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TOWN OF HEMPSTEAD

ONE WASHINGTON STREET

TOWN HALL PAVILION

HEMPSTEAD, NEW YORK 11550

March 29, 2016

10:30 A.M.

BEFORE: SUPERVISOR SANTINO

APPEARANCES :

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- SENIOR COUNCILWOMAN GOOSBY
- COUNCILMAN AMBROSINO
- COUNCILMAN BLAKEMAN
- COUNCILMAN D'ESPOSITO
- COUNCILMAN HUDES
- COUNCILWOMAN KING-SWEENEY
- CLERK AHMAD
- RECEIVER OF TAXES CLAVIN

HEMPSTEAD TOWN MEETING 3/29/16

1 (PLEDGE LED BY COUNCILMAN D'ESPOSITO)

2 CLERK AHMAD: Supervisor Santino?

3 SUPERVISOR SANTINO: Here.

4 CLERK AHMAD: Councilman Ambrosino?

5 COUNCILMAN AMBROSINO: Here.

6 CLERK AHMAD: Councilman Blakeman?

7 COUNCILMAN BLAKEMAN: Here.

8 CLERK AHMAD: Councilman D'Esposito?

9 COUNCILMAN D'ESPOSITO: Here.

10 CLERK AHMAD: Councilwoman Goosby?

11 COUNCILWOMAN GOOSBY: Here.

12 CLERK AHMAD: Councilman Hudes?

13 COUNCILMAN HUDES: Here.

14 CLERK AHMAD: Councilwoman King-
15 Sweeny?

16 COUNCILWOMAN KING-SWEENY: Here.

17 CLERK AHMAD: Receiver of Taxes Donald
18 Clavin?

19 RECEIVER OF TAXES CLAVIN: Here.

20 SUPERVISOR SANTINO: First item,
21 please.

22 CLERK AHMAD: Petition of Commissioner
23 of Buildings to demolish and remove an
24 attached garage and removal of all litter and
25 debris from property in East Meadow.

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Is there anyone
2 that would like to be heard on this item on
3 the calendar?

4 (Whereupon, "yes," was heard from the
5 audience.)

6 SUPERVISOR SANTINO: Okay come on
7 forward. Hi, name and address for the
8 record, please.

9 MARIA SIDERIS: Maria Sideris,
10 Druckman Law Group. 242 Drexel Avenue,
11 Westbury, New York. We represent - -

12 SUPERVISOR SANTINO: Bring the
13 microphone closer to you so we can hear you.

14 MARIA SIDERIS: Back King is servicing
15 the mortgage for the Plaintiff in the
16 foreclosure proceeding and we request time to
17 remedy the situation before the Town
18 demolishes it.

19 We currently have three bids out and
20 we are waiting for the approval.

21 SUPERVISOR SANTINO: Mr. Rottkamp from
22 our Building Department, please, have a seat.

23 MR. ROTTKAMP: Good Morning,
24 Supervisor and Members of the Town Board:

HEMPSTEAD TOWN MEETING 3/29/16

1 On September 19th a car hit the garage
2 which twisted it and it has it
3 leaning.

4 We have boarded it up and fenced it
5 off but it is a dangerous situation.

6 I spoke with her prior to the Town
7 Board and said that we would give them a
8 little bit of time, however, they are not the
9 property owners and to file a demo permit you
10 must be the property owner of record.

11 SUPERVISOR SANTINO: So, if we, the
12 best measure, today with and understanding
13 that, they have about thirty days to clear it
14 up and, then, we would move forward, would
15 that be acceptable to the Building
16 Department?

17 MR. ROTTKAMP: Yes, it would,
18 Supervisor.

19 SUPERVISOR SANTINO: Counselor, that
20 is our customary procedure.

21 MARIA SIDERIS: Thank you very much.

22 SUPERVISOR SANTINO: Thank you very
23 much.

24 We also have a Richard Gagliolo.
25 (phonetic spelling of name.)

HEMPSTEAD TOWN MEETING 3/29/16

1 That is on the Wantagh matter?

2 RICHARD GAGLIOLO: Yes.

3 SUPERVISOR SANTINO: I am sorry, on
4 the first matter pertaining to East Meadow,
5 may I have a motion, please.

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6 COUNCILMAN HUDES: I move that the
7 petition be granted.

8 COUNCILMAN AMBROSINO: I second the
9 motion.

10 CLERK AHMAD: Supervisor Santino?

11 SUPERVISOR SANTINO: Aye.

12 CLERK AHMAD: Councilman Ambrosino?

13 COUNCILMAN AMBROSINO: Aye.

14 CLERK AHMAD: Councilman Blakeman?

15 COUNCILMAN BLAKEMAN: Aye.

16 CLERK AHMAD: Councilman D'Esposito?

17 COUNCILMAN D'ESPOSITO: Aye.

18 CLERK AHMAD: Councilwoman Goosby?

19 COUNCILWOMAN GOOSBY: Aye.

20 CLERK AHMAD: Councilman Hudes?

21 COUNCILMAN HUDES: Aye.

22 CLERK AHMAD: Councilwoman King-
23 Sweeney?

24 COUNCILWOMAN KING-SWEENEY: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Okay, call the
2 next matter, please.

3 CLERK AHMAD: Petitioner of
4 Buildings to demolish and remove a two story
5 wood frame one family dwelling with attached
6 garage and remove all litter & debris from
7 property - Wantagh on the south side of
8 Twisting Lane, forty-two feet east of Seamans
9 Neck Road - Department of Buildings.

10 SUPERVISOR SANTINO: Now, Mr.
11 Gagliolo.

12 RICHARD GAGLIOLO: (PHONETIC SPELLING)
13 Thank you, Mr. Santino, I just want to
14 thank Supervisor Raymond Schwartz of the
15 Building Department for his dedication and
16 hard work in working on this house which has
17 been a poison in my neighborhood for over ten
18 years.

19 Um, also, Mr. Chris Rau of the County,
20 also has also helped, as well.

21 Thank you very much.

22 SUPERVISOR SANTINO: Thank you very
23 much, sir.

24 Is there anyone else that would like
25 to be heard on this matter?

HEMPSTEAD TOWN MEETING 3/29/16

1 (Whereupon, no response was heard.
2 After, the following ensued.)

3 SUPERVISOR SANTINO: There being
4 None, I will entertain a motion.

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5 COUNCILMAN HUDES: I move the Public
6 Hearing be closed and the petition be
7 granted.

8 COUNCILWOMAN KING-SWEENEY: Second.

9 CLERK AHMAD: Supervisor Santino?

10 SUPERVISOR SANTINO: Aye.

11 CLERK AHMAD: Councilman Ambrosino?

12 COUNCILMAN AMBROSINO: Aye.

13 CLERK AHMAD: Councilman Blakeman?

14 COUNCILMAN BLAKEMAN: Aye.

15 CLERK AHMAD: Councilman D'Esposito?

16 COUNCILMAN D'ESPOSITO: Aye.

17 CLERK AHMAD: Councilwoman Goosby?

18 COUNCILWOMAN GOOSBY: Aye.

19 CLERK AHMAD: Councilman Hudes?

20 COUNCILMAN HUDES: Aye.

21 CLERK AHMAD: Councilwoman King-
22 Sweeney?

23 COUNCILWOMAN KING-SWEENEY: Aye.

24 SUPERVISOR SANTINO: Next matter,
25 please.

HEMPSTEAD TOWN MEETING 3/29/16

1 CLERK AHMAD: Proposed Local Law, RE:
2 "Regulations and Restrictions" to limit
3 parking in Bellmore Near Island Park, Merrick
4 and Wantagh (To amend Chapter 202 of the Code
5 of the Town of Hempstead)

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6 SUPERVISOR SANTINO: Is there anyone
7 else that would like to be heard on this
8 matter?

9 (NO RESPONSE)

10 SUPERVISOR SANTINO: There being none,
11 I will take a motion.

12 COUNCILMAN D'ESPOSITO: I move that
13 the Public Hearing be closed and the item be
14 amended.

15 COUNCILWOMAN KING-SWEENEY: Second.

16 CLERK AHMAD: Supervisor Santino?

17 SUPERVISOR SANTINO: Aye.

18 CLERK AHMAD: Councilman Ambrosino?

19 COUNCILMAN AMBROSINO: Aye.

20 CLERK AHMAD: Councilman Blakeman?

21 COUNCILMAN BLAKEMAN: Aye.

22 CLERK AHMAD: Councilman D'Esposito?

23 COUNCILMAN D'ESPOSITO: Aye.

24 CLERK AHMAD: Councilwoman Goosby?

25 COUNCILWOMAN GOOSBY: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 CLERK AHMAD: Councilman Hudes?

2 COUNCILMAN HUDES: Aye.

3 CLERK AHMAD: Councilwoman King-
4 Sweeney?

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5 COUNCILWOMAN KING-SWEENEY: Aye.

6 SUPERVISOR SANTINO: Next item,
7 please.

8 CLERK AHMAD: Proposed Local Law Re:
9 "Arterial Stops" in East Meadow (To amend
10 Section 197-5 of the Code of the Town of
11 Hempstead)

12 SUPERVISOR SANTINO: Is there anyone
13 that would like to be heard on this item on
14 the calendar?

15 (NO RESPONSE)

16 SUPERVISOR SANTINO: There being none,
17 I will entertain a motion.

18 COUNCILMAN HUDES: I move the Public
19 Hearing be closed and the proposed Local Law
20 be adopted.

21 COUNCILMAN BLAKEMAN: I second the
22 motion.

23 CLERK AHMAD: Supervisor Santino?

24 SUPERVISOR SANTINO: Aye.

25 CLERK AHMAD: Councilman Ambrosino?

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN AMBROSINO: Aye.

2 CLERK AHMAD: Councilman Blakeman?

3 COUNCILMAN BLAKEMAN: Aye.

4 CLERK AHMAD: Councilman D'Esposito?

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5 COUNCILMAN D'ESPOSITO: Aye.

6 CLERK AHMAD: Councilwoman Goosby?

7 COUNCILWOMAN GOOSBY: Aye.

8 CLERK AHMAD: Councilman Hudes?

9 COUNCILMAN HUDES: Aye.

10 CLERK AHMAD: Councilwoman King-

11 Sweeney?

12 COUNCILWOMAN KING-SWEENEY: Aye.

13 SUPERVISOR SANTINO: Next matter,
14 please.

15 CLERK AHMAD: Proposed Local Law Re:

16 "Traffic Regulations in the vicinity of
17 schools" in East Meadow (To amend Section
18 197-13 of the Code of the Town of Hempstead)

19 SUPERVISOR SANTINO: Is there anyone
20 that would like to be heard on this matter?

21 (NO RESPONSE)

22 SUPERVISOR SANTINO: There being none,
23 I will entertain a motion.

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN HUDES: I move the Public
2 Hearing be closed and the proposed Local Law
3 be adopted.

4 COUNCILMAN D'ESPOSITO: Second.

5 CLERK AHMAD: Supervisor Santino?

6 SUPERVISOR SANTINO: Aye.

7 CLERK AHMAD: Councilman Ambrosino?

8 COUNCILMAN AMBROSINO: Aye.

9 CLERK AHMAD: Councilman Blakeman?

10 COUNCILMAN BLAKEMAN: Aye.

11 CLERK AHMAD: Councilman D'Esposito?

12 COUNCILMAN D'ESPOSITO: Aye.

13 CLERK AHMAD: Councilwoman Goosby?

14 COUNCILWOMAN GOOSBY: Aye.

15 CLERK AHMAD: Councilman Hudes?

16 COUNCILMAN HUDES: Aye.

17 CLERK AHMAD: Councilwoman King-
18 Sweeney?

19 COUNCILWOMAN KING-SWEENEY: Aye.

20 SUPERVISOR SANTINO: Next item,
21 please.

22 CLERK AHMAD: Proposed Local Law, Re:
23 "Loading Zones" in Wantagh (To amend Section
24 202-53 of the Code of the Town of Hempstead)

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Is there anyone
2 that would like to be heard in this matter?

3 (NO RESPONSE)

4 SUPERVISOR SANTINO: There being none,
5 I will entertain a motion.

6 COUNCILWOMAN KING-SWEENEY:
7 Supervisor, I move that the Hearing be closed
8 and the item be adopted.

9 COUNCILMAN HUDES: Second.

10 CLERK AHMAD: Supervisor Santino?

11 SUPERVISOR SANTINO: Aye.

12 CLERK AHMAD: Councilman Ambrosino?

13 COUNCILMAN AMBROSINO: Aye.

14 CLERK AHMAD: Councilman Blakeman?

15 COUNCILMAN BLAKEMAN: Aye.

16 CLERK AHMAD: Councilman D'Esposito?

17 COUNCILMAN D'ESPOSITO: Aye.

18 CLERK AHMAD: Councilwoman Goosby?

19 COUNCILWOMAN GOOSBY: Aye.

20 CLERK AHMAD: Councilman Hudes?

21 COUNCILMAN HUDES: Aye.

22 CLERK AHMAD: Councilwoman King-
23 Sweeney?

24 COUNCILWOMAN KING-SWEENEY: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Next item on the
2 calendar, please.

3 CLERK AHMAD: Proposed Local Law Re:
4 "Tow Away Zones" in Inwood (To amend Section
5 198-2 of the Code of the Town of Hempstead)

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6 SUPERVISOR SANTINO: Is there anyone
7 that would like to be heard on this matter?

8 (NO RESPONSE)

9 SUPERVISOR SANTINO: There being none,
10 I will accept a motion.

11 COUNCILMAN BLAKEMAN: I move that the
12 Hearing be closed and the Local Law be
13 adopted.

14 COUNCILMAN HUDES: I second the
15 motion.

16 CLERK AHMAD: Supervisor Santino?

17 SUPERVISOR SANTINO: Aye.

18 CLERK AHMAD: Councilman Ambrosino?

19 COUNCILMAN AMBROSINO: Aye.

20 CLERK AHMAD: Councilman Blakeman?

21 COUNCILMAN BLAKEMAN: Aye.

22 CLERK AHMAD: Councilman D'Esposito?

23 COUNCILMAN D'ESPOSITO: Aye.

24 CLERK AHMAD: Councilwoman Goosby?

25 COUNCILWOMAN GOOSBY: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 CLERK AHMAD: Councilman Hudes?

2 COUNCILMAN HUDES: Aye.

3 CLERK AHMAD: Councilwoman King-
4 Sweeney?

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5 COUNCILWOMAN KING-SWEENEY: Aye.

6 SUPERVISOR SANTINO: Next item on
7 the calendar, please.

8 CLERK AHMAD: Proposed Local Law Re:
9 "Town Parks or District Park Property" (To
10 amend Chapter 78 of the Code of the Town of
11 Hempstead)

12 SUPERVISOR SANTINO: Is there anyone
13 that would like to be heard on this item on
14 the calendar?

15 (NO RESPONSE)

16 SUPERVISOR SANTINO: I will accept a
17 motion.

18 COUNCILMAN HUDES: I move the Public
19 Hearing be closed and the Local Law be
20 amended and adopted.

21 COUNCILMAN AMBROSINO: I second the
22 motion.

23 CLERK AHMAD: Supervisor Santino?

24 SUPERVISOR SANTINO: Aye.

25 CLERK AHMAD: Councilman Ambrosino?

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN AMBROSINO: Aye.

2 CLERK AHMAD: Councilman Blakeman?

3 COUNCILMAN BLAKEMAN: Aye.

4 CLERK AHMAD: Councilman D'Esposito?

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5 COUNCILMAN D'ESPOSITO: Aye.

6 CLERK AHMAD: Councilwoman Goosby?

7 COUNCILWOMAN GOOSBY: Aye.

8 CLERK AHMAD: Councilman Hudes?

9 COUNCILMAN HUDES: Aye.

10 CLERK AHMAD: Councilwoman King-

11 Sweeney?

12 COUNCILWOMAN KING-SWEENEY: Aye.

13 SUPERVISOR SANTINO: Call the next
14 item, please.

15 CLERK AHMAD: Proposed Local Law Re:
16 "Public Parking Fields" (To amend Chapter 80
17 of the Code of the Town of Hempstead)

18 SUPERVISOR SANTINO: Is there anyone
19 that would like to be heard on this item on
20 the calendar?

21 (NO RESPONSE)

22 SUPERVISOR SANTINO: There being none,
23 I will accept a motion.

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN AMBROSINO: I move the
2 Public Hearing be closed and the proposed
3 Local Law be adopted.

4 COUNCILMAN BLAKEMAN: I second the
5 motion.

6 CLERK AHMAD: Supervisor Santino?

7 SUPERVISOR SANTINO: Aye.

8 CLERK AHMAD: Councilman Ambrosino?

9 COUNCILMAN AMBROSINO: Aye.

10 CLERK AHMAD: Councilman Blakeman?

11 COUNCILMAN BLAKEMAN: Aye.

12 CLERK AHMAD: Councilman D'Esposito?

13 COUNCILMAN D'ESPOSITO: Aye.

14 CLERK AHMAD: Councilwoman Goosby?

15 COUNCILWOMAN GOOSBY: Aye.

16 CLERK AHMAD: Councilman Hudes?

17 COUNCILMAN HUDES: Aye.

18 CLERK AHMAD: Councilwoman King-

19 Sweeney?

20 COUNCILWOMAN KING-SWEENEY: Aye.

21 SUPERVISOR SANTINO: Next item,

22 please.

23 CLERK AHMAD: Proposed Local Law Re:
24 "Prohibiting vehicles with expired
25 registration stickers or inspection stickers

HEMPSTEAD TOWN MEETING 3/29/16

1 from entering upon Town Housing Authority
2 properties" Town of Hempstead (To add a new
3 paragraph P of Section 79-15 of Chapter 79 of
4 the Code of the Town of Hempstead)

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5 SUPERVISOR SANTINO: Is there anyone
6 that would like to be heard on this matter?

7 RICHARD SOLOMON: Richard Solomon,
8 attorney and radio host. 219 Central Avenue
9 Suite 102, Lawrence, New York 11559.

10 For the media, 516-371-4924.

11 You are preempted by State Law from
12 doing this.

13 It is not for the Town to decide whose
14 registrations are accurate or inaccurate.

15 I regularly practice in front of the
16 Department of Motor Vehicles. There are
17 times when people are challenging the status
18 of their registration.

19 Sometimes their registrations are
20 voided in error. There are all kinds of
21 mistakes that are made and you will be
22 punishing people for the mistakes that are
23 made in Albany.

HEMPSTEAD TOWN MEETING 3/29/16

1 They will become innocent victims and
2 they will have to bring lawsuits against you
3 for all kinds of things.

4 This is not the Town's problem to
5 decide.

6 Only the Department of Motor Vehicles
7 can decide whose registrations are valid or
8 not valid and that is police power with
9 exclusive province of the State.

10 To say that you are going to
11 take that a step further is improper.

12 If there are people with ticket-able
13 offenses, then, they can be ticketed by the
14 Nassau County Police, that is within their
15 province. This is not for you.

16 COUNCILMAN BLAKEMAN: Counselor, on
17 the sticker, itself, it has the date of
18 expiration, so, if there isn't an up-to-date
19 sticker, that is probable cause that they
20 don't have a current registration, then, if
21 they go to Court or they clear it up with
22 Motor Vehicles and they came back to us, that
23 would be a defense, right?

24 RICHARD SOLOMON: Yes and no, the
25 problem is that there are times I have cases

1 like this, right, now, in the Village of
2 Kings Point where people send in their money
3 to Albany and Albany does not give them their
4 stickers in time and, then, they have no way
5 of posting anything on the car.

6 It doesn't make sense to drive around
7 and sticking tings in the windshield that
8 says, hey, I paid Albany. Albany is seven
9 days late and I still haven't gotten my
10 sticker.

11 You are putting such a burden on
12 owners of vehicles for something that is an
13 Albany issue.

14 I am telling you there are many times
15 the problem is you get a bright light test
16 and your registration is valid or invalid but
17 if somebody has paid their money and Albany
18 didn't send the thing in time because - - it
19 happens even when you do it on the Internet.

