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TOWN OF HEMPSTEAD

ONE WASHINGTON STREET

HEMPSTEAD, NEW YORK 11550

TOWN HALL PAVILION

10:30 A.M.

MARCH 7, 2017

BEFORE: SUPERVISOR ANTHONY J. SANTINO

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APPEARANCES :

- SENIOR COUNCILWOMAN GOOSBY
- COUNCILMAN AMBROSINO
- COUNCILMAN BLAKEMAN (PRESENT) (ABSENT ROLL CALL)
- COUNCILMAN HUDES (ABSENT)
- COUNCILMAN D'ESPOSITO
- COUNCILWOMAN KING-SWEENEY (PRESENT) (ABSENT DURING ROLL CALL)
- RECEIVER OF TAXES CLAVIN
- CLERK AHMAD
- DEPUTY TOWN CLERK MULLER
- TOWN ATTORNEY RA
- TOWN COMPTROLLER CONROY

1 SUPERVISOR SANTINO: Good Morning,
2 ladies and gentlemen.

3 Welcome to our regularly scheduled
4 Town Board Meeting.

5 I will ask Senior Councilwoman Dorothy
6 Goosby to lead us in the Pledge of
7 Allegiance.

8 (Whereupon, Senior Councilwoman Goosby
9 led the Assembly in the Pledge of Allegiance.
10 After, the following ensued.)

11 SUPERVISOR SANTINO: Thank you very
12 much.

13 This morning, we have a Public Hearing
14 Calendar and one Decision and the
15 Administrative Calendar.

16 Okay, so, Madam Clerk, would you call
17 the roll.

18 CLERK AHMAD: Supervisor Santino?

19 SUPERVISOR SANTINO: Here.

20 CLERK AHMAD: Councilman Ambrosino?

21 COUNCILMAN AMBROSINO: Here.

22 CLERK AHMAD: Councilman D'Esposito?

23 COUNCILMAN D'ESPOSITO: Here.

24 CLERK AHMAD: Senior Councilwoman
25 Goosby?

1 SENIOR COUNCILWOMAN GOOSBY: Here.

2 SUPERVISOR SANTINO: Okay, first item,
3 please.

4 CLERK AHMAD: Proposed Local LAW Re:
5 "Regulations and Restrictions" to limit
6 parking in OCEANSIDE, WEST HEMPSTEAD (To
7 amend Chapter 202 of the Code of the Town of
8 Hempstead)

9 SUPERVISOR SANTINO: Is there anyone
10 that would like to be heard on this matter
11 before the Town Board?

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

14 SUPERVISOR SANTINO: There being none,
15 I will accept a Motion, please.

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

19 COUNCILMAN AMBROSINO: I second the
20 Motion.

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 SUPERVISOR SANTINO: Next item,
6 please.

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

11 SUPERVISOR SANTINO: Is there anyone
12 that would like to be heard on this matter
13 before the Town Board?

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

16 SUPERVISOR SANTINO: There being none,
17 I will accept a Motion.

18 COUNCILMAN AMBROSINO: Mr. Supervisor,
19 I move the Public Hearing be closed and the
20 Local Law be adopted.

21 COUNCILMAN D'ESPOSITO: I second the
22 Motion.

23 CLERK AHMAD: Supervisor Santino?

24 SUPERVISOR SANTINO: Aye.

25 CLERK AHMAD: Councilman Ambrosino?

1 COUNCILMAN AMBROSINO: Aye.

2 CLERK AHMAD: Councilman D'Esposito?

3 COUNCILMAN D'ESPOSITO: Aye.

4 CLERK AHMAD: Senior Councilwoman

5 Goosby?

6 SENIOR COUNCILWOMAN GOOSBY: Aye.

7 SUPERVISOR SANTINO: Next item,

8 please.

9 CLERK AHMAD: Proposed Local Law Re:
10 "Gross Weight Restrictions" in SEAFORD (To
11 amend Section 192-1 of the Code of the Town
12 of Hempstead)

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

15 (Whereupon, no response was heard.

16 After, the following ensued.)

17 SUPERVISOR SANTINO: Is there anyone
18 that would like 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, please.

23 COUNCILMAN AMBROSINO: Mr. Supervisor,
24 I move the Public Hearing be closed and the
25 proposed Local Law be adopted.

1 COUNCILMAN D'ESPOSITO: 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 D'Esposito?

8 COUNCILMAN D'ESPOSITO: Aye.

9 CLERK AHMAD: Senior Councilwoman
10 Goosby?

11 SENIOR COUNCILWOMAN GOOSBY: Aye.

12 SUPERVISOR SANTINO: Next item,
13 please.

14 CLERK AHMAD: Proposed "Handicapped
15 Parking on Public Streets" in BALDWIN,
16 BELLMORE, ELMONT, FRANKLIN SQUARE, INWOOD,
17 ROOSEVELT, WEST HEMPSTEAD, (Berkley Street,
18 Berkey Street, Russel Street, Pelham Street,
19 Pacific Avenue, Hancock Avenue, Doris Avenue,
20 Wool Avenue, West End Avenue, Second, Place,
21 Wadleigh Avenue)

22 SUPERVISOR SANTINO: Is there anyone
23 that would like to be heard on this matter
24 before the Town Board?

25 (Whereupon, no response was heard.)

1 After, the following ensued.)

2 SUPERVISOR SANTINO: There being none,
3 I will accept a Motion.

4 SENIOR COUNCILWOMAN GOOSBY: Mr.
5 Supervisor, I move that the Public Hearing be
6 closed and the proposed item be adopted.

7 COUNCILMAN AMBROSINO: I second the
8 Motion.

9 CLERK AHMAD: Supervisor Santino?

10 SUPERVISOR SANTINO: Aye.

11 CLERK AHMAD: Councilman Ambrosino?

12 COUNCILMAN AMBROSINO: Aye.

13 CLERK AHMAD: Councilman D'Esposito?

14 COUNCILMAN D'ESPOSITO: Aye.

15 CLERK AHMAD: Senior Councilwoman
16 Goosby?

17 SENIOR COUNCILWOMAN GOOSBY: Aye.

18 SUPERVISOR SANTINO: Okay, next item,
19 please.

20 CLERK AHMAD: Proposed Revised Public
21 Parking Field Maps in BELLMORE (Field B-6),

22 SUPERVISOR SANTINO: Is there anyone
23 that would like to be heard on this matter
24 before the Town Board?

25 (Whereupon, no response was heard.

1 After, the following ensued.)

2 SUPERVISOR SANTINO: There being none,
3 I will accept a Motion, please.

4 COUNCILMAN D'ESPOSITO: Mr.
5 Supervisor, I move that the Public Hearing be
6 closed and the proposed Public Parking Field
7 Map be adopted.

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 D'Esposito?

15 COUNCILMAN D'ESPOSITO: Aye.

16 CLERK AHMAD: Senior Councilwoman
17 Goosby?

18 SENIOR COUNCILWOMAN GOOSBY: Aye.

19 SUPERVISOR SANTINO: Next item,
20 please.

21 CLERK AHMAD: Proposed Amendment of
22 Section 336.G(3) of Article XXXIII of the
23 Building Zone Ordinance in relation to
24 prohibiting coin-operated or other Free-Based
25 Air Station District - TOWN OF HEMPSTEAD

1 SUPERVISOR SANTINO: Okay.

2 (Whereupon, Councilwoman King-Sweeney
3 entered the Meeting Room. After, the
4 following ensued.)

5 SUPERVISOR SANTINO: We have a number
6 of people that have signed in to discuss this
7 matter.

8 We will start with Mr. Lawrence
9 Culley.

10 LAWRENCE CULLEY: Thank you for
11 allowing me to address you on this important.

12 SUPERVISOR SANTINO: Good Morning and
13 thank you.

14 Name and address for the record.

15 LAWRENCE CULLEY: Lawrence Culley. 322
16 Darby Boulevard, Inwood, New York 11096.

17 I am the attorney for the Gasoline and
18 Automotive Dealers Association.

19 We have many members who are affected
20 by this proposed legislation.

21 As I said, thank you for allowing me
22 to address you on this very important issue.

23 Um, first, I am an attorney and a
24 number of very expert attorneys have been
25 consulted, have examined the legislation.

1 We all unanimously feel this is
2 preempted by State Law.

3 We all unanimously feel this is not a
4 proper use of the Zoning Statute and I can
5 say that it will affect many of our members.

6 They are small businesses.

7 They are Mom and Pop operations.

8 The fact of the matter is that if the
9 legislation goes through as it is, it will
10 lead to chaos and fail to - - fail providing
11 air to customers.

12 There will no longer be
13 standardization of the equipment.

14 It will be a question as to how this
15 equipment is to be repaired.

16 Um, and our feeling is because of the
17 legal challenges, zoning and also the, um,
18 preemption by State Law that this legislation
19 should be soundly defeated if voted upon or
20 otherwise withdrawn.

21 Thank you.

22 SUPERVISOR SANTINO: Thank you, sir.

23 LAWRENCE CULLEY: Anybody have
24 questions?

25 SUPERVISOR SANTINO: I run the

1 meeting, no, there are no questions, sir.

2 SUPERVISOR SANTINO: Mr. Wayne
3 Bombardiere.

4 WAYNE BOMBARDIERE: Good Morning,
5 Wayne Bombardiere. The address is 372
6 Doughty Boulevard in Inwood, New YORK 11096.

7 Deputy Executive Director of the
8 Gasoline and Service Dealers Association.

9 Um, on a daily basis, I do speak to
10 the Members that are out in the Town
11 providing these services.

12 You know, there are a lot of services
13 that are provided that we don't discuss,
14 here, from people getting help in the gas
15 stations because they have handicapped people
16 who have, um, different needs, help on a
17 regular basis.

