

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, November 15, 2011 at 7:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
William Duffy,	Deputy Town Attorney

(The Pledge of Allegiance was recited)

Supervisor Walter: "Rabbi Siemers, would you like us to stand, to sit? What would you like?"

Rabbi Siemers: "My friends, we are approaching the holiday of Thanksgiving. I wanted to share with you tonight the psalm of Thanksgiving that we say every morning in the Jewish service to remind us that the holiday of Thanksgiving is good. It's better to be thankful every day.

I'll read this in Hebrew and then I'll read it in English."

(The psalm was read in Hebrew)

Rabbi Siemers: "The psalm of Thanksgiving. Call out to the Lord everyone on earth, serve the Lord with gladness and before him with joyous song. Know that the Lord is God and it is He who made us (inaudible). We are His people and the sheep of his flock. (Inaudible) with thanksgiving, his (inaudible) with praise. Give thanks to Him, bless His name for the Lord is good. His kindness endures forever and from generation to generation His faithfulness.

We reflect on the blessings of the season (inaudible) a sense of humility, a sense of responsibility and a sense of joy in our (inaudible)."

Supervisor Walter: "Thank you, Rabbi Siemers. That was wonderful. Rabbi Siemers is from Temple Israel in Riverhead and if you haven't been there, they've done a wonderful renovation. It looks fantastic, really. The inside looks absolutely fantastic. Okay.

Approval of the minutes, John."

Councilman Dunleavy: "I'd like to make a motion to approve the minutes of the November 1, 2011 minutes. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Reports, yes."

REPORTS:

Town Clerk	monthly report, October, 2011 - \$9,604.92
Tax Receiver	Utility collection report October 2011 - \$464,073.89
Building Department	monthly report October, 2011 - \$60,9907.60
Fire District	Riverhead Fire District - 2012 monthly budget summary

CORRESPONDENCE:

Highway Superintendent George Woodson	submitted a letter regarding administrative charge backs
Riverhead Community	letter requesting funds from

Awareness Program

CDBG to help support their substance abuse prevention programs throughout Riverhead schools

Riverhead Neighborhood Preservation Coalition

letter articulating the disconnect between the vision for Wading River and the current zoning

Diane Wilhelm: "And that's it."

Supervisor Walter: "Okay. Thank you. Any committee reports?"

Councilman Wooten: "We've got the bonfire. That will be the next meeting, December."

Councilwoman Giglio: "I'd like to say the Landmarks Preservation was successful in working with a community agency, Riverhead Building Supply and also Wayne Polvo (phonetic) who owns a paint store to donate paints and supplies to restore one of the historic structures from 1860 post Civil War.

It's a beautiful house. And instead of putting up vinyl siding, they were able to restore the existing wood structure and all of the beautiful wood trim around the house and that will help with downtown revitalization and also increase property values in the downtown area.

So I want to thank Riverhead Building Supply and the Landmarks Preservation Committee for their efforts and Mr. Polvo who donated the paint and so, that's all.

Thank you."

Councilman Dunleavy: "I just want to make an announcement. Councilman Wooten was reminding me, that the Lions Welcome Santa Claus Riverhead parade is December 4th at 1:00 on Main Street. So bring all the kids down and they'll have a good time."

Supervisor Walter: "Thank you. Anybody else? All right. We have one public hearing, aboard, Mr. Bill McQuade- William McQuade Duffy."

Public hearing opened: 7:14 p.m.

Supervisor Walter: "We have one public hearing and this is a consideration of a local law- scheduled for 7:05 and that time having arrived, it's for the consideration of a local law to amend Chapter 52 of the Riverhead town code entitled Building Construction, 52-10F building permit fees, residential or commercial energy conservation devices.

Jodi, is this your statute?"

Councilwoman Giglio: "It is. And this is a result of Suffolk County Energy Committee for alternative energy sources and solar panels are important the committee felt.

The committee is comprised of elected officials, Suffolk County Planning Officials, several energy contractors and it was a long work in progress but this is the final result and we believe that it will help to fast track applications for people that are interested in putting solar panels on their homes in order to conserve energy consumption and to hopefully reduce their electric bill."

Supervisor Walter: "Okay, thank you. Good work. Does anybody wish to be heard on this?"

Councilwoman Giglio: "And we get \$15,000 from LIPA if we adopt it before December 31st, so- "

Councilman Wooten: "Well, that's a good incentive."

Supervisor Walter: "Does anybody wish to be heard on this statute? No, okay. Well, we'll leave the- close the public comment portion and leave it open to written comment, the 25th is Friday, so Saturday, 26th, 27th, 28th, Diane, is a Monday- November 28th? Who's got their calendar out?"

Okay, so we'll leave this open for written comment until November 28th at 4:30 p.m. in the town clerk's office."

Public hearing closed: 7:15 p.m.

Left open for 10 days for written comment to November 28, 2011

Supervisor Walter: "Does anybody wish to be heard on resolutions? Hey, Sal, how are you doing?"

Sal Mastropaolo: "Good evening. Sal Mastropaolo, Calverton."

Supervisor Walter: "How are you doing, Sal? We visited Sal at his house. He didn't want to come see us but we made him get up. It was good."