20 It doesn't come in time, you are going
21 to punish someone who actually did what they
22 are suppose to do, complied with the law,
23 paid their check and, then, you are going to
24 give them a ticket?

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Let's hear from
2 the Town Attorney.

3 TOWN ATTORNEY RA: We are aware of the
4 perception argument and we looked into it
5 very thoroughly.

6 We think we can do this. We don't
7 believe we are prevented.

8 RICHARD SOLOMON: I would like to see
9 the research on that because I believe you
10 are preempted and you can be challenged on
11 it.

12 There are already laws in existence
13 with the Nassau County Police to enforce that
14 law.

15 I don't see how you get an extra right
16 in enforcement other than the objective to
17 hit motorists for more fines, more revenue
18 for the Town.

19 TOWN ATTORNEY RA: Why don't you and I
20 get together and we will thrash it out in a
21 conference room instead of a courtroom.

22 RICHARD SOLOMON: That will be fine,
23 all I am saying is that someone needs to
24 speak on behalf of the motorists who do what
25 they are suppose to do, pay their fees and

1 then something outside of our control in
2 Albany doesn't provide the paperwork and,
3 then you are punishing them and they have to
4 spend their time, take off from work, go to
5 16 Cooper Street or wherever they have to go
6 and that wouldn't be right.

7 It just wouldn't be right.

8 It is different when it comes to
9 inspection stickers and the reason why is,
10 you go to a facility and you get the sticker
11 on the spot, so, I think we really
12 need to take a look at this law carefully and
13 refine it.

14 I am happy to do so, in that, with the
15 gracious words of Mr. Ra, over there.

16 I ask that this motion be tabled for
17 further review and talk about it.

18 I will volunteer my time to do so.

19 SUPERVISOR SANTINO: Thank you for
20 your input, sir.

21 Is there anyone else that would like
22 to be heard on the proposed Local Law?

23 (NO RESPONSE)

24 SUPERVISOR SANTINO: If not, may I
25 have a motion, please.

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN BLAKEMAN: I move that the
2 Public Hearing be closed and the Local Law be
3 adopted.

4 COUNCILWOMAN KING-SWEENEY: Second.

5 CLERK AHMAD: Supervisor Santino?

6 SUPERVISOR SANTINO: Aye.

7 CLERK AHMAD: Councilman Ambrosino?

8 COUNCILMAN AMBROSINO: Aye.

9 CLERK AHMAD: Councilman Blakeman?

10 COUNCILMAN BLAKEMAN: Aye.

11 CLERK AHMAD: Councilman D'Esposito?

12 COUNCILMAN D'ESPOSITO: Aye.

13 CLERK AHMAD: Councilwoman Goosby?

14 COUNCILWOMAN GOOSBY: Aye.

15 CLERK AHMAD: Councilman Hudes?

16 COUNCILMAN HUDES: Aye.

17 CLERK AHMAD: Councilwoman King-
18 Sweeney?

19 COUNCILWOMAN KING-SWEENEY: Aye.

20 SUPERVISOR SANTINO: Next item,
21 please.

22 CLERK AHMAD: Proposed Local Law Re
23 "Prohibiting Vehicles with expired
24 registration stickers or inspection stickers
25 from entering upon Town Marinas and Dock

HEMPSTEAD TOWN MEETING 3/29/16

1 Property" - Town of Hempstead (To add a new
2 Paragraph U of Section 163-37 of Chapter 163
3 of the Code of the Town of Hempstead)

4 SUPERVISOR SANTINO: Is there anyone
5 that would like to be heard on this motion?

6 (Whereupon, "same objection" was heard
7 yelling out from the audience. After, the
8 following ensued.)

9 SUPERVISOR SANTINO: Noted.

10 Anyone else?

11 (NO RESPONSE)

12 SUPERVISOR SANTINO: I will accept a
13 motion.

14 COUNCILWOMAN KING-SWEENEY: I move
15 that the Hearing be closed and the item
16 adopted.

17 COUNCILWOMAN GOOSBY: I second the
18 motion.

19 COUNCILMAN HUDES: Second.

20 CLERK AHMAD: Supervisor Santino?

21 SUPERVISOR SANTINO: Aye.

22 CLERK AHMAD: Councilman Ambrosino?

23 COUNCILMAN AMBROSINO: Aye.

24 CLERK AHMAD: Councilman Blakeman?

25 COUNCILMAN BLAKEMAN: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 CLERK AHMAD: Councilman D'Esposito?

2 COUNCILMAN D'ESPOSITO: Aye.

3 CLERK AHMAD: Councilwoman Goosby?

4 COUNCILWOMAN GOOSBY: Aye.

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5 CLERK AHMAD: Councilman Hudes?

6 COUNCILMAN HUDES: Aye.

7 CLERK AHMAD: Councilwoman King-
8 Sweeney?

9 COUNCILWOMAN KING-SWEENEY: Aye.

10 SUPERVISOR SANTINO: Next item,
11 please.

12 CLERK AHMAD: Proposed "Handicapped
13 parking on public streets" in Uniondale
14 (Greengrove Avenue)

15 SUPERVISOR SANTINO: Is there anyone
16 that would like to be heard on this matter?

17 (NO RESPONSE)

18 SUPERVISOR SANTINO: There being none,
19 I will accept a motion.

20 COUNCILWOMAN GOOSBY: I move that the
21 Public Hearing be closed and the proposed law
22 be adopted.

23 COUNCILMAN BLAKEMAN: Second.

24 CLERK AHMAD: Supervisor Santino?

25 SUPERVISOR SANTINO: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

1 CLERK AHMAD: Councilman Ambrosino?

2 COUNCILMAN AMBROSINO: Aye.

3 CLERK AHMAD: Councilman Blakeman?

4 COUNCILMAN BLAKEMAN: Aye.

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5 CLERK AHMAD: Councilman D'Esposito?

6 COUNCILMAN D'ESPOSITO: Aye.

7 CLERK AHMAD: Councilwoman Goosby?

8 COUNCILWOMAN GOOSBY: Aye.

9 CLERK AHMAD: Councilman Hudes?

10 COUNCILMAN HUDES: Aye.

11 CLERK AHMAD: Councilwoman King-
12 Sweeney?

13 COUNCILWOMAN KING-SWEENEY: Aye.

14 SUPERVISOR SANTINO: Next item,
15 please.

16 CLERK AHMAD: Proposed Amendment of
17 Section 336 G (3) of Article 33 of the
18 Building Zone Ordinance in relation to
19 prohibiting coin-operated of other fee-based
20 air compressors at gasoline service stations
21 - Town of Hempstead.

22 COUNCILWOMAN GOOSBY: I offer an
23 amendment to the proposed Local Law as
24 follows: Section 336G (3-A) should be
25 changed to read, "air shall be provided at no

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1 charge to the user/customer or patrons at all
2 times when the gasoline station is opened for
3 business, instead of twenty-four hours a day,
4 seven days a week and three hundred and
5 sixty-five days a year."

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6 SUPERVISOR SANTINO: Do I have a
7 second on that amendment.

8 This is on the amendment.

9 COUNCILMAN HUDES: Second.

10 CLERK AHMAD: Supervisor Santino?

11 SUPERVISOR SANTINO: Aye.

12 CLERK AHMAD: Councilman Ambrosino?

13 COUNCILMAN AMBROSINO: Aye.

14 CLERK AHMAD: Councilman Blakeman?

15 COUNCILMAN BLAKEMAN: Aye.

16 CLERK AHMAD: Councilman D'Esposito?

17 COUNCILMAN D'ESPOSITO: Aye.

18 CLERK AHMAD: Councilwoman Goosby?

19 COUNCILWOMAN GOOSBY: Aye.

20 CLERK AHMAD: Councilman Hudes?

21 COUNCILMAN HUDES: Aye.

22 CLERK AHMAD: Councilwoman King-

23 Sweeney?

24 COUNCILWOMAN KING-SWEENEY: Aye.

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1 SUPERVISOR SANTINO: Now, we will
2 consider the matter as amended.

3 Recall the matter as amended.

4 CLERK AHMAD: As amended, 336G (3) of
5 Article 33 of the Building Zone Ordinance in
6 relation to prohibiting coin-operated of free
7 base air compression at gasoline stations in
8 the Town of Hempstead.

9 SUPERVISOR SANTINO: Okay, we have a
10 number of people that asked to be heard on
11 this matter.

12 I will start with Erica Dubno.

13 Name and address for the record.

14 ERICA DUBNO: Thank you very much,
15 Supervisor.

16 My name is Erica Dubno of Fahringer &
17 Dubno. 767 3rd Avenue, Suite 3600, New York,
18 New York.

19 I am here on behalf of GASDA, which is
20 the Gasoline and Automotive Service Dealers
21 of America Association.

22 You may know me, I have been, here
23 before.

24 I am a Constitutional Lawyer.

1 And, we currently have pending, right,
2 now, in the Federal District Court an action
3 challenging provisions of the Town Law
4 relating to cabarets.

5 I am here, today because the law that
6 is proposed as amended or as it was in its
7 prior state, including the prior law, um, the
8 original law was enacted back in the 1970's
9 is preempted by New York State Law.

10 And, it is, also, unconstitutional for
11 a variety of reasons.

12 At the outset, you will be hearing
13 later, that GASDA is not an association of
14 big owners, it is not MOBIL Oil.

15 It is not EXXON. It is mom and pop
16 shops and there are small places that are
17 substantially burden by this law.

18 Municipalities, in general, have the
19 authority to adopt local laws to the extent
20 that they are not inconsistent with the State
21 Constitution or general State Law.

22 The Town Board does not, however, have
23 the authority to regulate industries or
24 services that are already heavily regulated
25 by the State.

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1 Moreover, under the adoption of
2 preemption, a local law is inconsistent with
3 State Law and cannot stand.

4 Whereas, here, it prohibits something
5 that is permissible under State Law.

6 The Town of Hempstead did, in fact,
7 enact a law prior to the State law.

8 Back in the 1970's, the original 33 -
9 - Section G-3 did provide that places had to
10 give free air, as you will be hearing later,
11 there was an agreement entered into and,
12 approximately, in 1991, with service
13 providers relating to that, the law was
14 enacted in Hempstead was enacted seven years
15 before New York State Legislature enacted
16 Section 396X of the General Business Law,
17 that provision which we believe preempts this
18 provision, specifically, relates to providing
19 air.

20 While a service station is required to
21 provide air, it is for use by customers
22 during hours in which such station is opened
23 for business.

24 That provision of the new law has just
25 been modified.

1 Um, however, the part about it being
2 for customers, um, has not been changed.

3 The law specifically relates to
4 customers.

5 Those are people that pay for a
6 service.

7 Um, when the New York Times reported
8 the law that was enacted by the State, it
9 reported on September 2nd, stations are
10 permitted to charge for the use of the air
11 pump.

12 The original law and its current
13 Amendment are preempted.

14 There is a need for State wide - -
15 (Bell rang.)

16 ERICA DUBNO: If I may?

17 SUPERVISOR SANTINO: Just, please, try
18 to wrap it up because a lot of people want to
19 speak.

20 ERICA DUBNO: I am speaking on behalf
21 of GASDA and I am representing a lot of the
22 people that are here.

23 There is need for State-wide
24 uniformity, um, regarding heavily regulated
25 businesses.

1 This is also an arbitrary exercise of
2 government power.

3 The Town is far exceeding its power
4 and interfering with the use of businesses by
5 mandating that service stations provide
6 services for free.

7 No studies have been conducted that we
8 have seen or provided to us showing that the
9 Town of Hempstead, specifically, has an
10 interest in requiring small service stations
11 to provide services for free.

12 Will the Town, now, mandate
13 Service stations must also provide free
14 water, coolant, air, oil, windshield wiper
15 fluid or gas?

16 Will they lead to penalties?

17 The New York State Legislature did
18 enact a penalty as a consequence subject to
19 the general penalty provisions for violation
20 of the BZO.

21 Such a provision is criminal.

22 It is a criminal summons that can
23 receive, in fact, Members of GASDA have
24 already received criminal summonses for not

1 providing free air, even though that law is
2 not required by New York State.

3 There are charges, criminal charges
4 for offenses that are not illegal under State
5 Law.

6 Those offenses are returnable in
7 District Court.

8 It requires a small gas station to
9 have a lawyer represent them.

10 So, not only do they have to pay to
11 have a lawyer represent them, they are also
12 subject to fines which can go up to three
13 hundred and fifty dollars for just the
14 first offense and subject to criminal
15 sanctions.

16 They can go to jail for not having
17 coin-operated machines for customers to pay
18 for services rendered.

19 In addition, we believe that this is
20 improper taking, the requirement that they
21 provide free air in and install specific
22 types of compressors with gages, maintain the
23 equipment and removing existing coin machines
24 is clearly a taking under the 5th and 14th
25 amendments of the United States Constitution,

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1 as well as, Article 1, Section 7 of the New
2 York State Constitution.

3 It also violates property owners'
4 rights to equal protection and due process.

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5 Furthermore, it does not serve a
6 compelling or public interest.

7 People can pay the seventy-five cents
8 as they do throughout the State of New York.

9 Um, it is unduly burdensome and also
10 allowing business owners only a two-month
11 period of time, um, is not an actual
12 amortization period of time.

13 These machines cost thousands and
14 Thousands, so, having it go into affect as of
15 June 1st is insufficient.

16 Furthermore, it is a costly things.

17 As indicated before, customers can pay
18 that seventy-five cents or a dollar of air.

19 Apparently, it only costs ten dollars
20 a year.

21 SUPERVISOR SANTINO: Thank you very
22 much.

23 Next speaker is Kevin Byer?

24 (NO RESPONSE)

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1 SUPERVISOR SANTINO: Richard Kubler.
2 (Phonetic spelling)

3 RICHARD KUBLER: Good Morning. My
4 name is Richard Kubler. I reside at 171
5 Ranken Boulevard in Franklin Square.

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6 I am a 24 year taxpaying resident in
7 the Town of Hempstead.

8 I am also employed by Service Station
9 Vendors.

10 I maintain coin-operated air machines.

11 On a typical day, I will either repair
12 or maintain ten to fifteen machines.

13 None of our machines are inoperable
14 for more than twenty-four hours.

15 I have been in this business for
16 fifteen years, now, and have seen my share of
17 so called, "Free air machines."

18 HESS, SHELL and GULF to name a few,
19 they all failed.

20 So, in conclusion, in the interest of
21 taxpaying people in the Town of Hempstead, I
22 would hope that you take a better look at
23 this policy.

24 SUPERVISOR SANTINO: Thank you, sir.

25 Terric Kahn? (Phonetic spelling)

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1 TERRIC KAHN: Thank you, sir.

2 My name is Terric Kahn.

3 I am a resident of the Town of
4 Hempstead for 30 years.

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5 I live at 1345 Conway - - I am in
6 business for 35 years on Long Island in the
7 Town of Hempstead.

8 At the present time, I have three
9 gasoline stations, two of them in West
10 Hempstead and one of them in East
11 Meadow/Levittown.

12 I also present as a similar - - I am
13 sorry, Long Island Gasoline Retailers
14 Association.

15 We have over five hundred members, um,
16 throughout Long Island, two of them in the
17 stations in the Town of Hempstead.

18 I really think removing the working
19 machines, it harms the consumer.

20 It harms the station owner.

21 As someone said earlier, I am a small
22 business.

23 Everyone I represent is a small
24 business.

1 When I was part of the larger
2 business, too many times, the machine was the
3 responsibility of the station owner when it
4 was not working and when there was a
5 committed supplier, that serviced hundred of
6 machines, they do have parts, if, at any time
7 the hose is broken, they do the service, you
8 know, quickly.

9 It makes life a lot easier.

10 As a third party doing it, if you
11 shift the responsibility to me, now, I am the
12 owner of that machine, which costs thousands
13 of dollars, now, I have to fix it.

14 If it is broken, it is going to take
15 probably more than two, three days to get
16 it fixed, that means my customer will suffer.

17 The safety of my customer is very,
18 very important.

19 If you look at it in my own business,
20 I see seventy-five percent of the people that
21 use the air, they are elderly people and
22 female, too, many times they cannot do it.

23 We send an employee to go out and help
24 them.

1 By removing and shifting the burden to
2 us, I think there is a safety issue because
3 we owners, the machine is not working,
4 somebody stops to put air and they are on
5 their way out, but the way, it is not less
6 likely to happen.

7 Most of use who are in small
8 businesses are suffering enormously,
9 particularly, in retail.

10 If you look at retail models in any
11 business, it is impacting the owners and
12 people like myself have made - - they are
13 heavily, you know, impacted because,
14 obviously, the return investment is not as
15 much.

16 Further burdening to small
17 businesses.

18 As I said a little while ago, the
19 triple C, I am one of the C's in that
20 statement is courage.

21 It takes a lot of courage, like a
22 person like me to come in and have a
23 business.

24 I provide a lot of jobs, whether I
25 make money or not, I pay my taxes.

1 I pay the property taxes.

2 On one of my properties in the Town of
3 Hempstead is over one hundred thousand
4 dollars.

5 It is not a small change, so, every
6 dollar you take away from my pocket, whether
7 it is removing the vending machine, you are
8 hurting me and my employees and my ability to
9 stay a viable entity in the Town of
10 Hempstead.

11 It makes it even more difficult when I
12 am running three businesses in the Town of
13 Hempstead and neighboring Towns will not have
14 the similar type of registration in place,
15 meaning, it will make it a little bit unfair
16 for me to do business in the Town of

17 Hempstead and it will compete.

18 And, in today's environment,
19 competition we face, whether we like it or
20 not.

21 So, survival is where we are all,
22 especially in the gasoline business, where
23 the margins are, whether you can call it a
24 competition, added taxation and the way the
25 industry in gasoline is moving, the economy

1 has impacted for the last six, seven years,
2 where many guys like myself, almost every
3 station lost forty percent of their margin in
4 the last five years.

5 I really think, as all of you on the
6 Board and Mr. Supervisor, you should really
7 look at this legislation closely.

8 If you ask my recommendation, I really
9 think that you need to repeal the law of
10 1978 for the good of your Town's consumer and
11 small businesses because all of you sitting
12 here, I know many of you have heard, you are
13 all for small business.

14 Since you are all for small business,
15 help us stay in business, help us deal with
16 the issue.

17 One of my suggestions is that if you
18 really want this, maybe it can be that we
19 can't charge more than a dollar.

20 I pulled that number out of my hat
21 because I really think myself, as a customer,
22 I don't use it a dozen times, so, someone
23 said it can be anywhere from six dollars to
24 twelve dollars.

25 It will cost us a pain.

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1 SUPERVISOR SANTINO: Thank you very
2 much.

3 Neil Hellers? (phonetic spelling)

4 Good Morning.

5 Name and address for the record?

6 NEIL HELLERS: Neil Hellers. 16

7 Garfield Place, Massapequa, New York.

8 I happen to work for the company that
9 is here, today, Service Station Vending.

10 I have been with them for eighteen
11 years.

12 I service Nassau County.

13 All our machines are up twenty-four
14 hours a day, seven days a week.

15 If they go down, they call us right
16 away and we are there even that day or
17 within the next twenty-four hours.

18 No complaints about the machine being
19 broken.

20 People can use them all night long.

21 Now, you can see myself, I am probably
22 a little - - probably older than most of you,
23 but, if you all think about the day when the
24 gas station left the hose out.

25 You couldn't get air at nighttime.

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1 You couldn't get air on the weekends.

2 So, if you had a flat tire, well, that
3 is too bad.

4 You ha to deal with it.

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5 With our machine, there is none of
6 that.

7 We have a lot of, um, um, you know,
8 where they break up the hoses, they steal our
9 gages, we replace them right away.

10 There is no waiting time.

11 We get there right away. We do it.

12 The air is always there.

13 Nobody has to wait. People, you know,
14 they go in and they get their air.

15 I am sure most of you have children.

16 I have four girls that drive at night.

17 They get a flat tire with these new
18 cars, the nonsense on your dashboard that
19 your tire is low.

20 Everyone panics.

21 Where are you going to go, to a gas
22 station with a hose leaning outside that
23 doesn't have an end or maybe you are just
24 blowing air.

