you today.

6 What I'd like to do is just talk for briefly a
7 second about the Capri Motel in West Hempstead.

8 So, as some of you know, most of you may know,
9 I sit on the County Legislature's Health and Social
10 Services Committee.

11 And, I'm pleased to see what the Town of
12 Hempstead is doing in regard to the Capri Motel on
13 Hempstead Turnpike.

14 The Town's actions, along with the Nassau
15 County Fire Marshal's Office and the County Police
16 Department have successfully closed down the Capri Motel.

17 And, I commend your leadership, the entire
18 Board's leadership, for the actions they've taken to
19 bring that to fruition.

20 For years, the Capri Motel has been a nuisance
21 to the West Hempstead community and it's kind of served
22 as a hotbed of criminal activity involving drugs,
23 prostitution, numerous arrests, violence, stabbings,
24 attempted murder.

25 And, community members have consistently and

1 constantly been bringing this to our attention as Elected
2 Officials.

3 So, it's time to take some action.

4 I'm glad to see that we are taking some
5 action here.

6 So, the hardworking residents of our
7 community and the local businesses should not have to
8 endure such further criminal activity in this dangerous
9 environment that exhibits itself at the Capri Motel.

10 So, I just wanted to say I commend the Town
11 Board.

12 I hope that this motel is closed.

13 It's very similar to the motel which was
14 known as the Capri Motor Inn in Lynbrook, which also had
15 a long history of drugs and prostitution and arrests and
16 overdoses, fatalities, criminal activity that occurred at
17 that location.

18 So, I see a similar pattern.

19 The Hotel in Lynbrook or the Motel Motor
20 Lodge in Lynbrook was eventually closed.

21 It was leveled and replaced with 80
22 beautiful townhomes.

23 I would like to see something like that, if
24 possible, occur in the future in the West Hempstead
25 community.

1 The West Hempstead community deserves our
2 attention in this regard.

3 And I felt it so important that I needed to
4 come down and address this Board and let them know my
5 position both personally and appreciate your actions on
6 behalf of the Legislative Committee that I am a part of
7 and the entire Nassau County Legislature.

8 So, Supervisor Clavin and Town Board
9 Members, thank you.

10 Thank you for allowing me this time to
11 speak.

12 I wish you well.

13 Thank you all and God Bless this great Town
14 we live in.

15 SUPERVISOR CLAVIN: Thank you, Legislator
16 and thank you for your hard work on this issue.

17 Your due diligence is appreciated, I know,
18 by a number of the residents and you've really been
19 monitoring it.

20 And we're very, very grateful for your
21 partnership working with the County, as well as, your
22 partner in West Hempstead, John Giuffre.

23 So, thank you for taking the time and we're
24 glad you're here today, so thank you.

25 NASSAU COUNTY LEGISLATOR GAYLOR: Thank

1 you.

2 SUPERVISOR CLAVIN: All right, next I have
3 on this Doreen Cantalino.

4 How are you doing?

5 Just give your name and address. Thank
6 you.

7 DOREEN CANTALINO: Doreen Cantalino. I
8 live at 68 Munson Avenue, West Hempstead.

9 I've been living there since 1979.

10 I was 15 when I moved out there.

11 That motel has been nothing but a
12 nuisance, and I really hope that you do keep it closed
13 and demolish it.

14 I have a 31-year-old son who has seen all
15 the action that's gone on there.

16 Growing up, it's been horrible.

17 There's no reason for any child to see
18 that, seeing the prostitutes crossing up the street to
19 the gas station growing up at 15 years old, he knew what
20 was going on.

21 He'd come home and tell me, "Ma, you got
22 to see the stuff that goes on there, the people that are
23 walking by and going back and forth," it's terrible.

24 I really hope that we can keep this place
25 closed and done, goodbye and good riddance. Thank you.

1 SUPERVISOR CLAVIN: Okay, thank you very
2 much for taking the time to come in today.

3 Next, I have Neal Rosenblatt. Good
4 morning.

5 NEAL ROSENBLATT: Good morning. My name
6 is Neil Rosenblatt. Mailing address is PO. Box 425, West
7 Hempstead, New York.