18 Our guys do provide this help.

19 There is a cost for doing that,
20 meaning a station that is self-service
21 doesn't always have somebody standing
22 outside, waiting outside to help somebody.

23 We understand that there is a
24 mechanism that is in place, now, whether it
25 be for an attendant to come out and give

1 you coins for the machines, whether it is to
2 alert you there is a remote button
3 underneath, whatever mechanism is that has
4 been working in the past, we feel that, that
5 is sufficient for, now, okay.

6 There is not a lot of money in this in
7 terms of a profit to be made but there is a
8 cost factor involved with the equipment and
9 the maintenance going forward if we cannot
10 partner with a company that provides the
11 equipment and the maintenance and partners
12 with us on the amount of money that is
13 absolutely using that machine on a monthly
14 basis.

15 Again, not a lot of money, it is
16 enough to cover the cost of what the machine
17 costs to operate it.

18 The electric is not the problem. It
19 is the equipment, itself.

20 The lack of respect for that equipment
21 and free service on the part of the motoring
22 public, not all but some who will throw hoses
23 around, drive over hoses, break the glass,
24 damage the equipment, block up the gas
25 station, park in the driveway, not worry

1 about where they are parking and how they are
2 obstructing the business.

3 Now, if it is free, they don't care.
4 They think they are entitled to it. I see it
5 on a daily basis as I travel around.

6 I have a gas station outside my office
7 window and I see what goes on there.

8 There are guys hanging out at the
9 vacuum, hanging at the carwash at a half hour
10 at a time, music blasting.

11 Nobody wants that in their
12 neighborhood, so, if somebody has to pay for
13 something or somebody has to go through a
14 process to get something for free, there
15 might be a little less likely to take
16 advantage of it.

17 And, that is what happens, here,
18 people take advantage.

19 And, the 24/7 rule that was originally
20 in here was the real killer because I have to
21 put out a piece of equipment at night that
22 cost money for me to maintain and for me to
23 purchase and somebody gets a ten hour chance
24 to abuse it while I am not there.

25 It makes no sense from a business

1 Standpoint.

2 We have been providing services - - a
3 service for this sort to the community under
4 a common law for the last thirty-five, forty
5 years, it worked.

6 It might have been a problem in one or
7 two instances, somewhere, for somebody in
8 extreme circumstances to help to cause this.

9 We don't know.

10 The fact of the matter is, it is
11 inconvenient for the customer not to be able
12 to service their car and their tires.

13 It is inconvenient and a cost for the
14 owner to provide it for free and have to
15 maintain all the equipment and the property
16 for it to be done logically.

17 It is just the way it is, that is
18 feedback that I get.

19 I can't have fifty guys come here and
20 speak to you on behalf of themselves because
21 they operate small businesses.

22 They don't have the time for that.

23 And, they don't understand the
24 process, to be honest with you, a couple of
25 them.

1 Um, so, we are here on their behalf
2 and thank you for your time.

3 SUPERVISOR SANTINO: Thank you, sir.
4 Carol Hoeffner.

5 Good Morning. Your name and address
6 for the record, please.

7 CAROL HOEFFNER: Carol Hoeffner. 940
8 Rosedale Road, Valley Stream, New York.

9 Um, along with my husband, Anthony and
10 my son, Anthony, we own and operate Hoeffner
11 Service Station in Valley Stream.

12 We are a three-generation business.

13 We have been there, same place, sixty-
14 one years.

15 I am, here, today, to express my
16 concern and interest about the attendant Free
17 Compressed Law.

18 We are amazed that a law has been
19 amended to indicate that free compressed air
20 must be provided when gas stations are not
21 opened during business hours or hours of
22 operation rather than the original 24/7.

23 We do not wish to have our - - to have
24 people on our property in the wee hours of
25 the morning or the night when we are not

1 there.

2 Often these machines are - - they are
3 vandalized and broken and we are not around
4 at that point to attend to them.

5 Also, we share with Green Acres Mall,
6 the 5th Precinct and it is very little
7 coverage of a patrol car to come around and
8 check us out during the night.

9 Um, each gas station owner has their
10 different ways of implementing their
11 compressed air service.

12 We understand and wish that the Board
13 understands this, as well.

14 Allowing for coin-operated reliable
15 compressed air during business hours being
16 left up to the discretion of the owners,
17 some being 24/7 is what is best we feel for
18 the motorist and gas station owner.

19 We understand the importance of
20 maintenance and we have been in business,
21 as I said, for sixty-one years, the same
22 family, same place.

23 Compressed air for tire inflation is
24 not only an expense or maintenance that a
25 motorist must perform, headlights, bulbs

1 Windshield wipers, fluid, we can go on and
2 on.

3 They are all part of proper vehicle
4 ownership and cost small amounts of money
5 on the part of the motorist and inferring
6 that compressed air should be free or more
7 easily accessible than put seventy-five
8 cents in a machine is also inferring that
9 getting brake fluid, windshield wipers,
10 etc. should also be free and to be able to
11 receive without leaving your car, that is
12 really nonsense.

13 Our present air machine cannot be
14 modified to meet these new qualifications.

15 It will force us to buy a new machine.

16 The cost of a new machine would be
17 somewhere between two and three thousand
18 dollars, that is a financial burden for a
19 small business.

20 This machine will also increase our
21 electrical costs and is computed on a
22 commercial rate, not on the hours.

23 This is also a burden.

24 We will have to maintain this machine,
25 hoses, gauges due to wear and tear and

1 vandalism.

2 This will be in excess, in a year, of
3 probably of over a thousand dollars.

4 As, Wayne had said, people ride over
5 them.

6 They break them.

7 They come in with choppers and take
8 the gauges off them. They bang on the
9 thing if they don't think they are getting
10 their money's worth.

11 Um, this machine will also have an off
12 switch.

13 If this machine gets left on either by
14 mistake or on purpose, this could, um, burn
15 out the compressor, another large expense.

16 This free air machine will also have a
17 light which will be left on all night.

18 We are in a neighborhood surrounded by
19 condos and single family homes.

20 The noise of the compressor running,
21 the light and cars pulling in and out
22 idling will interrupt their sleep.

23 Also, there would be the loud music
24 and the congregation of groups, another
25 burden.

1 If left on, who is going to come and
2 turn it off in the middle of the night?

3 Okay, we have been, um, a taxpayer in
4 Valley Stream for sixty-one years.

5 As, I said, due to recent troubles
6 with IDA and Green Acres Mall PILOT
7 Program, the taxes have gone up.

8 I can't quite know because I can't
9 figure it out, somewhere between three and
10 twelve thousand dollars, literally
11 overnight.

12 Now, I am being required to give away
13 a produce for free.

14 I might be forced to lay off
15 employees, turn customers away or worse,
16 shut down my business because of this.

17 None of us want that.

18 In addition to free compressed air,
19 gas stations are also required to accept
20 use car batteries, engine oil and other
21 chemicals and you have no idea what people
22 put in those containers.

23 We pay for disposal and
24 transportation.

25 With each requirement, restriction

1 tax, increase in taxes, it gets harder and
2 harder - -

3 (Whereupon, the bell rang. After, the
4 following ensued.)

5 CAROL HOEFFNER: - - To stay in
6 business.

7 SUPERVISOR SANTINO: Try to finish up.
8 You can submit the rest to the Clerk.

9 CAROL HOEFFNER: All right, small
10 business is a burden, it is money, a couple
11 of hundred dollars a month.

12 It goes toward these increases in
13 prices and I really hope that you guys
14 would help us out with this and we need a
15 break.

16 SUPERVISOR SANTINO: Thank you very
17 much.

18 Erica Dubno. Name and address for the
19 record.

20 ERICA DUBNO: Thank you, Supervisor, my
21 name is Erica Dubno.

22 I am an Attorney with Fahringer &
23 Dubno. 767 Third Avenue, New York, New
24 York.

25 I am here, today, on behalf of the

1 Gasoline and Automotive Service Dealers

2 Association which is known as GASDA and you
3 already heard from them and the Long Island
4 Gasoline Retailers Association, known as
5 LIGRA and you will be hearing from them, as
6 well.

7 These are the two trade associations
8 that represent independent service stations
9 throughout Long Island and in the Town of
10 Hempstead representing, approximately, I
11 think two hundred small service stations,
12 here.

13 These are service stations that are
14 not big conglomerates.

15 These, for the most part, are small
16 Mom and Pop people, like Carol Hoeffner,
17 who we just heard from which also
18 represents service stations, vending
19 equipment and its principal Bill McCabe,
20 who you will also be hearing from, who
21 installed and maintained these machines who
22 have be providing the reliable free
23 compressed air - - I am sorry - -
24 compressed air to the people of Hempstead
25 for years.

1 We currently have pending in the
2 Supreme Court, an action challenging the
3 Constitutionality, this Town's amendment
4 which was enacted back in August of last
5 year.

6 We had a Hearing in March, I think,
7 some of you may remember me from then, that
8 amendment criminalizes the possession of
9 coin-operated compressed air machines.

10 Our lawsuit also challenges the
11 constitutionality of the original status
12 that was enacted back in 1978 that required
13 - - which required gasoline stations to
14 provide free air.

15 On September 23, 2016, Justice Antonio
16 Brandveen of the Supreme Court granted a
17 Temporary Restraining Order to enjoin the
18 Town from enforcing the 2016 amendment.

19 And, on January 5, 2017, Justice Karen
20 Murphy granted a Preliminary Injunction
21 against the Town.

22 We do not oppose the removal of the
23 24/7 requirement from the 2016 amendment,
24 that is the one that requires service
25 stating, such as, manufacturers to provide

1 Compressed air even when they are closed at
2 night.

3 Um, and as has been addressed and the
4 reason we don't is because that provision
5 id dangerous and creates all kinds of
6 safety issues.