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1 You do it with the machine. Everyone
2 knows that there is a button underneath and
3 there is money going in.

4 I mean, it is not a big ta-do but - -
5 but with this new law just having nothing,
6 then, you might as well tell your citizens
7 you are not going to have anything because
8 that is what is going to happen.

9 Thank you.

10 SUPERVISOR SANTINO: Thank you, sir.

11 Charles Love?

12 (no response)

13 SUPERVISOR SANTINO: No Love, okay.

14 Lawrence Culey, here?

15 LAWRENCE CULEY: Right, here.

16 Good Morning.

17 SUPERVISOR SANTINO: Good Morning.

18 Name and address for the record.

19 LAWRENCE CULLEY: Lawrence Culley. 372

20 Gardening Boulevard, Inwood, New York, 11096.

21 My name is Larry Culy and I am in-
22 house Counsel for the Gasoline and Automotive
23 Service Dealers Association.

24 This proposed law is important to us
25 and our members and we are prepared to

1 contest it to the fullest possible degree
2 under the law.

3 Now, the Town is going to engage - -
4 have to engage outside Counsel to defend
5 against such costly Court challenges which
6 will arise.

7 As a consequence, the residents and
8 taxpayers have paid tens and hundreds of
9 thousands of dollars to private law firms to
10 defend the Town against the litigation that
11 results from the knee jerk enactment of new
12 law without due consideration or consequence.

13 If the Town is concerned about air not
14 being available for motorists, there is a
15 very good remedy.

16 In Section 496, Subsection X of the
17 State, Federal Business Law, which
18 already requires gas stations to provide air
19 when they are open, we are here in force, now
20 and we will continue to challenge this
21 unauthorized, arbitrary, capricious and
22 unconstitutional law.

23 Rest to sure, the seventy-five cents
24 that a few motorists may have to pay for air
25 is far outweighed by the hundreds of

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1 thousands of dollars that the taxpayers of
2 Hempstead will shell out for years if this
3 unnecessary law is amended and allowed to
4 remain on the books.

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5 Now, may I suggest a different
6 approach, the Town of Hempstead should
7 consider appropriating twenty-five dollars
8 for the owner of each motor vehicle
9 registered in Hempstead to purchase a
10 portable air compressor.

11 They are easy to use and dependable.

12 I feel this is a viable alternative to
13 this Resolution and it will accommodate the
14 motorist.

15 Don't you think so?

16 Respectfully submitted from GASDA, the
17 Gasoline and Automotive Dealers
18 Association.

19 SUPERVISOR SANTINO: Andrea Tsoukalas.

20 ANDREA TSOUKALAS: Andrea Tsoukalas,
21 Forchelli, Curto, Deegan. 333 Earle Ovington
22 Boulevard, Uniondale, New York.

23 I represent Bill McCabe. He is the
24 President of Service Station, as well as,

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1 LIBRA, the Long Island Gasoline and Retailers
2 Association.

3 I am General Counsel for LIBRA.

4 I did want to say on the outset, I do
5 concur with my colleagues, Angela Dubno and
6 Lawrence Culey, without repeating all the
7 same arguments, we vehemently oppose this
8 legislation on constitutional grounds.

9 It is a violation of due process laws
10 and the 14th Amendment, um, specifically what
11 is proposed is a complete prohibition of the
12 sale of compressed air to consumer, a legal
13 business that provides a necessary service to
14 consumers that is inherently unreasonable and
15 a direct infringement on Mr. McCabe's right
16 to run a business and make a livelihood.

17 The highest Court of this State have
18 distinguished between these regulations
19 which ban activities completely and those
20 that merely impose certain limitations,
21 especially, whereas, in this case, there is
22 no reasonable relationship between the
23 prohibition and the Town's exercise of its
24 police powers.

1 In this case, the proposed legislation
2 shuts down certain station vending equipment.

3 You are effectively shutting down a
4 business and any other vending machine owner
5 that is going from place to place and putting
6 in their machines and maintaining these
7 machines.

8 Um, what is happening, now, is a win-
9 win for everybody.

10 You have the gas station owner that is
11 providing a service to the Consumer.

12 The Consumer is getting free air upon
13 request and they are sharing a profit.

14 Everybody wins.

15 COUNCILMAN BLAKEMAN: Counselor, can I
16 ask you a question.

17 ANDREA TSOUKALAS: Yes.

18 COUNCILMAN BLAKEMAN: I am a little
19 confused; on the one hand, you are saying
20 that everybody is provided free air, if they
21 know that there is a secret button but they
22 have to pay if they don't know about the
23 secret button is there.

24 Doesn't that strike you as a little
25 deceptive?

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1 ANDREA TSOUKALAS: It is not
2 deceptive.

3 Every machine has, um, a specific
4 notice on it that says there is free air
5 provided, so, they go to the operator and the
6 operator presses a button and free air is
7 provided, so, the reason - - another reason
8 - -

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9 SUPERVISOR SANTINO: Hold on for one
10 second.

11 COUNCILMAN D'ESPOSITO: I would like
12 to just show you a picture of a machine in
13 the East Meadow/Levittown border that has no
14 sticker, that doesn't say anything about free
15 air.

16 SUPERVISOR SANTINO: There is no
17 indication that there is a secret button.

18 ANDREA TSOUKALAS: Right, if that is
19 the only concern, then, maybe the
20 Legislation should deal with that.

21 COUNCILMAN D'ESPOSITO: To say it is a
22 win-win for everyone, I think there are some
23 people that are not winners in this.

24 There is no reason why a Mother or a
25 Father with kids in their backseat of their

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1 car and child seats should park their car and
2 go into a gas station to get a token and get
3 free air.

4 ANDREA TSOUKALAS: You go into a gas
5 station to buy washer fluid.

6 You go into a gas station to ask for
7 brake fluid for any other essential service
8 that you need to maintain your vehicle, why
9 is this any different?

10 Why should compressed air be free?

11 COUNCILMAN D'ESPOSITO: Because it is
12 suppose to be available outside.

13 You shouldn't have to go inside and
14 ask, Can I get my free air that I am entitled
15 to and may or may not get it because someone
16 may not have the key for the machine or
17 someone may not be able to provide you with a
18 token.

19 It is really not a win-win for
20 Everyone.

21 I understand your argument.

22 It is not really a win-win for
23 everyone.

1 I understand your argument. It is not
2 really a win-win driving around with small
3 children around in their car.

4 ANDREA TSOUKALAS: I understand what
5 you are saying.

6 Mr. McCabe's machines provide free air
7 upon request.

8 It never has been an issue for him,
9 perhaps there is an issue with other vendors.

10 COUNCILMAN BLAKEMAN: It is not an
11 issue for him but, obviously, it is an issue
12 with the consumers, so, you know, if the
13 consumer doesn't know about the free air, the
14 consumer is paying for it, some people pay,
15 some people don't.

16 You don't think we have the authority
17 to regulate that practice?

18 (Whereupon, "no" was heard from the
19 audience.

20 SUPERVISOR SANTINO: Please be quiet
21 from the audience.

22 COUNCILMAN BLAKEMAN: Isn't there a
23 presumption of constitutionality when a
24 legislative body reacts?

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1 ANDREA TSOUKALAS: Yes, it is a
2 presumption of constitutionality, however,
3 that can be rebutted.

4 It can be rebutted and you can show
5 there is no rational relationship between
6 what you are proposing and your intended
7 goal, so, if the vending machines that are
8 there, now, can provide the service, there is
9 no need to impose additional regulation on
10 both the service station owner and the
11 vending machine company that is out of
12 business.

13 You are putting them out of business.

14 COUNCILMAN BLAKEMAN: I have to
15 respectfully disagree.

16 I think if we made a valiant decision
17 to allow you to charge, that would be one
18 thing but if we make a valiant decision that
19 for safety reasons that the air should be
20 provide to consumers and motorists, then, I
21 think it is a deceptive practice to charge
22 some people and not charge others.

23 Sorry, that is the way I feel.

24 ANDREA TSOUKALAS: It is not deceptive
25 if it is available to everybody.

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1 SUPERVISOR SANTINO: But it is not
2 known that it is available to everybody and
3 we have clearly proven that, that it is not
4 known.

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5 You have to know that there is a
6 secret button under the machine because there
7 are many in my own observation, there are
8 many of these machines where the sticker
9 falls off, gets scratched off and gets
10 obliterated in some way and people will,
11 without being aware, have to go inside, get
12 an attendant, who may or may not be readily
13 available or who may not be there.

14 We were told that there is a special
15 token that has to go into the machine and
16 they may not have the token available or the
17 argument is the manager is not right here,
18 right, now or he doesn't want to do it, so,
19 essentially, what people do, they pump the
20 quarters in.

21 The one we saw yesterday, they
22 indicated they take VISA and MasterCard
23 in order to pay for air with VISA or
24 MasterCard, so, it is not uniformed.

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1 And, the only way to make it uniformed
2 in the Town of Hempstead, since 1978, free
3 air has been mandated, has been the law.

4 We have gotten many complaints from
5 people who have said that stations are
6 through - - this, you know, the machine with
7 the secret button, that they are still - -
8 they are technically complying with the law
9 but really it is causing residents of our
10 Township to have to pay for something.

11 You know, I am old enough to remember
12 you pulled into a gas station, somebody came
13 out.

14 They checked your oil. They checked
15 your fluid.

16 They put air in your tire. They
17 cleaned the windshield. I mean that is long
18 gone.

19 It is all about selling bear and
20 potato chips.

21 I think the argument is disingenuous
22 because it is really about maximizing
23 profits.

1 It is not about serving the motoring
2 public, something on where proper tire
3 inflation is essential to safety.

4 Driving around on poorly inflated
5 tires is definitely a safety hazard, so, I
6 think you know, when we cut through it, it
7 comes down to the bottom line of safety of
8 the public and dollars and cents for people
9 involved in making these machines and running
10 gas stations.

11 There are plenty of ways to make
12 profits.

13 All of these places are turning into
14 mini marts.

15 There are plenty of ways for profits
16 that doesn't eek out seventy-five cents, a
17 buck and a quarter for air.

18 ANDREA TSOUKALAS: Just to address a
19 couple of things you said, there are two
20 separate issues, one is constitutionality of
21 your law and the second you are saying the
22 law is constitutional.

23 SUPERVISOR SANTINO: I am not arguing
24 the legality of it.

25 I am arguing - - the

1 argument in my opinion is disingenuous
2 because it is free air that is not available.

3 If you don't know that you have to go
4 inside, ask, push the button, the intent of
5 the 1978 law has been totally circumvented by
6 people in the industry with all of these
7 different mechanisms.

8 You have to see a tenant inside or
9 push a secret button.

10 The law on the books in the Town of
11 Hempstead is free air has to be made
12 available, that is totally being
13 circumvented.

14 ANDREA TSOUKALAS: Well, there should
15 be signage on these machines and I think,
16 perhaps, that should be the focus, if you do
17 want to focus on that.

18 We have a letter from the Town
19 Attorney - -

20 COUNCILMAN BLAKEMAN: Counselor, you
21 have no problem with us requiring that
22 stations provide free air, you just want the
23 ability to fool some people to charge them?

24 (Whereupon, yelling and screaming was
25 heard from the audience.)

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1 ANDREA TSOUKALAS: That is ridiculous,
2 that is ridiculous that you would even say
3 that.

4 COUNCILMAN BLAKEMAN: That is what you
5 are saying.

6 ANDREA TSOUKALAS: No, I am not saying
7 that.

8 It has been running for twenty-seven
9 years free air available from this machine,
10 see the cashier. You put the notice on the
11 machine.

12 People know it is there.

13 They go inside, they ask for it.
14 After hours, how are people going to put air
15 in their tires if they don't know it is
16 there?

17 COUNCILMAN BLAKEMAN: What is the
18 purpose?

19 ANDREA TSOUKALAS: Gas stations are
20 open 24/7 for that purpose.

21 COUNCILMAN BLAKEMAN: What is the
22 purpose if not to charge some people who
23 don't know about the secret button and some
24 people that do know about the secret button
25 you don't charge them?

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1 ANDREA TSOUKALAS: The purpose of he
2 law - -

3 COUNCILMAN BLAKEMAN: Not the law, I
4 am asking you what is your problem, you have
5 no problem giving away free air, you don't
6 want everybody to know?

7 ANDREA TSOUKALAS: I have no problem
8 with everybody knowing.

9 We will put signage on every machine
10 that we have.

11 COUNCILMAN D'ESPOSITO: If you don't
12 care, why is there a sign that says, "insert
13 coins" and the sign if it is there says "free
14 air," really? Come on.

15 ANDREA TSOUKALAS: Perhaps what we
16 have to look at - -

17 SUPERVISOR SANTINO: Conclude your
18 argument.

19 ANDREA TSOUKALAS: I want to point out
20 in 1991, the Town Attorney's Office in the
21 Town of Hempstead agreed with our position
22 that free air during the hours that the
23 station is open is proper and these types of
24 machines that have coin-operated machines are
25 not illegal and are not, um, um,

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1 that they are not of - - in contrast with
2 what the Town was trying to do with
3 legislation Section 336.

4 SUPERVISOR SANTINO: Mr. Town
5 Attorney, do you want to address this.

6 TOWN ATTORNEY RA: That is exactly one
7 of the reasons why we are passing this.

8 We are proposing this new legislation
9 to make it clear that the free air is what is
10 intended by the Code, that is why we are
11 amending it.

12 ANDREA TSOUKALAS: I understand but
13 what you are doing, now, is unreasonable and
14 arbitrary.

15 You are imposing conditions on both
16 the gas station owner and his vending machine
17 companies that are economically oppressive
18 and you are shutting down the vending machine
19 owners.

20 And, then, you are also going to
21 impose - -

22 SUPERVISOR SANTINO: Counselor, how
23 are we shutting down the vending machine
24 owners if the law mandates free air?

25 There has to be a

1 machine.

2 The only difference would be there
3 would not be coin slots in the machine or
4 they can be retrofitted so there are no coin
5 slots and all, there is the button.

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6 How does that put your client out of
7 business?

8 ANDREA TSOUKALAS: Mr. McCabe could
9 would have to remove two hundred and four
10 machines that he has.

11 SUPERVISOR SANTINO: Why?

12 The gas stations would still be
13 mandated to provide free air.

14 They would have to come up with a
15 different business argument.

16 ANDREA TSOUKALAS: Those are his
17 machines.

18 He would not be leaving them there and
19 each of the gas station owners would have to
20 buy new compressors, new machines at the cost
21 of two, three thousand dollars apiece.

22 They would also have to maintain every
23 part of that machine, the hoses, the
24 compressors, everything at their cost, for a
25 free service, it doesn't make

1 any sense.

2 COUNCILMAN BLAKEMAN: You have no
3 problem with the free air of service. I
4 don't get it.

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5 ANDREA TSOUKALAS: At the request of
6 the consumer - -

7 COUNCILMAN BLAKEMAN: At the request
8 of the consumer.

9 ANDREA TSOUKALAS: Which is what the
10 intent of the law, what the general business
11 law says, it should be available.

12 It doesn't say that you cannot charge.

13 COUNCILMAN BLAKEMAN: With regard to
14 the legality, there is a presumption of
15 constitutionality and you can rebut that as
16 much as you want but for me, there is a
17 consumer protection component in this
18 legislation and there is a health and safety
19 and welfare component in this legislation,
20 so, it is two prong.

21 There is a rational basis for this
22 legislation.

23 ANDREA TSOUKALAS: This is a complete
24 deprivation of property rights.

25 It is unconstitutional,

HEMPSTEAD TOWN MEETING 3/29/16

1 as it is a violation of due process and we
2 intend to challenge this legislation.

3 COUNCILMAN BLAKEMAN: There is a right
4 to collect money for air?

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5 ANDREA TSOUKALAS: There is a right to
6 collect money for services rendered.

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

9 (Whereupon, "Amen, Amen" was heard
10 yelling from the audience.)

11 COUNCILMAN BLAKEMAN: You said it is
12 provided for free.

13 ANDREA TSOUKALAS: At the request - -

14 COUNCILMAN BLAKEMAN: At the request?

15 ANDREA TSOUKALAS: Yes.

16 COUNCILMAN BLAKEMAN: That is okay?

17 ANDREA TSOUKALAS: The general business
18 law provides for the same thing.

19 COUNCILMAN BLAKEMAN: I think it is a
20 stretch.

21 ATAL PURI: Good Morning, sir.

22 SUPERVISOR SANTINO: Name and address
23 for the record.

24 ATAL PURI: (PHONETIC SPELLING)

25 Atal Puri.

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1 1955 Hempstead Turnpike, East Meadow, New
2 York.

3 Sir, I am a very small dealer who
4 pays, approximately, 11 thousand dollars in
5 rent a month to my landlord, plus the
6 utilities and all of that.

7 I do not charge for the air.

8 There is a sign there like you said
9 seventy-five cents and equal sign on the
10 machine, "free air button, please see
11 attendant."

12 Now, in terms of the Councilman
13 D'Esposito said the safety of Mother and
14 Father sitting with a child, have to come in,
15 have to see the sign, I agree with that, but
16 most of the gas stations, they are - - there
17 is a window right in front that they can open
18 the window and request it.

19 On top of that, since most of the gas
20 stations or at least, myself, we close the
21 front gate at 10:00 or 11:00 o'clock at
22 night, depending upon the situation, if a
23 customer has to come in and wants to use the
24 air machine, which is free or if he has to
25 pay, let's assume it is free,

1 he is going to need somebody to help him come
2 there if it is broken or the hose is not
3 there or if there is a problem with the
4 machine, within twelve hours, maximum twenty-
5 four hours, they are there to fix the
6 machine.

7 If I have to end up buying my own
8 machine, maintaining it, having an employee
9 to go outside and risk his life, especially
10 wants to go after 10:00 o'clock at night,
11 mostly the machine will be out of service for
12 two, three, four days depending upon what
13 kind of service is needed.

14 So, this is where the problem comes
15 in.

16 We are giving free air.

17 SUPERVISOR SANTINO: Could you give me
18 a general idea, sir, you are the
19 owner/operator of your own station?

20 ATAL PURI: I am.

21 SUPERVISOR SANTINO: And, you say that
22 your air machine has a sign prominently that
23 says "free air"?

24 ATAL PURI: "Free air available."

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Free air
2 available upon request?

3 ATAL PURI: I believe so, yes.

4 SUPERVISOR SANTINO: Does I point to a
5 button or it just says, "upon request" or
6 "you come inside"?

7 ATAL PURI: Free air upon request.

8 SUPERVISOR SANTINO: Okay, do you have
9 an sense on a monthly basis how much money is
10 collected in that machine?

11 ATAL PURI: I believe fifty or
12 seventy-five dollars.

13 SUPERVISOR SANTINO: I am taking your
14 word for it that it is a prominently
15 displayed sign that says, "free air available
16 upon request."

17 ATAL PURI: Yes.

18 SUPERVISOR SANTINO: Enough people
19 pumping quarters in it you can collect
20 seventy-five dollars a month, why would you
21 say that is?

22 ATAL PURI: Say that again, I am
23 sorry.

24 SUPERVISOR SANTINO: You say on
25 average, I am taking your word

1 for it, there is a prominently displayed sign
2 that say, "free air available upon request"?

3 ATAL PURI: Yes, free air available
4 upon request.

5 SUPERVISOR SANTINO: Notwithstanding
6 the fact that you have that sign prominently
7 displayed and I am taking your word for it on
8 the machine, people are still pumping
9 seventy-five dollars worth of quarters in
10 that machine on a monthly basis, that is what
11 you said, how can you account for that?

12 (Whereupon, calling out and yelling
13 was heard from the audience.)

14 SUPERVISOR SANTINO: Please be quiet
15 from the audience, sir.

16 ATAL PURI: People driving by for free
17 air, they want free windshield fluid where I
18 am, 99 percent of the customers that come
19 there, they don't.

20 These are probably the customers that
21 are driving by and, even, then - -

22 SUPERVISOR SANTINO: They are reading
23 the same sign, it says, "free air available
24 upon request," why would someone put quarters
25 into that machine if the sign is

1 prominently displayed, if it says, "free air
2 upon request"?