Sal Mastropaolo: "830. The attachment."

Supervisor Walter: "I have it. You're looking for it?"

Sal Mastropaolo: "No, I have it but you can't make heads or tails out of it because there's no from and to. When you do budget adjustments, there's supposed to be a from account and a to account."

Supervisor Walter: "Where is Bill?"

Councilwoman Giglio: "I agree."

Supervisor Walter: "Can we- well, can we call Bill, find out where he is?"

Councilman Wooten: "I remember that at the work session we talked about this and I know that we're staying within the law- "

Councilwoman Giglio: "I questioned this earlier today via e-mail because I wanted to know where the money was coming from, where \$75,000 was coming from in order to- "

Supervisor Walter: "I know where it's coming from. I know where it's coming from if that's the question."

Councilwoman Giglio: "Well, this shows where it's going to."

Supervisor Walter: "Right. And I know where it's coming from so is that your question, where is it coming from?"

Sal Mastropaolo: "Well, that's one of them. But the other

one is- I mean from a resolution point of view, don't you have to document where it's coming from and where it's going to for historical purposes?

I mean you just can't move money into an account and not say where it's coming from in the resolution."

Councilwoman Giglio: "And then the bottom line where it shows transfer to debt service, it doesn't show any expenditures. So how do we know that we're "

Supervisor Walter: "Well, if you talked to him, what was his response to that? I mean I know what it is and I can- I know- understand what you're saying but- "

Councilwoman Giglio: "I got this after I spoke to him."

Supervisor Walter: "The from is- there was roughly about \$300,000-- we were planning to sell bond anticipation notes last year because the town has been lending money to the capital fund for a long time since 2008 and we managed to get out of selling the bond- we managed to skate through to the end of the year, this year, without selling the bond anticipation notes.

And there was additional revenues of about \$300,000 within the budget. That's the from.

The to is to all these different accounts."

Sal Mastropaolo: "If you guys are satisfied with- I mean, it doesn't seem right."

Supervisor Walter: "If the board wants to- "

Councilman Wooten: "Going over this with him, I know the (inaudible) is a lot larger than this. There is a couple columns that are not on this page that will show you where they went to."

Supervisor Walter: "If the board is inclined, we'll table it. It's not time- well- "

Sal Mastropaolo: "Let me give you something to think about. If a year from now this comes up in an audit, in a financial audit, how are you going to explain where the money came from?"

Supervisor Walter: "That's fine. We'll table it. Bill Rothaar is not here, he's supposed to be here. Next."

Sal Mastropaolo: "839, in the first Whereas it says November 19th and in the first Resolve, it says October 1st. They probably copied an old resolution and failed to change the date on the Resolved."

Supervisor Walter: "November 19th."

(Some inaudible discussion)

Supervisor Walter: "So what we have to do is take the Whereas, the first Whereas, and substitute the second, put it in for the first Resolve and change it."

Councilman Wooten: "Yeah, I don't- yeah, we did take that (inaudible)."

Sal Mastropaolo: "And the times are also different too in the Whereas and the Resolved."

Councilman Wooten: "That first Whereas should be the Resolved."

(Some inaudible discussion)

Councilman Wooten: "You're right. That Resolve should reflect the Whereas. They took an old one from (inaudible)."

Supervisor Walter: "Okay. I'm getting ready to table it if the town- Bill, I'm going to give this to you and see if you can try to make heads or tails of it."

Councilwoman Giglio: "What day is- "

Supervisor Walter: "This Saturday."

Councilwoman Giglio: "-- it was October 1st. October 1st is what day of the week? Is that a Saturday? Are we resolving something that happened on- "

Supervisor Walter: "No. I think that whoever did it was just sloppy."

Councilman Wooten: "No. The Resolve came off of a previous Chapter 90- "

Supervisor Walter: "Right, they were just sloppy."

Councilman Wooten: "This is a new Chapter 90 for the holiday fair. And they didn't change the Resolve."

Supervisor Walter: "This is what they're having, this is what has to be changed. So, Bill is going to make it seem right, to work right."

We're going to make a resolution on January 1st that somebody is going to sit and read every one of these because- "

Councilwoman Giglio: "Sal, what are you doing?"

Supervisor Walter: "Go ahead, Sal. What's the next?"

Sal Mastropaolo: "851."

Supervisor Walter: "It'd be worth it to have to pay you to do this."

Councilwoman Giglio: "I know. The supervisor brought that up."

Supervisor Walter: "That's what you were. Didn't you-- weren't you an editor?"

Sal Mastropaolo: "No. I had a (inaudible)."

Supervisor Walter: "What's that?"

Sal Mastropaolo: "I managed a publications department, so I did a lot of reading."

Supervisor Walter: "Right."

Sal Mastropaolo: "851. Is this an after the fact resolution? Because it says publish once in the November 10th issue of the News Review."

Two questions. One is well, there's a typo on the second line,

it should be the town of Riverhead, but the other question has to do with the statement.

What caused the deletion of the first sentence in the purpose, findings and standards?"

