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TOWN OF HEMPSTEAD

ONE WASHINGTON STREET

HEMPSTEAD, NEW YORK 11550

TOWN HALL PAVILION

10:30 A.M.

MAY 10, 2016

BEFORE: SUPERVISOR ANTHONY SANTINO

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APPEARANCES :

SENIOR COUNCILWOMAN GOOSBY

COUNCILMAN BLAKEMAN (ABSENT)

COUNCILMAN AMBROSINO

COUNCILMAN HUDES

COUNCILMAN D'ESPOSITO

COUNCILWOMAN KING-SWEENEY

RECEIVER OF TAXES CLAVIN

TOWN ATTORNEY RA

TOWN CLERK AHMAD

DEPUTY TOWN CLERK MULLER

TOWN COMPTROLLER CONROY

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(Whereupon, Councilman Ambrosino led the Assembly in the Pledge of Allegiance. After the following ensued.)

SUPERVISOR SANTINO: Please call the roll.

CLERK AHMAD: Supervisor Santino?

SUPERVISOR SANTINO: Here.

CLERK AHMAD: Councilman Ambrosino?

COUNCILMAN AMBROSINO: Here.

CLERK AHMAD: Councilman D'Esposito?

COUNCILMAN D'ESPOSITO: Here.

CLERK AHMAD: Senior Councilwoman Goosby?

SENIOR COUNCILWOMAN GOOSBY: Here.

CLERK AHMAD: Councilman Hudes?

COUNCILMAN HUDES: Here.

CLERK AHMAD: Councilwoman King Sweeney?

COUNCILWOMAN KING SWEENEY: Here.

SUPERVISOR SANTINO: First item, please.

Madam Clerk, call first item on the calendar.

CLERK AHMAD: Proposed Local Law

1 Re: "Regulations and Restrictions" to limit
2 parking in Oceanside (To amend Chapter 202 of
3 the Code of the Town of Hempstead)

4 SUPERVISOR SANTINO: Okay, is there
5 anyone that would like to be heard on this
6 matter?

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

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

11 COUNCILMAN D'ESPOSITO: Mr.
12 Supervisor, I move that the Public Hearing be
13 closed and the Local Law be 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 D'Esposito?

21 COUNCILMAN D'ESPOSITO: Aye.

22 CLERK AHMAD: Senior Councilwoman
23 Goosby?

24 SENIOR COUNCILWOMAN GOOSBY: Aye.

25 CLERK AHMAD: Councilman Hudes?

1 COUNCILMAN HUDES: Aye.

2 CLERK AHMAD: Councilwoman King
3 Sweeney?

4 COUNCILWOMAN KING SWEENEY: Aye.

5 SUPERVISOR SANTINO: Next item,
6 please.

7 CLERK AHMAD: Proposed Local Law Re:
8 "Parking or Standing Prohibitions" in
9 Oceanside (To amend Section 202-1 of the Code
10 of the Town of Hempstead.

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

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

15 SUPERVISOR SANTINO: There being none,
16 I will have a motion, please.

17 COUNCILMAN D'ESPOSITO: Mr.
18 Supervisor, I move that the Public Hearing be
19 closed and the local law be adopted.

20 COUNCILMAN HUDES: Second.

21 CLERK AHMAD: Supervisor Santino?

22 SUPERVISOR SANTINO: Aye.

23 CLERK AHMAD: Councilman Ambrosino?

24 COUNCILMAN AMBROSINO: Aye.

25 CLERK AHMAD: Councilman D'Esposito?

1 COUNCILMAN D'ESPOSITO: Aye.

2 CLERK AHMAD: Senior Councilwoman
3 Goosby?

4 SENIOR COUNCILWOMAN GOOSBY: Aye.

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 Local Law Re:
13 "Arterial Stops" in Baldwin & Seaford (To
14 amend Section 197-5 of the Code of the Town
15 of Hempstead)

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

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

20 SUPERVISOR SANTINO: There being none,
21 I will accept a motion, please.

22 COUNCILWOMAN KING SWEENEY:
23 Supervisor, I move to close the Public
24 Hearing and adopted the item.

25 SENIOR COUNCILWOMAN GOOSBY: Second

1 the motion.

2 CLERK AHMAD: Supervisor Santino?

3 SUPERVISOR SANTINO: Aye.

4 CLERK AHMAD: Councilman Ambrosino?

5 COUNCILMAN AMBROSINO: Aye.

6 CLERK AHMAD: Councilman D'Esposito?

7 COUNCILMAN D'ESPOSITO: Aye.

8 CLERK AHMAD: Senior Councilwoman

9 Goosby?

10 SENIOR COUNCILWOMAN GOOSBY: Aye.

11 CLERK AHMAD: Councilman Hudes?

12 COUNCILMAN HUDES: Aye.

13 CLERK AHMAD: Councilwoman King

14 Sweeney?

15 COUNCILWOMAN KING SWEENEY: Aye.

16 SUPERVISOR SANTINO: Next item,

17 please.

18 CLERK AHMAD: Proposed Local Law:

19 "Blocking Side Roads Prohibited" in Woodmere

20 (To amend Section 197-21 of the Code of the

21 Town of Hempstead)

22 SUPERVISOR SANTINO: Is there anyone

23 that would like to be heard on this matter?

24 (Whereupon, no response was heard.

25 After, the following ensued.)

1 SUPERVISOR SANTINO: Being none I will
2 accept a motion, please.

3 COUNCILMAN D'ESPOSITO: Supervisor, I
4 move that the Public Hearing be closed and
5 the Local Law be adopted.

6 COUNCILMAN HUDES: Second.

7 CLERK AHMAD: Supervisor Santino?

8 SUPERVISOR SANTINO: Aye.

9 CLERK AHMAD: Councilman Ambrosino?

10 COUNCILMAN AMBROSINO: Aye.

11 CLERK AHMAD: Councilman D'Esposito?

12 COUNCILMAN D'ESPOSITO: Aye.

13 CLERK AHMAD: Senior Councilwoman
14 Goosby?

15 SENIOR 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 "School Speed Limits" in Elmont - Elmont Road
25 (To amend Chapter 190 of the Code of the Town

1 of Hempstead by the insertion of a location
2 into Section 190-4 Subdivision "A")

3 SUPERVISOR SANTINO: Okay, there are a
4 number of people that asked to be heard on
5 this matter and I will start with Pat Boyle.

6 Welcome, name and address for the
7 record.

8 PAT BOYLE: My name is Pat Boyle.

9 My address is 534 Elmont Road in
10 Elmont.

11 And, I work with Gateway Youth Reach
12 in Elmont.

13 I just would like to speak in support
14 of the school speed limit reductions in front
15 of the building there.

16 There is a tragic reason why we have
17 to do this and I hope, also, too, with these
18 speed restrictions that we get some kind of
19 enforcement piece to that, as well, too.

20 Just to put up signs in to quite
21 enough, we need to make sure that no other
22 child or no other family has to go through
23 what that family went through in that
24 particular place.

25 SUPERVISOR SANTINO: Thank you, sir.

1 Michael T. Anderson?

2 Name and address for the record, sir.

3 MICHAEL ANDERSON: Michael T.

4 Anderson. 1869 West Broadway, Elmont, New
5 York 11003.

6 Um, on February 1st, we all suffered a
7 loss in Elmont, basically, I feel like we
8 failed.

9 This is our chance to correct it.

10 Um, I also coach CYO track, um, we
11 loss a member that day.

12 I am in support of the provision, not
13 just around Elmont Road but, basically, all
14 the schools in that area.

15 Thank you.

16 SUPERVISOR SANTINO: Thank you, sir.

17 Is there anyone else that would like
18 to be heard on this matter?

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

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

23 COUNCILMAN AMBROSINO: Supervisor, I
24 move that the Public Hearing be closed and
25 the proposed local law be adopted.