8 I'm a Board Member and the Quality of Life
9 Chairperson for the West Hempstead Community Support
10 Association.

11 I'm here on behalf of the Executive Board
12 and the residents and businesses who have contacted us
13 with their concerns regarding the Capri Motel.

14 Please note that our Executive Board voted
15 previously unanimously that the motel be closed
16 permanently.

17 I've also have in hand to submit an
18 additional 100 signatures, which will bring us up to 856
19 in a two-week period from the West Hempstead residents
20 who want this motel closed permanently.

21 The motel is located two blocks from the
22 George Washington School and Playground, one block from
23 the Cherry Valley Little League Field, and right next to
24 the Stop & Shop supermarket in the Cherry Valley Center,
25 just to name a few.

1 The immediate area within a two-minute walk
2 of the motel is heavily used by residents and children.

3 Many residents, in addition to residents
4 from neighboring communities, consistently complain about
5 being approached in the parking lots and business owners
6 complain about the motel residents causing issues at
7 their places of business.

8 Our residents should not have to accept and
9 put up with the drug sales, prostitution, and drain on
10 our police department and emergency services.

11 Five hundred and ninety-seven calls for
12 service in two years, and that's only what the residents
13 or the business owners picked up the phone and called
14 911, 597 reported.

15 What about the unreported?

16 Supervisor Clavin, Councilman Muscarella,
17 you held a press conference two weeks ago at the hotel
18 speaking on the quality of life that it needs to be
19 restored and maintained by keeping the Capri closed.

20 We will not stand for our neighborhood to be
21 overrun by crime and unlawful business.

22 We, the citizens of West Hempstead, call on
23 the Town Board to keep the Capri closed and keep our
24 residents and children safe, living in a community that
25 will allow our residents to move freely without fear.

1 In closing, the West Hempstead community
2 demands that the Capri be permanently closed. Thank you
3 very much for your support.

4 SUPERVISOR CLAVIN: Thanks for coming down,
5 Ms. Rosenblatt.

6 Next, I have Jeff Schreiber.

7 ATTORNEY SCHREIBER: Supervisor Clavin,
8 Members of the Town Board:

9 Thank you. If you'll recall, I had
10 reserved, based on your courtesy to the - -

11 SUPERVISOR CLAVIN: You are Counsel for
12 them, I'm sorry, it had "West Hempstead."

13 There are a couple of others, so I'll
14 extend that courtesy.

15 ATTORNEY SCHREIBER: I'm going to wait
16 until - -

17 SUPERVISOR CLAVIN: Yes, absolutely.

18 ATTORNEY SCHREIBER: Thank you.

19 SUPERVISOR CLAVIN: Saul Brooks ,how are
20 you doing?

21 SAUL BROOKS: Good morning, Supervisor,
22 Members of the Board:

23 My name is Saul Brooks.

24 I am the Manager of the Capri Motor Inn,
25 where I have worked for 25 years.

1 I am responsible for overseeing the day-
2 to-day operations of the motel along with our staff of
3 approximately 25 employees.

4 As you may know, the Capri Motor Inn has
5 been a fixture on Hempstead Turnpike in West Hempstead
6 since 1963.

7 The present owner has operated the motel
8 for the last 40 years.

9 In my 25 years at the motel, the motel has
10 passed every year its annual inspections by the Town of
11 Hempstead.

12 It passed the usual building inspection in
13 January of this year.

14 No problems or issues were cited in
15 connection with the building inspection.

16 As was noted at the last Hearing, the Town
17 returned for a surprise additional inspection of the
18 motel in May of this year.

19 At that time, other than a request that we
20 install additional carbon monoxide detectors in one
21 portion of the building, neither the Town nor the Fire
22 Marshal cited any deficiencies.

23 Contrary to the Town Attorney's remarks at
24 the last Hearing, we did not receive any communication
25 whatsoever from the Town or from any other government

1 body directing us to make any repairs or addresses any
2 allegedly dangerous conditions.

3 I provided my email address to the Town
4 Building Department at the May inspection at the request
5 of the department, but I never received any
6 communications thereafter nor did the Town return to the
7 motel until August 7, 2023, when, with no warning, the
8 Town returned to close down the business.