Councilwoman Giglio: "I can say that in code revision, it was discussed that if you wanted to build a new house, prohibiting an accessory apartment in a new house was not supporting the idea of a new house being built. And a lot of people are building houses and they're taking their in-laws in to take care of their in-laws rather than putting them into a nursing home or an assisted living.

And that's come up on numerous occasions and the code right now reads that the house has to be three years old before you can put an accessory apartment in it and we didn't think that that was feasible or practical when you're building a new house. If you plan on having an accessory apartment you should be able to build it when you are building the new house."

Sal Mastropaolo: "Okay."

Supervisor Walter: "Bill has corrected the other resolution. Bill, why don't you give this to Diane so she can- we're going to public hearing on it so it's not an absolute.

Our track record is probably 50-50 as to what we adopt after we go to public hearing.

Where was there a typo?"

Sal Mastropaolo: "Oh, in the second line."

Supervisor Walter: "Of the first page or the second page?"

Sal Mastropaolo: "No. Of the public notice. It's a moot point now because it hit the paper already."

Councilwoman Giglio: "Because this is an authorization to publish and post. I think that November 10th date is erroneous. I think that it's probably this coming Thursday that it's going in."

Sal Mastropaolo: "Well, that's why the first question I asked was is this after the fact?"

So in other words, the date is wrong."

Supervisor Walter: "It did not go in the paper so the date—
Diane, what is the date that this would go in the paper?"

Diane Wilhelm: "It will be the 23rd."

Sal Mastropaolo: "So make sure you change the date in the
public notice then."

Supervisor Walter: "Right. November 23rd. This one doesn't
even have a culprit on the bottom that shows us who did this. All
right. So we're doing the 23rd on the first and second page.
Correct?"

All right. Sal, we're offering \$10.00 an hour to proofread."

Sal Mastropaolo: "I have a question. What's the date of the
public hearing? It can't be November 23rd because you don't have a
meeting on November 23rd."

Supervisor Walter: "This is getting tabled."

Sal Mastropaolo: "It's got to be December 6th or December the
20th."

(Some inaudible discussion)

Councilwoman Giglio: "It says there will be a public hearing
on—"

Tara: "What happened, Sean, was this was proposed I believe
at the last work session (inaudible). So it should have been
changed. So the notice needs to be changed to a date— December date
for the hearing, right, and then the (inaudible) just needs to be
changed to the 23rd."

Supervisor Walter: "Yeah. I need that the employees that
draft these things review them."

Tara: "Again, I think this was a repeat that was just put
back, you know that correction you want to do with the folder, so
this shouldn't happen again."

Diane Wilhelm: (Inaudible)

Supervisor Walter: "Is that time available? Okay."

(Some inaudible discussion)

Councilwoman Giglio: "So if we post on November 23rd, we put it in the paper November 23rd, we can have a hearing on December 6th."

Councilman Wooten: "Right. It would be at the town board meeting on the 6th of December."

Supervisor Walter: "Okay. So December 6th at 2:05. Okay. What else have you got?"

Sal Mastropaolo: "854. Just a question. Why are we spending almost \$6,000 on security when the gates are open now and it's not a locked facility?"

Supervisor Walter: "We use it to monitor the runways so anybody that goes up on the runways, the police department monitor them and other things as well."

And what they're doing is they're letting us really in there for free. We've been in there since I think 2005 without any contract with them and the only thing they would want is an additional camera that helps us and helps them and then they'll let us continue to have it for free. So it's a small price to pay.

Short of this, I would have to have to have people out there— security out there all the time."

Sal Mastropaolo: "Okay. Thank you."

Supervisor Walter: "All right. Does anybody else wish to be heard? Mr. Romano."

Steve Romano: "Good evening. Steve Romano, Riverhead and belated congratulations on your re-elections. "

Supervisor Walter: "We knocked on your door, too. How are you doing?"

Steve Romano: "Yes, you did. Could you expand on resolutions 843, 844 and 847?"

Supervisor Walter: "843."

Councilman Wooten: "These are all litigation settlements."

Supervisor Walter: "Crown Sanitation. I'll do the Crown Sanitation one first."

Crown Sanitation has agreed to chip all the wood at the yard waste facility and they agreed to chip the wood at the yard waste facility right after Hurricane Irene.

We put a stipulation of settlement together and I signed it, in fact, there might even be a signed copy in here, I signed it right away because we needed to get this stuff chipped.

And Crown's attorney said, well, we're not getting--even though it's a stipulation of settlement, we'll provide you with insurance but we're not going to indemnify the town against everything, but we'll give you insurance.

So we went back and forth for a long time and given corporate structures and everything, I think the board is inclined to just take their insurance and not the indemnification and corporations that have those-- if you had an accident, lots of times corporations don't exist anyway after the fact, so the agreement has to be changed. The board has to vote on it again because it's a material change to the agreement."

Steve Romano: "So it wasn't a lawsuit and-- "

Supervisor Walter: "It's the settlement of a lawsuit-- there was a provision of the town code that Crown Sanitation exercised and kind of drove a truck through that allowed them to for agricultural purposes dig up a lot of material and then they transported the material off. They actually had a permit from the town to do it."

The town canceled the permit, went into litigation with them because the town said you're not a farmer and then they planted trees and it's one of those cases of shame on the town and this is a way of just kind of moving-- getting it past. They're paying the fine.