1 SENIOR COUNCILWOMAN GOOSBY: Second.

2 CLERK AHMAD: Supervisor Santino?

3 SUPERVISOR SANTINO: Aye.

4 CLERK AHMAD: Councilman Ambrosino?

5 COUNCILMAN AMBROSINO: Aye.

6 CLERK AHMAD: Councilman D'Esposito?

7 COUNCILMAN D'ESPOSITO: Aye.

8 CLERK AHMAD: Senior Councilwoman

9 Goosby?

10 SENIOR COUNCILWOMAN GOOSBY: Aye.

11 CLERK AHMAD: Councilman Hudes?

12 COUNCILMAN HUDES: Aye.

13 CLERK AHMAD: Councilwoman King

14 Sweeney?

15 COUNCILWOMAN KING SWEENEY: Aye.

16 SUPERVISOR SANTINO: Next item,

17 please.

18 CLERK AHMAD: Proposed Revised Public

19 Parking Field Maps in Merrick (Fields M-8 &

20 M-9)

21 SUPERVISOR SANTINO: Is there anyone

22 that would like to be heard on this matter?

23 (Whereupon, no response was heard.

24 After, the following ensued.)

25 SUPERVISOR SANTINO: There being none,

1 I will accept a motion.

2 COUNCILWOMAN KING SWEENEY: Mr.
3 Supervisor, I move the Public Hearing be
4 closed and adopt the item.

5 COUNCILMAN HUDES: Second the motion.

6 CLERK AHMAD: Supervisor Santino?

7 SUPERVISOR SANTINO: Aye.

8 CLERK AHMAD: Councilman Ambrosino?

9 COUNCILMAN AMBROSINO: Aye.

10 CLERK AHMAD: Councilman D'Esposito?

11 COUNCILMAN D'ESPOSITO: Aye.

12 CLERK AHMAD: Senior Councilwoman
13 Goosby?

14 SENIOR 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 Amendment of
23 Section 302 of Article XXXI of the Building
24 Zone Ordinance of the Town of Hempstead to
25 amend Sub-Section 302 (Q) in relation to

1 "Requiring Windows on Exterior Walls of
2 Restaurants" - Town of Hempstead

3 SUPERVISOR SANTINO: Okay, there are a
4 few people that have signed in to speak about
5 this item and I will start with Mark Goldman.

6 MARK GOLDMAN: I will pass. (yelling
7 from the audience.)

8 SUPERVISOR SANTINO: What is that?

9 MARK GOLDMAN: I will pass.

10 SUPERVISOR SANTINO: Erica Dubno.
11 Name and address for the record,
12 please.

13 ERICA DUBNO: Thank you, Supervisor.

14 My name is Erica Dubno. My office is
15 767 3rd Avenue. I represent the owners of the
16 establishment located at 3500 Sunrise Highway
17 in Wantagh.

18 I previously testified in opposition
19 to the original law and I recognize that this
20 amendment does correct certain defects that I
21 mentioned in my prior testimony.

22 However, the law is still unduly
23 burdensome and unnecessary.

24 It does not serve the public interest.

25 As previously indicated, um, the law

1 is overbroad and vague.

2 It does not define certain elusive
3 terms, such as directly and substantially as
4 to what people can view in and out of
5 restaurants.

6 In addition to that, there is no
7 basis for why this is limited to restaurants
8 as opposed to other types of establishments.

9 Absolutely no study has been done to
10 indicate why establishments need to have
11 windows.

12 There was never a determination as to
13 safety.

14 I understand that at the prior
15 Hearing, there was testimony related to an
16 incident that occurred back in 1982 in North
17 Bellmore, I am sorry, North Hempstead.

18 Since that period of time, there have
19 been a number of changes including but not
20 limited to a series of robberies that have
21 occurred in the Town of Hempstead, itself, by
22 people looking into the windows seeing that
23 there were no customers in there and then
24 robbing establishments, restaurants at knife
25 point relying on a single incident that

1 occurred in a different Town 34 years ago,
2 does not establish a sufficient basis for a
3 record.

4 And, it is subject to challenge.

5 Furthermore, if this law does relate
6 to safety concerns, then, why would the Town
7 wait 34 years to enact it?

8 What studies were done to support it?

9 Why not include all restaurants
10 including existing restaurants?

11 Why is it limited to newer restaurants
12 or restaurants that have not received a
13 Certificate of Occupancy?

14 And, if it relates to safety concerns,
15 how can the Town grant variances in relation
16 to it?

17 We are particularly concerned about
18 the fact that the law relates to
19 establishments that have not received a
20 Certificate of Occupancy.

21 We believe that an establishment that
22 has received approval time and time, again on
23 plans and built a building based upon that
24 and the Town delays in issuing what it
25 considers a Certificate of Occupancy is

1 certainly targeting our client's
2 establishment.

3 Furthermore, we are concerned about
4 selective enforcement of the law and how it
5 will be used solely to target our clients.

6 We are deeply concerned about the
7 costs and the way this will expose the Town
8 if it is applied uniformly, which it should
9 be.

10 This is going to expose the Town to
11 considerable litigation costs, as well.

12 (Whereupon, the bell rang. After, the
13 following ensued.)

14 ERICA DUBNO: Your Honor, at this
15 time, um, I will yield the rest of my time to
16 Mr. Dean. Thank you for your consideration.

17 SUPERVISOR SANTINO: Billy Dean.

18 BILLY DEAN: Billy Dean. 27 Irene
19 Lane, (as heard) Commack, New York.

20 I am going to be speaking about the
21 windows resolution shortly, but, first, I
22 would like to ask the Town Attorney, Joe Ra,
23 if he commonly misleads his taxpayers and
24 concerned citizens what they want to hear and
25 then never acting on them.

1 He repeatedly said to me on Tuesday,
2 April 26th, you would be meeting with my
3 attorneys over the next week to go over any
4 suggestions that your attorneys may have
5 under the windows resolution and repeatedly
6 request my attorneys to meet you, not only
7 did you not schedule the promised meeting,
8 you had the nerve to sit there and lie to my
9 face.

10 You didn't even have the decency to
11 return my attorney's messages.

12 Now that we have established the
13 credibility of our Town Attorney, we will
14 move onto the windows resolution.

15 TOWN ATTORNEY RA: Just for the
16 record, I have never - -

17 BILLY DEAN: It is not a question, Joe
18 Ra, I asked at the last meeting - -

19 TOWN ATTORNEY RA: I never had a
20 conversation with you.

21 BILLY DEAN: It is not a question, Joe
22 Ra. I asked at the last meeting, April 26th
23 who provided you with specific data as to why
24 the windows in a restaurant is a health and
25 safety issue and the response was, we

1 spoke to the people in the restaurant
2 association but Rori Gordon, who is a Member
3 of several of those associations asked you
4 who did you speak to, you quickly changed
5 your mind.

6 It was an attorney. What does an
7 attorney know about structural engineering,
8 insulation, noise pollution, window
9 treatment, window treatment and design,
10 heating and cooling costs, waste of
11 electricity, photophobia, which is
12 sensitivity to light, which affects 1 in 4
13 people?

14 Here are some of the people that we
15 spoke to and not one of these people
16 mentioned, associated windows with a health
17 and safety concern.

18 Planning Examiner Fred Jawitz, Chief
19 Examiner Lou Carnovale, Acting Chief of
20 Public Assembly Chris Cappelli, Building
21 Commissioner John Rottkamp, Building
22 Inspector Rob Steppe, Town Attorney Peter
23 Sullivan asked directly by a Federal Judge,
24 John Gleason when he asked why windows were
25 required, the Town Attorney Peter Sullivan

1 could not identify health and safety
2 rationale for the requirement and said he
3 indicated that window requirement has to do
4 whether this is actually a restaurant or
5 whether it is going to be something else.

6 My conclusion and anybody with common
7 sense would have the same conclusion that
8 this window resolution is a red herring.

9 It is like the Town Board has stuck
10 their foot in their mouth and needs a reason
11 about windows that doesn't fit the logical
12 category, so, you choose health and safety as
13 a possible resort to get this resolution
14 passed, when, in fact, windows create the
15 exact opposite of health and safety.

16 Detective Lieutenant Richard Labomb
17 (phonetic spelling) is quoted in NEWSDAY
18 after a robbery by knife point that the
19 criminal looks into the business, he makes
20 sure that there are few employees as
21 possible.

22 He looks around and waits for a
23 perfect time to go in.

24 Is the Town of Hempstead willing to
25 accept the liability if somebody is murdered

1 in a restaurant that the Town forced them to
2 put windows in against their will because
3 this is the criminal mentality that is out
4 there, now.