3 ATAL PURI: I can't - - I mean, I
4 can't judge their judgment.

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5 They see a free sign, they should be
6 able to drive in. It is they don't want to
7 come in, the security issue, if they drive
8 through, our employees go out.

9 They help them out.

10 Now, by doing this to maintain these
11 machines is just going to be too much burden
12 in the long run.

13 What will happen if the machine is
14 broken, which they are?

15 Every other week it is broken because
16 people don't handle it properly.

17 SUPERVISOR SANTINO: To answer my
18 question, you really can't explain why people
19 with a prominently displayed sign of free air
20 available upon request, why there would be
21 enough people that would still put quarters
22 in to generate seventy-five dollars a month,
23 you can't explain that.

24 I can't understand it.

25 COUNCILMAN D'ESPOSITO: Can

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1 you tell me if the free air available sign is
2 like on the picture that I showed you, is it
3 this big and the insert coin sign is this
4 big, is it that big on yours?

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5 ATAL PURI: It is a sign on the
6 machine that I have, sir, it is maybe four
7 inches by four inches and the free air is by
8 two inch by two inch.

9 It is not that you need glasses.

10 COUNCILMAN D'ESPOSITO: In your gas
11 station, do you have service bays or do you
12 have a convenience store?

13 ATAL PURI: No, it is only a
14 convenience store with two air pumps and
15 vacuum machines.

16 SUPERVISOR SANTINO: Okay, thank you.

17 ATAL PURI: The only thing is the
18 security at 10:00 o'clock at night, employees
19 will be - - will not want to come out and
20 help them because you don't know who is
21 coming out and who is not.

22 COUNCILMAN D'ESPOSITO: When someone
23 pulls up, now, when the machine is broken, do
24 they go out there and fix the machines
25 themselves?

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1 I thought you have a company that
2 comes in.

3 ATAL PURI: They do, they come in
4 twelve hours or twenty-four hours later.

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5 COUNCILMAN D'ESPOSITO: You are
6 arguing they are going out at 10:00 o'clock
7 at night putting your employees in a
8 difficult position, they are not going out,
9 now, when the machine is broken the machine
10 is broken.

11 ATAL PURI: If the machine is fixed,
12 they do go out.

13 If the machine is broken, you would
14 have - -

15 SUPERVISOR SANTINO: Is your
16 convenience store opened twenty-four hours a
17 day?

18 ATAL PURI: But they close at 10:00
19 o'clock, we accept it through the window
20 which is another thing.

21 SUPERVISOR SANTINO: Thank you.

22 Peter Homestead?

23 PETER HOMESTEAD: Good Morning, my
24 name is Peter Homestead.

25 SUPERVISOR SANTINO: Speak closer

1 to the microphone.

2 PETER HOMESTEAD: I have been in
3 gasoline retail for forty-five years in
4 Merrick.

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5 I had the ability to become Merchant
6 of the Year in Merrick and, um, I run a fine
7 gas station.

8 We give out free air.

9 You asked a question, the question was
10 asked why do you people put money in the
11 machine when you know the air is free?

12 They are classified as patrons.

13 Patrons of the art, they give money to
14 people for nothing.

15 Patrons and politicians, they give
16 money to you for nothing, that is a patron.

17 A customer - -

18 (Whereupon, applause from the audience
19 was heard. After, the following ensued.)

20 PETER HOMESTEAD: A customer is
21 somebody that goes and pays for something.

22 He buys a service, that is a customer.

23 He may pay for the air and there is a
24 third person and that is known as UTNA
25 (phonetic spelling).

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1 We don't know who they are, okay.

2 We give free air. We give service at
3 the free air to people that need that, people
4 that need help, women, older people, some
5 people just say, no, no thanks.

6 That is what we do.

7 The sign is clearly marked "free" in
8 distinct letters.

9 I took a photograph of it.

10 I also erased it.

11 I was wondering why you gentlemen were
12 or didn't understand what our attorney was
13 telling you.

14 I found that very uncomfortable. It
15 sounded like - - it sounded like you folks
16 were in jeopardy of something.

17 COUNCILMAN BLAKEMAN: No, is it Mr.
18 Homestead?

19 PETER HOMESTEAD: Why don't we mandate
20 - -

21 COUNCILMAN BLAKEMAN: Is your name
22 "Homestead"?

23 PETER HOMESTEAD: Yes, my name is
24 Homestead.

25 COUNCILMAN BLAKEMAN: Mr.

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1 Homestead, my biggest problem is the fact
2 that I think it is a deceptive practice,
3 Number 1, because on the one hand you are
4 saying you will give free air but some people
5 are paying, some people aren't.

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6 PETER HOMESTEAD: Well - -

7 COUNCILMAN BLAKEMAN: Let me say this,
8 I can't speak for the other Members of the
9 Board, but I am very pro-business and very
10 much for small business and over the years, I
11 have been around a lot over the years, I have
12 been around awhile and the gasoline owners
13 have come before this Board many years and
14 told us we can't compete unless we have self-
15 service stations.

16 This Board evolved, adopted, we gave
17 the gasoline retailers the ability to have
18 self-service stations.

19 When they came to us and said to us
20 the business model is changed, we need
21 convenience stores, we have given it to them.

22 When they said, we have to sell beer,
23 we have given it to them.

24 It is not that we are against the
25 retail gasoline owners or small business,

1 it is quite the opposite.

2 To me and to the other Members of the
3 Board, it comes down to what we see as a
4 consumer protection issue and also a health
5 and safety issue with respect to providing
6 air to people who may not have enough air in
7 their tires who maybe driving around.

8 It maybe you grandchildren.

9 They may not have a few quarters in
10 your pocket to put it in and it is something
11 that has been on the books since 1978 and we
12 are just reinforcing that.

13 And, we are talking about seventy-five
14 dollars a month, is that what we are talking
15 about?

16 PETER HOMESTEAD: I don't know.

17 COUNCILMAN BLAKEMAN: If you don't
18 know how much money you make in the machine,
19 I certainly don't know how much money you
20 make in the machine a month.

21 PETER HOMESTEAD: Maybe seventy-five.

22 COUNCILMAN BLAKEMAN: Okay.

23 PETER HOMESTEAD: Mr. Blakeman, what
24 you say is almost true, almost true regarding
25 self service, regarding convenience stores

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1 that is the metamorphosis of the industry,
2 that was the oil companies that did that and
3 you approved it.

4 If you kept it the way it was, our
5 industry would be different.

6 I don't know what it would be, but our
7 industry would be different.

8 The metamorphosis of our industry
9 changed and the way of the customer changed.

10 COUNCILMAN BLAKEMAN: Mr. Homestead,
11 you came before us, you asked us for it.

12 There was a lot of resistance, a lot
13 of people said to us they said, you know, we
14 are use to our people coming out.

15 PETER HOMESTEAD: If you didn't change
16 it, if you didn't change - -

17 COUNCILMAN BLAKEMAN: Clean our
18 windows - -

19 PETER HOMESTEAD: If you didn't change
20 it, sir, if you didn't change it, would see
21 very few service stations in very few places
22 to get air other than at municipal air
23 stations.

24 COUNCILMAN BLAKEMAN: Do you have
25 service bays or do you have a small

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1 Convenience store?

2 PETER HOMESTEAD: I have a small
3 convenience store and I have a small service
4 bay.

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5 I cannot get an employee for the
6 service bays.

7 Can you answer that one?

8 COUNCILMAN D'ESPOSITO: The sign on
9 your air machine is the free air smaller than
10 the - -

11 PETER HOMESTEAD: Small, it is
12 directly underneath it.

13 SUPERVISOR SANTINO: Thank you very
14 much.

15 There is only one name on this slip.

16 Anah? (Phonetic spelling)

17 SUPERVISOR SANTINO: Please, have a
18 seat, sir, name and address for the record.

19 Put that a little closer to you.

20 ANAH ATWAH: Anah Atwah. (phonetic
21 spelling of name) New Hyde Park.

22 I have a service station in Hempstead.

23 We have the same machine, it has been
24 there for several years.

25 It is always provide air to the

1 Consumer with no problem.

2 There is a sign.

3 What kind of sign that they need to
4 show the consumer that is my opinion, what
5 are they thinking to do.

6 It is money for other things. It is
7 nothing free in the World.

8 We pay for the theater. We pay for
9 that, somewhere.

10 Why should we give them free air?

11 The consumer is there. They work.

12 They make the money. They don't give
13 us anything.

14 They pay for us and we provide them
15 what they need it.

16 I go to the grocery store, they charge
17 their price, I pay their price.

18 I pay for my food. I work long days.

19 It is seventy-five dollars. It is a
20 big thing for a small business.

21 It is for us. It is my opinion.

22 The consumer, if they have children in
23 their car at the service station, they can
24 pay seventy-five cents and that is it.

25 They don't have safety issue

1 walking to the window.

2 They would have no problem to go to
3 the window, no problem with that.

4 It is safety, get the change from the
5 cashier, if they need help, a lot of people,
6 they need help, we help them.

7 And, we send someone out.

8 My cashier locks the door and he can
9 help the customer.

10 I don't think it is a problem.

11 If it is a problem with the sign, why
12 some people get paid, why are they not
13 paying?

14 Everybody should pay.

15 Why give them free anything?

16 SUPERVISOR SANTINO: Try to wrap up.

17 (Whereupon, applause from the audience
18 was heard. After, the following ensued.)

19 ANAH ATWAH: I am sorry, twenty five
20 cents, the same twenty-five cents, let them
21 pay twenty-five cents.

22 Nothing free. Nothing free.

23 SUPERVISOR SANTINO: Thank you very
24 much. Thank you very much. Sal Risalvato?

25 (Phonetic spelling)

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1 SAL RISALVATO: Sal Risalvato. New
2 Jersey Gasoline.

3 Thank you very much for the
4 opportunity to address this Body.

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5 I thought it was important - -

6 SUPERVISOR SANTINO: What is your
7 address, sir, for the record?

8 SAL RISALVATO: 4900 Route 33 Laurel
9 New Jersey.

10 SUPERVISOR SANTINO: Thank you very
11 much.

12 SAL RISALVATO: I thought it was
13 important enough when I heard about this
14 issue to travel from New Jersey to try and
15 shed some light in a reasonable fashion as to
16 the consequences of the, um, legislation you
17 are considering, here, today.

18 And, I have a lot of questions because
19 I want - - I am very curious why this Body
20 would not root for small business owners to,
21 at least, recoup costs that they incur and
22 why wouldn't this Body even root for small
23 business owners if they could make a profit?

24 I was in this business for twenty-
25 three years.

1 And, there was one year I actually
2 said I am no longer going to provide air for
3 my customers because I had reached the six
4 hundred dollar point in hoses, air chucks,
5 air nozzles, they are extremely expensive
6 and, the public does not treat them as they
7 are their own.

8 And, it was quite a cost to me.

9 Now, I never did make the decision to
10 either install an air vending machine and I
11 did continue to provide air but it was
12 bitter.

13 I know many of the people that are in
14 the business, here, they probably provide
15 free restroom services.

16 I am curious why anybody would not
17 root for these small business owners even if
18 it is only fifty or sixty dollars a month.

19 Why wouldn't you be rooting for them?

20 They probably sponsor Little League
21 teams in this Town.

22 They probably provide a lot of
23 services and kindness to their customers and
24 the people of the community.

25 Why wouldn't you

1 be rooting for them?

2 That is the part that is really
3 confusing to me.

4 COUNCILMAN BLAKEMAN: Well, sir, I
5 take exception to your characterization of,
6 at least, me.

7 I root for them every time they appear
8 before the Board asking for something.

9 I always want to give them the benefit
10 of the doubt because I know they are small
11 businesses.

12 I know they are local businesses.

13 They employ people in the community.

14 I know that they provide an important
15 service providing gasoline to vehicles.

16 I have no issue with that in this one
17 particular area, this one small area, I just
18 don't understand how you can make a rational
19 and legal argument that you are providing
20 free air, but you are charging some people
21 and not charging others.

22 Don't you find something inconsistent
23 with that?

24 You look like a man with common sense,
25 a reasonable person.

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1 SAL RISOVATA: I would have to tell
2 you, Councilman, that there is a bit of
3 inconsistency there and I think if you try to
4 correct the problem by making a requirement,
5 let's put the issue of air being free, if you
6 try and correct the issue and make the signs
7 a certain proportion to other signs and allow
8 people to make a decision whether they want
9 to put coins in or not, the easiest, I guess,
10 example that I can give you - -

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11 COUNCILMAN BLAKEMAN: Why would
12 anybody want to put coins in?

13 SAL RISALVATO: I was just going to
14 give you an example.

15 I don't know if they have the, here,
16 in New York, but I know many supermarkets by
17 me, you have to put a quarter in to get the
18 car.

19 Why do I on occasion choose not to
20 walk twenty feet to return the car to get my
21 quarter back when I could just walk over
22 there and get my quarter back?

23 Why do I do that sometimes?

24 I can't answer that question.

25 Why do we all

1 pay for something sometimes when we don't
2 have to, when we could avoid even a small
3 fee?

4 Why do we do it?

5 And, if this enables these small
6 business owners to recoup the costs of having
7 that service that you required, I mean, we
8 could make a whole other argument and that is
9 how I started out, is it even right to ask
10 them to provide any kind of service?

11 Would you ask any other business to
12 offer a product that they sell that is part
13 of their profit center, would you ask them
14 not to charge for something?

15 So, that is a separate issue.

16 I do recognize you have another issue,
17 here.

18 So, perhaps you can take this off the
19 table, today, go back to the drawing board to
20 find a way to accomplish what you set out to
21 accomplish years ago and give these
22 proprietors an opportunity to, at least,
23 recoup their cost.

24 And, there is one final point that I
25 would like to make,

1 Service Station Vending Equipment services my
2 Members in New Jersey with excellence and
3 would literally be putting them out of
4 business and why wouldn't you be rooting for
5 their business to be prosperous and why
6 wouldn't you be rooting for their employees
7 to remain employed?

8 Those are just some questions I
9 formulated while I was sitting, here and I
10 hope that you realize there is a cost to the
11 service that you are asking them to provide
12 and if some people choose to pay for it,
13 then, thankfully, they do.

14 SUPERVISOR SANTINO: Let me ask you a
15 question, sir, what would you think of if the
16 next time you went into a restaurant and sat
17 down and they asked you, you know, you want
18 bottle or tap water and you say, tap would be
19 fine and you say tap would be fine and you
20 get your bill and there is a dollar per glass
21 for tap water, what would you think about
22 that?

23 SAM RISALVATO: Mr. Supervisor, I am
24 so glad you asked me that, I spent the last
25 couple of weeks thinking of a couple of

1 different examples that are similar and if
2 you went into a restaurant and they said the
3 water was twenty-five cents or fifty cents,
4 it may keep me from going back there but I
5 don't think that the Town the restaurant is
6 in should then go to that restaurant and say,
7 you can't charge for the water.

8 Let me ask the customer, they charge
9 me for water, I am not going there.

10 SUPERVISOR SANTINO: What about the
11 concept there should be water on the table to
12 help prevent somebody from choking should
13 something go down the wrong way?

14 SAM RISALVATO: I had not given any
15 thought.

16 COUNCILMAN D'ESPOSITO: Back in 1978,
17 the majority of gas stations out there were
18 service gas stations, they were bays.

19 They were doing repairs. There was
20 the hose out there that was available for
21 people and as the Supervisor mentioned at
22 that time, they would actually help you fill
23 up your tires but even if they didn't the
24 hose was there and you could fill up your
25 tires, that was in 1978.

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1 As time went on and someone had
2 mentioned earlier, times changed for one
3 reason or the other, things changed from
4 service centers to those type of gas stations
5 we have today.

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6 In 1978, it says that in the Town Code
7 in 1978, that they shall, all service
8 stations should provide an air compressor
9 capable of inflating all tires at no charge
10 to the user thereof.

11 And, it talks about the hoses and so
12 forth.

13 So, now, those same owners, property
14 owners, gas station owner came to us to
15 change over from service centers to
16 convenience stores.

17 Nothing in the Code changed.

18 They knew what the requirements still
19 were even though they were closing their bay
20 doors for good, even though they were
21 converting inside of their shops because,
22 obviously, this was the new way of how to
23 make a living.

24 This was still on the books, nothing
25 has changed.

HEMPSTEAD TOWN MEETING 3/29/16

1 SAM RISALVATO: Councilman, with all
2 due respect, I believe you have made
3 adjustments in the permission of the coin-
4 operated machines under the provisions that
5 you have allowed, that is why I am asking you
6 to go back to the drawing board, put in a
7 provision that accomplishes what you are
8 trying to accomplish and enforce that and
9 give these proprietors the opportunity that
10 when a patron or air customer or motorist,
11 whatever you want to call them, chooses to
12 put in their quarters that they use that to
13 be able to recoup the high costs of providing
14 this service that you have mandated.

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15 SUPERVISOR SANTINO: Thank you very
16 much.

17 SAM RISALVATO: Thank you for the
18 opportunity to be heard.

19 SUPERVISOR SANTINO: Douglas Hoffman?

20 DOUGLAS HOFFMAN: Good Morning, my
21 name is Douglas Hoffman. I live at 14 Spruce
22 Street in Garden City.

23 I am here to represent the customers
24 of these gas stations rather than represent
25 the people who own the gas stations

1 because I think that the word of the customer
2 should be heard and I would like to commend
3 the Members of the Board for their intense
4 questioning and scrutiny of the arguments
5 that have been presented thus far by speakers
6 who are basically presented one side
7 positions.

8 I think there has been a lot of hot
9 air in this meeting and it is not hot air
10 coming from the Board, it has been hot air
11 coming from right here, a lot of
12 exaggeration, a lot of legal ease and I think
13 the Board is seeing through that.

14 Um, I would like to say that I support
15 the proposed legislation of the Town Board to
16 require the free air.

17 Now, I note that the original words
18 refers to coin-operated air compressors.

19 Um, and it has been mentioned by
20 speaker Santino, excuse me, Supervisor
21 Santino there are, now, machines out there
22 that take credit cards, so, I am not sure
23 whether you need to amend any of the language
24 in the Resolution, so, we do not create some
25 unintended loophole that allows them to have

1 machines that have credit cards as a form of
2 payment rather than having totally free
3 machines but I will leave that to, um, the
4 Board to decide that matter.

5 As has been noted, there is already a
6 free air requirement but the existing law has
7 been much too easy to evade.

8 Some of the speakers, here, have come
9 up and claimed, "oh, we have the stickers on
10 the machines that have free air available if
11 you go into the store and request it."

12 Well, just last night I decided to go
13 out near my house to see that there is really
14 any free air stickers out.

15 I went on Clinton Road just on the
16 border between Garden City and Hempstead and
17 there were three gas stations within two
18 blocks of each other.

19 I checked all three air machines on
20 those three gas stations, not one of them had
21 a free air sticker on it.

22 And, so, far as supposedly the secret
23 mystery button that you can supposedly push,
24 I have seen these buttons, sometimes and you
25 push them and most of the time, they

1 don't do anything.

2 Those are already machines that don't
3 have a free air sticker.

4 So, you know, basically, the way this
5 is being operated, now, is that they want to
6 make it as difficult as possible for you to
7 get free air.

8 There are very few stations that have
9 a machine that has a free air button right on
10 the machine that is prominently displayed
11 that you don't have to go into the "C" store
12 and request something from the Clerk.

13 Um - -

14 (Whereupon, the bell rang. After, the
15 following ensued.)

16 DOUGLAS HOFFMAN: So, most of the
17 customers have paid instead of being aware
18 that there is free air available.

19 So, requiring air to always be free
20 rather than free requests fixes this problem.

21 Um, one of the attorneys brought up
22 the issue about that.

23 Um, under New York State Law it is an
24 unconstitutional law that can be readily
25 fixed, all the station has to do is put

1 up a sign that says "air is for customers,"
2 that fixes that problem.

3 As far as the 24/7 days a week access,
4 I am not concerned about having twenty-four
5 hours, seven days a week access if it is only
6 going to be when the station is opened, that
7 is fine with me because the stations are
8 opened many hours a day, usually, opened
9 fifteen, sixteen hours a day anyway.