This will save the town- owes about \$40,000, right, in chipping."

(Inaudible comment)

Supervisor Walter: "Yeah. Maybe it's \$30,000. But it's a significant penalty if you will but it is what it is.

What was the next one?"

Steve Romano: "844. It's another legal action."

Supervisor Walter: "This goes- sometimes you- the settlement amount is so little that if we were to use our (inaudible) at- I think we pay them more than the 175, I think they may be getting 250 or 275, in about five hours of litigation, we'll spend more than the settlement. Sometimes you cut your losses."

Councilwoman Giglio: "And this was also a contractual obligation that was just realized."

Supervisor Walter: "Well, no, we believe we're right. We believe we win. We believe we win in any case."

Councilwoman Giglio: "Yes. We do. But- "

Supervisor Walter: "We could spend \$10,000 winning 15, \$1,600 settlement."

Steve Romano: "Okay. So it's a minor settlement. And the last one was 847. It looks like another probably legal- "

Councilman Wooten: "That's a pending lawsuit."

Steve Romano: "Pending lawsuit against the chief."

Councilman Wooten: "Right."

Supervisor Walter: "This is- "

Councilman Wooten: "That's just for indemnification."

Supervisor Walter: "-- indemnification. We indemnify, typically we indemnify the town employees through our town- what is

it, there's a defense and indemnification provision I believe in our town code- "

Councilwoman Giglio: "Chapter 52."

Supervisor Walter: "Okay. And his contract requires it but the town has never acknowledged this and this comes from the (inaudible) loss, a series of lawsuits. And it's something that the town should have done 10 years- well, not quite 10 years ago. Probably about seven years ago."

Steve Romano: "So is the chief being sued personally right now?"

Supervisor Walter: "Personally, yes."

Steve Romano: "Are you at liberty to say what he's being sued for or is it a bunch of lawsuits?"

Supervisor Walter: "Oh, he's being- I don't remember the amount. It's some millions of dollars. But he was acting within the scope of his job title so he was, you know, trying to protect the town and the residents and it is- it's sort of an open ended- it's a loose end. It should have been tied a long time ago."

Steve Romano: "Thank you."

Supervisor Walter: "Thank you. Yes, Geo."

George Woodson: "(inaudible) told that I couldn't have the- "

Supervisor Walter: "Yeah, you can read it."

George Woodson: "Okay. Under Highway Law 141 states that the estimate of expenditures for highway specifies the following:

The amount of money necessary to be levied and collected for the repair and improvement of highways.

The amount of money necessary to be levied and collected for the repair and construction of bridges having a span of five feet or more.

The amount of money necessary to be levied and collected for

the purchase, repair and custody of certain equipment, tools and implements; and

The amount of money necessary to be levied and collected for the removal of obstructions caused by snow and for other miscellaneous purposes.

While the Highway Law section 113 authorizes the town to supplement the moneys in the section 141 accounts by transfers from the town's general fund and section 285-(a) authorizes transfers of moneys between section 141 highway accounts having the same tax base, there is no authority to transfer moneys from section 141 accounts into any other fund or account (i.e. general fund).

Highway Law requires that only expenditures for highway purposes may be paid from the highway fund (Highway Law 141). Therefore it is my position that the expenses, \$768,900.00, such as the charge for town attorney or accounting, are services related to general town government, and as a general rule, not charged back to other appropriations or funds.

Town Law 202 as cited by Mr. Rothaar relates to special districts not the highway fund. Therefore, Town Law 202 and 202-(a) are exceptions that allow charge backs for general government services, town salaries and services; it does not apply to the highway budget. So while the town may choose to charge back to a special district the services of the town attorney, it has no authority to charge against the highway fund.

As a general rule, only expenditures for the purposes set forth in section 141 of the Highway Law are chargeable to the highway fund. Administrative expenses of the highway department are charges to the general fund and not the other way around.

Even though the administrative charge backs have been in existence for a number of years, the previous financial advisor never charged an administrative fee to the highway, he only charged special districts.

Even if Mr. Rothaar was correct as to the law, I cannot think of a single instance when the highway department has used Justice Court this past year or utilized services from Justice Court. And I still have no accounting for this charge back or any other charge backs so that I can determine whether or not the charges are in fact

correct.

In closing, I would like to remind the town board that you have already denied my request to float two bonds for paving and the purchase of new equipment.

The town board is also aware of how short staffed the highway department is and that the shortage of employees and proper equipment makes it very difficult to perform the services that the residents of the town of Riverhead deserve and pay taxes for.

The \$768,900.00 that you are attempting to charge back as an administrative fee in my 2012 budget would pay for a new sweeper at \$225,000.00 and a new payloader costing \$110,000.00. Which would leave me with over \$433,000.00 to hire approximately five new full time employees with additional money left over for paving.

This money that should remain part of the highway budget is desperately needed and the residents of this town deserve no less.

Based on the facts as I have presented them, I do not believe that any board member in good conscience can approve this budget."

Supervisor Walter: "I just want to point out a couple things, Geo.