5 (Whereupon, the bell rang. After, the
6 following ensued.)

7 BILLY DEAN: This is a direct letter to
8 Honorable Santino.

9 This is coming from Peter Miginn
10 (phonetic spelling) and I will read his
11 credentials.

12 "I am writing in regards to the recent
13 windows resolution that was passed into law
14 February 10, 2016 that regulates the amount
15 of windows in all the restaurants in the Town
16 of Hempstead.

17 "Peter Miginn, I am a retired Nassau
18 County Police Detective for 32 years with
19 police experience, 3 years with the NYPD, 29
20 years with Nassau County.

21 "I most recently served 15 years in
22 the Major Offense Bureau.

23 "I am a New York State Certified Crime
24 Prevention Officer, New York State Police
25 Instructor.

1 "I am certified with the Department of
2 Justice in assessment of criminal
3 infrastructure.

4 "I am currently Director of Operations
5 of a large security firm where I perform
6 security and site assessments on a daily
7 basis.

8 "I offer this background as a basis
9 for my opinion that the regulation of
10 mandatory windows in all restaurants could
11 actually assist a criminal element in
12 carrying out their mission.

13 "I am sure the Town Board had best
14 intentions of the public when proposing and
15 voting on this concept.

16 "However, one could just reflect on
17 recent current events where a suspect has
18 used availability of windows to plan out⁵ his
19 robbery right with great success.

20 "In the past, right, here on Long
21 Island, there was a series of sniper shooters
22 shooting into occupied diners, where the
23 sniper was able to have direct line of sight
24 to patrons.

25 "Although these examples may seem

1 dramatic and sporadic, only one is needed to
2 pay attention to a daily World has changed
3 and know that normal course of activity has
4 been altered.

5 "Today, technology offers the public a
6 better advantage of safety, the advantage of
7 video surveillance is every improving.

8 "I implore the Town of Hempstead to
9 consider the regulation of commercial
10 establishments the equipment video monitoring
11 in lieu of the window requirement, having a
12 video system has proven to not only deter
13 illegal activity but time and time, again, to
14 identify, capture and prosecute criminals
15 that prey on the public.

16 "Respectfully, Peter Miginn."

17 Windows create another point of entry.

18 You are also affected by the ambiance
19 and creative look of a multi-million dollar
20 restaurant that a design professional is paid
21 to create.

22 Window treatments are a crucial part
23 in any interior design.

24 Did you take into consideration that
25 one out of four people suffer from

1 Photophobia which is sensitivity to light
2 which in turn people will not want to sit
3 near windows where there is no protection
4 from sunlight, light glaring in their face?

5 You have loss of insulation creating
6 higher bills, heating and cooling.

7 What about if you go to Sunrise
8 Highway where 20 thousand pound trucks pass
9 by?

10 Probably insulated walls will cut down
11 on noise pollution in restaurants versus
12 exposed panels of glass.

13 Finally, why not require security
14 cameras at all entrances?

15 SUPERVISOR SANTINO: Mr. Dean, Mr.
16 Dean

17 BILLY DEAN: I will get to you, Mr.
18 Santino.

19 SUPERVISOR SANTINO: Wrap up your
20 comments.

21 BILLY DEAN: Joe Ra, why did we call
22 this?

23 You could have figured some of this
24 out or in the past, the government is digging
25 their way out of another mistake by saying

1 "just pass this resolution. It will help us
2 get out of another jam we got ourselves
3 into."

4 IF you pass this resolution, it will
5 be for all the wrong reasons for except the
6 selfish reasons that help the Town.

7 SUPERVISOR SANTINO: Thank you very
8 much.

9 Felix Procacci?

10 Name and address for the record.

11 FELIX PROCACCI: Felix Procacci. 1165
12 Barn Street Franklin Square, New York.

13 At the last Town Board Meeting, Joe Ra
14 promised us an answer to the question why is
15 it necessary to have windows in restaurants?

16 TOWN ATTORNEY RA: Mr. Procacci - -

17 SUPERVISOR SANTINO: It is not
18 interrogatory - - give your statement. Give
19 your commentary.

20 It is not going to be cross
21 examination.

22 FELIX PROCACCI: Well, at the last
23 Board Meeting, which is on
24 justthefactsmedia.com, Joe Ra specifically
25 said you will get the answer to that question

1 at the next Town Board Meeting which is
2 today, May 10, 2016.

3 Now, you just want my commentary. The
4 problem with this law is it has never been
5 explained, so, as far as me asking questions
6 and you can deny answering them, as you did
7 at previous meetings, why is it necessary to
8 have windows in restaurants?

9 SUPERVISOR SANTINO: As I indicated,
10 this is not an interrogatory proceeding.

11 FELIX PROCACCI: Was a Notice sent out
12 to restaurant owners and association
13 regarding this law?

14 TOWN ATTORNEY RA: Notices were sent
15 out in accordance with the State of New York
16 and the rules of the Town of Hempstead.

17 FELIX PROCACCI: Yes, you sent out,
18 put out an email notifying people of an
19 illegally parked airplane in someone's
20 driveway, did you send out an email similarly
21 to Town residents notifying them of this law?

22 SUPERVISOR SANTINO: I think that has
23 been asked and answered.

24 Go ahead, Mr. Procacci.

25 FELIX PROCACCI: Why does the Town

1 Board think it is necessary to apply changes
2 in zoning laws to properties that were
3 already purchased, design and constructed and
4 approved by the Town's Building Department?

5 SUPERVISOR SANTINO: As I said, Mr.
6 Procacci, it is not an interrogatory
7 proceeding.

8 FELIX PROCACCI: When the Town
9 implemented a building moratorium several
10 years ago on oversized homes, McMansions, an
11 article in Wantagh L.I. stated none of the
12 new regulations when approved will be
13 retroactive and none will impact on existing
14 homes since that according to Town Supervisor
15 Kate Murray would be unconstitutional.

16 Are implementing zoning changes in the
17 middle of a construction cycle
18 unconstitutional?

19 SUPERVISOR SANTINO: Continue, Mr.
20 Procacci.

21 FELIX PROCACCI: The clock is running
22 while you were responding, answering.

23 I do not see any wording that
24 describes the positions of the windows if the
25 restaurant had ten foot high interior walls.

1 Would it be illegal if it runs along
2 the top fifteen percent or 1.5 feet of the
3 walls, so, I don't understand what that
4 fifteen percent means, ten foot high ceiling,
5 the wall is ten feet high.

6 It says fifteen percent. If an
7 establishment put the windows on the top
8 fifteen percent of that wall, would that be
9 illegal or legal according to this law?

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

12 TOWN ATTORNEY RA: Once the law is
13 passed and regulations submitted, probably by
14 the building department that will address
15 those kind of issues and there will be plans
16 and site plans will be reviewed.

17 FELIX PROCACCI: Isn't that putting
18 the cart before the horse?

19 TOWN ATTORNEY RA: On a case by case
20 basis, we have to look at it.

21 FELIX PROCACCI: If you are going to
22 be doing something so subjective on a case by
23 case basis, doesn't that subject certain
24 applicants to prejudice by the building
25 department and by the Town Board?

1 TOWN ATTORNEY RA: There are State
2 Liquor Authority rules that have to be
3 complied with, also, so, the short answer is
4 that is something that would have to be
5 looked at.

6 FELIX PROCACCI: Then your law is not
7 comprehensive.

8 It is not defining what this means,
9 so, it is essentially, really a non-issue.

10 It is not really defining what you
11 want to do in this law, which, in my view,
12 would make it illegal.

13 TOWN ATTORNEY RA: We are defining
14 exactly what we want to do.

15 FELIX PROCACCI: The State Building
16 Law, which I read a lot of, the Building
17 Zoning Law in New York State is very broad.

18 It is very broad and it is actually,
19 if you read it correctly, you have to read
20 the Constitution of the United States.

21 It says things but in the beginning of
22 that law, the New York State Building Zoning
23 Law, it says that nothing should in this
24 document should violate the New York State or
25 U.S. Constitution, so, you are making a law

1 that is so vague and subject to subjectivity.

2 And, once, again, you are going to be
3 violating people's constitutional rights and
4 the decision, basically, State Court doesn't
5 deal with this everyone would have to go to
6 Federal Court and say their rights are being
7 violated.