10 Um, it is also been a point made that
11 all the stations would have to replace all
12 the machines if this was enacted.

13 I don't believe that. I don't see how
14 these machines could be retrofitted to put a
15 switch on there that would be - - just
16 pushed as a button instead of having the
17 switch being accommodated by coins.

18 I see a station on Stewart Avenue and
19 Uniondale, he has a machine that just looks
20 like the machines that take coins and he has
21 a button right in front of the machine, it
22 says, "Free air, push the button."

23 You push the button, you get the air.

24 You don't have to go into the "C"
25 store and talk to the clerk and talk to

1 anybody.

2 It is very, very clearly defined and I
3 applaud those gentlemen who run that station
4 for complying fully with the law.

5 I also don't believe that the vending
6 machine company that provided the air machine
7 is somehow going to be out of business if
8 there is going to be no more coin-operated
9 air machines because they still are providing
10 the machines that don't operate by coins.

11 It can still be serviced, those
12 machines, just as they do, now, because the
13 machine is going to work the same way.

14 The last thing I would like to say, we
15 have the station owners coming up, here,
16 complaining about how to provide something
17 for free, perhaps they need to understand
18 they work for the customer.

19 The customer does not work for them.

20 And, every business has to provide
21 customer service.

22 We frankly don't get very much
23 customer service from our gas stations
24 anymore, at least, not most of them.

25 Now, these stations have other

1 profit-generated opportunities, today, that
2 didn't exist years ago and they charge for
3 the use of the vacuum cleaning machines and
4 they reduced their labor costs and eliminated
5 the gas station attendants that us to pump
6 the gas and charge an extra ten cents per
7 gallon for using credit cards to buy gas.

8 And, they make a profit on that
9 because that is more than what it cost them.

10 (Whereupon, the bell rang. After the
11 following ensued.)

12 SUPERVISOR SANTINO: I do have to ask
13 you to conclude your comments at this point.

14 DOUGLAS HOFFMAN: Therefore, I feel
15 gas stations can well afford to provide free
16 air and encourage the Board to adopt the
17 Resolutions as has been amended.

18 SUPERVISOR SANTINO: Thank you, Mr.
19 Hoffman.

20 DOUGLAS HOFFMAN: Thank you.

21 SUPERVISOR SANTINO: Robert Parisi?

22 (NO RESPONSE)

23 SUPERVISOR SANTINO: Carol Hoeffner?
24 Name and address for the record?

25 CAROL HOFFNER: Supervisor Santino

HEMPSTEAD TOWN MEETING 3/29/16

1 and Members of the Board, Good Morning.

2 My name is Carol Hoeffner and along
3 with my husband, Anthony and my son Anthony,
4 we own and operate Hefner Service Station
5 which is located in Valley Stream.

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6 We have been in business, a family-
7 owned business for close to sixty years.

8 We do not sell cigarettes, beer, gum,
9 LOTTO, um, we just service cars.

10 We ask if they would like to have
11 their oil checked or any other service that
12 we can offer out at the time.

13 I am here to protest this free air
14 act.

15 This act will add a financial burden
16 to our family-owned business.

17 Our present air machine cannot be
18 modified to meet the qualifications.

19 This will force us to buy a new
20 machine that will be operable twenty-four
21 hours a day, seven days a week.

22 The new machine which would require a
23 licensed Electrician to install along with -

24 SUPERVISOR SANTINO: Do you realize we
25 are amending the law?

HEMPSTEAD TOWN MEETING 3/29/16

1 CAROL HOEFFNER: I wasn't aware of
2 that.

3 SUPERVISOR SANTINO: That takes out
4 the requirement for seven days a week.

5 Only when you are open.

6 CAROL HOEFFNER: Good, this machine
7 will also increase our PSEG bill because it
8 would be running more, um, as you know,
9 business pays a commercial rate, not the same
10 as us other folks, this would be another
11 burden.

12 We will have to maintain this new
13 machine; hoses, gages will probably be in
14 excess of a thousand dollars a year.

15 As the gentleman said before us,
16 people do not treat them as their own.

17 SUPERVISOR SANTINO: Does your
18 existing machine have the free air button?

19 CAROL HOEFFNER: No, we have a sign
20 and the first thing the sign says, "This
21 machine makes no noise."

22 And, we characterize it as being
23 neighborly, friendly and the next line says,
24 "you can go inside and get coins," that we
25 provide for them.

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: So, you don't
2 have to change your machine?

3 CAROL HOEFFNER: Yes, we do because
4 this thing has to have a compressor on it.

5 It doesn't make any noise.

6 COUNCILMAN D'ESPOSITO: You still have
7 repair bays?

8 CAROL HOEFFNER: Yes, we have four
9 bays.

10 COUNCILMAN D'ESPOSITO: You just
11 mentioned you have to buy a new machine going
12 back to the old days when there was a hose
13 available from one of the bays, someone pulls
14 up and says, I need air where is your air
15 machine?

16 Where is the hose?

17 CAROL HOEFFNER: That would disrupt
18 our bay business when you have people coming
19 in and out of a bay, you don't want to have a
20 car sitting there putting air in four tires,
21 that is time consuming.

22 They should be out of the way of where
23 you are doing most of your business, not
24 blocking the doors because that is where the
25 air hoses would be.

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN HUDES: You can't and I am
2 just thinking your business, along, you can't
3 do a split on your hosing side that would
4 Have a hose available out to the side or
5 something like that, since you have the bays.

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6 CAROL HOEFFNER: I don't know the
7 answer to that, that would have to be
8 something that comes in.

9 COUNCILMAN BLAKEMAN: Mrs. Hefner, I
10 just like to say I have known your family for
11 many, many years.

12 CAROL HOEFFNER: Yes.

13 COUNCILMAN BLAKEMAN: They are great
14 operators. They do a terrific job, very
15 supportive of the community and I just wanted
16 the people to know that you have been a very
17 honest operator in the community.

18 CAROL HOEFFNER: Thank you very much.

19 (Whereupon, applause from the audience
20 was heard. After, the following ensued.)

21 CAROL HOEFFNER: So, um - -

22 (Whereupon, the bell rang, after, the
23 following ensued.)

HEMPSTEAD TOWN MEETING 3/29/16

1 CAROL HOEFFNER: I lost where I was,
2 um, this, now, machine and compressor - -
3 now, you have taken away my thunder.

4 With this machine, if the machine was
5 on 24/7, also, would be - - we have
6 Condos next to us and homes on the side
7 trying not to disturb the neighbors, to keep
8 it quiet.

9 And, by passing this law, you are
10 taking money away from already small business
11 owners, another financial burden for us.

12 We will have to work longer hours to
13 increase our revenue to pay.

14 We don't get free air.

15 PSEG doesn't give it to us and how
16 about you go to the ATM machine, you have to
17 put in money to get your own money, so, how
18 come they don't have to do something for
19 free?

20 Um, we don't want people hanging
21 around at the side of the station because in
22 the neighborhood, that is an invitation for
23 break-ins.

24 This industry is declining. It has
25 changed a lot.

HEMPSTEAD TOWN MEETING 3/29/16

1 There are a lot of rules and
2 regulations and permits that we are have that
3 are very expensive for us.

4 How about helping us to succeed
5 instead of taking away much needed income.

6 More and more stations are closing.

7 Please, don't hurt us anymore.

8 Thank you.

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

11 SUPERVISOR SANTINO: Thank you very
12 much.

13 Steven KUBLER? (phonetic spelling of
14 name)

15 Name and address for the record?

16 STEVEN KUBLER: Steven Kubler. 163
17 Brauman Road, Stewart Manor, New York.

18 Um, first, I would like to ask who
19 said it was a safety issue, who was it?

20 SUPERVISOR SANTINO: It was brought up
21 by several members of the Board.

22 STEVEN KUBLER: If you are concerned
23 about safety and this doesn't address the
24 station being closed, it doesn't really sound
25 concerned about the safety.

1 They can't supply for you when they
2 are closed and they said something about
3 someone coming up, if it was your child or
4 your daughter, so, that doesn't address that.

5 It doesn't really seem honest, that is
6 Number 1.

7 Number 2, like I say, there is nothing
8 free in this World, scurrying around the free
9 button, the sign and all of that.

10 That is not the issue. The issue is
11 there is nothing free.

12 It shouldn't be free.

13 They have businesses, you know. There
14 are costs like this woman said.

15 There are a lot of things that go into
16 this.

17 This shouldn't be free, period.

18 When I parked my car across the
19 street, there was no free button.

20 COUNCILMAN D'ESPOSITO: This is law
21 is from 1978, are you aware?

22 STEVEN KUBLER: I am aware of the law,
23 so, you are amending laws, now, this could be
24 amended, too, couldn't it?

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN D'ESPOSITO: So, you are
2 aware the law has been in effect since 1978?

3 STEVEN KUBLER: I am aware that you
4 are trying to amend it, now, so things can be
5 amended correctly.

6 I am also telling you the truth.

7 COUNCILMAN D'ESPOSITO: We are not
8 trying to make it unfree.

9 STEVEN KUBLER: No, no, no, that is
10 not my point, my point is things could be
11 amended just like you are amending this, you
12 can take away the free air.

13 Also, there are different ways to
14 amend things, not just one way.

15 The other thing I got to tell you the
16 truth, this is the first time to one of these
17 meetings and I will tell you, I think some of
18 the attitude that you talk to people is
19 wrong.

20 I think you have a bad attitude.

21 (Whereupon, applause from the audience
22 was heard. After, the following ensued.)

23 STEVEN KUBLER: I have lived in this
24 Town 25 years paying taxes.

HEMPSTEAD TOWN MEETING 3/29/16

1 I haven't seen anything on this
2 legislative ticket about reducing taxes.

3 I don't see anything like that. I see
4 an honest businessman. You are supplying a
5 service.

6 There are no free services.

7 There are no free services, no matter
8 what you say, now, no matter how many times
9 you say "free" somebody has to pay.

10 Nothing is free in this World.

11 I think you all understand that by
12 doing this, you are not going to get free
13 air, no, you are not.

14 You are putting a cost on somebody
15 else and you are going to put other people
16 out of business.

17 COUNCILMAN D'ESPOSITO: But the
18 vendors, as I said before, the people that
19 had service centers that decided the great
20 majority of them, I am sure you would agree,
21 that have changed from, I think the lady that
22 was here a moment ago is the exception rather
23 than the rule.

24 All we have are Hearings over and
25 over, again, that want to close their bays

1 and want to turn them into convenience
2 stores.

3 They know when they come in, here,
4 that, in fact, we ask at every meeting about
5 the free air, so, it isn't that they are
6 going into it unknowingly.

7 They know it is free. They know it is
8 suppose to be free.

9 STEVEN KUBLER: I said things could be
10 amended.

11 I propose that you amend it, that is
12 be unfree.

13 I don't think I am telling you - -
14 like I said, you are trying to amend this
15 right, now, you are trying to clear the
16 language up, so, you can make sure that no
17 one charges, that is what you are trying to
18 do.

19 If you can amend the language, you can
20 amend that.

21 You can take the thing away all
22 together because things have changed since
23 '78.

24 You are talking about almost forty
25 years, things change.

1 These businesses aren't going into
2 these mini marts because they feel like it,
3 everything changes.

4 When I was a kid, you know what, when
5 you went to the gas station like the lady
6 said someone came out.

7 They checked your oil. They don't do
8 that anymore. They use to give free
9 glasses, Exxon use to give free glasses and
10 Sams and a whole bunch of other things, they
11 use to give you, they don't do it anymore.

12 Their margins are cut.

13 They need the money to make a living,
14 things change forty, fifty years.

15 Like you say, when you talk about the
16 language, you know, skirting around the
17 issue, I agree with you about that but I
18 don't agree you should have air free because
19 nothing is free.

20 Nothing in this County is free.

21 Everything is expensive. I pay
22 thirteen thousand dollars for a 5,500 plot.

23 Like I say, that is not uncommon.

24 (Whereupon, applause from the audience
25 was heard. After, the following ensued.)

HEMPSTEAD TOWN MEETING 3/29/16

1 STEVEN KUBLER: Thank you very much.

2 SUPERVISOR SANTINO: Thank you.

3 Wayne Bomderi? (Phonetic spelling)

4 WAYNE BOMDERI: Good Afternoon. My
5 name is Wayne Bomderi. (phonetic spelling)

6 I am the Deputy Director of the
7 Gasoline Service Dealers Association located
8 at 372 Doughty Boulevard in Inwood.

9 I am here mainly, I am here, today, to
10 voice my displeasure over this proposal and
11 it is just another attempt by government to
12 over regulate our small businesses and it is
13 an extremely vital business in the township.

14 In the past, there have been some back
15 and forth with negotiations with the Board in
16 terms of the free air, in terms of the
17 convenience stores in terms of self service,
18 that is all fine.

19 This so called free air as proposed,
20 it already - - it is already available to
21 the customers when they ask for it.

22 Like the gentleman before me has said,
23 there are people that chose to put the
24 quarters into the machine and not have to be

1 bothered to ask anyone and the sign is right
2 there.

3 And, I am living proof of it.

4 I have done it, don't ask why, it is a
5 mental decision on my part, if I choose to do
6 it, I choose to do it, the same way I choose
7 not to go to the restaurant that is going to
8 charging me

9 .25 cents for water.

10 I can choke eating a pack of M & M's
11 out of a drugstore.

12 You are not required to give me free
13 water to eat when I eat. I should know how
14 to eat, okay.

15 Why are we trying to fix the
16 proverbial, unbroken wheel, here?

17 1991, there was an agreement that
18 said, we will do it this way, to keep the
19 township happy, to keep the motorist happy.

20 Going backwards, now, I do like the
21 proposal of eliminating the free air for the
22 simple fact that it cost money for us to
23 provide what you want for free.

24 And, it is not a little amount of
25 money, it is thousands of dollars and the

1 machine can be retrofitted but it is not our
2 machine.

3 It is owned by a vending company,
4 right, now, that partners with us and
5 maintains it and that is where we get our
6 seventy or eighty bucks a month, maybe a
7 hundred if I am on a good corner.

8 What does that really mean in the big
9 Picture?

10 It means that I have to spend the two
11 or three thousand dollars to put a machine in
12 my station, whereas, there is not going to be
13 a vendor to partner, okay, that is the
14 difference.

15 You are asking for a free service that
16 is not free to the person providing the
17 service.

18 And, that is at the root of it.

19 All I want to know is what industry
20 has to provide for free, a service, that they
21 can sell or that they can monetarily be
22 reimbursed for when they are providing the
23 service?

24 Where else across the board, you guys
25 have answers for every other question.

HEMPSTEAD TOWN MEETING 3/29/16

1 You have had comebacks. Tell me where
2 that is applicable.

3 I don't hear it. I like to know,
4 maybe you can change my mind but I would like
5 to know what other industry is mandated to
6 give away something for free just because the
7 Town of Hempstead thinks it should be free
8 when the State of New York has no
9 such law?

10 You can charge for air. It is the
11 service that costs you money. Where is the
12 reasoning?

13 That is what I would like to know.

14 Can somebody answer that question?

15 (Whereupon, "Mr. Santino, open your
16 mouth" was heard calling out from the
17 audience.)

18 SUPERVISOR SANTINO: Mr. Percocchi,
19 please, be quiet from the audience.

20 WAYNE BOMDERI: (Phonetic spelling)

21 And, I respectfully ask - -

22 SUPERVISOR SANTINO: You can continue
23 your comments.

24 WAYNE BOMDERI: I am just not going to
25 get an answer, okay.

HEMPSTEAD TOWN MEETING 3/29/16

1 Let me clear it up, right, now, and I
2 am an advanced heart patient, Veteran, okay
3 and I went to see my surgeon on Friday and he
4 said, I am on an I.V. pump.

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5 I got medicine going in to help keep
6 me alive. He said your heart is like a dying
7 horse. You keep whipping and whipping it and
8 whipping it, it is going to finish on
9 you if you don't have surgery.

10 Well, the surgery to my business is to
11 stop taking money away from them, okay,
12 because the more you guys whip and whip with
13 regulations and over-burdensome regulations,
14 they are going to die and when they die and
15 you are left with the HESS Corporation and
16 you are left with MOBIL Oil and every other
17 big corporation that doesn't come to these
18 Hearings, you guys will figure out what you
19 will do then.

20 Thank you.

21 (Whereupon, applause from the audience
22 was heard. After, the following ensued.)

23 SUPERVISOR SANTINO: Richard Solomon?
24 Name and address for the record.

HEMPSTEAD TOWN MEETING 3/29/16

1 RICHARD SOLOMON: Richard Allen
2 Solomon. 219 Central Avenue, Suite 102,
3 Lawrence, New York 11559.

4 I am actively opposed to this. I am
5 representing Friendly Auto in Long Beach.

6 A couple of things, the ability to
7 have expensive litigation brought by all of
8 these disenfranchised people whose
9 constitutional rights were challenged
10 you will have to explain to Mr. Hoffman, who
11 wants to save seventy-five cents why his
12 taxes are so high because the incredible fees
13 that he spends by the Town in defending what
14 is unconstitutional.

15 I also ask that the record be
16 preserved because numerous people have made
17 objections to the constitutionality of the
18 taking.

19 A Federal Court Judge is going to say,
20 come into my Chambers to look at Joe Ra and
21 all the other attorneys and say, was there a
22 least restrictive way of accomplishing this?

23 Could we have, maybe, had the Town of
24 Hempstead send in a newsletter informing

1 consumers the air is free since you have
2 newsletters all the time.

3 This is no extra expense, maybe the
4 Town of Hempstead can get free air in all of
5 its public Parks and maybe right outside of
6 this building, if you are so concerned about
7 free air, no, you had to take it away from
8 someone.

9 And, a Federal Judge will look upon
10 you, you did something unconstitutional
11 without thinking about it.

12 And, you deprived people of their
13 rights, their property and their liberty.

14 And, you also interfered with
15 commerce.

16 You are trying to regulate commerce,
17 that is not your province.

18 In fact, the Auto Industry is a
19 heavily regulated industry.

20 Has no one asked the Attorney General
21 of the State of New York if this promoted
22 amendment is constitutional?

23 Remember - - by the way, do you
24 remember the gas station of 1978, that hose

1 was different, that hose was technically
2 different.

3 The new hoses, today, are much
4 different.

5 Those days the kid would go up there,
6 pump up a bicycle tire and get his eye pumped
7 out.

8 They need to be maintained. They need
9 to be respected.

10 Has anyone looked at the owner's
11 manual about tires and filling it up?

12 Do you really want to have unregulated
13 machines that are just out there like 1978?

14 That was actually dangerous.

15 You know the company that came to talk
16 about those machines, that are better
17 machines.

18 If you look at the owner's manual and
19 I do not have enough time to look at it, go
20 into it, if you look at the Honda manual,
21 there are a lot of things about tires, tire
22 safety, cold tire pressure, maximum tire
23 pressure.

1 I didn't look at any of this stuff.
2 You didn't even ask the Attorney General if
3 this was in your province.

4 No one asked the tire industry what
5 they think.

6 And, you have all this opposition with
7 distain and you say you can't wait to be
8 finished.

9 You are hurting and killing
10 businesses, like that nice lady from the Gulf
11 Station and the last gentleman that spoke,
12 who needs surgery, it is unconstitutional
13 what you are doing and there are less
14 restrictive means.

15 You can change the way the signs look.
16 Maybe you can have a law about the signs, but
17 the way you are doing this is improper.

18 The gentleman that spoke and said you
19 should table it, you should table it and go
20 back to the drawing board.

21 I am going to continue because the
22 person that supported this - -

23 (Whereupon, the bell rang. After the
24 following ensued.)

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Everyone has had
2 the two-minute period.

3 RICHARD SOLOMON: I would like to know
4 for the record, who sponsored this Bill?

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5 Why it was put together and what
6 groups were behind it because there are so
7 much opposition.

8 And, I am sure in the past, like all
9 the other opposition of the people, it will
10 go to another Federal Court litigation.