9 We have never failed to or refused to address
10 any issue that the Town has asked us to address.

11 Furthermore, since the closure on August 7,
12 we have not received any instructions from the Town on
13 how we are to remedy the alleged emergency or dangerous
14 conditions that supposedly justify the Town's immediate
15 closure of the motel.

16 In fact, the Town has never informed us as to
17 the nature of these supposedly life-threatening
18 conditions.

19 To the contrary, during the closure on August
20 7th, the Town posted a Notice on our front door that says
21 we were closed because we were a public nuisance, not
22 that we were closed for any alleged unsafe conditions.

23 And, that is when the people from the Town
24 who came to close us on August 7th said to the motel
25 employees at the time when they gave him the reason for

1 the immediate closure, namely that the Town was closing
2 us because we were a public nuisance.

3 I note that, although, we are located in one
4 of the less scenic areas on Hempstead Turnpike, within a
5 short walk from the motel, there are at least three bars
6 and liquor stores, plus the gas station across the street
7 and several other vacant business properties.

8 The motel, itself, is maintained in a clean
9 and orderly condition.

10 There is no litter on the property.

11 The parking lot and open area are free of
12 weeds and debris.

13 We do not permit guests to congregate in the
14 parking lot and open areas.

15 Our rooms are clean and well maintained.

16 In fact, the Nassau County Department of
17 Social Services considers the motel to be an excellent,
18 safe, and comfortable place for it to place persons in
19 need of emergency housing and from time to time, we take
20 in a number of people at the request of DSS.

21 The motel is staffed 24 hours per day and
22 the premises is fully monitored by camera.

23 Anytime that the Police request our
24 assistance in an investigation, we always cooperate and
25 make our camera footage available to them.

1 It is true there is police activity at the
2 motel.

3 However, a significant portion of this
4 activity is a result of calls from the motel itself.

5 We occasionally require police assistance
6 to remove a guest who refuses to leave a room or who
7 loiters around the property.

8 SUPERVISOR CLAVIN: Mr. Brooks?

9 SAUL BROOKS: Guests themselves - -

10 SUPERVISOR CLAVIN: We have a three-minute
11 rule. But I see you do have a written statement.

12 If you'd like to include that for the
13 record, of course, we will.

14 SAUL BROOKS: Okay.

15 SUPERVISOR CLAVIN: But if you want to
16 include the statement, you can, okay.

17 We'll have somebody go up there and we'll
18 include that in the statement.

19 Okay. Next, I have Felix Procacci.

20 Good Morning. Your name and address,
21 please.

22 FELIX PROCACCI: Felix Procacci, Franklin
23 Square.

24 At the August 31st Hearing on this issue,
25 the Town's outside Counsel made a presentation and

1 referred to a document package given to each of the Town
2 Board Members.

3 Was this package uploaded to the Town's
4 website 24 hours prior to the start of the August 31,
5 2023 Meeting in accordance with Section 103-E of New York
6 State's Open Meeting Law?

7 SUPERVISOR CLAVIN: Mr. Procacci, we're not
8 going to get into a back and forth.

9 FELIX PROCACCI: It's a question you could
10 say I don't want to answer.

11 SUPERVISOR CLAVIN: Mr. Procacci, once
12 again, you're not going to dictate how you want us to
13 answer.

14 FELIX PROCACCI: I asked the question and
15 you have the right to not answer it.

16 SUPERVISOR CLAVIN: Mr. Procacci, we are
17 answering.

18 FELIX PROCACCI: If you don't want to
19 answer it, I'll go to the next question.

20 SUPERVISOR CLAVIN: Mr. Procacci, no one's
21 saying that.

22 FELIX PROCACCI: Section 1991-5, it states,
23 the Notice to the owner of a property being considered a
24 nuisance must be in writing and provided not less than
25 ten days prior to the scheduled conduct of the Hearing.

1 Was the August 22, 2023 letter to the owner
2 of 434 Hempstead Turnpike notifying them of the August
3 31st Hearing provided to the owner at least ten days
4 prior to that Hearing?