7 It also was unanimously voted by this
8 Board.

9 The Board unanimously voted to remove
10 it and somehow it wound up in the law.

11 Um, in addition to that, we do not
12 oppose the portion of the amendment which
13 continues the amortization period until
14 October, um, extend the period of time.

15 Um, indeed, Judge Murphy found that
16 the cost of removal of the coin-operated
17 compressed air machines which are standard
18 throughout the State and allowed by New
19 York State Law, um, and selling a new
20 machine is substantial.

21 It is clear that the amendments,
22 today, are here to address the concerns
23 identified in Judge Murphy's decision.

24 However, the changes do not salvage
25 the 2016 amendment which is still

1 patently unconstitutional and as will be
2 addressed by Bill McCabe and other people,
3 affords there are substantial dangers
4 presented by this law to the safety of our
5 community, even with the removal of the
6 24/7 requirement.

7 And, perhaps, we did not make it clear
8 when we were here last time, the safety
9 concerns that exists from the law as it
10 currently stands and as it has been
11 amended, as well.

12 I just want to point out that the Town
13 has engaged outside Counsel to defend
14 itself against these challenges, here.

15 We obtained from Freedom of
16 Information Law the billing invoices that
17 the Town has paid to defend the 2016
18 amendment already during a fifty-three day
19 period from September 22nd to November 14th
20 of last year, which is less than two
21 months.

22 The Town paid thirty thousand three
23 hundred and seventy-six dollars and twenty-
24 three cents to defend this law that is less
25 than a two-month period of this.

1 This is to an outside Counsel.

2 It is not even going to the Town
3 Attorney.

4 The Town is laying people off right,
5 now.

6 There ae serious budget issues.

7 There are tax issues going on and, um,
8 the unconstitutional aspects of this law
9 still remain, even if you take out the 24/7
10 requirement and change the amortization
11 period.

12 And, I think that is something to
13 consider.

14 The law, itself, still criminalizes
15 the possession and operation of coin-
16 operated machines.

17 (Whereupon, the bell rang. After, the
18 following ensued.)

19 ERICA DUBNO: May I continue?

20 SUPERVISOR SANTINO: Yes.

21 (Whereupon, Councilman Blakeman
22 entered the Town Board Meeting. After, the
23 following ensued.)

24 ERICA DUBNO: The amendment still
25 subjects small gasoline station owners

1 to criminal charges, including imprisonment
2 of up to fifteen days.

3 Ms. Carol Hoeffner can go to jail for
4 fifteen days, there, if there is anything
5 wrong with the free air machine, so, if the
6 hose is broken, it doesn't even give her a
7 period of time to correct it.

8 The New York State Law says it has to
9 be a willful violation and the penalty in New
10 York is only a twenty-five dollar a day fine.

11 This fine goes up to ten thousand
12 dollars a week and it can subject her to
13 criminal summonses, fifteen days in jail.

14 In addition, the Town is exceeding its
15 authority under the zoning and police powers
16 by interfering and requiring a business to
17 provide a service under its zoning laws.

18 And, as I pointed out in our papers in
19 the lawsuit which is currently pending, this
20 place has been preempted by the State which
21 already governs what you want, you want
22 people to get air and air is available under
23 New York State Law.

24 It is also, um, they require service
25 stations to provide free air and

1 install a compressor, maintaining equipment
2 and removing existing coin-operated machines.

3 It is a taking and violation of the 5th
4 and 14th Amendments, as well as, Article 1 and
5 Section 7 of the New York State Constitution.

6 It violates the property owners'
7 rights to equal protection and due process
8 but I think the most important thing which we
9 will be talking about later and people sort
10 are more knowledgeable than I am on the
11 dangers that the law does there.

12 So, I want to say that the cost of
13 defending this unnecessary, unconstitutional
14 law at thirty thousand dollars for two months
15 of work, I am going to say, rest assured, for
16 the seventy-five cents that a person might
17 have to pay on occasion, if for some reason,
18 the free air mechanism isn't working at the
19 station is going to be far outweighed by the
20 hundreds of thousands of dollars of taxpayer
21 money that it is going to be needed to defend
22 the law.

23 Thank you.

24 SUPERVISOR SANTINO: Thank you.

25 Bill Schnell.

1 BILL SCHNELL: Good Morning, my name
2 is Bill Schnell. 51 East Main Street,
3 Smithtown, New York.

4 Mr. Supervisor, Members of the Board:

5 Thank you very much for the
6 opportunity to speak this morning.

7 I represent the Long Island Gasoline
8 Retailers Association and have done so for
9 over twenty years.

10 I am their registered New York State
11 Lobbyist.

12 I am speaking, today, because Steven
13 Wonderward (phonetic spelling) was not
14 available to speak.

15 I just want to talk today about the
16 overall fact what this law, um, speaking to
17 our two field reps., who are, here, today,
18 who represent our members in the Town of
19 Hempstead and we have a hundred members in
20 Hempstead and fifty of those have coin-
21 operated air machines.

22 I want to speak to the fact, that
23 obviously, we are part of the lawsuit, um,
24 but the overall picture, here, that this law,
25 um, will create.

1 Bill McCabe is the primary provider of
2 these coin-operated services, um, to our
3 members and, um, our members certainly, if
4 you look at the industry over the years, it
5 has completely changed, like everything else.

6 No longer do you just go down to the
7 station and repair shop.

8 Our members, now, are primarily, are
9 out of the repair business and they are in
10 the gasoline business.

11 Bill McCabe's company provides
12 incredible service to our members, so, that
13 they can provide air - - compressed air for,
14 you know, your constituents, also, and their
15 customers.

16 Um, I would say that, um, at this
17 point, um, again, the law that was passed
18 will create a great burden on our members.

19 There are a lot of safety issues
20 involved in that.

21 Um, I believe that we like to work
22 with the Town, maybe we can come up with some
23 solutions to issues.

24 I am sure you responded with your
25 original legislation.

1 Some of these situations, perhaps, you
2 know, at some point, we will welcome the
3 opportunity to sit down with the Board and
4 bring the standards and issues up to the 2017
5 level, so to speak.

6 When we were all kids, like I said, we
7 went down to the corner and the compressor
8 hose was available.

9 When you think about it, when you grew
10 up and I grew up in Plainedge, Nassau County,
11 um, you know, bottle water, who thought you
12 would have to pay for bottled water?

13 Correct?

14 Cutting your own lawn, now, everyone
15 has a paid service.

16 Primarily, the evolution of the coin-
17 operated air machine, it is a paid service.

18 It is an important service.

19 Our members are no longer in the
20 repair business and don't want to maintain
21 this equipment.

22 Bill McCabe's company and I can bring
23 up our two field reps., does an amazing job
24 servicing the equipment, taking care of the
25 equipment, works 24/7.

1 If a hose gets pulled off, um, it is
2 fixed the next day and that truly is a safety
3 issue.

4 I have in my Town, I live in Kings
5 Park, Bill has three stations that have
6 equipment and I can tell you, I can get up
7 3:00 o'clock in the morning and my Shell
8 station is closed and the air equipment is
9 there and it works 24/7, so, thank you very
10 much for allowing me to speak.

11 SUPERVISOR SANTINO: Thank you very
12 much.

13 William McCabe, Sr, Mr. McCabe.

14 Name and address for the record.

15 WILLIAM McCABE, SR.: William McCabe.
16 My address is 120 Cherry Street, Floral Park.

17 I just got to put a couple of things
18 up on the table.

19 I have done this once before and I
20 will do it, again, just so we are clear on
21 the cost of compressed air.

22 These are components, primary
23 components in my machines.

24 The main component is a half horse
25 power compressor, three quarter horse

1 Power compressor which, um, runs about three
2 hundred dollars installed and this
3 typically lasts a year and a half, two
4 years.

5 It has to be replaced quite frequently
6 because of the abuse that it takes.

7 The next component is wire, reinforced
8 breaking hose, this runs about sixty
9 dollars.

10 This is much heavy duty than the hose
11 you typically see at a gas station that
12 would be offering free air that would
13 inexpensive for them to use and that is
14 what they prefer to use.

15 This is much heavy duty and lasts
16 longer and provides safer operation for the
17 machine.

18 This is a tire inflator gauge.

19 This, itself, has components in it but
20 this runs about thirty, forty dollars
21 without installation.

22 I replace these components hundreds
23 and hundreds of times a month because they
24 are vandalized.

25 They are stolen and they wear out.

1 The last main component is a timer.

2 These are about hundred dollars. This
3 is replaced every year, every two years and
4 these are a hundred dollars.

5 I would like to also point out that
6 all of these items are made in the U.S.A.

7 They are made in the United States as
8 is the machines, that are manufactured,
9 which we manufacture right, here on Long
10 Island.

11 Um, before I get started, I would like
12 to make sure that we add to the record the
13 emails that I sent to the Town Attorney Ra
14 over the weekend regarding the safety
15 issue.

16 I sent him several pictures and
17 equipment that is damaged or not operated
18 correctly which result in people getting
19 hurt.

20 As I said, my company supplies these
21 air machines and we provide reliable
22 service so, the customers can get air
23 twenty-four hours a day, seven days a week,
24 three hundred and sixty-five days a year,
25 even if the station is closed.

1 I know that is one of the operatives
2 of the original legislation, was, make sure
3 people can get air even if the station is
4 closed.

5 My equipment does that.

6 Our machines are maintained by my
7 staff of twenty-five people, several of
8 whom live in the Town of Hempstead.

9 The machines which are installed are
10 manufactured right, here on Long Island and
11 I use vendors that fabricate all the steel
12 casing that goes around the machines all
13 from Long Island, so, virtually, everything
14 on my machine is made here, on Long Island.

15 Our machines are professionally
16 installed with dedicated electrical lines
17 running to every machine, so, this way
18 there is no confusion with us tapping into
19 wires that runs lines or other things at
20 the station.