11 There are people with enough financial
12 interest in this and it will cost for
13 litigation and how much will that cost the
14 taxpayers.

15 Has anyone done that analysis?

16 Has anyone done that?

17 Have you told taxpayers, your
18 contingents, this is risking taxpayer money
19 for a law that is unconstitutional?

20 Is there a number that is circulating?

21 You talk about presumption, there is a
22 presumption against constitutionality because
23 of the 5th and 14 Amendments.

24 Where is that memo?

1 Mr. Ra, have you created a memo to
2 that extent that talks about the
3 constitutionality?

4 TOWN ATTORNEY RA: You indicated we
5 are going to be in Federal Judge's Chambers,
6 we will talk about it, then.

7 We are comfortable with the legality
8 of it.

9 RICHARD SOLOMON: And, taxpayer revolt
10 saying, you put this on for no reason, when
11 there were least restrictive means, why is it
12 on the backs of the Town Board to pay this
13 out of their pocket?

14 It is very easy, OPM, other people's
15 money, that is what you guys do all the time,
16 you spend other people's money.

17 You have a fiduciary duty to the
18 taxpayers to protect their money.

19 You go out on campaigns, talk about
20 reducing taxes, this is a great way to reduce
21 taxes by not increasing them from unnecessary
22 spending.

23 Something has to be done, now.

24 And, this is the time to show bravery
25 and table this and go back and fix it.

HEMPSTEAD TOWN MEETING 3/29/16

1 (Whereupon, applause from the audience
2 was heard. After, the following ensued.)

3 SUPERVISOR SANTINO: Ralph Pomaderi?

4 RALPH POMADERI: (PHONETIC SPELLING)

5 Good Morning. Wayne Pomaderi, my son
6 spoke before.

7 SUPERVISOR SANTINO: Your address for
8 the record, sir?

9 RALPH POMADERI: Ralph Pomaderi. I am
10 Executive Director of the Gasoline Automotive
11 Dealers Association.

12 Wayne Pomaderi is my son. This is the
13 first issue. Over those forty years that I
14 have been involved with the service station
15 repair shop industry, I have testified
16 at many such Hearings.

17 Usually, my worry falls on deaf ears
18 but, occasionally, we find a sensitive member
19 of the Hearing Committee that actually
20 listens to what we have to say.

21 I am skeptical about my testimony,
22 today will receive any reaction.

23 Gasoline stations to install
24 generators with no consideration for how the

1 station would pay for the expensive
2 equipment, you said just do it.

3 We are thankful to the State of New
4 York Legislature for recognizing the problem
5 your proposed law would have and in finding a
6 way to solve the problem without hurting
7 stations.

8 I have an issue which placed a burden
9 on stations that sell gas for cash and
10 credit.

11 In Suffolk, one of the Suffolk County
12 Legislators proposed a law and said when is
13 enough, enough.

14 These words are appropriate at this
15 Hearing.

16 Burden on the industry, you heard
17 Enough of that.

18 This matter will not end at this
19 Hearing or a vote next month.

20 Respectfully, we wish you would
21 withdraw the resolution.

22 (Whereupon, applause from the audience
23 was heard. After, the following ensued.)

24 RALPH POMADERI: This Resolution and
25 the law that strikes at the heart of our

1 civil rights and we will not - - we will do
2 everything in our power to protect our
3 rights.

4 And, you asked about safety, you know,
5 at every safety inspection, your tires are
6 checked.

7 You get your tires checked, at least,
8 once a year.

9 And, thank you for your time and I
10 would like to hear a "nay" one time or
11 another.

12 (Whereupon, applause from the audience
13 was heard. After, the following ensued.)

14 SUPERVISOR SANTINO: William McCabe?

15 WILLIAM McCABE: My name is William
16 McCabe.

17 I live at 120 Cherry Street, Floral
18 Park.

19 My company is Service Station Vending
20 Equipment.

21 My home and commercial building are
22 both located in Floral Park.

23 My manufacturing facility is in
24 Copaigue.

1 I started my company in 1983 after
2 seeing there was no reliable air compressed,
3 air tire inflation equipment anywhere.

4 There is a significant cost of
5 providing compressed air service and there
6 was no incentive to keep equipment working.

7 After 33 years, my employees live in
8 the Town of Hempstead.

9 I have built a successful company by
10 providing high level of service to retailers.

11 Service Station Vending Equipment
12 operates compressed air and tire inflation at
13 no cost to service stations.

14 We share in the revenues that come out
15 of machines, that seventy-five dollars or
16 whatever it is, is split with me.

17 So, it is maybe seventy-five or
18 Thirty to him but that is times as many
19 machines as I have in the Town of Hempstead,
20 that is what pays the salary of my employees
21 that live in the Town of Hempstead.

22 (Whereupon, "they don't care," was
23 heard from the audience. After, the
24 following ensued.)

25 SUPERVISOR SANTINO: Go ahead, please.

HEMPSTEAD TOWN MEETING 3/29/16

1 WILLIAM McCABE: Again, the station
2 owner has no cost whatsoever.

3 In my service, he shares in that
4 revenue. These machines are manufactured
5 right here on Long Island and assembled by my
6 people.

7 One call to my 800 number, the
8 machines are fixed, serviced, fixed, usually,
9 the same day or the next day.

10 So, consumers, all the folks we worry
11 about get reliable air service virtually
12 immediately.

13 The reason these retailers chose my
14 company service because it is significant
15 cost in providing compressed air to their
16 customers.

17 My company, again, manufactures and
18 installs these machines at no cost.

19 A typical machine costs over two
20 thousand dollars and it costs installation
21 each of these machine, these components.

22 And I brought props with me so there
23 is an understanding of what goes into the
24 machine, most importantly expensive parts of
25 the machine is the compressor.

1 Who replaces those compressors in the
2 service station for forty years? There are
3 no more 5 horse power compressors running in
4 the stations.

5 This is what provides the air to the
6 customers, now, in every location.

7 This is four hundred dollars and these
8 are replaced every year for two years.

9 This is a hose, a wiring forced hose
10 that is, at least, sixty dollars.

11 (indicating)

12 It is not the cheap rubber hose and
13 wears out.

14 (Whereupon, the bell rang. After, the
15 following ensued.)

16 WILLIAM McCABE: This is about sixty
17 bucks.

18 This is a timer. This timer controls
19 the machine.

20 The timer runs, turns it off and on.

21 These are a hundred dollars and made
22 at a Syracuse, New York company.

23 This is a gage. (Indicating) It is,
24 at least, thirty dollars and these are
25 changed, many, many times a year.

1 They are run over, hit by cars, frozen
2 in the snow and in order for customers to get
3 quality service for their money, these are
4 replaced.

5 Additionally, machines are routinely
6 vandalized, even though some of them do not
7 have money in them.

8 Machines are vandalized just for
9 scrap.

10 They steal parts off the machine for
11 scrap.

12 They are also hit by trucks and cars
13 and snow plows constantly hit the machine.

14 With a phone call, I replace that
15 machine the next day.

16 Again, no cost to the station owner
17 and the consumer gets
18 reliable service.

19 If you ban these machines in any way,
20 shape or form, customers will not get
21 reliable wear.

22 It is not going to happen.

23 The State of New York has a law which
24 was mentioned before, um, requiring stations
25 to have air.

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1 In 1991, I made an agreement with the
2 Town Attorney at the time, to put hose
3 systems in the machine.

4 Much was made about the size of the
5 sticker, this is the size of the sticker that
6 we agreed upon. (Indicating.)

7 And, this is the size of the sticker I
8 am using. (Indicating.)

9 Do they get peeled off?

10 Yes.

11 Am I deliberately doing that?

12 No.

13 Is the case of quarters bigger than
14 this?

15 I don't believe so. I didn't take a
16 picture of it.

17 This is not a
18 scam.

19 This is not something I am trying to
20 rip people off on because I didn't want to
21 end up, here.

22 I am a very private person.

23 Now, I am in front of a crowd of
24 people and I am on television last night,
25 that is not what I want.

1 The remote system that I put into the
2 machine, as a result of this agreement, is
3 quite costly, three or four hundred dollars.

4 I don't have it with me, but that is
5 the device that provided the free air.

6 As a result of this agreement, I
7 installed hundreds of thousands of dollars of
8 more equipment thinking I was okay, but,
9 obviously, I am not.

10 Now, it might be fifty or sixty
11 dollars to a station owner, but that is fifty
12 or sixty times two hundred to me.

13 As a business owner, I am always
14 trying to improve and offer better service to
15 my customers.

16 I always strive to make products
17 easier for the customer's use.

18 We have been installing digital credit
19 card machines with a smart phone payment
20 option, that would allow people to use
21 machines without coins.

22 I heard someone say there is credit
23 cards on the machines, that is in an effort
24 to make it easier for people to use the
25 machines.

HEMPSTEAD TOWN MEETING 3/29/16

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

3 SUPERVISOR SANTINO: Can you wrap up
4 your commentary?

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5 WILLIAM McCABE: I have quite a bit
6 more.

7 SUPERVISOR SANTINO: You are more than
8 happy to submit everything to the Town Clerk.

9 WILLIAM McCABE: The last thing I
10 would like to say in summary, on a personal
11 note, my 33 years ha been very rewarding in
12 the business and I am currently millions of
13 dollars in debt for SPA for machine loans
14 that are collateralized by my home and my
15 commercial business.

16 I lose my business and be bankrupt if
17 something like this were to be
18 enacted.

19 It is ironic that in all the years of
20 doing business, I dealt with vandals,
21 thieves' cutting torches and a private equity
22 company with huge sums of money and all of
23 them have failed to put me out of business
24 and here with a stroke of a pen, people who

1 most I voted for, can put me out of business,
2 that is all I have to say.

3 If you have any questions, I would be
4 happy to answer them.

5 (Whereupon, applause from the audience
6 was heard. After, the following ensued.)

7 SUPERVISOR SANTINO: Thank you very
8 much.

9 Felix Procacci?

10 FELIX PROCACCI: Felix Procacci. 1165
11 Barns Street, Franklin Square, New York.

12 First, I want to address Joe Ra's
13 cavalier attitude about going to Federal
14 Court.

15 He has experience in that.

16 This Town spent four hundred and
17 sixty-seven thousand dollars and has a
18 judgment in its name for violating
19 the constitutional rights of three animal
20 rescue people, that is what Joe Ra cares
21 about.

22 He doesn't care about any other people
23 here.

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1 He likes to challenge you in Court
2 because he is challenging you guys with our
3 money, not his money.

4 Okay, first, did the Town research the
5 constitutionality of this law?

6 Did the Town research - -

7 TOWN ATTORNEY RA: We are comfortable
8 with the constitutionality of the law.

9 FELIX PROCACCI: Who are the attorneys
10 that did the research?

11 SUPERVISOR SANTINO: Mr. Procacci, we
12 are more than happy to have your opinion of
13 the law. We are not going to litigate the
14 matter, here.

15 FELIX PROCACCI: Just say you don't
16 want to answer and I will move on.

17 SUPERVISOR SANTINO: Move on.

18 FELI PROCACCI: Under what
19 circumstance would this Town Government
20 consider mandating the business to
21 provide free service unconstitutional?

22 SUPERVISOR SANTINO: Move on Mr.
23 Procacci.

24 FELIX PROCACCI: Okay, has Supervisor
25 Sanatino asked any Town workers to take a cut

1 in pay so he can subsidize free air at Town
2 gas stations?

3 SUPERVISOR SANTINO: Move on, Mr.
4 Procacci.

5 FELIX PROCACCI: Supervisor Santino
6 said that free air is taxpayer friendly, but
7 the Town Board has raised the fees at the
8 last Town Board Meeting to vote to raise fees
9 at today's Board Meeting and, again, at the
10 April 12th Meeting increase fees.

11 Again, did Supervisor Santino think
12 that the Town's recent fee increases are
13 taxpayer friendly?

14 SUPERVISOR SANTINO: Move on, Mr.
15 Procacci.

16 FELIX PROCACCI: Last year the Town
17 overspent its 2.7 million dollar postage
18 budget by six hundred thousand dollars or 3.3
19 million dollars in order to send out
20 political mail to the Town Board
21 Members so they can be elected.

22 Supervisor Santino supported the
23 expenditure of six hundred thousand dollars
24 to subsidize the cost of the Free Air Program
25 in the Town of Hempstead.

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Keep going, Mr.
2 Procacci.

3 FELIX PROCACCI: Demanding a business
4 to buy equipment and provide a free service
5 violates the Constitution of the United
6 States even in the case of the FBI versus
7 Apple Computer, the government did not ask
8 for Apple employees to work for free.

9 Supervisor Santino over the last few
10 days has touted that his law as taxpayer
11 friendly but it took him three weeks to put
12 out a Press Release.

13 Three weeks ago at the last Town Board
14 Meeting, Supervisor Santino was very
15 reluctant to notify gas station owners of
16 this new law and he didn't.

17 It wasn't until the story was leaked
18 to the Press that Mr. Santino put out a Press
19 Release the day before a Hearing.

20 Also, Mr. Santino didn't put out a
21 Press Release so the residents know about all
22 the fee increases he passed at the last Town
23 Board Meeting - -

24 (Whereupon, the bell rang. After, the
25 following ensued.)

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1 FELIX PROCACCI: Residents should not
2 expect accurate or comprehensive reporting
3 about this story from NEWSDAY or NEWS 12,
4 those news agencies receive hundreds of
5 thousands of dollar from the Town of
6 Hempstead Government in the form of ad
7 revenue, so, they are reluctant to provide
8 comprehensive reporting of stories that show
9 the Town in a negative light.

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10 I believe they will not report the
11 relevant facts of this Town Board Meeting.

12 They never do.

13 That fact is - - this fact is
14 relevant because NEWSDAY and NEWS 12 have
15 reported Mr. Santino's statements that he is
16 pushing this free air because he is concerned
17 about taxpayers, even though they are aware
18 of the Town's excessive mail habits.

19 Last year, the Town overspent the
20 postage budget by six hundred thousand
21 Dollars to subsidize the cost of political
22 campaigns for Town Officials and sent out
23 ninety-six different mailings.

24 There are increases from the Town's
25 General Services Department, ninety-six

HEMPSTEAD TOWN MEETING 3/29/16

1 different mailings went out to get you guys
2 elected.

3 You guys paid for it back there.

4 And, only time will tell but it is
5 really unlikely that NEWSDAY and NEWS 12 will
6 report on the Town's Government misuse of
7 taxpayer money because it always seems
8 without question, Town Government claims
9 fiscal responsibility and cares for taxpayers
10 blurring the truth, a fact that I constantly
11 provide them.

12 Finally, video of this Hearing will be
13 available on the WEB at justthefactmedia.com

14 This is another fact that NEWSDAY
15 refuses to present.

16 The Town recently put out another
17 mailing costing fifty to sixty thousand
18 dollars talking about transparency.

19 I offer my video and my web site for
20 free to the Town, for free.

21 They pay one hundred dollars an hour
22 for a web developer.

23 I offer my services for free and they
24 declined, that is what Town Government - -

HEMPSTEAD TOWN MEETING 3/29/16

1 (Whereupon, applause from the audience
2 was heard. After, the following ensued.)

3 SUPERVISOR SANTINO: Now, we will
4 entertain a motion.

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5 (Whereupon, "I want to speak," was
6 heard from the audience.)

7 SUPERVISOR SANTINO: I called everyone
8 that is signed in.

9 You are more than welcomed. I called
10 every slip from everybody that signed in.

11 Your name and address for the record.

12 MARK MARCARRIAN: (Phonetic spelling)

13 Mark Marcarrian. 10 Hillside Avenue
14 in Pleasantville, New York.

15 I have known Bill McCabe sine I was
16 seventeen.

17 He is my best friend.

18 SSVE is a vending company. SSVE is a
19 Just In Time firm.

20 SSVE manufactures compressed air and
21 has serviced over thousands of stations at
22 any time of day, night, weekend or holiday.

23 Consumers have used this service over
24 twelve million times.

1 And, SSVE has serviced their equipment
2 over two hundred and fourteen thousand times
3 in the greater New York City area in the past
4 33 years.

5 So, after twelve million users of
6 their Just In Time compressed air
7 manufacturing system, why are we here?

8 It is a historical misunderstanding.

9 From the early 1900's to the mid
10 1970's, one hundred percent of gasoline was
11 sold in gasoline stations.

12 Since every took in a service station
13 was powered by compressed air, it was
14 inexpensive waste product that was given away
15 for free in order to get cars onto the
16 property, in order to up-sell them on
17 repairs, but in the mid 1970's, gasoline
18 retailers - - wholesalers realized that
19 convenience stores were a better alternative
20 and since convenience stores didn't need
21 compressed air, compressed pay air was born.

22 People didn't understand that
23 Compressed air was now being manufactured
24 just for their tires, just when they needed
25 it.

1 They complained about being charged,
2 hence, the 1978 law in Hempstead.

3 But 1991 officials in the Town, then,
4 of Hempstead, realized they had made a
5 mistake and they made a compromise with SSVE
6 that has worked twenty-five years but, today,
7 we find ourselves discussing compressed air,
8 again.

9 Now, air is free and no one can charge
10 them for air but when companies do things to
11 air, they can and do charge you.

12 There are four forms; air products,
13 air gas, black air, air liquor do about 50
14 billion dollars a year selling air of various
15 mixtures of compressed air in pure and mixed
16 compounds.

17 Now, today, we are only talking about
18 half of SSVE's business.

19 No one has an issue with their paid
20 vacuums but I ask you to think about it.

21 What is the difference between the
22 two?

23 With compressed air, they blow air.

24 (Whereupon, speaker blowing into the
25 microphone.)

1 And, we are being told that is a bozo
2 no-no, that you cannot charge for that.

3 And, yet, when you inhale air, that is
4 okay, you can charge for that.

5 Now, compounding tomfoolery is the
6 fact that everyone has a vacuum at home and
7 ab out no one had an electric compressor to
8 fill their tires, that makes sense to you?

9 It doesn't make sense to me.

10 So, today, you need to decide with a
11 vote which way to go but before I leave you,
12 I have to say two things, first, Supervisor
13 Santino, you probably don't realize this, but
14 you owe your political career to paid for
15 compressed air.

16 In an interview you did with Roger
17 Meatau, (phonetic spelling), you, Supervisor
18 Santino told the story about helping your
19 neighbor, Congressman Norman Lent campaign in
20 1976, where your job was to fill balloons
21 with helium.

22 They were passed to the kids to
23 promote Congressman Lent's campaign.

24 Sir, if this logic of this proposed
25 law was extended to the absurd, that helium

1 would never have been available for you to
2 fill those balloons and much of our modern
3 way of living would not be available to us.

4 ` Additionally, if you want the highest
5 number and most available and best quality of
6 compressed air to be provided to the motoring
7 public in Hempstead, you want compressed paid
8 air.

9 If you don't, you put the motoring
10 public in jeopardy.

11 Thank you.

12 (Whereupon, applause from the audience
13 was heard. After, the following ensued.)

14 SUPERVISOR SANTINO: You are more than
15 welcome to speak.

16 Come forward. Name and address for
17 the record.

18 HOPE GONZALVEZ: Hope Gonzalvez. 72
19 Oakfield Avenue, Dix Hills, New York.

20 No, I don't live in the Town of
21 Hempstead but I do work in it.

22 I just have two quick things; after
23 everything has been said, there are a lot of
24 things that we can get for free but we have
25 people that we buy it from.

HEMPSTEAD TOWN MEETING 3/29/16

1 No, one has discussed the liability
2 that comes along with getting compressed air.

3 Not even the gas stations have brought
4 up the fact who is going to pay when you get
5 that person that doesn't have air that is
6 going to come out of the hose that is not
7 going to be free, that is not going to be
8 regulated - - that is going to be free and is
9 not going to be regulated the right way, the
10 machines maintained and their tires are
11 falling off in their face, who is going to
12 pay that lawsuit?

13 Okay, we have machines that cost to
14 maintain and have the safety features in them
15 and none of that has been addressed.

16 That is all I have to say.

17 SUPERVISOR SANTINO: Thank you very
18 much.

19 (Whereupon, applause from the audience
20 was heard. After, the following ensued.)