5 SUPERVISOR CLAVIN: Mr. Procacci, I think
6 the attorney made the representation at the last Meeting
7 - -

8 FELIX PROCACCI: Just say you don't want to
9 answer it and that's fine.

10 SUPERVISOR CLAVIN: No. Mr. Procacci, once
11 again - -

12 FELIX PROCACCI: That's fine You don't want
13 to answer it.

14 SUPERVISOR CLAVIN: Mr. Procacci - -

15 FELIX PROCACCI: You don't want to answer it?

16 SUPERVISOR CLAVIN: No, Mr. Procacci, nobody
17 said that, though.

18 FELIX PROCACCI: okay, you're just not
19 answering it, but you're not saying you don't want to
20 answer it.

21 SUPERVISOR CLAVIN: No, Mr. Procacci, no one
22 said that at all.

23 FELIX PROCACCI: So, you should answer the
24 question.

25 SUPERVISOR CLAVIN: Mr. Procacci, every time

1 you ask a question, you try and give it you kind of yell
2 and interrupt everybody because you don't get an answer.
3 You really people are trying to respond.

4 FELIX PROCACCI: My clock's running while
5 you're talking.

6 SUPERVISOR CLAVIN: Mr. Procacci, again, you
7 don't have to get so irate. We responded to you.

8 FELIX PROCACCI: My clock is running while
9 you're talking.

10 SUPERVISOR CLAVIN: Mr. Procacci, I'm going
11 to ask you to calm down and please conduct yourself in a
12 proper manner at a Town Board Meeting and not scream and
13 to b, you know, so aggressive at these Meetings.

14 You're starting to concern a number of
15 people.

16 FELIX PROCACCI: On July 27, 2023, the
17 Department of Buildings sent the owner a Notice of
18 predicate arrest from the certified mail receipt.

19 It was received on July 31, 2023.

20 Did the Town send the owner a Notice of a
21 second predicate arrest?

22 I did not see that letter in the
23 documentation provided for the Town Board Meeting.

24 SUPERVISOR CLAVIN: Once again, Mr.
25 Procacci, I think the Attorney at the last one made his

1 case and what he's fulfilled.

2 FELIX PROCACCI: Are you done?

3 I thought I was not interrupting you last
4 time, but apparently I was.

5 I wasn't aware that you were talking while
6 you were not saying anything.

7 SUPERVISOR CLAVIN: Mr. Procacci, aside from
8 the snide comments, do you have anything else?

9 FELIX PROCACCI: On the Meeting schedule for
10 August, it only states August 1st at 10:30 A.M.

11 Somebody looking at that schedule would think
12 there's only an August 1st Meeting, not an August 31st
13 Meeting.

14 You did not provide the August 31st Meeting
15 on the website as required by law.

16 And you could take as much time on this
17 question as you want because I'm going to go back to my
18 seat.

19 Has the Clavin Administration ever met with
20 any owners of the subject property in the three and a
21 half years you've been in office?

22 SUPERVISOR CLAVIN: Thank you, Mr. Procacci.

23 Any other questions?

24 FELIX PROCACCI: Thank you very much for your
25 help in not answering any questions.

1 SUPERVISOR CLAVIN: Mr. Procacci, actually,
2 quite to the contrary, think he did.

3 And we appreciate you not interrupting people
4 anymore.

5 I don't have any other slips on this item.

6 Is there anybody else that wished to be
7 heard that did not sign in?

8 Then of course, Mr. Schreiber, I told you
9 I'd give you the courtesy of coming up again at the last
10 Meeting.

11 ATTORNEY SCHREIBER: Thank you very much,
12 Mr. Supervisor, Town Council Members:

13 I'm going to remind you what Mr. Macy told
14 you about when he told you what your charge was today in
15 order to determine whether you have the authority under
16 Chapter 91 to close the Capri Motor Inn which my client
17 has dutifully and lawfully operated for the last 40 years
18 in compliance with all the Town laws.

19 And, there have been lots of things that
20 have been said, 597 supposed calls for assistance and
21 things like that.