21 So, every machine has a dedicated line
22 to it.

23 Of course, this incurs a great expense
24 to my company but to be operating a
25 business, I want my customer to be safe and

1 have no issues with any type of problem with
2 electrical.

3 Service calls are usually done within
4 the same day which is virtually unheard of.

5 If you call in the morning and you own
6 a gas station, we fix the machine in the
7 afternoon, almost in all cases.

8 In addition, to the outstanding
9 service we offer, we are constantly
10 upgrading our machines.

11 Um, at the present time, we are
12 exploring remote technology where we can
13 monitor a machine remotely.

14 We would actually know when a machine
15 is broken before it is called in.

16 Additionally, we are installing credit
17 card and smart payment phone options on our
18 equipment, so, a customer can pull up to a
19 machine and use their smart phone or credit
20 card to get their service.

21 This is not a scheme.

22 It is not a gimmick.

23 This is to provide a service for
24 people to use.

25 It is also safer. They don't

1 have to leave their vehicle.

2 They can right at the point of
3 purchase, they can get their service.

4 Machines are routinely hit by cars,
5 trucks and snow plows.

6 In many cases, those machines are
7 totally destroyed and they are beyond
8 repair.

9 The next day my guys are there
10 installing another machine, not days, not
11 weeks, not months.

12 The machines are immediately repaired,
13 frankly, because there is a financial
14 benefit to everyone that there is a working
15 machine.

16 And, of course, we care about our
17 customers.

18 We don't want people getting
19 aggravated by not having the ability to get
20 compressed air.

21 We also provide the driving public
22 with a uniformed look to all of our
23 machines, so, every machine that I operate
24 looks virtually the same.

25 There is no mystery when you pull up

1 to one of my machines.

2 You can drive anywhere in the
3 metropolitan area, all my machines look the
4 same and customers can use the machine.

5 If I were to remove my machines from
6 the Town - -

7 (Whereupon, the bell rang. After, the
8 following ensued.)

9 WILLIAM McCABE, SR.: As was mentioned
10 before, it would be, at least, a two
11 thousand dollar expense to buy the machine
12 and two thousand dollars a year maintenance
13 on that.

14 SUPERVISOR SANTINO: Try to wrap up
15 your comments. If you have additions, you
16 can leave it with the Town Clerk.

17 WILLIAM McCABE, SR.: The safety issue
18 is critical.

19 I am not going to get into that.

20 My son will get into that a little
21 more.

22 It is very important that Town
23 Attorney Ra shares with you the videos and
24 photos that I sent him, the devastating
25 effect of an air program that is maintained

1 correctly.

2 And, the last thing I would like to
3 say like the meters outside in the parking
4 lot, which very rarely work, any equipment
5 needs to be maintained.

6 You can't even read the buttons on the
7 machine.

8 When you try to get a receipt, most
9 don't work.

10 My equipment is maintained adequately
11 and like anything else, like the old saying
12 goes, "you get what you pay for."

13 SUPERVISOR SANTINO: Thank you very
14 much.

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

17 SUPERVISOR SANTINO: William McCabe,
18 Jr.

19 WILLIAM McCABE, JR.: William McCabe,
20 Jr.

21 Post Office 334 New Hyde Park, New
22 York.

23 I have a number of handouts for
24 everyone, here.

25 I will give them out.

1 SUPERVISOR SANTINO: Give them to the
2 Clerk, please.

3 WILLIAM McCabe, Jr.: I will give them
4 out to the Clerk.

5 She can hand them out to you.

6 And, there is also a copy for you.

7 Can you make it apart of the record.

8 Thank you very much.

9 I will start, as we are beginning to
10 hand those out.

11 In this little packet that I made,
12 here, the first page of this packet, I just
13 called it simply "exploding tires",
14 "compressed air machine stolen" and "poorly
15 translated foreign made compressors,"
16 "manuals and information not up to U.S.
17 standards."

18 These are WEB sites that we, um, we,
19 put together indicating some issues that
20 have come up over the years with said
21 equipment, um, the exploding tires stuff, I
22 mean this is very severe stuff when this
23 equipment isn't maintained properly or when
24 it is used inside a repair shop and not
25 done up to the proper standards.

1 Um, tires are exploding. There is
2 actual video, here that, that, um, that
3 Town Attorney Ra has and I am handing, now,
4 to you, peoples' arms and body limbs being
5 blown off across parking lots of gas
6 stations where these compressors fail and
7 this equipment is not being properly
8 maintained.

9 Um, there is also - - there is also
10 information, there, in regards to somebody
11 getting electrocuted and killed by a poorly
12 maintained, um, compressed air machine in
13 Florida.

14 Um, this was in the Florida newspapers
15 and on the media and so forth.

16 There is another example in New Jersey
17 where a gentleman in Monmouth County,
18 right, here in Monmouth County, where he
19 was severely injured with such equipment
20 doing this at a gas station near his house.

21 Another gentleman in Germany, at a gas
22 station filling up a wheel barrel and
23 inside one of the handouts that I am giving
24 you, is the Doctor's report from all the
25 maiming across his body, his head and all

1 the lacerations and broken bones from a
2 poorly operated compressed system where there
3 is not a standard in the industry and there
4 is not equipment that is properly
5 maintained by professionals that are in
6 this business with the proper insurance
7 liability and the proper training and the
8 proper technicians to service it.

9 These types of things will happen.

10 There is not a doubt in my mind that
11 something like that can happen because the
12 evidence is right there in all of those URL
13 addresses that you have.

14 Compressed air machines are
15 continuously stolen right, here in Queens
16 and Brooklyn.

17 You will see the URL and CBS and the
18 daily news right there of people tearing
19 them off the wall, taking them and selling
20 them for scrap metal.

21 Those people were caught.

22 They have stolen a dozen machines.

23 Um, this is the Vending Times Article
24 that is there.

25 There is an article about those

1 machines being stolen in a Vending Times
2 magazine.

3 I already went over the wheel barrel.

4 There is another piece of information
5 there from the Pennsylvania Department of
6 Transportation, um, changing and fixing
7 their standards and, um, techniques for
8 maintaining tires in repair shops and
9 repairing tires in repair shops.

10 New Hampshire Sears worker, a trained
11 professional working in a facility filling
12 tires and putting tires on cars, killed,
13 twenty-two year old.

14 There is an interview with a family
15 member and some quote from a family member
16 there.

17 Then, I have a gas station, right,
18 here, in Town.

19 There is a picture.

20 They have a free air program. They
21 installed their equipment with shotty
22 electric.

23 The electric is vibrating and moving
24 around and wires are showing.

1 If you can see that at Speedway,
2 there, dated 12/12/16.

3 The picture was taken and the picture
4 was also taken on 3/3/17 in order to indicate
5 that it still has not been fixed, that has
6 been sent to Town Attorney Ra.

7 I also have, from Tire Rack and a
8 number of other tire sales companies and
9 online sources indicating that tire
10 maintenance is extremely important for
11 reducing carbon emissions and preventing
12 accidents from tires when they are not
13 properly filled too high or too low, don't
14 only cause major danger for accidents and
15 possible explosions as discussed but they
16 also - - they also incur huge amounts of
17 efficiency and fuel and don't properly, you
18 know, when they don't properly run, they
19 actually leave - -

20 SENIOR COUNCILWOMAN GOOSBY: Mr.
21 McCabe?

22 WILLIAM McCabe, JR.: Excuse me, allow
23 me to finish.

24 SENIOR COUNCILWOMAN GOOSBY: Okay.

25 WILLIAM McCabe, Jr.: - - Polluting

1 our water supply, the dangerous electric and
2 wire when these machines are not installed
3 correctly by licensed and ensured
4 electricians.

5 The wire is dangerous. It is not put
6 inside the proper well-treated conduit and it
7 is exposed to the elements.

8 The salt eats away at the wiring
9 causing sparking.

10 Oftentimes, these machines are put on
11 multiple lines with different items on it.

12 SUPERVISOR SANTINO: Your time has
13 expired.

14 Please, give your comments to the
15 Clerk.

16 WILLIAM McCABE, JR.: I would like to
17 offer - -

18 SUPERVISOR SANTINO: Mr. Procacci.

19 You may extend anything to the Clerk.

20 WILLIAM McCABE, JR.: Any questions you
21 might have with regards to how 2000 - -

22 SUPERVISOR SANTINO: Mr. Procacci, I
23 called you up.

24 FELIX PROCACCI: The guy is talking.

25 SUPERVISOR SANTINO: Mr. Procacci,

1 state your remarks.

2 FELIX PROCACCI: Felix Procacci. 1165
3 Barns Street, Franklin Square, New York.

4 Um, I first want to bring up this
5 Board's behavior and lack of behavior.

6 This is going on tomorrow, one year
7 since this Hearing was called, March 8, 2016
8 you called the Hearing about this.

9 You didn't talk to anyone about it
10 when the Hearing occurred on March 29th.

11 You didn't answer any questions.

12 You didn't engage with the public.

13 One person out of fifteen came in
14 support of this free air law and that is what
15 you went with.

16 In any other situation, you would have
17 went with the majority, but for some weird
18 reason, the politics up, here, went with the
19 majority.

20 When does that ever happen?

21 Also, you guys demonstrated no legal
22 basis for this law, as it was mentioned by
23 Erica Dubno, you violate zoning law.

24 There is no provision in zoning law
25 that allows you to regulate prices.

1 You wouldn't even address that.

2 If I ask a question to Joe Ra, he will
3 say it is under litigation. We can't
4 comment, that is what he says all the time.

5 But, meanwhile, you are imposing
6 severe litigation costs on the Plaintiffs,
7 here.

8 You are imposing severe litigation
9 costs on the taxpayer.

10 And, you got **NEWSDAY** back there, who
11 won't write one word about the excessive
12 litigation costs in this Hearing.