8 Isn't this going to subject the Town
9 to a lot of litigation because that is really
10 the only place for them to go in this case?

11 TOWN ATTORNEY RA: We believe we are
12 on constitutional grounds.

13 FELIX PROCACCI: Every case would have
14 to be tested in a Court of Law, wouldn't that
15 be very expensive?

16 Why don't you define what you want,
17 why you want it?

18 TOWN ATTORNEY RA: We believe the way
19 the law is written is constitutional.

20 FELIX PROCACCI: You haven't answered
21 one question about this.

22 We don't even know what it is about.

23 You say more regulations have to be
24 generated to define it.

25 How could it be good when you don't

1 even know what it is because those
2 regulations haven't been defined yet?

3 You are not making any sense.

4 SUPERVISOR SANTINO: Maybe not to you
5 Mr. Procacci.

6 FELIX PROCACCI: Nobody here, nobody
7 here and you won't answer it either.

8 Does it make sense to you?

9 Why don't you explain it?

10 Why don't you explain it, the answer?

11 TOWN ATTORNEY RA: You don't like the
12 answer, but that is the answer.

13 FELIX PROCACCI: It doesn't explain
14 anything.

15 SUPERVISOR SANTINO: Mr. Procacci.

16 FELIX PROCACCI: A response and answer
17 is two different things.

18 You are - -

19 SUPERVISOR SANTINO: Mr. Procacci, Mr.
20 Procacci.

21 FELIX PROCACCI: It is not.

22 SUPERVISOR SANTINO: Mr. Procacci, Mr.
23 Procacci, Mr. Procacci.

24 FELIX PROCACCI: You haven't given one
25 reason why it isn't unconstitutional.

1 SUPERVISOR SANTINO: Mr. Procacci,
2 please, get a grip on yourself and conclude
3 your remarks, please.

4 FELIX PROCACCI: Why are windows
5 necessary in restaurants?

6 You haven't answered that. If you
7 don't answer that, all the rest of it is
8 garbage.

9 That is a fundamental process. You
10 say it is necessary for health and safety.

11 Yet, you won't explain one reason why
12 it is necessary and I have to get a grip on
13 myself?

14 You guys are all morons there.

15 You just go along with what the guy
16 says and not questioning it and you all stay
17 quiet and nobody would answer my phone call
18 when I call my - - Mr. Blakeman, my
19 Councilman, when I called your office you
20 wouldn't even respond to the phone call.

21 SUPERVISOR SANTINO: Your time is
22 expired, Mr. Procacci.

23 FELIX PROCACCI: Thank you very much.

24 Rori Gordon? Name and address for the
25 record, please.

1 RORI GORDON: Sure, my name is Rori
2 Gordon.

3 25 Houston Lane, Hauppauge, New York.

4 I was here at the last meeting, Mr. Ra
5 and you said Commissioner Rottkamp would be
6 here to answer some questions.

7 Can I have him, please?

8 TOWN ATTORNEY RA: You can ask your
9 questions, we will decide what we will do.

10 RORI GORDON: Well, I specifically
11 asked you if he would be here to answer
12 questions and you said, yes.

13 Is he here?

14 TOWN ATTORNEY RA: I believe he is in
15 the room.

16 SUPERVISOR SANTINO: As I indicated,
17 if you have a statement to make, please, make
18 your statement and comment whatever you would
19 like to say.

20 We are not going to have a - -

21 RORI GORDON: Sure, Supervisor
22 Santino, with all due respect - -

23 SUPERVISOR SANTINO: - - With all due
24 respect, those are the parameters.

25 Say whatever you want to say. We will

1 be more than happy to take your comments
2 under advisement.

3 We are not going to have an
4 interrogatory proceeding, here, at this Town
5 Board Meeting.

6 RORI GORDON: Why, at the last
7 meeting, did you tell me - -

8 SUPERVISOR SANTINO: I didn't say
9 anything.

10 RORI GORDON: I am sorry, Joe Ra said
11 the Commissioner would be here and Public
12 Assembly, one of them has got to be able to
13 explain why this is a public and safety law.

14 That clock better stop ticking.

15 SUPERVISOR SANTINO: Go use your time,
16 that clock is not going to stop ticking.

17 I advise you to make your comments.

18 RORI GORDON: How many restaurants are
19 affected by the law, Mr. Ra?

20 TOWN ATTORNEY RA: I don't have that
21 number, restaurants within the Town of
22 Hempstead, I don't have that number.

23 RORI GORDON: Well, then, why wouldn't
24 somebody in the Building Department be able
25 to give me that information?

1 TOWN ATTORNEY RA: I don't believe
2 that information is readily available.

3 RORI GORDON: Well, the last time we
4 were here, you made it sound like tons of
5 restaurants.

6 Let me tell you, as far as I can see
7 and I have done my homework, the only
8 restaurant that is affected is my restaurant,
9 the restaurant that is located at 3500
10 Sunrise Highway.

11 I am Billy Dean's partner.

12 We have been fighting this case.

13 Why you folks thing restaurants need
14 windows, I am not really sure, but, you fail
15 to tell people and NEWSDAY because of their
16 poor journalism fail to mention that
17 restaurants that are affected are only
18 restaurants that need a Certificate of
19 Occupancy.

20 And, as far as I know, right, now, I
21 have the only restaurant in the Town of
22 Hempstead that does not have a Certificate of
23 Occupancy, so, this law is directly written
24 to keep us as a moving target.

25 For those that don't know what a

1 moving target is, is every time you tell me
2 to jump, Town of Hempstead - -

3 Mr. Santino, where are you going?

4 SUPERVISOR SANTINO: I am not
5 answering you.

6 RORI GORDON: That is very
7 disrespectful.

8 SUPERVISOR SANTINO: I am speaking to
9 the Town Attorney.

10 Do I have your permission? Do I have
11 to ask your permission to walk to the end?

12 (Whereupon, "sit and listen is
13 important" was heard from the audience.
14 After, the following ensued.)

15 RORI GORDON: Okay, let me give you a
16 hypothetical question.

17 For some reason, this particular
18 building, here, on Sunrise Highway is
19 formerly the Treehouse.

20 They took it down to the four walls.

21 Here is a picture of it.

22 I don't know if any of you - - you all
23 live in the Town, here is the Treehouse,
24 right, here, okay.

25 They are not subject to this law, why?

1 Because they have a Certificate of
2 Occupancy.

3 So, if I commit to the Town and I buy
4 a building that is pre-existing and I want to
5 do renovations to it, are you telling me that
6 a building that is pre-existing is not as
7 important for health and safety issues, that
8 this building is not required to have fifteen
9 percent windows on all four sides of their
10 walls?

11 The patrons that go to this particular
12 restaurant are not important - - as important
13 to those restaurants - -

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

16 RORI GORDON: That to not have a
17 Certificate of Occupancy is that what you are
18 telling us - - your law makes no sense.

19 You can't explain it.

20 It is absolutely ludicrous and on top
21 of things, you built all of those restaurants
22 in Roosevelt Field, all of those restaurants
23 in Roosevelt Field should fall into the law
24 but, now, you have a little sneaky way in the
25 Building Department of giving them

1 Certificate of Completions because they fall
2 under the Merken Tile Law.

3 I am sure the folks don't even know
4 what I am talking about, but I have read the
5 codes inside and out.

6 What you do is use the law selectively
7 and you are selectively using it against me
8 at 3500 Sunrise Highway.

9 This law can't be found anywhere else
10 in the Country, yet.

11 Nobody on this Board wants to take
12 credibility for this monumental life, safety
13 law.

14 Nobody wants recognition for this
15 great achievement.

16 But what I don't understand, what is
17 the purpose of having windows in restaurants?

18 We already know there has been a rash
19 of robberies where it is reported in NEWSDAY
20 that the robber actually waits, looks into
21 the window and waits until there are few
22 people there.

23 Right in my shopping center in
24 Bellmore, the facility that I own, the Dunkin
25 Donuts was robbed.

1 I had that place for eighteen years.
2 I don't have any windows and I haven't had a
3 robbery.

4 What is the life, safety issue?

5 Is it a police issue?

6 Is it a Building Code issue?

7 We don't know.

8 And, I find it extraordinary, crazy
9 that we sit here and debate this and you are
10 all going to vote on it, yet, nobody can tell
11 us why it is necessary.