22 But the issues that are before you today
23 and we are a Country of laws and you have a law, it's
24 Chapter 91.

25 That is why we are here today, is whether

1 you have complied with the procedural requirements of
2 Chapter 91 in order to allow you to close the Capri Motor
3 Inn based on the facts that you have before you.

4 I'm not going to repeat the substantive
5 issues we have with the specific Ordinance at issue.

6 I'm not going to go through things that I
7 said before but having been provided a copy of the
8 exhibits that Mr. Macy handed up to you when we were here
9 last week on to answer Mr. Procacci's question, nine days
10 advance Notice, not the ten that are required under your
11 own Ordinance.

12 It's clear to me that you do not have the
13 necessary predicate to, and I can't say close the motel,
14 because you've already done that.

15 In fact, the Capri Motor Inn has been
16 closed now for almost a month without having had the
17 benefit of any prior Hearing or Notice.

18 So, let's talk specifically about what
19 those deficiencies are.

20 First of all, your Ordinance, Chapter 91,
21 requires that you serve two predicate Notices.

22 Each must give Notice of what is deemed a
23 predicate arrest, which must relate to a specific alleged
24 violation of some specific code of the criminal law.

25 The two that are at issue before us today

1 are an alleged claim for a prostitution violation which
2 was claimed as the first predicate arrest in the so
3 called "first predicate Notice."

4 The one that was mailed on July 27th and
5 received at the Motel on August 1st the second, excuse
6 me, on July 31st and the second alleged, a drug offense
7 as described by Officer Crawford, who testified in
8 response to Mr. Macy's questions when we were here last
9 week.

10 Now, your Code, Chapter 91, and
11 specifically, Subsection 4 of Chapter 91, requires that
12 for a first Notice to be valid, it must contain certain
13 items of information and certain things must accompany
14 that Notice.

15 For example, the address of the arrestee
16 must be listed in the Notice, and a copy of the entire
17 Chapter 91 must accompany that Notice.

18 And obviously, if you don't get a first
19 Notice, I may be a Lawyer and somewhat math challenged,
20 but even I know you can't get to two if you can't count
21 to one, first.

22 Now, if you look at the first Notice, it's
23 one of the exhibits Mr. Macy marked last week, it does
24 not contain the address of the arrestee.

25 Now, your Chapter says that if the address

1 is reasonably available to the Town, you must make it
2 available.

3 So, I'm going to assume for present
4 purposes that at the time, at least, the Town was not
5 aware of the arrestee's address.

6 But there's no indication as to whether the
7 Town ever learned of that. It was never provided.

8 But more specifically, and more fatally
9 flawed is the failure of that first Notice to contain
10 with it a copy of Chapter 91.

11 That makes that Notice defective,
12 ab initio.

13 And, notably, unlike Exhibit 3, which is
14 the Affidavits of Service in connection with both the
15 second predicate Notice, which, as I've noted earlier,
16 can't be 2, because you have no 1, and the Notice of the
17 Town Hearing, which was served nine days before the
18 Hearing commenced.

19 Again, a defect under the express terms of
20 Chapter 91, you do not have in your record before you any
21 proof by anyone, any testimony, any evidence whatsoever,
22 that that first Notice complied with your Ordinance.

23 And, the reason you don't is because it
24 did not.

25 In fact, the only testimony and evidence

1 you have in your record is the one that you tried to keep
2 my client from talking about when you cut him off before
3 the end of his three minutes.

4 But, it's in his statement when he
5 noticed and says that, that first Notice was served
6 without a copy of Chapter 91, making it fatally
7 defective.

8 In addition, I'm going to point something
9 out to you.

10 You use in your Ordinance and based on
11 the findings that are stated at the beginning, arrests as
12 a proxy for supposed criminal activity.

13 Leave aside the issue, as we discussed
14 last week, that arrests are not evidence of a crime.

15 Arrests are evidence of an arrest.

16 It's an evidence that someone decided to
17 send the Police to arrest someone.

18 And, as we all know, that can happen
19 anywhere.

20 Your first predicate arrest, so called
21 predicate arrest, for constitution - - for prostitution
22 excuse me, if you look at that exhibit, which is Exhibit
23 2, notes that, actually, this is not a prostitution
24 arrest because the Nassau County Police Department,
25 according to the terms of the incident report, was

1 operating a sting, meaning that there was no
2 prostitution.