13 They sit here and they placate you.

14 And, that is a disgrace. It is a
15 disgrace.

16 And, you are all disgraceful.

17 If you believe in something, which you
18 say you believe in it, because you all voted
19 for it, why don't you stand up and say, I
20 believe in free air because.

21 And, I believe it doesn't violate the
22 law because and I believe it doesn't violate
23 New York State Business Law because.

24 You won't say that.

25 You sit there like a bunch of dummies

1 And say nothing, "no comment pending
2 litigation."

3 It wasn't pending litigation last
4 March 29th but you wouldn't answer one freakin
5 question about it, okay.

6 Re you all ignorant or are you all
7 placating Supervisor Santino, here, is that
8 what it is all about?

9 COUNCILMAN BLAKEMAN: Felix, aren't we
10 considering an amendment to the law, now?

11 FELIX PROCACCI: You are considering
12 an amendment of the law from 1978.

13 You never discussed the legality of
14 it.

15 COUNCILMAN BLAKEMAN: Whether it is or
16 it is not, the bottom line is we were asked
17 to take a look at it.

18 We were asked to consider changing it,
19 an amendment, amending it, that is what we
20 are doing, now.

21 We are considering it.

22 FELIX PROCACCI: The amendment should
23 be rescinded, the entire law, the entire law
24 should not be a 24/7 issue, that is a very
25 minor issue in the scheme of things.

1 COUNCILMAN BLAKEMAN: That is your
2 opinion.

3 FELIX PROCACCI: It is not my opinion,
4 it is the facts.

5 You will not address facts.

6 You will not address the zoning issue.

7 You will not address the business law
8 issues.

9 When Erica Dubno came here, March 29,
10 2016, you did not address anything.

11 You cut her off at 6 minutes and let
12 another attorney who spoke on the issue go on
13 14 and ½ minutes and it is all on video.

14 You are a bunch of disgraceful people
15 that is basically what it is, each and every
16 one of you.

17 Ambrosino take notes.

18 He doesn't learn one damn thing from
19 his notes.

20 He doesn't read them.

21 He just sits there and he does his
22 work for his external law business, that's
23 it, that is what he does non-stop during
24 these Hearings.

25 He doesn't listen to the

1 People talking.

2 You made your decision before you even
3 get here.

4 You don't listen to the people and
5 take our evidence presented to you and make
6 an informed choice, that is not what you did
7 with this free air business.

8 You came in, came in to vote for this
9 law because you never met them prior, you
10 never called up GASDA.

11 You never called up all the other
12 trade organizations prior to March 8, 2016 to
13 talk to them to learn what you can bout their
14 business.

15 You didn't do that, you came here to
16 vote for this law, no matter what anyone
17 said, that is the truth, that is the God
18 honest truth.

19 And, the video supports everything
20 that I said.

21 Show me some evidence that supports
22 otherwise.

23 Show me one piece of evidence besides
24 your platitude.

25 I got one more minute.

1 I will listen to anything that you
2 have to say.

3 Take my minute from me.

4 Go ahead, say something reasonable.

5 COUNCILMAN BLAKEMAN: I disagree with
6 your analysis.

7 FELIX PROCACCI: That is not
8 reasonable, that is no proof at all.

9 Thank you very much.

10 SUPERVISOR SANTINO: Thank you very
11 much.

12 Is there anyone that would like to be
13 heard on this issue?

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

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

18 COUNCILWOMAN KING-SWEENEY: Mr.
19 Supervisor, I move that the Public Hearing be
20 closed and we reserve decision.

21 COUNCILMAN BLAKEMAN: Second the
22 Motion.

23 CLERK AHMAD: Supervisor Santino?

24 SUPERVISOR SANTINO: Aye.

25 CLERK AHMAD: Councilman Ambrosino?

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COUNCILMAN AMBROSINO: Aye.

CLERK AHMAD: Councilman Blakeman?

COUNCILMAN BLAKEMAN: Aye.

CLERK AHMAD: Councilman D'Esposito?

COUNCILMAN D'ESPOSITO: Aye.

CLERK AHMAD: Senior Councilwoman
Goosby?

SENIOR COUNCILWOMAN GOOSBY: Aye.

CLERK AHMAD: Councilwoman King-
Sweeney?

COUNCILWOMAN KING-SWEENEY: Aye.

SUPERVISOR SANTINO: Next item,
please.

CLERK AHMAD: Application of BOLLA
OPERATING LI. CORP. for a variance from
provisions of "GSS" Ordinance for a permit to
operate a convenience store and install two
(2) storage tanks, each with a capacity of
15,000 gallons - BALDWIN - northwest corner
of Grand Avenue and Stowe Avenue.

SUPERVISOR SANTINO: Good Morning,
Gentlemen, how are you?

Name and address for the record.

ATTORNEY ALTMAN: For the applicants,
David N. Altman, law offices of Harris,

1 Beach. 538 Broad Hollow Road, Suite 301,
2 Melville, New York.

3 ENGINEER TARTAGLIA: Chris Tartaglia.
4 High Point Engineering. 521 Conklin Street,
5 Farmingdale, New York.

6 ATTORNEY ALTMAN: Thank you, Mr.
7 Supervisor, Board Members:

8 I appreciate the time. Good to see
9 everybody, today.

10 Um, also, with me, here, today, on
11 behalf of the applicant, Matt Zackler (as
12 heard) is outside printing a copy of the
13 traffic/parking study.

14 Hopefully, he will get that to us
15 before the close.

16 We will submit it for the record, as
17 soon as, he has it printed out to us.

18 In addition, I have with me this
19 morning, John Breslin, Real Estate Expert.

20 John is a licensed, New York State
21 Real Estate expert.

22 He has prepared a report in support of
23 the applicant's application.

24 And, I have submitted copies for the
25 Members of the Board with the Clerk this

1 Morning and I ask that be made a part of the
2 record.

3 And, finally, this morning, Mr.
4 Supervisor, I have about five minutes of
5 remarks relative to the application and to
6 the extent this Board has any questions of
7 myself, the experts, I will be happy to
8 answer any questions that the Board may have.

9 The subject property is located at
10 1738 Grand Avenue in Baldwin, New York.

11 On the Nassau County Tax Map Number,
12 Section 36, Block 395, Lot 517.

13 The property is zoned Business X and
14 it is in the Town's "GSS" Overlay District.

15 The parcel is indicative of older
16 gasoline stations throughout Nassau and
17 Suffolk County in that it is a corner lot in
18 this particular instance, it is a little bit
19 smaller.

20 It has eleven thousand five hundred
21 and thirty-two square feet with frontage on
22 Grand Avenue with slightly more than one
23 hundred and twenty-nine feet and frontage on
24 Stowe Avenue to its South side of slightly
25 greater than ninety-four, almost ninety-five

1 feet.

2 The average lot depth of the parcel
3 is, approximately, 93.21 feet.

4 I will note, for the record,
5 Supervisor and Fellow Board Members, the
6 premises has been operated as a gasoline
7 service station for a better part of fifty-
8 seven years with a significant occupancy
9 having been issued by the Town on October 4th
10 of 1960, in that, C of O, 98671.

11 The premises is presently an improved
12 gasoline service station, I believe, there is
13 a small convenience in there, now and three
14 auto repair bays.

15 The existing service building, which
16 is in the northwest portion of the premises
17 is, approximately, seventeen hundred square
18 feet or so, slightly larger.

19 There are presently, two fuel product
20 dispensers on the property.

21 They front on Grand Avenue and
22 parallel to Grand Avenue providing four
23 fueling positions.

24 There is no existing overhead canopy.

25 Two curb cuts on Grand Avenue which

1 the applicant proposes to maintain and
2 slightly enlarge.

3 And, there are two curb cuts on Stowe.

4 The applicant also proposes to
5 maintain and to slightly enlarge that, as
6 well.

7 The applicant proposes to raise and
8 rebuild the existing development on the site
9 with a new gasoline service station.

10 The new building, the new site will
11 have an eighteen hundred square foot building
12 to be used as a convenience store, that
13 building will be - - it is also in the
14 northwest corner of the property.

15 However, the applicant proposes to
16 move that building slightly further to the
17 northwest, such, there will be a zero lot
18 line setback to the West and a 7/10th of lot
19 line setback on the North side.

20 This is being done for both ingress
21 and egress purposes, as well as onsite
22 circulation, as I did note, the site, itself,
23 is fairly tight being, approximately, eleven
24 - - a little over eleven thousand square feet
25 in area, with an average lot depth of

1 three square feet.

2 There will be four fueling dispensers
3 including one free dispenser is gas and
4 diesel, that dispenser will be located in the
5 southwest portion.

6 Underneath the canopy, there will be
7 eight fueling positions.

8 The canopy, itself, will be
9 approximately, 57.1 by 31.6 feet or eighteen
10 hundred and four square feet.

11 The applicant also proposes to provide
12 nine parking spaces which will comply with
13 the Town Code.

14 There will be eighty by ten by six
15 masonry trash enclosure along the West lot
16 line just South of the proposed main store
17 building including one handicapped stall.

18 The applicant also proposes to install
19 two brand new fifteen thousand gallon
20 underground fuel storage tanks and there will
21 be one freestanding sign, ground sign that is
22 to be located at the southeast corner of the
23 property, just, approximately, at the
24 intersection of Stowe and Grand Avenue.

25 The roadway system in the area is

1 as follows and I will be brief about that.

2 Grand Avenue in the North/South main
3 artery to both the community, approximate to
4 the site, there are three lanes southbound,
5 including one dedicated left-turn lane and
6 two lanes northbound.

7 Stowe Avenue, although not stripped,
8 essentially, provides two-way traffic.

9 Traffic running East and West, single
10 lane in each direction.

11 It is a signalized intersection.

12 The character of the area is such that
13 and it is fully noted in the real estate
14 report, that Mr. Breslin prepared and
15 submitted into the record.