12 Now, Mr. Ra, you did say to me and I
13 will quote you, that you spoke to several
14 people in the Industry and you came up with a
15 solution and we came up with this new law
16 that we feel is going to resolve most of the
17 issues for most of the restaurants.

18 Mr. Ra, what happens to the
19 restaurants that it doesn't resolve the issue
20 of, what happens to those restaurants?

21 TOWN ATTORNEY RA: They would either
22 ask for a variance, if the variance wasn't
23 granted, they would have to comply.

24 RORI GORDON: Mr. Ra, you have to make
25 up your mind.

1 Last meeting, you told me that was for
2 the previous law, we would get a variance,
3 now, you are telling me - -

4 TOWN ATTORNEY RA: You can get a
5 variance for anything.

6 RORI GORDON: No, no, last time you
7 said that was for the previous law.

8 If you go to justthefactsmedia, your
9 words are on there.

10 It said you cannot get a variance with
11 this new particular law that you are going to
12 pass, today.

13 Make up your mind, which is it?

14 You are not going to answer that
15 question?

16 TOWN ATTORNEY RA: I answered the
17 question.

18 RORI GORDON: No, you didn't answer
19 the question.

20 TOWN ATTORNEY RA: I answered it and,
21 now, you asked it, again. I answered it.

22 RORI GORDON: You are telling me, now,
23 you can go for a variance?

24 Last week you told me you can't go for
25 a variance.

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

3 TOWN ATTORNEY RA: I did not say that.

4 SUPERVISOR SANTINO: Ms. Gordon, wrap
5 up. Your time - -

6 RORI GORDON: I am going to wrap up.

7 Mr. Ra, the tape recording does not
8 lie.

9 Okay, you are on the videotape. You
10 were very specific when I asked about getting
11 a variance.

12 You said, no Ms. Gordon, that is for
13 the previous law.

14 Now, today, you are telling me this
15 law, I can get a variance.

16 I am befuddled.

17 TOWN ATTORNEY RA: You want me to
18 answer it, again?

19 RORI GORDON: No, I want you to be
20 honest why you really passed the law.

21 We all know why you passed the law.

22 We are the only business in the Town
23 of Hempstead that doesn't have a Certificate
24 of Occupancy and that is the reason why and
25 you don't want us to pen and you are

1 restricting myself, my rights and that is why
2 I am suing the Town.

3 And, I think it is sad that none of
4 you can step up to the plate and tell the
5 real reason why you passed this law.

6 You are embarrassed and I understand
7 that but just like Billy Dean said, Mr. Ra,
8 we would have sat down and talked to you and
9 you choose not to do that.

10 SUPERVISOR SANTINO: Thank you very
11 much, Ms. Gordon.

12 Is there anyone else that wants to be
13 heard on this matter?

14 (Whereupon, applause from the audience
15 was heard. After, the following ensued.)

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

18 SUPERVISOR SANTINO: If not, I will
19 accept a motion, please.

20 COUNCILMAN HUDES: I move that the
21 Public Hearing be closed and the motion pass.

22 SUPERVISOR SANTINO: Is there a
23 second, please.

24 COUNCILMAN AMBROSINO: Second.

25 CLERK AHMAD: Supervisor Santino?

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SUPERVISOR SANTINO: Aye.

CLERK AHMAD: Councilman Ambrosino?

COUNCILMAN AMBROSINO: Aye.

CLERK AHMAD: Councilman D'Esposito?

COUNCILMAN D'ESPOSITO: Aye.

CLERK AHMAD: Senior Councilwoman
Goosby?

SENIOR COUNCILWOMAN GOOSBY: Aye.

CLERK AHMAD: Councilman Hudes?

COUNCILMAN HUDES: Aye.

CLERK AHMAD: Councilwoman King
Sweeney?

COUNCILWOMAN KING SWEENEY: Aye.

SUPERVISOR SANTINO: Next item,
please.

CLERK AHMAD: Proposed Amendment of
Subsection 257-B of Article 25 of the
Building Zone Ordinance of the Town of
Hempstead in relation to "Fees Charged for
certain Board of Appeals matters" - Town of
Hempstead.

SUPERVISOR SANTINO: Okay.

Erica Dubno? I am sorry, wrong one.

Felix Procacci?

FELIX PROCACCI: Why wasn't the Notice

1 for this Public Hearing put in the Town's
2 Official newspaper?

3 TOWN ATTORNEY RA: There was a change-
4 over during the time that this Hearing was
5 scheduled changing from NEWSDAY to Long
6 Island Business News, so, this one went, I
7 believe into NEWSDAY because the change-over
8 had not yet been completed.

9 FELIX PROCACCI: To put one Public
10 Notice for one Hearing in one newspaper and
11 put another Public Hearing for the Hearing on
12 the same day, same need in a different
13 newspaper, I think it is disingenuous and,
14 um, the association, the panel recommended
15 that the official newspaper be used so if you
16 didn't do the switch over yet, both of those
17 Hearings should have been in NEWSDAY or both
18 of those Hearings should be called, again.

19 But to split it, is, I believe, is
20 disingenuous and makes people think you are
21 hiding something.

22 Um, oaky, the issue, first of all, I,
23 um, I oppose this law because once, again, it
24 increases taxes on residents in a very
25 deceptive way.

1 Um, you raised fees I think at four,
2 five Hearings so far this year.

3 NEWSDAY has failed to write any of
4 those fee increases besides to cover Long
5 Beach fee increase at their beaches but won't
6 over numerous fee increases this year.

7 And, you are calling a Hearing next
8 meeting for more fee increases, so, you know,
9 Mr. Santino, since hitting office has
10 increased taxes, voted to increase taxes
11 seventy-eight percent, yet, all the
12 advertising from the Town says that we are
13 fiscally responsible and meanwhile we have
14 gotten four downgrades, increased fees,
15 increased taxes and, then, you use the
16 propaganda machine of the Town and NEWSDAY to
17 say that everything is great.

18 Um, I proposed a different fee,
19 instead of calling this fee, replace this fee
20 with another fee of a fee on mailing people
21 who wish to receive mailings.

22 They should pay a fee and see how many
23 people are willing to pay one dollar a year
24 to receive Town mailing and, I think you get
25 your answer.

1 SUPERVISOR SANTINO: Okay, on this
2 Public Hearing, Rori Gordon.

3 Again, your name and address for the
4 record.

5 RORI GORDON: Sure, Rori Gordon. 25
6 Houston Lane, Hauppauge, New York.

7 I was here on April 26th and I had a
8 conversation with Joe Ra and, um, I did ask
9 Joe about these fees and he specifically told
10 me they were to be increased and the
11 conversation went as such; I do have a
12 question on the Board of Appeals fees,
13 specifically is due to the increase of fees
14 and you said yes and I said is it across the
15 Board and you said, basically, yes.

16 And, I said, what will it be and once,
17 again, it is on the WEB site, the Public
18 Hearing will be in two weeks that is what you
19 told me.

20 And, you cut me off and you were very
21 stern and you said it is on the WEB site,
22 now.

23 So, when I went home that night, don't
24 look so upset, Mr. Ra, I am just telling the
25 truth, when I went home that night, the fees

1 were not on the WEB site.

2 The fees were not on the WEB site
3 Tuesday.

4 The fees were not on the WEB site on
5 Wednesday.

6 The fees were not on the WEB site on
7 Thursday.

8 I am not sure when your tech
9 department got around to putting the fees on
10 the WEB site.

11 Do we have an answer to that because
12 they certainly were not on there when you
13 told me that they were on there.

14 Somebody didn't do their job, Mr. Ra.

15 TOWN ATTORNEY RA: Mr. Supervisor, for
16 the record, Members of the Board, for the
17 record, this resident and Mr. Dean have a
18 Federal Civil Rights lawsuit pending against
19 the Town of Hempstead.

20 RORI GORDON: What does that have to
21 do with the fees?

22 TOWN ATTORNEY RA: They are
23 represented by an attorney.

24 I have never had a direct conversation
25 with you nor have I ever had a direct

1 Conversation with Mr. Dean and I would think
2 that you're making these statements today to
3 somehow put me in a position where I violated
4 the Ethics Code of the Bar Association and
5 State of New York by saying that I have had
6 conversations with you.