3 The Nassau County Police Department lured
4 someone who happened to have been renting a room at the
5 motel at the time, who had the intent to commit an
6 offense and ended up, instead of hiring a prostitute,
7 hiring the Nassau County Police.

8 So, you don't even have the underlying
9 conduct.

10 And, as for your second supposed predicate
11 offense, your Chapter requires that the activity and the
12 arrest occur at the premises that are at issue at the
13 Capri Motor Inn, which is 434 Hempstead Turnpike.

14 If you look at Exhibit 3, which is the
15 copy of the second Notice, along with the Notice of the
16 Hearing and the incident report from the Nassau County
17 Police that talks about the specific arrest for the
18 alleged drug offense that occurred, you can see and as
19 Officer Crawford testified last week, that the actual
20 arrest and what occurred, occurred across the street at
21 435 Hempstead Turnpike not at my client's address.

22 So, even the second so called predicate
23 arrest Notice and predicate arrest, which is actually the
24 first, although it says "second" on the top, is defective
25 even according to the terms of your own Ordinance.

1 And that is leaving aside the fact that the
2 timing of this, when you waited until you came and closed
3 the motel and didn't give my client an opportunity to
4 address any of the alleged issues, renders the notion of
5 Notice a complete farce.

6 And, of course, that's on top of all of the
7 other procedural and substantive constitutional defects
8 that are occasioned by this action.

9 Now, you're going to all do what you're
10 going to do, and we're going to do what we're going to
11 do.

12 And, you're going to run for reelection and
13 tell everyone, just like you did before you had this
14 Hearing, that you all closed that motel before we had the
15 Hearing.

16 And, maybe the good citizens of Hempstead
17 who are here will re-elect you all for that.

18 I'm sorry to tell them all that as a result,
19 though of this conduct, their taxes are going to go up
20 because in this Country you have to pay when you take
21 actions that are not authorized by law and that is what
22 you are doing here.

23 So, you may not like to hear it.

24 I know you didn't like it when I said it the
25 last time and you didn't like it when Mr. Procacci

1 pointed it out, but these are your laws and our laws when
2 it comes to the constitution, which, as I said last week,
3 applies even in the Town of Hempstead.

4 Thank you for your courtesies.

5 SUPERVISOR CLAVIN: Okay.

6 Thank you, Mr. Schreiber. We appreciate
7 your presentation.

8 With that, I'm going to ask if I have a
9 Motion of the Board.

10 COUNCILMAN MUSCARELLA: Okay, so, I just
11 want to go on public record that we did do the math.

12 We got the 2 by going through 1 and we're
13 way past Number 2.

14 We're beyond that.

15 So, I'm going to say this, I move that the
16 Public Hearing be closed and the Board declare 434
17 Hempstead Turnpike, West Hempstead, a public nuisance, a
18 public nuisance, a public nuisance that is an immediate
19 and substantial threat to the safety and wellbeing of the
20 inhabitants and surrounding vicinity and direct that 434
21 Hempstead Turnpike, West Hempstead be physically boarded
22 up, secured from further occupancy for a period of one
23 year and signs be posted upon all exterior doors at 434
24 Hempstead Turnpike, West Hempstead, declaring in bold
25 lettering, that occupancy, therefore is prohibited on the

1 further order of the Commissioner of Buildings of the
2 Town of Hempstead and the cost to the Town of these
3 actions be assessed and charged as a tax lien against the
4 tax lots of 434 Hempstead Turnpike, West Hempstead.