16 To the North of the site, particularly
17 on both the North and on the West and East
18 side of Grand Avenue, the premises property
19 in that area are generally commercial in
20 nature.

21 Directly across the street on the East
22 side of Grand Avenue, you have the Lucky
23 Beauty Supply store, beauty salon, Subway,
24 Jamaica Flavor, which is a freestanding, um,
25 facility and the Baldwin Shopping Center,

1 including to the South of Grand Avenue, you
2 have Serenity Pizza, Pathmark Shopping
3 Center.

4 And, then, there is a dry cleaners and
5 wine/liquor store directly across the street
6 on the South side of Stowe.

7 Finally, to the West, as you can see
8 from the arterial on the display board,
9 single family residential including a condo
10 complex to the northwest.

11 Interestingly, just on the North side
12 of the property, the entrance to the condo
13 complex, um, runs adjacent to the subject
14 site, as such, the condo complex, itself,
15 does not directly abut the subject site and I
16 will note having been to the site, itself,
17 that entrance is very well landscaped and
18 there is some fencing there, so, part of the
19 buffering of the condo complex from the
20 subject site.

21 As I did mention, Mr. Supervisor and
22 Fellow Board Members, the site, itself, has
23 been used as a gas station for a better part
24 of fifty-seven years with a Certificate of
25 Occupancy having been issued in 1960.

1 There are a number of other C of O for
2 variance renovations and improvements to the
3 site during the past fifty-seven years, all
4 of which are part of the record already.

5 So, I am not going to go through them,
6 now.

7 Um, I will note and, again, it bears
8 to go to the side of the subject site because
9 it is eleven thousand - - it is eleven
10 thousand five hundred plus square feet.

11 If you, the Board, were to take into
12 consideration the permissible building
13 envelope with a required forty foot yard
14 setback, twenty foot rear yard and ten foot
15 side yards, you have a de minimis,
16 permissible building envelope of,
17 approximately, um, thirty-three feet in depth
18 of about one hundred feet in length, such,
19 that the existing station, itself, would be a
20 non-conforming use, so, it is really not
21 developable.

22 Um, there are a number of variances
23 that the applicant requires the preponderance
24 of those variances relate to the side of the
25 site and constraints imposed on the

1 Applicant, as a result of the side of the
2 site.

3 I will read them, if the Board wished
4 but, I believe, the Board is cognizant of
5 that.

6 It is not necessary at this time.

7 There are certain variances that the
8 applicant does request and I will touch on
9 them briefly.

10 With respect to the ground sign, Mr.
11 Supervisor, that would be the southeast
12 corner of the site.

13 The ground sign, as you know, is an
14 essentially component to the operation of
15 gasoline service station.

16 The sign, itself, requires a height
17 variance and area variance, as well as, a
18 setback variance for the clear-site triangle.

19 The clear-site triangle, the most
20 concerning motorist can see around the sign,
21 as such.

22 The applicant proposes a seven foot
23 clearance between the bottom of the sign not
24 affecting the ability.

25 Um, the size of the site

1 and height, itself, we believe is of
2 importance in terms of both identifying brand
3 and price.

4 Motorists, as we know, are always
5 price sensitive.

6 We want to give them the ability to
7 identify price, brand, immediately.

8 It also plays into a safety
9 consideration, as well as, give motorists
10 sufficient time to identify the site, itself
11 and stop and make a turn and activate the
12 appropriate signal in their vehicle.

13 That being said, Mr. Supervisor and
14 Fellow Board Members, I believe any detriment
15 to any community far outweigh by the benefits
16 to the applicant, that this application
17 satisfies the requirements of 6267 B of the
18 Town Law, as well as, Section 274 of the Town
19 Law and, of course, the necessary elements of
20 this Town's Code.

21 Um, we are aware of the, um, Town's
22 inspection violation report that was provided
23 to us prior to the Hearing.

24 Um, I would note, for the record, that
25 the items contained in there are all

1 addressed, either ameliorated or eliminated
2 as a result of this application.

3 To the extent this Board has any
4 questions of myself or, um, my experts, we
5 are here to answer them.

6 SUPERVISOR SANTINO: Thank you,
7 Counsel.

8 Does any Member of the Town Board have
9 any questions?

10 COUNCILWOMAN KING-SWEENEY: I do; just
11 to clarify, there are ten violations, so,
12 they have been fixed already or will be?

13 ATTORNEY ALTMAN: They will all be
14 addressed and ameliorated or, if not
15 eliminated as a result of this application.

16 COUNCILWOMAN KING-SWEENEY: Okay,
17 also, about the landscaping, can you talk
18 about the landscaping?

19 ENGINEER TARTAGLIA: Yes, with regard
20 to the landscaping, um, indicated on the
21 board, to my left and right, um, as Mr.
22 Altman had mentioned, the site is somewhat
23 small in area.

24 However, as is common with all of the
25 Bolla, um, convenience store and gasoline

1 Stations developments, we are going to
2 landscape every portion of the property which
3 is not required as an access aisle, parking
4 stall or building or structure.

5 So, as indicated on the screen, we are
6 providing a ten-foot wide landscape buffer
7 off to the residences behind the property.

8 And, also, providing a ten-foot wide
9 landscape buffer that tapers down as it goes
10 along Stowe on the intersection.

11 And, then, off to the opposite side of
12 the property on the right, you are also
13 providing a ten-foot wide landscape buffer at
14 the street line where it has the most impact,
15 and, again, that landscape buffer gets a
16 little smaller as it tapers up to the parking
17 stalls but within that landscaped area, we
18 will utilize those spieces of plants which
19 the Town has identified they prefer to see at
20 developments of this nature.

21 COUNCILWOMAN KING-SWEENEY: And, also,
22 with the fence, I see it is a stockade fence,
23 right, now and some parts of it is falling
24 over, will you maintain that fence?

25 Because, right, now, it is not so

1 great.

2 ENGINEER TARTAGLIA: Yes, actually, we
3 are proposing a new PVC fence on both sides
4 of the lot.

5 We find those are much easier to
6 maintain.

7 Um, they do not rot like wood, um, and
8 they are really, um, almost if there is any
9 damage to it, will be maintained.

10 COUNCILWOMAN KING-SWEENEY: Thank you.

11 SENIOR COUNCILWOMAN GOOSBY: I would
12 like to know about the traffic impact study,
13 if you have one.

14 I haven't seen it. Are you planning
15 to make that available?

16 ATTORNEY ALTMAN: Yes, Ms. Goosby, we
17 are.

18 The traffic engineer will submit one.

19 SENIOR COUNCILWOMAN GOOSBY:
20 Councilwoman.

21 SUPERVISOR SANTINO: Senior
22 Councilwoman.

23 ATTORNEY ALTMAN: My apologize.

24 SENIOR COUNCILWOMAN GOOSBY: That's all
25 right.

1 ATTORNEY ALTMAN: He has stepped out
2 to print the copies.

3 Yes, we will submit it for the record.

4 Are there any specific questions,
5 maybe we can address it?

6 SENIOR COUNCILWOMAN GOOSBY: I am just
7 concerned about the traffic, even on the one
8 side.

9 I know Grand Avenue is very, very bad
10 when it comes to traffic, so, are you going
11 to explain to me - -

12 ENGINEER TARTAGLIA: Chris Tartaglia.

13 Yes, I can. I am familiar with the
14 time and reporting and Mr. Zeckler is not
15 here.

16 One thing I may add, the application
17 has been vetted by the Nassau County
18 Department of Public Works, already and the
19 access that is shown on the plan on both
20 streets, both on Grand Avenue and Stowe
21 Avenue have been approved by the DPW.

22 Um, and, any restrictions thereon, you
23 will note that the curb cuts that we are
24 proposing ride out only onto, um, Grand
25 Avenue, that was the result of the

1 um, DPW commentary and request.

2 But, just a general statement, what
3 the report would indicate as is very common
4 to these type of uses, these are what are
5 termed, "pass-by uses" gasoline stations,
6 convenience stores re just that, they are
7 convenience for motorists on their way to
8 another final destination, um, as such, as
9 traffic engineers and as consultants, what we
10 look at is new traffic generated by the new
11 proposed use.

12 We have an existing gasoline with a
13 small retail use in it already, so, the level
14 of impact of this proposed development
15 providing a new convenience store with
16 gasoline station is relatively minimal and
17 new trips to the intersection are negligible.

18 ATTORNEY ALTMAN: I will also note for
19 the record, that this is a signalized
20 intersection, so - -

21 SUPERVISOR SANTINO: Thank you,
22 Counselor.

23 ATTORNEY ALTMAN: Thank you,
24 Supervisor, I appreciate it.

25 SUPERVISOR SANTINO: There is one

1 local resident that has signed in.

2 Joan Wooding. Good Morning.

3 JOAN WOODING: I live a couple of
4 houses - -

5 SUPERVISOR SANTINO: Name and address.

6 JOAN WOODING: Joan Wooding. 741 Stowe
7 Avenue, Baldwin.

8 SUPERVISOR SANTINO: If you can pull
9 that microphone closer to you.

10 JOAN WOODING: I live a couple of
11 houses away from the gasoline station.

12 I am just a little bit confused, what
13 they just explained.

14 Are they expanding back or towards
15 Stowe Avenue side?

16 Because there is very little room to
17 expand.

18 SUPERVISOR SANTINO: Counselor, if you
19 would or Mr. Tartaglia.

20 JOAN WOODING: Hi, how are you doing?

21 ENGINEER TARTAGLIA: Again, Chris
22 Tartaglia, appearing on behalf of the
23 applicant.

24 It is not on the screen anymore but,
25 essentially, the new building is going

1 in the same location as the existing
2 building.