7 I have never had a direct conversation
8 with you.

9 If you overheard a conversation I may
10 have had with somebody else, that is quite
11 possible.

12 I never had a direct conversation with
13 you nor Mr. Dean and I want to make that
14 perfectly clear.

15 RORI GORDON: And, you made it
16 perfectly clear on April 26th that the fees
17 were posted on the WEB site and they were not
18 posted on the WEB site on the 26th, the 27th or
19 the 28th and I don't know when your Tech crew
20 got around to putting them up there.

21 And, you sat in that seat and you told
22 me that they were there and you know how much
23 I take part in this group right, here, that I
24 read every Public Notice.

25 And, I hate to call you a liar, that

1 is a terrible word to use, you sat there and
2 you cut me off and you told me something that
3 was not true and that is all I have to say
4 about this.

5 And, I think it is disgraceful that
6 you doubled the fees on certain situations.

7 They didn't go up ten percent, twenty
8 percent.

9 What do you think that business owners
10 you can double the fees because you think we
11 are making all kinds of money?

12 The business owners don't even know
13 about this law.

14 They don't even know and if you read
15 the Public Notices and now you can't even
16 read in NEWSDAY, it is in the Long Island
17 Business News, which is a paid publication.

18 I called Long Island Business News.

19 They asked me what is the zip code did
20 I want.

21 I gave them 22 zip codes and in 22 zip
22 codes there was one place to pick up that
23 newspaper of which they carry four copies.

24 It is not a paper that goes out to the
25 general public, so, you know, you know you

1 give me all these stories and they just don't
2 hold any water and I think it is about time
3 that somebody supposedly really knows what
4 goes on, here in the Town of Hempstead and if
5 it be me, it be me.

6 This has nothing to do with
7 litigation, absolutely nothing.

8 You told me something that wasn't
9 true.

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

12 RORI GORDON: Thanks for your time.

13 SUPERVISOR SANTINO: Anyone else that
14 like to be heard on this item?

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

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

19 COUNCILMAN AMBROSINO: Mr. Supervisor,
20 I move the Public Hearing be closed and the
21 proposed amendment to the Zoning Board be
22 approved.

23 COUNCILMAN HUDES: Second.

24 CLERK AHMAD: Supervisor Santino?

25 SUPERVISOR SANTINO: Aye.

1 CLERK AHMAD: Councilman Ambrosino?

2 COUNCILMAN AMBROSINO: Aye.

3 CLERK AHMAD: Councilman D'Esposito?

4 COUNCILMAN D'ESPOSITO: Aye.

5 CLERK AHMAD: Senior Councilwoman

6 Goosby?

7 SENIOR 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 item, please.

14 CLERK AHMAD: Proposed "Handicapped
15 Parking on Public Streets" in Franklin Square
16 (Russell Street)

17 SUPERVISOR SANTINO: Anyone that would
18 like to be heard on this item?

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

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

23 COUNCILMAN AMBROSINO: I move the
24 Public Hearing be closed and the proposed
25 handicapped parking in Franklin Square be

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adopted.

COUNCILMAN HUDES: Second.

CLERK AHMAD: Supervisor Santino?

SUPERVISOR SANTINO: Aye.

CLERK AHMAD: Councilman Ambrosino?

COUNCILMAN AMBROSINO: Aye.

CLERK AHMAD: Councilman D'Esposito?

COUNCILMAN D'ESPOSITO: Aye.

CLERK AHMAD: Senior Councilwoman
Goosby?

SENIOR COUNCILWOMAN GOOSBY: Aye.

CLERK AHMAD: Councilman Hudes?

COUNCILMAN HUDES: Aye.

CLERK AHMAD: Councilwoman King
Sweeney?

COUNCILWOMAN KING SWEENEY: Aye.

SUPERVISOR SANTINO: Next item,
please.

CLERK AHMAD: Proposed renewal
contract for furnishing fire protection
within Mill Brook Fire Protection District
(Incorporated Village of Valley Stream)

SUPERVISOR SANTINO: I have one person
who asked to speak on this item.

Donna Casazza?

1 Name and address for the record.

2 DONNA CASAZZA: Good Morning, Donna
3 Casazza. 405 Coldridge Road, Rockville
4 Centre, New York.

5 One, I just want to say thank you, I
6 am very encouraged.

7 I appreciate you life streaming up to
8 that.

9 If I could have a wish list that maybe
10 we can archive these meetings, that is
11 something to think about in the future.

12 Okay, um, with respect to 25697 and
13 25698, with respect to these fire protection
14 district, um, contracts, I looked on line and
15 these contracts are for a period of 2012
16 inclusive to 2016, is there a reason why we
17 are collecting arrears?

18 Mr. Conroy?

19 It is 3 billion dollars.

20 TOWN ATTORNEY RA: But they are not
21 actually arrears.

22 DONNA CASAZZA: Okay, then explain it.

23 TOWN ATTORNEY RA: What happens is
24 sometimes these fire district contracts
25 expire and we can't reach agreement on what

1 the new number should be.

2 In that case, the existing contract
3 stays in existence.

4 So, the fire departments who protect
5 these fire districts have been paid in '12,
6 '13 and '14 and '15.

7 They have been paid yearly at the 2012
8 number and sometimes and it is - - we are
9 doing zero to one percent, some fire
10 districts think it is too low and it has been
11 in negotiations and they are taking more and
12 more time.

13 DONNA CASAZZA: All right, so, my next
14 question would be, there are seventeen fire
15 protection units, are these the only two that
16 you haven't been able to work out a contract?

17 TOWN ATTORNEY RA: There maybe more
18 than two others.

19 I know Uniondale. We are working on
20 one or two others, that doesn't mean (A)
21 there is no fire protection and (B) it
22 doesn't mean that they are not being paid at
23 the rate they were paid when the last
24 contract was agreed upon.

25 DONNA CASAZZA: The only other

1 question I would say that is pretty
2 inconsistent with the annual budget books
3 that are given out each year because the
4 total amount shows the rate, so to me that
5 would be inconsistent if the contract hasn't
6 been renewed and it is at the old dollar
7 amount, each year, it should be showing the
8 old dollar amount.

9 There seems to be an inconsistency.

10 TOWN ATTORNEY RA: You know what, I
11 will check for these particular ones but I
12 believe what we do is if there is no
13 agreement by the end of the current year, we
14 put in the new amount, we carry it forward.

15 I don't know if we put the increase.

16 DONNA CASAZZA: All these funds have
17 been collected by the Town of Hempstead?

18 TOWN ATTORNEY RA: Yes.

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

22 (Whereupon, "I would" was heard from
23 the audience. After, the following ensued.)

24 SUPERVISOR SANTINO: Name and address
25 for the record.

1 FELIX PROCACCI: Felix Procacci. 1165
2 Garden Street, Franklin Square.

3 I want to bring up the fact that there
4 was a Q and A between Donna Casazza and the
5 Town Attorney and you prohibited that in the
6 earlier part of the meeting.

7 There is a difference between - - you
8 treat certain people and the subject you
9 don't want to talk about and the subject you
10 don't mind talking about.

11 So, that is unconstitutional, if you
12 are going to answer questions you have to
13 answer questions for everyone, not
14 selectively.

15 Thank you.

16 SUPERVISOR SANTINO: Anyone else that
17 would like to be heard on this matter?

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

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

22 COUNCILMAN D'ESPOSITO: Supervisor, I
23 propose the contract be renewed for the Mill
24 Brook Fire Protection District.

25 SUPERVISOR SANTINO: Is there a

1 second?

2 COUNCILMAN HUDES: Second.

3 CLERK AHMAD: Supervisor Santino?

4 SUPERVISOR SANTINO: Aye.

5 CLERK AHMAD: Councilman Ambrosino?

6 COUNCILMAN AMBROSINO: Aye.

7 CLERK AHMAD: Councilman D'Esposito?

8 COUNCILMAN D'ESPOSITO: Aye.

9 CLERK AHMAD: Senior Councilwoman

10 Goosby?

11 SENIOR COUNCILWOMAN GOOSBY: Aye.

12 CLERK AHMAD: Councilman Hudes?

13 COUNCILMAN HUDES: Aye.

14 CLERK AHMAD: Councilwoman King

15 Sweeney?

16 COUNCILWOMAN KING SWEENEY: Aye.

17 SUPERVISOR SANTINO: Next item,

18 please.