5 COUNCILWOMAN MILLER: I second the Motion.

6 SUPERVISOR CLAVIN: All right.

7 DEPUTY CLERK POKALSKY: Supervisor Clavin?

8 SUPERVISOR CLAVIN: Aye.

9 DEPUTY CLERK POKALSKY: Councilman Carini?

10 COUNCILMAN CARINI: Aye.

11 DEPUTY CLERK POKALSKY: Councilman Dunne?

12 COUNCILMAN DUNNE: Aye.

13 DEPUTY CLERK POKALSKY: Deputy Supervisor

14 Goosby?

15 DEPUTY SUPERVISOR GOOSBY: Aye.

16 DEPUTY CLERK POKALSKY: Councilwoman

17 Miller?

18 COUNCILWOMAN MILLER: Aye.

19 DEPUTY CLERK POKALSKY: Councilman

20 Muscarella?

21 COUNCILMAN MUSCARELLA: Aye.

22 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

23 COUNCILWOMAN RYDER: Aye.

24 SUPERVISOR CLAVIN: Okay, thank you very

25 much.



1 Next, we're going to be calling the Decision
2 Calendar.

3 DEPUTY CLERK POKALSKY: Yes, we have
4 companion decisions for the Application of Bolla EM
5 Realty LLC for a variance from the provisions of the GSS
6 ordinance and site plan approval and to maintain an
7 existing service station and operate a convenience store
8 as well as area sign and parking variance in Bellrose, as
9 well as the Application of Bolla EM Realty LLC for
10 modification of declaration of covenants and restrictions
11 relating to the property in Bellrose.

12 DEPUTY CLERK POKALSKY: Okay. Can I have a
13 Motion on the Decision Calendar?

14 DEPUTY SUPERVISOR GOOSBY: I move the
15 Decision Calendar from 19 through 79 with the addition of
16 what you just finished reading.

17 SUPERVISOR CLAVIN: No, motion on the
18 Decision Calendar, first.

19 DEPUTY SUPERVISOR GOOSBY: Oh, okay.

20 SUPERVISOR CLAVIN: Motion on the Decision
21 Calendar?

22 COUNCILMAN DUNNE: I make a Motion on Item
23 17, close the Hearing, 17 and 18.

24 DEPUTY SUPERVISOR GOOSBY: Okay. I'm sorry.

25 SUPERVISOR CLAVIN: That's okay. That's

1 okay. It was a Decision Calendar.

2 So, let's verify, do I have a Motion on
3 Item 17, 18 on the Decision Calendar?

4 COUNCILMAN DUNNE: That's correct.

5 SUPERVISOR CLAVIN: Okay. Can I get a
6 second on that?

7 COUNCILMAN MUSCARELLA: Second.

8 DEPUTY CLERK POKALSKY: Supervisor Clavin?

9 SUPERVISOR CLAVIN: On Items 17 & 18 I vote
10 yes.

11 DEPUTY CLERK POKALSKY: Councilman Carini?

12 COUNCILMAN CARINI: Aye.

13 DEPUTY CLERK POKALSKY: Councilman Dunne?

14 COUNCILMAN DUNNE: Aye.

15 DEPUTY CLERK POKALSKY: Deputy Supervisor
16 Goosby?

17 DEPUTY SUPERVISOR GOOSBY: Aye.

18 DEPUTY CLERK POKALSKY: Councilwoman Miller?

19 COUNCILWOMAN MILLER: Aye.

20 DEPUTY CLERK POKALSKY: Councilman
21 Muscarella?

22 COUNCILMAN MUSCARELLA: Aye.

23 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

24 COUNCILWOMAN RYDER: Aye.

25 SUPERVISOR CLAVIN: Madam Clerk, please call

1 the Administrative Calendar.

2 DEPUTY CLERK POKALSKY: Yes, Supervisor.

3 We have Items 19 through 70 on the

4 Administrative Calendar, today.

5 SUPERVISOR CLAVIN: Hold on. Just to verify
6 one thing.

7 Any Member of the Board wish to speak on the
8 Administrative Calendar?

9 (Whereupon, no comments were heard. After,
10 the following ensued.)

11 SUPERVISOR CLAVIN: All right, I have one slip
12 on the Administrative Calendar, Felix Procacci.

13 FELIX PROCACCI: Felix Procacci, Franklin
14 Square.

15 On Number 28, regarding the website issue they
16 are in charge of - - also, when you ask for the email
17 alerts that you sign up for, I signed up to get email
18 alerts for Town Board Meetings, yet I don't receive them.