You know that this started in 2008 under Supervisor Cardinale. There are serious shortfalls in the budget, the town's general fund budget that has persisted for 10 years or more but the general fund has had- is basically has huge financial problems and we have cut as much as we possibly can.

The system of charge backs- everybody I ask gives me a different opinion and some attorneys give me two different opinions, it's the same attorney.

We are working with Mr. Rothaar and Bob- town attorney Bob Kozakiewicz are reaching out to the comptroller's office. East Hampton does this with the highway fund and East Hampton is watched by the comptroller's office directly. I forget what they call it but they're monitored by the comptroller's office, everything that they do.

And there were e-mails back and forth where this was

acknowledged in East Hampton by the comptroller's office, not just at the level of Hauppauge but the level of Albany.

The bottom line is as I said to you, we're going to wean ourselves off of this. It is my goal not to do this next year. My goal is to set this money aside for road paving.

See, we have to pay as we go. We cannot continue to keep bonding and bonding and bonding."

George Woodson: "I understand that."

Supervisor Walter: "And you know I talked to you about this."

George Woodson: "Just to let you know. The current highway superintendent is going to fight this in East Hampton also."

Supervisor Walter: "Okay. And if the comptroller's office turns around- because the alternative is this. The budget deficit- this deficit was built into the budget in 2008. I can't correct everything in two years."

George Woodson: "No. I'm not- otherwise I would be asking you for two and a half million dollars."

Supervisor Walter: "But it could be corrected. I mean there is a way to correct it with the tax cap and I don't necessarily want to do this but the town board could deliver a 17% or 18% reduction in highway costs and an increase to general fund by 4% and as long as it balances out, you know, it would balance out the 2%.

The numbers are somewhere in that range. And then the money would stay in the general fund and the general fund would have the ability to keep the money. That's not my goal to do that.

My goal is to figure out somehow how to correct this problem next year and allocate this for you for road resurfacing so you always have it built in for road resurfacing.

As far as buying the new equipment, we can't let you bond more than \$250,000. You've got to- if you can find out about- you're limited in bonding. I'd love you to get more equipment but you're limited in bonding.

You have my commitment that I will work with you. If we're going to- I'd love to take a lion's share of this \$800,000 out. You asked me for it in writing, I'm giving it to you on tape."

George Woodson: "Can you take this money out of the reserve?"

Supervisor Walter: "I can't. There's not enough money in the reserve. The long and the short of it is today I met with Moody's (phonetic). The Moody's- Standard and Poor gave us a stable financial outlook. Today I spent three quarters of the day with Moody's and it was a good meeting but, you know, we are trying to, you know, we want to put forth our best presentation to make sure that they understand that the town can pay back its obligations.

And to pull more out of the reserve fund creates an even larger problem because the town's tapping the reserve fund in this budget, \$2.6 million, that's down from roughly 5.2 but I can't jump it back up.

You know, we're- the residents have given me two more years to correct the shift. We're going to correct the shift but it's not something I can do. But you have my commitment. I will not do this next year and this money then will stay- this levy- this ability to levy will stay in the budget and you will have \$760- you do have to pay your insurance reserve. You're behind in your insurance."

George Woodson: "If this has been taken out for so many years, why wasn't it used to pay the insurance- "

Supervisor Walter: "Well, because what we do is, we just do a percentage and everybody pays the same percentage. And, by the way, did you get- find out where your vouchers are for taking down those two buildings? I know you asked."

George Woodson: "We're still- everything's been turned in."

Supervisor Walter: "Okay."

George Woodson: "It was turned in probably over a month ago, so we're still wondering where that- "

Supervisor Walter: "That's light years in financial payment times. A month."

George Woodson: "Well, you know, I met- you ask me to do something, I do it- "

Councilman Wooten: "My question to you, Geo- "

George Woodson: "-- I would be paid in a reasonable amount of time."

Supervisor Walter: "You'll get it."

Councilman Wooten: "These charge backs have been going on since 2008?"

George Woodson: "Yes. And before that, 2007- "

Councilman Wooten: "And what- I realize, believe me, I read your paper that you (inaudible) today and also a letter you gave a couple weeks ago and I sort of want to research that more. I sort of agree with you on some of the aspects there but what's different about this charge back this year that wasn't last year or the year before, the year before, the year before?"

George Woodson: "I think the increases are what's killing us. You know, I don't mind paying a certain amount per year- "

Councilman Wooten: "I think what the town does, 14% and it's spread out over- "

George Woodson: "The way we're going, next year it could be over \$900,000 and I still don't know what I'm getting charged for."

Councilman Wooten: "I understand that. (Inaudible)."

Supervisor Walter: "You've got it on tape."

George Woodson: "If he keeps his word that it won't be."

Supervisor Walter: "I keep my word."

George Woodson: "Next year is next year."

Supervisor Walter: "I haven't figured out how I'm going to do it."

Councilman Wooten: "We'll make sure he keeps his word."

George Woodson: "Okay."

Supervisor Walter: "Well, that's why they're up here. All right, Geo, thank you."

Councilman Dunleavy: "Thank you, Geo. We'll work together. We'll work something out. Okay?"

Supervisor Walter: "All right. Thank you. Does anybody else wish to be heard on- yes."