21 SUPERVISOR SANTINO: Now, I will
22 accept a motion.

23 COUNCILWOMAN GOOSBY: Mr. Supervisor,
24 I move we close the Public Hearing and
25 reserve decision.

HEMPSTEAD TOWN MEETING 3/29/16

1 COUNCILMAN HUDES: I second the
2 motion.

3 CLERK AHMAD: Supervisor Santino?

4 SUPERVISOR SANTINO: Aye.

5 CLERK AHMAD: Councilman Ambrosino?

6 COUNCILMAN AMBROSINO: Aye.

7 CLERK AHMAD: Councilman Blakeman?

8 COUNCILMAN BLAKEMAN: Aye.

9 CLERK AHMAD: Councilman D'Esposito?

10 COUNCILMAN D'ESPOSITO: Aye.

11 CLERK AHMAD: Councilwoman Goosby?

12 COUNCILWOMAN GOOSBY: Aye.

13 CLERK AHMAD: Councilman Hudes?

14 COUNCILMAN HUDES: Aye.

15 CLERK AHMAD: Councilwoman King-

16 Sweeney?

17 COUNCILWOMAN KING-SWEENEY: Aye.

18 SUPERVISOR SANTINO: Before

19 proceedings to the next Public Hearing, I
20 think we will give our Stenographer a much
21 needed break after all of these hours.

22 The Board will reconvene in fifteen
23 Minutes.

24 (Whereupon, recess was
25 entertained, after, the following ensued.)

HEMPSTEAD TOWN MEETING 3/29/16

1 SUPERVISOR SANTINO: Madam Clerk, go
2 ahead.

3 CLERK AHMAD: Petition of Lakeview
4 Realty Corp. & Matthew & Heather ,LLC for
5 revocation of Declaration of Restrictive
6 Covenants dated August 2, 1990 affecting real
7 property - (NR) ROCKVILLE CENTRE - south west
8 corner of Lakeview & Tanglewood Avenues.

9 Application of Lakeview Realty
10 Corporation & Matthew & Heather LLC for
11 special exception (Public Garage) to utilize
12 Parcel 1 as an automobile body repair shop
13 and Parcel 2 as a parking area in conjunction
14 with Parcel 1 - Near Rockville Center -
15 southwest corner of Lakeview & Tanglewood
16 Avenues.

17 SUPERVISOR SANTINO: Good Afternoon.

18 HOWARD AVERTINE: Good Afternoon,
19 Supervisor and Members of the Board:

20 For the Applicants, Howard Avertine
21 575 Underhill Boulevard, Syosset.

22 This is the application of Lakeview
23 Realty Corporation and Matthew and Heather,
24 LLC for a special exception, as well as for a

HEMPSTEAD TOWN MEETING 3/29/16

1 revocation of declaration of restrictive
2 covenants.

3 This is required in order to maintain
4 various additions to an existing auto repair,
5 um, auto body repair shop.

6 Lakeview Realty Corporation owns the
7 portion of the subject premises that is
8 located at the southwest corner of Lakeview
9 Avenue and Tanglewood Road in Rockville
10 Centre and the street address of 525 Lakeview
11 Avenue also known as Section 38, Block G,
12 Lots 996, 997 and 1007 on the Nassau County
13 Land and Tax Map.

14 For purposes of presentation, this
15 portion of the property, we will refer to as
16 Parcel 1.

17 It has a frontage of approximately one
18 hundred and twenty feet on Lakeview Avenue
19 and a frontage of approximately one hundred
20 and twenty-one feet on Tanglewood Road.

21 Parcel 1 is improved with a masonry
22 building originally utilized as a six-bay
23 auto body repair shop.

24 Parcel 1 has been in this fashion
25 since 1966.

HEMPSTEAD TOWN MEETING 3/29/16

1 In 1989, Lakeview Realty Corporation
2 which was a long-time lessee of the premises
3 required Parcel 11 and applied to the Town
4 Board for a special exception to continue the
5 automobile repair shop use on Parcel 1, as
6 well as to construct an addition to the
7 existing building creating four additional
8 bays for a total of ten bays at that time.

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9 By Resolution Number 1239-1991, um,
10 adopted on November, 1991 this Board approved
11 petitioner's application for the special
12 exception to permit parcel to be used as an
13 auto body repair shop and to construct and
14 request an addition.

15 Um, further, by Resolution 1291 of
16 1991, also adopted on November 19, 1991, this
17 Board accepted a Declaration of Restrictive
18 Covenants in connection with the granting of
19 this special exception for the auto body
20 repair shop.

21 Thereafter, by decision, dated July
22 30, 1997, under case number 580 and 581, the
23 Board of Zoning Appeals of the Town of
24 Hempstead granted variances for use of Parcel
25 1 for outdoor storage of motor vehicles and

1 off-street parking variances and permission
2 to park in front yard setback both on
3 Lakeview Avenue and Tanglewood Road.

4 Thereafter, by Resolution Number 1185-
5 1997, which was adopted December 16, 1997,
6 this Board granted Lakeview Realty's
7 application to update previous Resolution
8 1239 of 1991, in essence, this Resolution
9 reestablished the validity of the special
10 exception granted by this Board to Lakeview
11 Realty in 1991 and further authorized the
12 Department of Buildings to issue permits,
13 building permits in connection with the
14 construction of the proposed addition
15 authorized by the 1991 approval.

16 Thereafter, Lakeview Realty commenced
17 construction of the proposed addition.

18 However, field conditions at the site
19 mandated that the proposed addition be larger
20 than that originally approved.

21 Specifically, the Nassau County Fire
22 Marshal's Office required a storage room for
23 paints.

1 So, um, that was, um, added at the
2 time in accordance with the Fire Marshal's
3 directive.

4 As a result, excuse me, in 2002,
5 applications were filed by Lakeview Realty
6 with the Town Clerk's Office seeking a
7 special exception to maintain the new larger
8 addition substantially in accordance with the
9 plans filed at that time, as well as, for
10 revocation of the previously approved
11 declaration of restrictive covenants in
12 anticipation of the issuance of new
13 declaration and restrictive covenants.

14 Thereafter, a Hearing was held on that
15 application on December 12, 2006 by
16 resolution Number 1139 of 2006 adopted on
17 December 12, 2006, the Board denied the
18 application for special exception.

19 Similarly, by resolution 1140- 2006,
20 also adopted on December 12, 2006, this Board
21 denied the application for revocation of the
22 Declaration of Restrictive Covenants.

23 Thereafter, applicant - - co-
24 applicant, Matthew & Heather, LLC acquired a
25 vacant parcel located at the southeast corner

HEMPSTEAD TOWN MEETING 3/29/16

1 of Lakeview Avenue and Tanglewood Road which
2 is directly across the street from Parcel 1.

3 This parcel which we refer to as
4 Parcel 2 is also known as Section 38, Block
5 122, Lots 38 through 40 on the Nassau County
6 Land and Tax Map.

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7 And, Matthew & Heather, LLC entered
8 into a lease agreement with Lakeview Realty
9 Corporation whereby Parcel 2 would be
10 utilized for parking and vehicle storage in
11 conjunction with the use of Parcel 1 for the
12 auto body repair shop.

13 The applicant, now, seeks approval to
14 use Parcel 1 as the auto body repair shop and
15 Parcel 2 as parking area and vehicle storage
16 area in conjunction with Parcel 1 and all in
17 accordance with the site plans and plans
18 prepared by Christine Bryson, Architect,
19 which are before the Board, today.

20 In addition, in the event the
21 application is approved, the applicants
22 request that the previous 1991 declaration of
23 restrictive covenants be revoked in as much
24 as it is anticipated that this Board will
25 require exclusion of filing of new

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1 Declaration of Restrictive Covenants in the
2 use and the addition.

3 Applications have also been filed with
4 the Board of Zoning Appeals for variances
5 required in connection with the proposal set
6 forth today, specifically rear yard and
7 setback relief is required for two existing
8 sheds and the building on Parcel 1.

9 In addition, a use variance and
10 special exception is required to park in the
11 Residence B Zoning District and to store
12 vehicles in the Residence B Zoning District
13 and to install and maintain six foot high
14 fencing with respect to Parcel 2.

15 The Hearing date in connection with
16 the Board of Zoning Appeals application is
17 set for May 11th at 2:00 p.m.

18 The premises hours of operation is
19 Monday through Friday, 8:00 a.m. to 5:00
20 p.m., Saturday, 8:00 a.m. to 2:00 p.m.

21 There are 19 employees at the site.

22 Seven to nine of them actually travel
23 by vehicle, the rest come by public
24 transportation or car pool with others.

25 Trash removal at the premises

1 are for items that are suitable for Town pick
2 up, such as, paper goods, otherwise there is
3 private pickup.

4 There was an inspection performed by
5 the Department of Buildings on March 17th,
6 this year, in anticipation of today's Hearing
7 and various items were set forth in the
8 inspection report.

9 A review of that report will reveal
10 primarily the issues involved, um, open
11 permits from the prior approvals and,
12 unfortunately, those permits can't be closed
13 out until such time as these applications are
14 completed for both this Board and before the
15 Board of Appeals and that is why these are
16 still open.

17 Um, there was also, I am sorry - -

18 SUPERVISOR SANTINO: Go ahead.

19 HOWARD AVERTINE: There was also a
20 notation in the report of stored automotive
21 parts outside, what occurred in that
22 particular instance, there was a delivery
23 being conducted at the time when the
24 inspector was there so the delivery service
25 was unloading parts and had not yet

1 been brought inside, so, they were observed
2 outside, automotive parts are not stored for
3 any duration outside.

4 It is only the task of actually having
5 them unloaded from the delivery vehicles and
6 brought inside.

7 There was also a reference to some
8 structures in the rear of the building, those
9 being sought to be legalized by virtue of the
10 applications that are before the Board of
11 Zoning Appeals.

12 There was also reference to a
13 condition of one of the prior Board of
14 Appeals grants regarding evergreens along the
15 southerly property line and, um, had been in
16 contact with the owner of that property who
17 has stated she did not want those evergreens.

18 She preferred a fence and so, in time,
19 a fence was installed and we are seeking to
20 modify that condition when we get back before
21 the Board of Appeals and we will have a
22 neighbor there to express this.

23 She was here, today, unfortunately,
24 she did have to leave and I do have a letter
25 of consent from a neighbor directly

1 behind the premises who is the one who also
2 wants the landscaping installed as originally
3 required by the Board of Appeals.

4 I also have a petition signed by
5 several dozen local residents and what I have
6 done is marked a copy of the area map to
7 depict where those people who signed the
8 petitions reside in conjunction with the
9 premises, if I can submit the petition and
10 the letter from each neighbor for the record,
11 I would like to do that at this time.

12 Unless the Board has questions of me,
13 at this time, I would like to introduce Barry
14 Nelson to testify.

15 SUPERVISOR SANTINO: Are there any
16 questions from the Members of the Board?

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

19 SUPERVISOR SANTINO: Go ahead.

20 BARRY NELSON: Good Afternoon, Barry
21 Nelson. 407 East Meadow Avenue, East Meadow,
22 New York 11554.

23 I have packets of photographs I have
24 handed in.

25 It was taken by myself

1 on March 23rd.

2 They indicate the subject property and
3 the surrounding uses in the vicinity of the
4 subject property.

5 Counsel has gone over the application
6 substantially.

7 I won't repeat much of what he said.'

8 Lakeview Avenue is the main arterial
9 road, East and West.

10 It travels through this small portion
11 of Lakeview, also known as Rockville Centre
12 from Peninsula Boulevard on the East to Ocean
13 and beyond Ocean Avenue and beyond on each
14 side.

15 The uses found along Lakeview Avenue
16 are mixed uses.

17 You have many non-conforming uses and
18 you got similar uses and that would include
19 Mid Island Collision Center.

20 Both on the North and South side of
21 Lakeview Avenue in this vicinity onto the
22 East of the subject property, the northerly
23 side is a form of a location of Mercedes Benz
24 of Lakeview, now, Mid Island Collision.

25 They have - - Mercedes does

1 have its used car in storage at various
2 locations along Lakeview Avenue and to the
3 North of their former facility on Princeton
4 Street just east of that facility would be
5 Woodfield Avenue and Woodfield Avenue does
6 have automotive type uses including a carwash
7 and detail center.

8 The immediate vicinity of the subject
9 property, northwest corner of Lakeview Avenue
10 and Howard Street is a nonconforming parcel,
11 automotive repairs and that is in the
12 residential zone has been there for many
13 years.

14 Residential properties on the North
15 side of Lakeview Avenue between Howard Street
16 and just to the East of DeKoven Street (as
17 heard) there are one and two family homes at
18 the Northeast corner of DeKoven Street and
19 Lakeview Avenue is a multi-family and you
20 have some small taxpayers, retail and deli.

21 The southwest corner of Langdon
22 Boulevard and Lakeview Avenue - - excuse me,
23 there is an automotive storage.

24 You have automotive storage, parking
25 on the East side, southeast corner of

1 Langdon Boulevard and Lakeview Avenue.

2 The applicant's location is the
3 southwest corner of Tanglewood Road and
4 Lakeview Avenue, that is use for its
5 automotive repairs and collision shop.

6 The proposal is for the maintenance of
7 parking and outdoor storage at the southeast
8 corner of Lakeview Avenue and Tanglewood
9 Road.

10 Just to the West of the subject
11 property is a substantial parcel.

12 It is an auto/salvage yard or salvage
13 yard and part of the property just to the
14 West would be owned by the same people for
15 residences and additional salvage yard.

16 The residential nature of the area
17 would be the Tanglewood Road, Cornell Avenue,
18 Yale Avenue, Langdon Avenue, South and
19 Business Zone, one family, there are some
20 non-conforming, two-families in the area over
21 the years, in fact and I worked the
22 application in 2005 and 2006.

23 There has been some turnover as far as
24 resale of houses, some new construction, as
25 far as single family ranches, Hi-ranches

1 and Colonials throughout this immediate area.

2 The immediate vicinity South of the
3 subject property consists of one-family
4 houses Colonials, Hi-ranches.

5 Opposite the subject property is
6 similar-type homes of Colonials and cottages.

7 The applicant has been at this
8 location for many years and, at least, has
9 been there with the use of the auto collision
10 shop at that southwest corner location.

11 The Southeast corner was formerly a
12 derelict house, some rentals that were
13 removed, now, is used for parking and
14 auto/storage.

15 This pattern of development would be
16 found common on Lakeview Avenue throughout
17 this area.

18 The applicant maintains a professional
19 operation.

20 It is well maintained.

21 The building has been upgraded. It is
22 concrete block and has landscaping at the
23 corner.

24 It is my opinion with the special
25 exception to continue and maintain the

1 expansion of the facility in conjunction with
2 the proposal for on site - - I mean, m,
3 accessory parking to the East and storage of
4 vehicles.

5 It is not going to harm the immediate
6 community.

7 The applicant provides jobs to the
8 local community, many jobs.

9 He pays substantial real estate taxes
10 on both parcels, without any burden to the
11 School District and municipal services.

12 It is a professional operation.

13 It is consistent with the pattern of
14 development found, as I mentioned, between
15 Ocean Avenue to the West, Peninsula Boulevard
16 to the East and it has been a neighbor, a
17 good neighbor to the surrounding community
18 for many years.

19 Thank you.

20 HOWARD AVRUTINE: Thank you, Mr.
21 Nelson.

22 I think after the Board and many of
23 the denials back in 2006, the applicant heard
24 what the concerns were and that led to the
25 acquisition to Parcel 2 which provides

1 plenty of both customer parking and storage
2 for vehicles awaiting repair, so, a review of
3 the site plan, I think, hopefully will reveal
4 to the Board, recognition of what was needed
5 here in order to bring this application where
6 it needs to be, so, there is ample bays for
7 all customers, for vehicles, for parking, for
8 employees and everything else.

9 As you can also see, the community
10 supports the application.

11 The applicant is a longstanding member
12 of this community and, um, really works hard
13 to help everyone out in the area and mostly
14 provides free air, I will let you know, so, I
15 think and overall, we have a situation where
16 the application is suitable and appropriate
17 under the circumstances.

18 And, of course, we have to appear
19 before the Board of Zoning Appeals on May
20 11th.

21 As I described, previously, I think
22 there are some folks who may still be around,
23 to testify in favor of the application.

24 SUPERVISOR SANTINO: Any questions at
25 this time?

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(NO RESPONSE)

SUPERVISOR SANTINO: Okay, obviously
you will have an opportunity to sum up.

Mr. Licari wants to speak.

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(NO RESPONSE)

SUPERVISOR SANTINO: Reverend Eleanor
Dixson Hobbs?

Good Afternoon, Reverend, How are you?

Name and address for the record,
please.

REVEREND HOBBS: Fine, thank you.

Reverend Eleanor Dixson Hobbs.

I am Pastor of Saint Paul AME Church.

We are located at 453 Pershing
Boulevard, Rockville Centre, New York.

I am here, today, to speak favorably
for the utilization of Parcel 1 and 2 for
storage, as well as, for the automotive
repair.

Um, I have been in the Lakeview
community for fourteen years and for fourteen
years I go by Mater Collision.

They are a very professional
organization, um, they have constructed a
beautiful building that is aesthetically

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1 | pleasing to the neighborhood.

2 | They have been, um, great neighbors to
3 | Saint Paul's AME Church and supporters of the
4 | church.

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5 | And, we certainly support what they
6 | are doing in our community and hope that you
7 | will provide the variance.

8 | SUPERVISOR SANTINO: Okay, any
9 | comments?

10 | (NO RESPONSE FROM BOARD)

11 | SUPERVISOR SANTINO: Thank you very
12 | much. We appreciate it.

13 | Joshua Shuck.(phonetic spelling)

14 | (No response.)

15 | (Whereupon, that is the neighbor to
16 | the south, she signed a letter, was heard
17 | from the audience.)

18 | SUPERVISOR SANTINO: Thank you very
19 | much.

20 | Mike Cooper?

21 | Good Afternoon, how are you?

22 | MIKE COOPER: Good Afternoon,
23 | everyone.

24 | Mike Cooper and I reside at 1300
25 | Dakota Street, Rockville Centre,

1 New York.

2 My home, I look directly at the
3 facility in question and I will have to say I
4 am there fifteen years, me and my family and
5 I would have to say, it is always
6 professionally taken care of and maintained.

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7 It is organized, so, I am speaking on
8 behalf of my neighbors, as well, they will
9 make an improvement. We are al for it. It
10 is a win-win.

11 It is beautifying the neighborhood and
12 it will be a beautiful sight to see, at
13 least, coming out of my door.

14 They are really helpful in the
15 community and I have used them, as well.

16 Thank you.

17 SUPERVISOR SANTINO: Thank you, sir.

18 James Finger?

19 (NO RESPONSE.)

20 Hottie Coves? (Phonetic spelling)

21 Okay, is there anyone that has not
22 signed in that would like to address the
23 Board on this matter?

24 (NO RESPONSE)

25 SUPERVISOR SANTINO: If not, then

HEMPSTEAD TOWN MEETING 3/29/16

1 Senior Councilwoman, I will accept a motion.

2 SENIOR COUNCILWOMAN GOOSBY: I will
3 say I have been there many times on this
4 particular site and they do a beautiful job.
5 I always tell the people.

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6 I certainly move and close the Public
7 Hearing and move the agenda but reserve
8 decision.

9 COUNCILMAN D'ESPOSITO: I second the
10 motion.

11 CLERK AHMAD: Supervisor Santino?

12 SUPERVISOR SANTINO: Aye.

13 CLERK AHMAD: Councilman Ambrosino?

14 COUNCILMAN AMBROSINO: Aye.

15 CLERK AHMAD: Councilman Blakeman?

16 COUNCILMAN BLAKEMAN: Aye.

17 CLERK AHMAD: Councilman D'Esposito?

18 COUNCILMAN D'ESPOSITO: Aye.

19 CLERK AHMAD: Councilwoman Goosby?

20 COUNCILWOMAN GOOSBY: Aye.

21 CLERK AHMAD: Councilman Hudes?

22 COUNCILMAN HUDES: Aye.

23 CLERK AHMAD: Councilwoman King-
24 Sweeney?

25 COUNCILWOMAN KING-SWEENEY: Aye.

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1 SUPERVISOR SANTINO: Thank you very
2 much.