3 It is just being pushed back,
4 approximately, twelve feet towards the rear
5 lot line and the building is being relocated
6 further away from Stowe Avenue, so, I guess
7 if you are concerned getting closer to Stowe,
8 the building is getting further from Stowe.

9 JOAN WOODING: It is going back where
10 the fence is?

11 ENGINEER TARTAGLIA: That's correct.

12 JOAN WOODING: So, the lady that lives
13 right behind it, how close would it be from
14 her house?

15 ENGINEER TARTAGLIA: The building is
16 going to be on the property line and, then,
17 there will be - -

18 JOAN WOODING: She is trying to sell
19 her house.

20 She hadn't been able to sell.

21 It has been on the market for so long,
22 so, I am speaking on her behalf.

23 The real estate person says it is the
24 gas station.

25 It is the main point of not selling.

1 ENGINEER TARTAGLIA: Do you know if
2 she bought the house when the gas station was
3 there, already?

4 JOAN WOODING: Sure, but part of the
5 problem, I am the second house, I have all
6 windows from 1920, I can hear all the noise
7 by the air pump.

8 The cars at 12:00, 1:00 o'clock in the
9 morning, people do hang around there.

10 I don't know if that would incur the
11 loitering and noise.

12 Um - -

13 ENGINEER TARTAGLIA: I think we can
14 let the real estate expert, John Breslin
15 address many of these concerns.

16 SUPERVISOR SANTINO: Mr. Breslin, can
17 you come forward, please.

18 JOAN WOODING: Do you know people
19 can't sell their houses because of the gas
20 station.

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

23 JOHN BRESLIN: My name is John
24 Breslin.

25 I am Principal of Breslin & Breslin

1 Appraisal Company.

2 Address, 44 Elm Street in Huntington.

3 I have been asked by the applicant to
4 make a study of this, on the impact on real
5 estate property impacts.

6 SENIOR COUNCILWOMAN GOOSBY: Sir, move
7 a little more to the mic.

8 JOHN BRESLIN: I am sorry, you
9 couldn't hear me.

10 With respect to the question that the
11 lady asked, with respect to the property, um,
12 clearly the proximity of a gas station
13 immediately next to residential property has
14 an impact on that, that is a condition that
15 existed.

16 The benefit with respect to this
17 particular application is, this is something
18 that the Board is familiar with and I am not
19 sure this lady or the property owner is
20 familiar with it.

21 The redo of this will be a dramatic,
22 um, improvement over the aesthetics of the
23 property and is a collateral benefit to the
24 Bolla Organization and the way they do it is
25 also tangible.

1 JOAN WOODING: I have to interrupt you
2 for a second.

3 SUPERVISOR SANTINO: Let the gentleman
4 finish.

5 JOHN BRESLIN: It is the nature of how
6 they maintain and do their stations and how
7 they are kept.

8 It will be significantly, um, better
9 maintained and this is based on past history
10 and how they do it.

11 This is something that, you know, from
12 the way they do it in the Town and I know it
13 through how they do it throughout the rest of
14 Long Island.

15 It is clearly going to be the
16 existence of a gas station.

17 As it exists next to the residents,
18 next door, that clearly has an impact on the
19 ability to sell, the residences to a
20 commercial property, these are factors that
21 existed.

22 That development pattern was
23 established many, many years ago.

24 This is a condition that exists up and
25 down Grand Avenue.

1 On both sides of the street, you have
2 commercial properties.

3 You have Dunkin Donuts, a couple of
4 properties to the North.

5 You have a shopping center further to
6 the South.

7 On the other side, um, as well as, the
8 closed properties, those conditions existed.

9 This isn't going to change it.

10 The benefit in this case is the redo.

11 It will make it aesthetically much
12 better.

13 She talked about the noise and the
14 guns. This use is going to change.

15 No longer going to be a repair use.

16 It will only be retail stores.

17 JOAN WOODING: There is noise by the
18 air pump.

19 JOHN BRESLIN: There will be customers
20 there.

21 SUPERVISOR SANTINO: Mr. Breslin,
22 continue.

23 JOHN BRESLIN: Based upon what is
24 planned there, it will be a significant
25 improvement over the existing conditions.

1 Will it make the commercial use next
2 to the residential use go away?

3 No, it will not. It is not going to
4 do that but that will reflect in the price
5 somebody will pay for the house as it was
6 when the property owner bought the property.

7 SUPERVISOR SANTINO: Thank you, Mr.
8 Breslin.

9 JOHN BRESLIN: You're welcome.

10 SUPERVISOR SANTINO: Any further
11 questions?

12 JOAN WOODING: Yeah, my other concern
13 was, are they just putting storage tanks
14 underground or are they putting pumps?

15 SUPERVISOR SANTINO: Counselor?

16 JOHN BRESLIN: I can answer that, they
17 will put new storage tanks on the property.

18 The old ones will be removed.

19 JOAN WOODING: Are they adding pumps
20 or adding storage tanks?

21 JOHN BRESLIN: The plans called for
22 complete redo.

23 SUPERVISOR SANTINO: The number of
24 pumps, Counselor, do you know the answer to
25 that?

1 ATTORNEY ALTMAN: Two existing, four
2 proposed.

3 There are two, now, proposing four.

4 JOAN WOODING: And, this is on the
5 Stowe Avenue side?

6 ATTORNEY ALTMAN: Grand Avenue.

7 SUPERVISOR SANTINO: In the event of
8 time, there are other people, here. I am
9 sure, Counselor will meet with you privately
10 to answer any specific questions that is of
11 interest.

12 JOAN WOODING: In terms of loitering,
13 there is loitering, now.

14 My neighbor has liquor bottles all
15 over the lawn.

16 She is the one that is trying to sell
17 the house, by adding a twenty-four hour
18 convenience gas station, I know they look
19 nice.

20 They are done very well, but, there is
21 collateral damage that is not very nice.

22 It doesn't matter to you.

23 It only affects property values.

24 ATTORNEY ALTMAN: It is already a
25 twenty-four hour use.

1 There are other twenty-four hour uses
2 in the area.

3 I know this Board is very well aware
4 of the reputation of Bolla operations.

5 SUPERVISOR SANTINO: Thank you very
6 much.

7 JOAN WOODING: One other thing I would
8 like to add, twenty-four hours, I know the
9 man that works there at night.

10 You are not in after midnight. They
11 put the money through the draw, so, it is all
12 going to be operated twenty-four hours and
13 just go in and out?

14 ATTORNEY ALTMAN: The answer is yes.

15 SUPERVISOR SANTINO: The answer is yes.

16 JOAN WOODING: That makes a
17 difference.

18 SUPERVISOR SANTINO: Is there anyone
19 else that would like to be heard on this
20 matter before the Town Board?

21 (Whereupon, no response was heard.
22 After, the following ensued.)

23 SUPERVISOR SANTINO: There being none,
24 I will accept a Motion, please.

25 COUNCILWOMAN KING-SWEENEY: Mr.

1 Supervisor, I move that the Hearing be closed
2 and reserve decision.

3 SENIOR COUNCILWOMAN GOOSBY: I second
4 the Motion.

5 CLERK AHMAD: Supervisor Santino?

6 SUPERVISOR SANTINO: Aye.

7 CLERK AHMAD: Councilman Blakeman?

8 COUNCILMAN BLAKEMAN: Aye.

9 CLERK AHMAD: Councilman D'Esposito?

10 COUNCILMAN D'ESPOSITO: Aye.

11 CLERK AHMAD: Senior Councilwoman
12 Goosby?

13 SENIOR COUNCILWOMAN GOOSBY: Aye.

14 CLERK AHMAD: Councilman King-Sweeney?

15 COUNCILMAN KING-SWEENEY: Aye.

16 SUPERVISOR SANTINO: On the Decision
17 Calendar.

18 CLERK AHMAD: On the Decision
19 Calendar, we have an application of NO-DENT
20 PROPERTIES, INC. for Special Exception
21 (Public Garage) so that the subject parcel
22 may continue to be used as an auto body
23 repair shop with addition, along with
24 permission for the temporary storage of
25 vehicles under repair - (NR) ISLAND PARK -

1 Northwest corner of Long Beach Road and
2 Bishop Rd.

3 COUNCILMAN BLAKEMAN: Before the vote,
4 I would like to make it clear, I will not
5 take part in the vote as I did not hear the
6 application.

7 CLERK AHMAD: Supervisor Santino?

8 SUPERVISOR SANTINO: Aye.

9 CLERK AHMAD: Councilman D'Esposito?

10 COUNCILMAN D'ESPOSITO: Aye.

11 CLERK AHMAD: Senior Councilwoman
12 Goosby?

13 SENIOR COUNCILWOMAN GOOSBY: Aye.

14 CLERK AHMAD: Councilman King-Sweeney?

15 COUNCILMAN KING-SWEENEY: Aye.

16 SUPERVISOR SANTINO: On Administrative
17 Calendar.

18 CLERK AHMAD: On the Administrative
19 Calendar, Supervisor, I have Items 1 through
20 32.

21 I also have a Resolution that is of
22 urgent nature to be added to the Calendar.

23 The Resolution reads: Resolution
24 authorizing the Commissioner of Buildings of
25 the Town of Hempstead to execute all as

1 needed amendments for the community
2 development grant disaster recovery recipient
3 agreement authorized under Resolution 1328-
4 2013 adopted November 13, 2013 and all any
5 notified or updated agreements to be entered
6 into for the purposes set forth therein and
7 all necessary and related documentation of
8 the New York State Governor's Office of Storm
9 Recovery to appropriate such agreements.