Joe Gergela: "Evening, Mr. Supervisor, Members of the Board. First I'd like to say congratulations on your re-election. I really appreciate coming to a town that I grew up in and it's farmer friendly, so I appreciate the work that you guys have done.

I'm concerned about Resolution 846. You guys know that last year I missed a lot of things. I probably was remiss in not paying attention to some of the code amendments. But I'm concerned about the TDR program and this specific resolution would basically in our opinion- how can I politely say this? Doesn't utilize the TDR program to the fullest way we envision.

We're concerned about that, that this could establish a precedent for other projects that come forward.

We would like the town to acknowledge that we need to probably have some discussion about the future of TDR's because of the recession that we're in and land values and all that. And maybe the formula that has been used in the past is not adequate for the times.

But this is something, the TDR program was negotiated as part of the master plan update a few years ago with a number of stakeholders. So we are counting on TDR as a mechanism for farmland preservation when developers are required to buy development rights from landowners in order to get certain densities.

We want to make sure that that continues and that there is no let's say give a ways on densities. That's something that concerns us and probably we should have some further discussion after this meeting."

Supervisor Walter: "I think that's a good idea."

Councilman Gabrielsen: "Yeah, I agree with Joe. We should all sit down and look at the whole TDR program and see where it's headed what we should do."

Joe Gergela: "And obviously we are respectful of the situation with CPF, lack of money for farmland or open space preservation, the debt that's incurred. We know the whole thing and we want to be respectful of that."

But we do want to bring it to your attention that we want to make sure the TDR program, the whole thing, is upheld."

Supervisor Walter: "I agree. I think what we should do is— I mean I'm hoping that we push this one forward because we're trying to— let's face it, we're trying to build the tax base and show people we can pay our debt back."

But let's sit down. I think it would be a good idea to sit down with you, Lyle, Frank and try to figure it out. If we don't have it right, let's get it right."

Joe Gergela: "Fair enough. Thank you."

Councilman Dunleavy: "Thank you."

Councilwoman Giglio: "I'd like to just say one thing. The previous approval was after we had eliminated the hallways and the mechanical room and things of that nature. The TDR program wasn't based on occupancy. It was based on the total square footage of a hotel."

So we felt as a board that was unfair and we changed the code to say that you could eliminate those areas because it was kind of like double dipping as far as us asking them to pay for TDR's for common areas that were going to be used by occupants of the hotel which they were paying the density for."

And a new application has been submitted since this approval took place. A brand new application, brand new hotel, brand new floors, brand new rooms, brand new everything. The application is so much different than what was approved previously that the covenants mandated and I believe Mr. Duffy told me today that state

law says that we have to recognize the code as it exists today because this is a new application.

Is that correct, Mr. Duffy?"

Joe Gergela: "And I didn't come down to give you a hard time and to argue with you guys. All I'm saying is that there's some issues that we would like to come back to discuss with the board."

Councilman Dunleavy: "I agree we have to move forward and look at the code and make changes where necessary. Okay? Thank you."

Joe Gergela: "Fair enough. Thank you."

Supervisor Walter: "I'm sure Lyle is going to have something to say about it, too. Or maybe he's holding up the picture. Hello, Miss DeVito."

Angela DeVito: "How are you?"

Supervisor Walter: "Wonderful."

Angela DeVito: "And as others have expressed, congratulations to those of you on your re-election and I kind of feel left out. You didn't come to my house. I didn't see anybody."

My question is on Resolution 833, the fund balance policy. In going through, and I apologize I have—this is the first time I have actually read the fund balance policy."

Supervisor Walter: "It's going to get tabled by the way. We—"

Angela DeVito: "Okay, then that's all. Because it's kind of—there just seems to be within it there's not enough content or substance and also it appears as if fund balance whether it be non-spendable, restricted or unrestricted or an unrestricted committed, unrestricted assigned or unassigned, kind of just moves around at the will of the financial administrator."

Supervisor Walter: "Well, that's the part we're going to (inaudible)."

Angela DeVito: "And sort of the (inaudible) that I was used to in the school district, are very strict there. So, okay, thank you."

Supervisor Walter: "Well, I was supposed to read it and get back to everybody and I didn't do it. So I apologize. So it will be tabled."

But it will, Angela, it will have those different restricted, unrestricted, those titles will be there but it will be the board that makes that decision."

Angela DeVito: (Inaudible comment)

Supervisor Walter: "You will be able to. Yes."

Angela DeVito: (Inaudible comment)

Supervisor Walter: "Okay, thank you. Mr. Wells."

Lyle Wells: "Good evening. Lyle Wells, a farmer here in Riverhead."

Just a couple of things on resolution 846. My friend and colleague, Joe Gergela, made some comments on it which I agree with 100%. I think we're going overboard in regard to the (inaudible) buying the building (inaudible) second hotel here in the town of Riverhead.

The developer at the time of the original resolution was more than willing to sign the agreement in regards to the number of development credits that would be needed for a second hotel.

He actually (inaudible) all of this permitted floor area in the first hotel. There was a concession on the part of the government bodies to give him approvals for his second hotel at that time. Regardless of the size and the scope. He was given approvals for a second hotel which he wouldn't have been allowed to do without the stipulation that he would have to buy development rights (inaudible).