19 CLERK AHMAD: Proposed renewal
20 contract for furnishing fire protection
21 within Green Acres Mall Fire Protection
22 District (Incorporated Village of Valley
23 Stream)

24 SUPERVISOR SANTINO: Is there anyone
25 that would like to be heard on this item,

1 Please.

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

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

6 COUNCILMAN D'ESPOSITO: Mr.
7 Supervisor, I move the contract renewal be
8 granted for the Green Acres Mall Fire
9 Protection District.

10 COUNCILMAN AMBROSINO: Second.

11 CLERK AHMAD: Supervisor Santino?

12 SUPERVISOR SANTINO: Aye.

13 CLERK AHMAD: Councilman Ambrosino?

14 COUNCILMAN AMBROSINO: Aye.

15 CLERK AHMAD: Councilman D'Esposito?

16 COUNCILMAN D'ESPOSITO: Aye.

17 CLERK AHMAD: Senior Councilwoman
18 Goosby?

19 SENIOR COUNCILWOMAN GOOSBY: Aye.

20 CLERK AHMAD: Councilman Hudes?

21 COUNCILMAN HUDES: Aye.

22 CLERK AHMAD: Councilwoman King
23 Sweeney?

24 COUNCILWOMAN KING SWEENEY: Aye.

25 SUPERVISOR SANTINO: On the decision

1 Calendar, please.

2 CLERK AHMAD: On the Decision
3 Calendar, Application of High Velocity
4 Automotive, Inc., for Special Exception
5 (Public Garage conversion of warehouse space
6 to public garage for motor vehicle repair
7 shop area & accessory office - Inwood - west
8 of Cherry Street.

9 SUPERVISOR SANTINO: A motion, please.

10 COUNCILMAN D'ESPOSITO: I move the
11 application be granted based on the decision.

12 COUNCILMAN HUDES: Second.

13 CLERK AHMAD: Supervisor Santino?

14 SUPERVISOR SANTINO: Aye.

15 CLERK AHMAD: Councilman Ambrosino?

16 COUNCILMAN AMBROSINO: Abstain.

17 CLERK AHMAD: Councilman D'Esposito?

18 COUNCILMAN D'ESPOSITO: Aye.

19 CLERK AHMAD: Senior Councilwoman
20 Goosby?

21 SENIOR COUNCILWOMAN GOOSBY: Aye.

22 CLERK AHMAD: Councilman Hudes?

23 COUNCILMAN HUDES: Aye.

24 CLERK AHMAD: Councilwoman King
25 Sweeney?

1 COUNCILWOMAN KING SWEENEY: Aye.

2 SUPERVISOR SANTINO: On the
3 Administrative Calendar.

4 CLERK AHMAD: Administrative Calendar
5 1 through 31.

6 SUPERVISOR SANTINO: Thank you, Madam
7 Clerk.

8 A motion, please, on the
9 Administrative Calendar.

10 SENIOR COUNCILWOMAN GOOSBY: Mr.
11 Supervisor, I move the Administrative
12 Calendar in its entirety.

13 SUPERVISOR SANTINO: Thank you, Senior
14 Councilwoman. Is there a second?

15 COUNCILMAN HUDES: Second.

16 SUPERVISOR SANTINO: We have to hear
17 from the Public.

18 I have a few folks that want to
19 discuss - - speak.

20 Erica Dubno? Name and address for the
21 record.

22 ERICA DUBNO: Erica Dubno. 767 3rd
23 Avenue, New York, New York.

24 This regarding Resolution, um, Number
25 30 on the Administrative Calendar.

1 This is the Resolution calling for a
2 Public Hearing on May 24th, establishing fees
3 for certain off-street parking for public
4 assembly.

5 We believe that this provision is
6 unconstitutional for a number of reasons.

7 It constitutes a violation of equal
8 protection because it only imposes a burden
9 on public assembly as opposed to other types
10 of places that also use municipal parking and
11 have not obtained variances, for example,
12 office buildings and other type of commercial
13 uses.

14 Um, public assembly establishments
15 often are places that have entertainment that
16 is protected by the 1st Amendment and
17 therefore imposes a burden on free
18 expression, as well.

19 Furthermore, it is unduly burdensome
20 because establishments are already paying
21 five hundred dollars and, I guess, relating
22 to the increase, now, on fees will be paying
23 a thousand dollars for variances plus a three
24 thousand dollar fee related to parking spots.

25 Um, we want to know if this is also

1 going to include churches, temples, religious
2 auditoriums and other places like that, that
3 have public assembly.

4 Furthermore, it is unduly vague.

5 It is unclear as to whether there
6 would be a change each time any kind of
7 occupancy changes as it relates to public
8 assembly, so, if each change if it is a
9 restaurant and it becomes a restaurant and a
10 cabaret and then it becomes a cabaret, do
11 they have to pay for the parking each time?

12 It seems unclear.

13 We believe that a certain thought must
14 go into this before it is proposed for a
15 Hearing in two weeks.

16 Thank you.

17 SUPERVISOR SANTINO: Mr. Ra, can I
18 have you answer some of those points.

19 TOWN ATTORNEY RA: It will apply to
20 churches and all places of public assembly.

21 If a use changes, you need another
22 variance, it would apply to you.

23 ERICA DUBNO: Thank you.

24 SUPERVISOR SANTINO: Thank you.

25 Felix Procacci?

1 FELIX PROCACCI: I am speaking on all
2 the items regarding the calling of all the
3 Hearings and the reason it was nice of you to
4 allow Erica Dubno to speak on the item, even
5 though it is calling a Hearing that had been
6 a contemptuous issue for the last several
7 meetings for some reason, I guess, because
8 you don't want to talk about certain things
9 if you want to have it your way, that is
10 fine, because there is no law that governs
11 this.

12 I would like you to change the wording
13 of these Hearings, so, it makes it clear if
14 you are going to hold what you have told me
15 in the past, that Joe Ra has told me
16 selectively, because other people did get to
17 speak on issues, that you are calling, that I
18 didn't, because you didn't want to talk about
19 it, if you want to treat everyone equal, if
20 your position is that you are only going to
21 discuss the date of the Hearing and nothing
22 else, which you just violated right, now,
23 with Ms. Dubno, put that.

24 But if you want to do that, put that
25 on your calendar so people who are reading

1 this who aren't up to date, what is going on
2 at Town Hall, you can only discuss the date
3 and nothing but the date.

4 And, that is what Joe Ra told me on
5 video, justthefactsmedia.com.

6 You should watch yourself sometimes,
7 Joe Ra.

8 You say a lot of things and a lot of
9 stupid things, to watch yourself, so you
10 don't have to argue with people.

11 It is all there on video, up 24/7, not
12 like your video, here, which goes down as
13 soon as this meeting ends.

14 I provide the service and I provide
15 the service for free and I am open and I
16 cover the entire meeting without any editing
17 whatsoever.

18 Thank you very much.

19 SUPERVISOR SANTINO: Rori Gordon.

20 RORI GORDON: Rori Gordon. 25 Houston
21 Lane, Hauppauge, New Yorki.

22 I completely don't understand this
23 law, there are so many ambiguities and it is
24 vague.

25 For example, it says, each place of

1 Public Assembly which shall commence initial
2 and lawful operation after the effective date
3 of this section and which has received a
4 variance from the Board of Appeals
5 authorizing operation with less than the
6 number of off-street spaces required under
7 the Building Zone Ordinance shall be
8 obligated prior to issuance of an initial
9 public assembly license to pay the Department
10 of Building a fee of three thousand dollars,
11 each required off-street parking space waived
12 by the Board of Appeals except no payment
13 shall be made for the first five parking
14 spaces.

15 So, can you explain this to me?

16 Is it places that have previously been
17 a place of Public Assembly in the past?

18 According to the Town Board, it will
19 not fall under this new law.

20 TOWN ATTORNEY RA: This is
21 prospective.

22 RORI GORDON: I am sorry, I am not an
23 attorney.

24 What does that mean?

25 TOWN ATTORNEY RA: This is for new

1 places of public assembly.