3 HOWARD AVERTINE: Thank you very much.

4 SUPERVISOR SANTINO: On the
5 Administrative Calendar.

6 CLERK AHMAD: Items 1 through 58.

7 SENIOR COUNCILWOMAN GOOSBY: I move
8 the Administrative Calendar with the
9 exception of 18 and 54 to be removed from the
10 Calendar.

11 SUPERVISOR SANTINO: We are moving the
12 Administrative Calendar with the exception of
13 Number 18 and 54 which are being removed from
14 the Calendar at this time.

15 COUNCILMAN HUDES: Second.

16 SUPERVISOR SANTINO: We will hear from
17 individuals who want to discuss items on the
18 Calendar.

19 Okay, Ericka Dubno, you indicated you
20 wanted to speak on Item 54. It is not on the
21 Calendar. It has been removed from the
22 Calendar.

23 It would not be in order if it is not
24 on the Calendar.

25 ERICKA DUBNO: For clarification will

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1 it be put on the Calendar on another date?

2 SUPERVISOR SANTINO: Item Number 54.

3 TOWN ATTORNEY RA: Item 54 needs a
4 little bit more work, there are legal issues
5 that we are working on.

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6 ERIKA DUBNO: That is why I was here,
7 okay. Thank you. I appreciate it.

8 SUPERVISOR SANTINO: Okay and William
9 Deen you indicated you wanted to speak on 54,
10 which is not on the Calendar at this time,
11 similar Rori Gordon, that item 54 is not on
12 the Calendar at this time.

13 Richard Solomon?

14 (Whereupon, "can I speak" was heard
15 from the audience.)

16 SUPERVISOR SANTINO: 54 is not on the
17 Calendar. You can speak on another item on
18 the Calendar because it is not on the
19 Calendar.

20 (Whereupon, "is it coming back," was
21 heard from the audience.)

22 SUPERVISOR SANTINO: Additional work
23 is being done but it is not on the calendar,
24 now, so, it would not be in order at this
25 point.

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1 Richard Solomon, again, you wanted to
2 speak?

3 (Whereupon, I will pass, was heard.
4 After, the following ensued.)

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5 SUPERVISOR SANTINO: Fine, thank you.
6 Donna Cassaza?

7 DONNA CASSAZA: (PHONETIC SPELLING)
8 Donna Cassaza, 405 Coolridge Road in
9 Rockville Centre.

10 SUPERVISOR SANTINO: Hold it one
11 second.

12 DONNA CASSAZA: Okay, that is okay.

13 SUPERVISOR SANTINO: Okay, at this
14 time, there is no change to Item 54 but, at
15 this time, I will accept a Motion to placing
16 Number 18 back on the Calendar.

17 SENIOR COUNCILWOMAN GOOSBY: So moved.

18 COUNCILMAN HUDES: I second the
19 motion.

20 CLERK AHMAD: Supervisor Santino?

21 SUPERVISOR SANTINO: Aye.

22 CLERK AHMAD: Councilman Ambrosino?

23 COUNCILMAN AMBROSINO: Aye.

24 CLERK AHMAD: Councilman Blakeman?

25 COUNCILMAN BLAKEMAN: Aye.

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1 CLERK AHMAD: Councilman D'Esposito?

2 COUNCILMAN D'ESPOSITO: Aye.

3 CLERK AHMAD: Councilwoman Goosby?

4 COUNCILWOMAN GOOSBY: Aye.

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5 CLERK AHMAD: Councilman Hudes?

6 COUNCILMAN HUDES: Aye.

7 CLERK AHMAD: Councilwoman King-
8 Sweeney?

9 COUNCILWOMAN KING-SWEENEY: Aye.

10 SUPERVISOR SANTINO: Now, I need a
11 motion to remove Item 25 from the Calendar.

12 COUNCILWOMAN GOOSBY: So moved.

13 COUNCILMAN HUDES: I second the
14 motion.

15 CLERK AHMAD: Supervisor Santino?

16 SUPERVISOR SANTINO: Aye.

17 CLERK AHMAD: Councilman Ambrosino?

18 COUNCILMAN AMBROSINO: Aye.

19 CLERK AHMAD: Councilman Blakeman?

20 COUNCILMAN BLAKEMAN: Aye.

21 CLERK AHMAD: Councilman D'Esposito?

22 COUNCILMAN D'ESPOSITO: Aye.

23 CLERK AHMAD: Councilwoman Goosby?

24 COUNCILWOMAN GOOSBY: Aye.

25 CLERK AHMAD: Councilman Hudes?

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1 COUNCILMAN HUDES: Aye.

2 CLERK AHMAD: Councilwoman King-
3 Sweeney?

4 COUNCILWOMAN KING-SWEENEY: Aye.

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5 SUPERVISOR SANTINO: Sorry about that.

6 DONNA CASSAZA: (Phonetic spelling)

7 Thanks for the education on the air
8 machines, I know that I will keep my coins in
9 my pocket and I will press the button.

10 Um, Number 31 rejecting bid for the
11 legal notices, do we know the reason why bids
12 were rejected?

13 SUPERVISOR SANTINO: Mr. Ra?

14 TOWN ATTORNEY RA: Well, first, we
15 reserve the right to reject all bids on every
16 bid that are sent out, we reserve the right
17 to reject all bids.

18 The numbers weren't where we wanted
19 them to be.

20 DONNA CASSAZA: So, just a suggestion,
21 maybe in the past but going forward, let's
22 give a reason if the budget said it was "X"
23 and it came - - the bids came in three times
24 more, let's put that in or if a bidder was
25 rejected because they are not on the approved

1 list, why not say the reason for the
2 rejection? Okay, next - - food for thought.

3 37 Vigilant Construction, LLC, this
4 particular contract in the, um, um,
5 resolution has a P.O. Box 277, East Rockaway.

6 This contract is for seventy-two
7 thousand dollars.

8 It is six thousand dollars a month.
9 Fifteen hundred dollars a week.

10 I think this particular contract has
11 been in the past brought up.

12 Um, I think a contract that is of that
13 amount of money, we should know who the
14 professional is that is in charge of the
15 contract, the address of the vendor.

16 Um, there are documents missing on
17 this particular contract, like a Labor/Wage
18 and Equal Employment Clause Indemnification.

19 All of those documents that are part
20 of a lot of these other professional
21 contracts, especially, today's needs and Mr.
22 Santino, just to remind you, Vigilant
23 Consulting and other counterparts, Protective
24 Consulting, LLC., the principal is
25 Christopher Shelton, (phonetic spelling) who

1 in the past was hired by the Town of
2 Brookhaven to do a study and on this
3 gentleman's resume, he is not only an
4 Attorney, he noted himself as a Lobbyist.

5 He is former Fire Chief of East
6 Rockaway Fire Department and he is former
7 campaign manager of yourself and, therefore,
8 this particular contract should be vetted for
9 more information.

10 Um, this is the type - - wait, let me
11 finish because it is my three minutes and I
12 waited for you guys when you were twenty-five
13 minutes late for the meeting and I patiently
14 waited while I heard all of this.

15 This is the type of contract where
16 someone wears so many hats, it is almost
17 similar, the contract issue you have in North
18 Hempstead.

19 So, I would honestly say, here is the
20 reason why, you are telling me this contract
21 for this kind of money at fifteen hundred
22 dollars a week is for special expertise in
23 firematic matters, various firematic meetings
24 and to act as a liaison between Town and
25 local and State firematic entities, well, the

1 bottom line is these firematic meetings only
2 occur once a month and if these people are
3 marching in parades at fifteen hundred
4 dollars a week, I want to make sure they are
5 not double dipping, so, this is a particular
6 contract that needs to have much more
7 information before it is approved by the
8 Board.

9 And, you know what I am going to say,
10 as you said earlier, courage, character and
11 commitment, that is what this Board needs to
12 do with respect to this particular contract.

13 I came here last month when I said I
14 see more transparency, here and I see more
15 accountability with this Board and this is
16 one particular contract that I would like to
17 see much more information.

18 Here more information is better than
19 not enough. Thanks.

20 SUPERVISOR SANTINO: Do you want to
21 have an answer from the Town Attorney?

22 Do you want to have an answer about
23 this particular contract?

24 It has nothing to do with anything
25 else.

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DONNA CASSAZA: Go ahead.

TOWN ATTORNEY RA: Christopher Shelton provides services to the Town of Hempstead with every Fire Department in the Town of Hempstead together with Fire Protection Districts.

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He is invaluable to us and he has been with us for, I would guess, about ten years, maybe longer and, so, he is well known to the Board and he is well known to our office who hires him.

DONNA CASSAZA: With all due respect, he has also been in the past, the campaign manager for Anthony Santino.

He has in the past and on his resume by the Town of Brookhaven, he is a lobbyist, that is a red flag to me.

You can't wear that many hats.

SUPERVISOR SANTINO: You asked a question, your question was answered.

Now, you want to debate the point?

DONNA CASSAZA: No, I don't want to debate it.

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1 SUPERVISOR SANTINO: You asked a
2 legitimate question and it was legitimately
3 answered, so, thank you very much.

4 Felix Procacci?

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5 FELIX PROCACCI: Items Numbered 19,
6 26, 53, it was going to be 54, too, are fees
7 being increased for these services?

8 SUPERVISOR SANTINO: One at a time,
9 19, Mr. Town Attorney?

10 TOWN ATTORNEY RA: Item 19 raises the
11 fee charged by the Department of Highways to
12 take down trees at residential requests to be
13 taken down.

14 FELIX PROCACCI: Twenty-six
15 and 53?

16 TOWN ATTORNEY RA: Twenty-six raises
17 the fee for the use of the chapel in the Town
18 Clerk's Office.

19 What is the next one?

20 FELIX PROCACCI: Fifty-three.

21 TOWN ATTORNEY RA: Fifty-three is
22 setup for a Public Hearing on April 12th, what
23 it is going to do is raise the fees for
24 excavation of the streets at various entities

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1 to when they have to make repairs to the
2 roadway.

3 SUPERVISOR SANTINO: Essentially
4 utilities.

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5 TOWN ATTORNEY RA: Essentially
6 utilities.

7 FELIX PROCACCI: We pay for everything
8 but, um, just what I want to emphasize and
9 what I emphasized before and I get very angry
10 about this, you criticize the vendors here
11 for not being transparent on not making the
12 label big enough and all of this stuff and I
13 have been fighting this fight for a long
14 time, five and a half years, I don't think
15 anyone has ever attended more except
16 if you worked here, 118 consecutive Town
17 Board Meetings and we serve some transparency
18 in this Town when fees go up, I expect you to
19 put it on the email list, put it somewhere
20 people can see that the fees are going up.

21 The last meeting you raised fees for
22 the Parks Department, the pool and
23 everything.

24 That affects me much more than the
25 fees if I have to pay a dollar for air, now

1 and then and you made such a big deal over
2 the air thing and you don't make a big deal
3 notifying residents when you are raising fees
4 which are essentially raising taxes because a
5 lot of these fees don't go for the services
6 that you are getting, they go to subsidize
7 other departments that have nothing to do
8 with what you are doing.

9 If you go to the pool for half an
10 hour, you have to pay seven dollars, it
11 didn't cost you seven dollars to be in that
12 pool for that day.

13 I am sure you make more revenue and
14 you use it for some place else.

15 And, I have seen that in my
16 analysis of the budget.

17 The bottom line is let people know and
18 you don't have to do it on your WEB site, if
19 you don't want to, I am going to set up a
20 segment on my WEB site.

21 You let me know in advance so I will
22 be the Town crier and alleviate you of that
23 task, okay, is that fair?

24 You give it to me and I will work for
25 free.

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1 You are short on money, here. You set
2 out more money in the savings and I will put
3 it on the WEB site and let's notify residents
4 of all the fee increases.

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5 Is that a deal?

6 No good, okay, no good.

7 Um, on Number 37, again, I know most
8 of it has been talked about, I have spoken
9 about this for several years, now.

10 Will Mr. Shelton continue to work on
11 your campaign for re-election, Mr. Santino or
12 anyone else's campaign in the Town of
13 Hempstead?

14 It is a conflict of interest.

15 TOWN ATTORNEY RA: There is no
16 conflict of interest between his Town of
17 Hempstead duties and what he does for my
18 office and anything he may or may not do in
19 his free time.

20 FELIX PROCACCI: But Mr. Santino
21 nominated him in all but one since 2007, I
22 believe, in all of the resolutions, it was
23 proposed by Councilman Santino.

24 SUPERVISOR SANTINO: Mr. Procacci, do
25 you understand the Senior Councilperson is

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1 the one that moves the Administrative
2 Calendar for the years I was the Senior
3 Councilman, that I was the mover for every
4 Administrative item, now, as Senior
5 Councilwoman Goosby is the mover for every
6 Administrative item.

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7 FELIX PROCACCI: That I was not aware
8 of.

9 SUPERVISOR SANTINO: You attended a
10 hundred some odd meetings, you haven't been
11 paying very good attention.

12 FELIX PROCACCI: Well, you just
13 started putting the minutes of the meetings
14 on the WEB site this year, so, you know, any
15 way, okay.

16 The bottom line is that you should
17 recuse yourself from the vote.

18 I saw the votes were all unanimous,
19 so, you did vote in favor of him, you should
20 recuse yourself since he worked for you.

21 It is only fair, I mean it is only
22 fair.

23 Okay, Number Item 4, what is the
24 purpose of a grievance committee?

25 SUPERVISOR SANTINO: Mr. Ra?

HEMPSTEAD TOWN MEETING 3/29/16

1 TOWN ATTORNEY RA: Mr. Sammon is here.

2 SUPERVISOR SANTINO: Mr. Sammon, let's
3 hear from our Director of Human Resources.

4 HUMAN RESOURCE DIRECTOR SAMMON: The
5 grievance committee.

6 SUPERVISOR SANTINO: Bill, would you
7 sit at the microphone, so, everyone can hear
8 you.

9 HUMAN RESOURCE DIRECTOR SAMMON: The
10 purpose of the grievance committee is to
11 resole disputes arising from interpretations
12 from our collective bargaining agreement.

13 FELIX PROCACCI: Okay, are they
14 compensated for this work?

15 HUMAN RESOURCE DIRECTOR SAMMON: No.

16 FELIX PROCACCI: Item Number 35, I
17 read the resolution, I don't understand it,
18 what is the Employee Assistance Fund?

19 SUPERVISOR SANTINO: Mr. Sammon?

20 HUMAN RESOURCE DIRECTOR SAMMON:
21 Employee Assistance Program is just that it
22 provide counseling and services for employees
23 in need of assistance.

24 FELIX PROCACCI: What form of
25 assistance does it provide?

HEMPSTEAD TOWN MEETING 3/29/16

1 HUMAN RESOURCE DIRECTOR SAMMON:

2 Mostly counseling.

3 FELIX PROCACCI: Drug use.

4 HUMAN RESOURCE DIRECTOR SAMMON: If
5 they have substance use problems, abuse
6 problems.

7 FELIX PROCACCI: Alcohol abuse, you
8 take care of them in all of these problems?

9 HUMAN RESOURCE DIRECTOR SAMMON:
10 Obviously.

11 FELIX PROCACCI: Thank you.

12 Okay, Number 48, which is the one with
13 the employees, there is an appointment of
14 Patrick Bennivega, is he related to Joseph
15 Bennivega, the Parks Commissioner?

16 SUPERVISOR SANTINO: We don't ask new
17 employees who they are related to or not
18 related to.

19 I wouldn't be able to tell you.

20 FELIX PROCACCI: Okay, um, also, on
21 this issue, um, with the advent of the Town's
22 transparency plan that we spend, God knows
23 how much, fifty, sixty thousand dollars to
24 make sure everyone know about it, will we now

1 advise non-tested positions on the own WEB
2 site for transparency sake?

3 SUPERVISOR SANTINO: We accept
4 applications in our Personnel Office, Human
5 Resource Office for anyone who is interested
6 in a position and, when those positions come
7 up, those are the applications we consult.

8 FELIX PROCACCI: Will you put on your
9 WEB site, on your front page, not, you know,
10 five links down that people can submit
11 applications for non-tested positions in the
12 Town of Hempstead and this is available, open
13 positions, so, they know that they can do
14 this.

15 I keep looking at the WEB site. I
16 could be here all day.

17 I went through every link.

18 I can't find out, there is a way I can
19 do that, you do have Civil Service
20 Commission.

21 It is several levels down.

22 It is not really right up in front
23 where it should be, but, can you do that?

24 Can you bring it to the front or if
25 you cant bring it to the front, let me know

1 and I will put it on the front page of my WEB
2 site for free.

3 SUPERVISOR SANTINO: I will check with
4 the Administrator of the WEB site.

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5 We have, historically, accepted
6 applications for full-time employment of
7 every kind in the Human Resources office and
8 I don't see a problem.

9 FELIX PROCACCI: The thing is I
10 understand - -

11 SUPERVISOR SANTINO: Mr. Procacci, it
12 is a reasonable request, let me take a look
13 at it without belaboring the point.

14 FELIX PROCACCI: I want to bring out
15 one thing, you criticized the air people for
16 having small labels, here, you have no labels
17 and, you know, it has to be a discussion, put
18 a small label, how about the size of what
19 they have to put on their air machine?

20 SUPERVISOR SANTINO: You make your
21 point.

22 FELIX PROCACCI: Thank you.

23 SUPERVISOR SANTINO: Thank you very
24 much.

HEMPSTEAD TOWN MEETING 3/29/16

1 Okay, that is all I have for anybody
2 that has signed in on the Administrative
3 Calendar.

4 There being no one else, then, we have
5 all the various motions in place to call the
6 roll.

7 CLERK AHMAD: Supervisor Santino?

8 SUPERVISOR SANTINO: Aye.

9 CLERK AHMAD: Councilman Ambrosino?

10 COUNCILMAN AMBROSINO: Aye.

11 CLERK AHMAD: Councilman Blakeman?

12 COUNCILMAN BLAKEMAN: Aye.

13 CLERK AHMAD: Councilman D'Esposito?

14 COUNCILMAN D'ESPOSITO: Aye.

15 CLERK AHMAD: Councilwoman Goosby?

16 COUNCILWOMAN GOOSBY: Aye.

17 CLERK AHMAD: Councilman Hudes?

18 COUNCILMAN HUDES: Aye.

19 CLERK AHMAD: Councilwoman King-
20 Sweeney?

21 COUNCILWOMAN KING-SWEENEY: Aye.

22 SENIOR COUNCILWOMAN GOOSBY: I move we
23 close the Hearing.

24 COUNCILMAN HUDES: I second the
25 motion.

HEMPSTEAD TOWN MEETING 3/29/16

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CLERK AHMAD: Supervisor Santino?

SUPERVISOR SANTINO: Aye.

CLERK AHMAD: Councilman Ambrosino?

COUNCILMAN AMBROSINO: Aye.

CLERK AHMAD: Councilman Blakeman?

COUNCILMAN BLAKEMAN: Aye.

CLERK AHMAD: Councilman D'Esposito?

COUNCILMAN D'ESPOSITO: Aye.

CLERK AHMAD: Councilwoman Goosby?

COUNCILWOMAN GOOSBY: Aye.

CLERK AHMAD: Councilman Hudes?

COUNCILMAN HUDES: Aye.

CLERK AHMAD: Councilwoman King-
Sweeney?

COUNCILWOMAN KING-SWEENEY: Aye.

HEMPSTEAD TOWN MEETING 3/29/16

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CERTIFICATE BY COURT REPORTER

I, do hereby certify that the foregoing
testimony taken in the matter of the
Hempstead Town Board Meeting held on 3/29/16
is an accurate transcription of my cryptic
notes.

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IN WITNESS WHEREOF, I SET MY HAND THIS
DAY.

MELANIE WHOL

CERTIFIED COURT REPORTER

NORTH SHORE COURT REPORTERS

NOTARY PUBLIC - STATE OF NEW YORK