A gift of this size is I think a little bit too much of an incentive and I guess the main thing that I would ask is that the calculations in your present resolution only include the floor area

of the new proposed hotel and not a retroactive look (inaudible).

I believe from the information that I have that the 36 development credits would include a look back at the existing building."

Councilwoman Giglio: (Inaudible)

Lyle Wells: "(inaudible) we had were 50- high 40's to low 50's in regard to the construction of the hotel.

All I'm asking is make sure your calculations are correct before you give away (inaudible)."

Councilman Wooten: "Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard on the resolutions? Okay."

Resolution #830

Councilman Dunleavy: "2011 general town budget adjustment. So moved."

Councilman Wooten: "Are we going to table this one?"

Councilman Wooten: "Are we going to table this first one?"

Councilwoman Giglio: "The first building as it exists did not require any transfer of development rights of farm credits so it's the second building that's being proposed."

(Some inaudible discussion - Jill Lewis, deputy town attorney, and William Duffy)

Councilwoman Giglio: "So the first building was built as of right without any TDR requirements at all and the second building is what's triggering the TDR's based on the floor area and we've adopted a code that eliminates hallways because the occupants have to use the hallways and it's not considered revenue generating space because the revenue is in the rooms themselves."

Councilman Wooten: "Yeah, but my questions is this was a two phase from day one, was it not? So there was always the

anticipation there would be a second hotel on that site. So was it part of the approvals for the first hotel based on the TDR's in order to get the second one?"

Unidentified: "The first hotel was built as of right. The calculation- "

Councilman Wooten: "I realize that."

Unidentified: "The calculation for (inaudible) TDR's was based on the second hotel."

Councilwoman Giglio: "In the phase two. That's why they let them build and get the CO for the first hotel and then the TDR's would kick in when they build the second hotel."

Councilman Wooten: "As long as there's TDR's (inaudible)."

Councilman Dunleavy: "We're not going back to the first hotel. This is just for the second hotel. That's where I think the confusion comes. We're not going to go back to the first (inaudible) as of right, didn't have to buy any TDR's but what this is for is the second hotel that he's building on that property."

Councilman Wooten: "We already read resolution- "

Councilman Dunleavy: "That's the way I thought it was."

Councilman Wooten: "We had a resolution read. Were we moving to table this, Sean?"

Supervisor Walter: "We're going to table this. We can table this. I know what it is but Sal's right, it's not clear. So let's make a motion to table 830."

Councilman Dunleavy: "I make a motion to table Resolution 830. So moved."

Councilman Wooten: "I'm going to second it."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #831

Councilman Wooten: "I'm going to move it but my question is is this a ratification (inaudible)."

Supervisor Walter: "I didn't vote on it. Did we- I don't think we voted on it."

Councilman Wooten: "Okay. Then business improvement district budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #832

Councilwoman Giglio: "Ratifies the approval of the Chapter 90 application of East End Rowing Institute Ltd., Sunday, November 13, 2011. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "It was a great day. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #833

Councilman Gabrielsen: "I make a motion to table Resolution 833. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #834

Councilman Dunleavy: "Highway department budget adjustment. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #835

Councilman Wooten: "This appoints a bus driver to the senior citizen programs. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #836

Councilman Gabrielsen: "North Fork Preserve community preservation fund capital project budget adoption. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #837

Councilwoman Giglio: "Rescinds town board Resolution #829 Riverhead downtown waterfront docks program budget adoption. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This was a resolution that was adopted twice for the same budget adjustment so we're rescinding one of the resolutions so that we only have one on the record. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #838

Councilman Dunleavy: "Riverhead sewer district budget adjustment. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #839

Councilman Wooten: "This is going to approve the Chapter 90 application for St. John's Evangelist RC Church for their annual holiday fair on November 19, 2011. So moved."

Councilwoman Giglio: "As amended."

Councilman Wooten: "As amended."

Councilman Gabrielsen: "And seconded as amended."

Supervisor Walter: "Moved and seconded as amended. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #840

Councilman Gabrielsen: "Riverhead sewer treatment plant upgrade capital project budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #841

Councilwoman Giglio: "Accepts the resignation of an assistant civil engineer. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. But I guess I'm the only one that really knew David when he worked here-- "

Councilman Wooten: "Well, I knew him as a cop. I didn't know him as --- "

Councilman Dunleavy: "Yeah, you knew him growing up but he was a good engineer. He left on military leave and he's been there for the past three years and I guess he's going to stay there. I wish him all the luck in the world.

I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Yes. It's a shame to lose him. I wish that he was coming back. I wish him the best of success at the 106, that's where he works."

Diane Wilhelm: "The resolution is adopted."

Resolution #842

Councilman Dunleavy: "Authorizes-- authorization to publish advertisement for specialty food items for the town of Riverhead senior center. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #843

Councilman Wooten: "This amends Resolution 661 and authorizes the supervisor to execute a settlement agreement with Crown Sanitation. So moved."

Supervisor Walter: "George?"

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #844

Councilman Gabrielsen: "Authorizes settlement of legal action by Christine Sargent against the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #845

Councilwoman Giglio: "Authorizes the law offices of Brian A. Andrews P.L.L.C. to act as special counsel to the town of Riverhead."