19 So, I don't know if they're doing their job or
20 you're not configuring the system correctly.

21 Is that a problem with what they're doing or
22 is it a problem with what you're doing?

23 SUPERVISOR CLAVIN: Mr. Procacci, if you'd
24 like to give us your email address, I'll verify it was
25 put in there.

1 FELIX PROCACCI: I did send an alert through
2 the system. You didn't give me a response.

3 SUPERVISOR CLAVIN: Okay, like I said, I'm
4 happy to follow up with you and point it out - -

5 FELIX PROCACCI: I didn't get a Notice of
6 the August 31st Meeting, which was important because it
7 wasn't on the regular calendar and you didn't post it on
8 the regular calendar.

9 Okay, on Number 51, appropriations of
10 \$141,000, what was that money used for?

11 SUPERVISOR CLAVIN: Good Morning, John.
12 If you just give your name.

13 COMPTROLLER MASTROMARINO: John
14 Mastromarino, Town Comptroller.

15 We are reallocating some funding that was
16 originally allocated to a different pool complex in order
17 to provide some weatherproofing at the West Hempstead
18 Pool Facility.

19 We estimated the cost will be about
20 \$141,000.

21 FELIX PROCACCI: Okay, thank you very much.

22 SUPERVISOR CLAVIN: Thanks, John.

23 I don't have any other slips on the
24 Administrative Calendar, is there anyone who did not
25 sign in who wishes to be heard?

1 (Whereupon, no comments were heard. After,
2 the following ensued.)

3 SUPERVISOR CLAVIN: If not, may I please
4 have a motion on the Administrative Calendar?

5 DEPUTY SUPERVISOR GOOSBY: I move the
6 Administrative Calendar in its entirety, 19 through 70.

7 SUPERVISOR CLAVIN: All right. Can I get a
8 second?

9 COUNCILMAN DUNNE: Second the Motion.

10 DEPUTY CLERK POKALSKY: Supervisor Clavin?

11 SUPERVISOR CLAVIN: Aye.

12 DEPUTY CLERK POKALSKY: Councilman Carini?

13 COUNCILMAN CARINI: Aye.

14 DEPUTY CLERK POKALSKY: Councilman Dunne?

15 COUNCILMAN DUNNE: Aye.

16 DEPUTY CLERK POKALSKY: Deputy Supervisor
17 Goosby?

18 DEPUTY SUPERVISOR GOOSBY: Aye.

19 DEPUTY CLERK POKALSKY: Councilwoman
20 Miller?

21 COUNCILWOMAN MILLER: Aye.

22 DEPUTY CLERK POKALSKY: Councilman
23 Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

1 COUNCILWOMAN RYDER: Aye.

2 SUPERVISOR CLAVIN: Okay. I make a motion
3 to Adjourn.

4 DEPUTY SUPERVISOR GOOSBY: I second the
5 Motion.

6 DEPUTY CLERK POKALSKY: Supervisor Clavin?

7 SUPERVISOR CLAVIN: Aye.

8 DEPUTY CLERK POKALSKY: Councilman Carini?

9 COUNCILMAN CARINI: Aye.

10 DEPUTY CLERK POKALSKY: Councilman Dunne?

11 COUNCILMAN DUNNE: Aye.

12 DEPUTY CLERK POKALSKY: Deputy Supervisor
13 Goosby?

14 DEPUTY SUPERVISOR GOOSBY: Aye.

15 DEPUTY CLERK POKALSKY: Councilwoman Miller?

16 COUNCILWOMAN MILLER: Aye.

17 DEPUTY CLERK POKALSKY: Councilman
18 Muscarella?

19 COUNCILMAN MUSCARELLA: Aye.

20 DEPUTY CLERK POKALSKY: Councilwoman Ryder?

21 COUNCILWOMAN RYDER: Aye.

22 (Whereupon, the official Meeting of the
23 Hempstead Town Board was concluded.)

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE BY COURT REPORTER

I do hereby certify that the foregoing Verbatim Transcript of the Town of Hempstead Town Board Meeting held on September 6, 2023 consisting of pages 1 through 61 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
NOTARY PUBLIC - STATE OF NEW YORK