2 RORI GORDON: Okay, if the place
3 previously had a public assembly license, it
4 is not included in this law?

5 TOWN ATTORNEY RA: If they currently
6 have a public assembly license, they are not
7 included.

8 RORI GORDON: I am not asking
9 currently, I am asking at one time, that is
10 what it says, each place of public assembly,
11 it doesn't say whether it is current or not
12 currently.

13 I don't understand.

14 TOWN ATTORNEY RA: If an establishment
15 applies to the Building Department for a
16 public assembly license, it will be subject
17 to this law, if this law is passed.

18 RORI GORDON: If there was a public
19 assembly license there previously, does it
20 apply?

21 I am going to use an example.

22 You have a building that had a public
23 assembly license and there was a restaurant
24 in there and they went out of business and
25 now, the landlord is stuck with the building

1 and he can't rent it for four years, are they
2 obligated, they already had a public assembly
3 license at one time and, now, it is sitting,
4 how does that work?

5 TOWN ATTORNEY RA: It has to do with
6 whether or not the new place, when he applies
7 for his public assembly license, is it
8 granted as a matter of right or is it granted
9 or does he need a variance, that is what it
10 would have to do with.

11 RORI GORDON: Public assembly are not
12 granted as a matter of right?

13 Public assembly is something that is
14 by the Building Department?

15 TOWN ATTORNEY RA: In other words, but
16 you could apply for a public assembly license
17 and need a variance, if you did that, then,
18 this law would apply to you.

19 RORI GORDON: Okay, if you need a
20 variance, then, the law applies but if there
21 is a gap and there is four years and there is
22 already a variance, variances do go away,
23 okay.

24 TOWN ATTORNEY RA: Correct, that is .
25 already have it, then, you already have it.

1 RORI GORDON: Okay, but, there is no
2 public assembly because the tenant is gone,
3 so, is the landlord responsible?

4 TOWN ATTORNEY RA: The variance runs
5 with the land under the law of the Town of
6 Hempstead.

7 RORI GORDON: Except for certain
8 people.

9 Let's go to the next question that I
10 have, um, what is not clear, you single out
11 places of public assembly with an off-street
12 parking variance.

13 Why specifically places of public
14 assembly and why not all the other uses in
15 the Town of Hempstead that require off-street
16 parking variances?

17 And, I can list a whole bunch of them,
18 office buildings, hospitals, medical centers,
19 libraries, shopping centers, there are dozens
20 of businesses that require off-street parking
21 variances that, to me, would mean an
22 explanation.

23 I don't understand why, specifically,
24 you are using public assembly.

25 TOWN ATTORNEY RA: Most places would

1 not be excluded forever.

2 Right, now, there was a need to look
3 at places of public assembly.

4 If there were a need to look at other
5 places, we will, but, right, now, there is a
6 need to look at places of public assembly.

7 RORI GORDON: Specifically, why?

8 TOWN ATTORNEY RA: Excuse me?

9 RORI GORDON: Why? Why couldn't you
10 say specifically office buildings?

11 We have to look at -

12 (Whereupon, the bell rang. After, the
13 following ensued.)

14 TOWN ATTORNEY RA: Because it has come
15 to the attention of the Board and of the Town
16 Attorney's Office that places of public
17 assembly have become an issue with parking
18 variances.

19 RORI GORDON: Are you telling me the
20 hospital that is across the street from
21 Nassau Coliseum, not Nassau Coliseum, Nassau
22 Community College - - what is that hospital?

23 I have only been here - - Nassau
24 Medical Center, they have off-street parking
25 and nobody can park in the neighborhood.

1 I see people are complaining. You
2 should be targeting that hospital.

3 You are telling me that public
4 assembly people are the ones that - - so, you
5 are singling out public assembly, that is
6 what you are doing.

7 That is unconstitutional.

8 You can't just arbitrarily pick - -

9 TOWN ATTORNEY RA: We don't believe it
10 is unconstitutional.

11 RORI GORDON: Ah, yeah, I don't think
12 you would.

13 So, now, you are not only charging
14 three thousand dollars a space, now, you went
15 from five hundred dollars to a thousand
16 dollars for public assembly license, so, you
17 are double whamming the people with public
18 assembly on the fees plus you want three
19 thousand dollars for car space.

20 Okay, let's go to the next one, which
21 I clearly don't understand, (C) all fees
22 collected hereunder shall be transferred to
23 the Department of General Services and
24 devised to increase improvement of public
25 parking fields in the Town.

1 You want to take the monies and apply
2 them not to the street where the small
3 business has to pay for, you want to put it
4 to some fund that is going to take care of
5 Town of Hempstead Parking Fields.

6 Seriously, I would be really upset if
7 I had potholes in my street and I had to pay
8 fifteen, eighteen, twenty-one, thirty
9 thousand dollars and that money wasn't going
10 for the repairs.

11 It is like somebody came up with this
12 concoction here and it doesn't seem fair at
13 all to me, to the people that have to accept
14 the burden

15 You are not going to take care of the
16 street in front of that and how did you come
17 to that conclusion?

18 TOWN ATTORNEY RA: That is what the
19 law provides.

20 RORI GORDON: That is what you guys
21 concocted.

22 You concoct things and you don't give
23 an explanation.

24 Okay, on the bigger issue, I don't
25 think you really thought out this law.

1 Can you tell me where public assembly
2 law comes from?

3 My clock is ticking.

4 Do you know?

5 TOWN ATTORNEY RA: Your question is
6 what?

7 RORI GORDON: Where does public
8 assembly law come from?

9 TOWN ATTORNEY RA: From the Building
10 Zone Ordinance.

11 RORI GORDON: It is the New York State
12 Law under safety, health and it is an
13 industrial rule.

14 As usual, you guys didn't do your
15 homework.

16 I did my homework. You are attempting
17 to mix a local law which is off-street
18 parking with a State Law.

19 I could not find anywhere else where
20 this situation exists.

21 I did find there are some historical
22 districts across the country that have
23 parking and people have to pay for parking
24 spaces if they have condos over stores, for
25 lack of parking.

1 SUPERVISOR SANTINO: Thank you very
2 much Ms. Gordon.

3 Does anyone else like to be heard on
4 any item on the Administrative Calendar?

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

7 RORI GORDON: I plan on calling the
8 department - -

9 SUPERVISOR SANTINO: Please, step
10 down, your time has expired Ms. Gordon, your
11 time has expired.

12 Call the roll, Madam Clerk.

13 CLERK AHMAD: Supervisor Santino?

14 SUPERVISOR SANTINO: Aye.

15 CLERK AHMAD: Councilman Ambrosino?

16 COUNCILMAN AMBROSINO: Aye.

17 CLERK AHMAD: Councilman D'Esposito?

18 COUNCILMAN D'ESPOSITO: Aye.

19 CLERK AHMAD: Senior Councilwoman
20 Goosby?

21 SENIOR COUNCILWOMAN GOOSBY: Aye.

22 CLERK AHMAD: Councilman Hudes?

23 COUNCILMAN HUDES: Aye.

24 CLERK AHMAD: Councilwoman King
25 Sweeney?

1 COUNCILWOMAN KING SWEENEY: Aye.

2 SUPERVISOR SANTINO: A motion please
3 to close the meeting.

4 SENIOR COUNCILWOMAN GOOSBY: I move we
5 adjourn the meeting.

6 COUNCILMAN HUDES: Second.

7 CLERK AHMAD: Supervisor Santino?

8 SUPERVISOR SANTINO: Aye.

9 CLERK AHMAD: Councilman Ambrosino?

10 COUNCILMAN AMBROSINO: Aye.

11 CLERK AHMAD: Councilman D'Esposito?

12 COUNCILMAN D'ESPOSITO: Aye.

13 CLERK AHMAD: Senior Councilwoman
14 Goosby?

15 SENIOR 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 (Whereupon, the official meeting was
22 concluded.)

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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 held on May 10, 2016
consisting of pages 1 through 74 inclusive is
an accurate transcription of my cryptic
notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.

MELANIE WOHL

COURT REPORTER

NORTH SHORE COURT REPORTERS

NOTARY PUBLIC - STATE OF NEW YORK