10 This, Supervisor, will be Item Number
11 33 on the Administrative Calendar.

12 SUPERVISOR SANTINO: Do any Members
13 wish to sever any items on the Administrative
14 Calendar?

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

17 SUPERVISOR SANTINO: May we have a
18 motion.

19 SENIOR COUNCILWOMAN GOOSBY: Mr.
20 Supervisor, I move the Administrative
21 Calendar in its entirety.

22 COUNCILMAN AMBROSINO: I second the
23 Motion.

24 SENIOR COUNCILWOMAN GOOSBY: Before we
25 begin, Supervisor, we have two visitors, one

1 from Medgar Evers College, Ashley Ellis (as
2 heard).

3 Are you here? Stand up. And, then,
4 we have Annmarie Willis (as heard). Are you
5 here, okay, welcome.

6 SUPERVISOR SANTINO: Welcome.

7 Okay, on the Administrative Calendar,
8 Mary Ellen Kreye. Good Morning, Ms. Kreye.

9 MARY ELLEN KREYE: Mary Ellen Kreye.
10 436 Locust Avenue in Uniondale.

11 I have the list of buildings to be
12 closed in Uniondale and I wondered, 754 Henry
13 Street, it seems to me that was already
14 closed at one point.

15 Was it vandalized or does somebody
16 know that information?

17 SUPERVISOR SANTINO: Commissioner
18 Rottkamp.

19 MARY ELLEN KREYE: That has been on
20 our radar for quite some time.

21 COMMISSIONER ROTTKAMP: Good Morning,
22 Supervisor, Members of the Board:

23 Yes, it was vandalized.

24 MARY ELLEN KREYE: Is that the one
25 that had the sign, "for sale by owner"?

1 COMMISSIONER ROTTKAMP: Um, I don't
2 know.

3 MARY ELLEN KREYE: I will check it
4 out.

5 Thank you so much.

6 So, I have a couple of questions on
7 the, um, reconstruction of sidewalks, which
8 is number 56365, are those cases where
9 homeowners will be billed for the, um,
10 sidewalk reconstruction?

11 SUPERVISOR SANTINO: Yes.

12 MARY ELLEN KREYE: I see.

13 For some reason, they haven't done it
14 and therefore - -

15 SUPERVISOR SANTINO: Yes.

16 MARY ELLEN KREYE: The Greenfield
17 Services, those are increases of the rates
18 for, um, people to be interned or something?

19 SUPERVISOR SANTINO: Various rates
20 that we charge, yes.

21 MARY ELLEN KREYE: Thank you, okay.

22 I just have on Number 28, the sale of
23 water by the Town of Hempstead, what
24 does that mean?

25 Who would you sell water or not?

1 SUPERVISOR SANTINO: Do you want to
2 explain that, Mr. Levy.

3 My Counsel and Executive Assistant,
4 David Levy, would you explain it.

5 ATTORNEY LEVY: Ms. Kreye, the
6 relationship between the Town of Hempstead
7 and its water customers is established in the
8 Hempstead Town Code.

9 There is a handful of customers that
10 do not reside on the premises are not
11 actually within Water Districts and this is
12 an amendment to the Town Code to establish
13 the rules of that relationship.

14 MARY ELLEN KREYE: So, these are Town
15 residents but not residents of those
16 particular Water Districts?

17 ATTORNEY LEVY: Those are premises not
18 necessarily residential but these are
19 premises that are along the borders of Water
20 Districts not actually within the Water
21 Districts.

22 MARY ELLEN KREYE: I see, thank you.

23 Also, on fees and construction with
24 work performed, um, those are the fees to be
25 charged to the homeowners?

1 SUPERVISOR SANTINO: Which item so I
2 know exactly?

3 MARY ELLEN KREYE: Um, 29.

4 SUPERVISOR SANTINO: Yes, that is
5 calling a Public Hearing relative to the
6 items you just spoke about, one of the
7 boarded ups that you are interested in, we
8 charge a certain fee for that service and
9 this is the change in that fee.

10 MARY ELLEN KREYE: Thank you. I
11 assume that the owner of the property could
12 do - - have it done themselves.

13 SUPERVISOR SANTINO: We also give them
14 the opportunity to do it themselves and if
15 they neglect to do it, we step in, in the
16 event of public safety.

17 MARY ELLEN KREYE: And, of course,
18 Uniondale, we are very interested in 31 and
19 32, um, now, what is Residence C-A, please.

20 SUPERVISOR SANTINO: I will have Mr.
21 Ra explain that.

22 TOWN ATTORNEY RA: C-A zone is
23 residence district.

24 MARY ELLEN KREYE: Thank you.

1 SUPERVISOR SANTINO: Thank you, Ms.
2 Kreye.

3 SUPERVISOR SANTINO: On the
4 Administrative Calendar, Diane Madden.

5 DIANE MADDEN: Diane Madden,
6 Hempstead, New York.

7 Item Number 24?

8 SUPERVISOR SANTINO: Item Number 24,
9 yes?

10 DIANE MADDEN: There are some changes
11 to the Animal Shelter, my first question,
12 there is a demotion there, I understand?

13 TOWN ATTORNEY RA: Okay, whatever you
14 read in the Resolution is the answer.

15 I am not going to comment - - I am not
16 going to characterize one of the employees.

17 The Resolution speaks for itself.

18 DIANE MADDEN: But the Resolution can
19 change from Monday to Tuesday, so, it has not
20 been - - there has not been any changes to
21 the staffing at the Animal Shelter?

22 TOWN ATTORNEY RA: I am saying the
23 Resolution that you saw is the Resolution
24 that the Board is voting on.

1 DIANE MADDEN: Okay, are there any
2 other staffing changes at the Animal Shelter
3 that have been added?

4 TOWN ATTORNEY RA: I am not aware of
5 any.

6 COMMISSIONER: None that require a
7 Resolution.

8 DIANE MADDEN: I am sorry?

9 SUPERVISOR SANTINO: None that require
10 a Resolution.

11 DIANE MADDEN: So, as far as Debra
12 Robach, what we are being told is that she
13 kicked a dog.

14 She took the dog by her hind legs and
15 dragged her around the office to try to get
16 control and I am assuming that this demotion
17 is connected to that demotion and if that is
18 the case, the Town should have removed her or
19 terminated her from the Animal Shelter.

20 I think it is important that you know
21 that.

22 Also, Item Number 19, destroying of
23 records, what Departments? What dates? How
24 many?

25 SUPERVISOR SANTINO: Mr. Ra.

1 TOWN ATTORNEY RA: Mr. Petrone?

2 MR. PETRONE: Claim forms and warrants
3 from 2010.

4 DIANE MADDEN: Claim forms and
5 warrants, anything from the Animal Shelter?

6 MR. PETRONE: Not to my knowledge.

7 DIANE MADDEN: Thank you.

8 SUPERVISOR SANTINO: Those are the
9 only individuals who asked to speak on the
10 Administrative Calendar, Mr. Procacci?

11 FELIX PROCACCI: I just want
12 clarification on the last item that was an
13 Emergency and why it is an urgent item and
14 not wait to the next meeting?

15 SUPERVISOR SANTINO: Mr. Ra, if you
16 would.

17 TOWN ATTORNEY RA: Since November,
18 2013, we have entered into agreements with
19 the State of New York to participate in
20 various grants made available to the State
21 from the memorial development, from time to
22 time.

23 And, most recently with some
24 frequency, these grants require amendments.

25 This latest one, the amendment is

1 requiring because we waive permit fees and
2 the original grant didn't provide for us to
3 be reimbursed and, now, the Federal
4 Government, together with the State decided
5 to give is the permit fees and that is what
6 the purpose of the amendment is and in
7 connection with New York Reprisals, New York
8 State Federal Government.

9 FELIX PROCACCI: Why is it done on the
10 urgent list as opposed to - -

11 TOWN ATTORNEY RA: Because we have
12 three weeks to our next meeting and the State
13 asked us to get it done quickly.

14 FELIX PROCACCI: Thank you.

15 SUPERVISOR SANTINO: Anyone else on
16 the Administrative Calendar?

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

19 SUPERVISOR SANTINO: We have a Motion
20 and it has been seconded, so, Madam Clerk,
21 call the roll, please.

22 CLERK AHMAD: Supervisor Santino?

23 SUPERVISOR SANTINO: Aye.

24 CLERK AHMAD: Councilman Blakeman?

25 COUNCILMAN BLAKEMAN: Aye.

1 CLERK AHMAD: Councilman D'Esposito?

2 COUNCILMAN D'ESPOSITO: Aye.

3 CLERK AHMAD: Senior Councilwoman
4 Goosby?

5 SENIOR COUNCILWOMAN GOOSBY: Aye.

6 CLERK AHMAD: Councilman King-Sweeney?

7 COUNCILMAN KING-SWEENEY: Aye.

8 SENIOR COUNCILWOMAN GOOSBY: I move we
9 adjourn.

10 COUNCILWOMAN KING-SWEENEY: I second
11 the Motion.

12 CLERK AHMAD: Supervisor Santino?

13 SUPERVISOR SANTINO: Aye.

14 CLERK AHMAD: Councilman Blakeman?

15 COUNCILMAN BLAKEMAN: Aye.

16 CLERK AHMAD: Councilman D'Esposito?

17 COUNCILMAN D'ESPOSITO: Aye.

18 CLERK AHMAD: Senior Councilwoman

19 Goosby?

20 SENIOR COUNCILWOMAN GOOSBY: Aye.

21 CLERK AHMAD: Councilman King-Sweeney?

22 COUNCILMAN KING-SWEENEY: Aye.

23 (Whereupon, the official meeting of
24 the Hempstead Town Board held on March 7,
25 2017 was concluded.)

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CERTIFICATE BY COURT REPORTER

I, do hereby certify that the foregoing testimony taken at the Hempstead Town Board held of March 7, 2017, consisting of pages 1 through 89 inclusive is an accurate transcription of my cryptic notes.

IN WITNESS WHEREOF, I SET MY HAND THIS DAY.



MDW

CERTIFIED COURT REPORTER

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