So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #846

(Some inaudible discussion)

Councilman Dunleavy: "Resolution authorizing the supervisor to execute necessary documents to amend covenant and restrictions filed by Browning Hotel Properties LLC affecting the property described as SCTM# 0600-118-2-2.0. So moved."

Councilman Wooten: "And I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Yeah. I care a lot about the CR program and I'm assured that this is just taking affect on the new construction of the second hotel.

So I'll vote yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #847

Councilman Wooten: "This approves the defense and indemnification for David Hegermiller. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #848

Councilman Gabrielsen: "Approves ARA Plumbing Corp. as drainlayer for the Riverhead sewer district. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #849

Councilwoman Giglio: "Authorization for East End Arts Council to sublet a portion of leased premises to North Fork Education Initiative. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #850

Councilman Dunleavy: "Waives the showmobile application fee for Riverhead Lions Club sponsored Christmas parade. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Here comes Santa Claus. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #851

Councilman Wooten: "Yes. It authorizes the town clerk to

publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code (Article VIII, accessory apartments, with the correction of November 23rd in the News Review and the public hearing date of December 6th at 2:05. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #852

Councilman Gabrielsen: "Authorizes the supervisor to execute a traffic signal agreement with Suffolk County at the intersection of County Road 58, Old Country Road at Lowe's driveway, Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter."

Supervisor Walter: "Isn't it crazy that we actually have to pay for these lights and everything? This county is just backwards. It's a county road, this is a county traffic light.

I'm going to-- I vote yes, but we have to maintain it and everything else for the county. This county (inaudible)."

Councilwoman Giglio: "But we're getting a lot of taxes from Lowe's with no IDA credits."

Councilman Wooten: "They are, too."

Supervisor Walter: "Yeah, they're getting all the sales taxes. All right."

Diane Wilhelm: "Resolution 852 is adopted."

Councilman Dunleavy: "That's why the county taxes are so low because they put everything on the towns and does not share the sales tax with the towns."

Councilwoman Giglio: "Doesn't most go to the state?"

Supervisor Walter: "I think we should do a sense resolution abolishing Suffolk County legislature and send it to Steve Ballone."

Councilman Dunleavy: "I mean we do get a little bit of money for our police department but that's about it."

Supervisor Walter: "Could we do that? Would the board support a sense resolution to abolish the Suffolk County legislature and sent it to Steve Ballone?"

Councilwoman Giglio: "I think they would find that quite (inaudible)."

Resolution #853

Councilwoman Giglio: "Authorizes the law offices of Devitt Spellman Barrett, LLP to act as special counsel to the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yeah. This isn't the same resolution we passed before but this is-- we have to pass a resolution for every attorney that's in the building so he can get paid. So this is for another attorney.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #854

Supervisor Walter: "Every outside counsel."

Councilman Dunleavy: "Authorize the supervisor to execute a lease agreement with Oldcastle Retail, Inc. d/b/a Bonsal America for the installation of security equipment at EPCAL. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #855

Councilman Wooten: "Authorizes supervisor to release petty cash monies to Receiver of Taxes. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Petty cash in the amount of \$200.00. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #856

Councilman Gabrielsen: "Authorize extension of time to remit real property taxes for senior citizens receiving age over 65 exemption pursuant to Section 467 of RPTL. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "This gives the seniors an extension of five business days and that's the time—the lapsed time between

the receipt of social security checks, the payment and the deadline for taxes on May 31st. Gives them an additional five days to cash their checks and pay the bill. Yes."

Diane Wilhelm: "That's a yes. Okay."

The Vote (Cont'd.): "Wooten, of course; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #857

Councilwoman Giglio: "Authorizes the town supervisor to execute contract amendment with U.S. Department of the Navy and change order No. 1 re Ext. 89 Peconic River Sportsman's Club - Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #858

Councilman Dunleavy: "Pay the bills. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Diane Wilhelm: "And then we have a resolution off the floor."

Resolution #859

Councilman Gabrielsen: "I'd like to take resolution 859 off the floor. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 859 is taken off the floor."

Councilman Gabrielsen: "Now I'd like to read Resolution 859."

Authorize the town clerk to post and publish the attached notice to bidders to provide and install playground equipment at the Riverhead community garden. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

(Some inaudible discussion)

Supervisor Walter: "Okay. Now we take public comment on anything that's before the town board or anything you'd like to discuss with the town board. Good evening."

Bill Welsh: "Good evening. Bill Welsh, 409 South Jamesport Avenue, Jamesport."

I would just like to know what the board is considering at this point in terms of the code definition of breezeway. I know you have been, you know, talking about this for a number of months now. I've given e-mails and information to some of you and spoken to Mr. Kozakiewicz about it and supposedly he was doing some research on that.

Because apparently we're near a decision for the so called breezeway at Jedediah's with the planning board this week so we'd like to know what is the status at this point of that proposed code change."

Councilwoman Giglio: "I can tell you it was brought to code revision and I believe that the code revision committee has agreed that the Southold definition of breezeway is the definition that the town of Riverhead would like to consider for a public hearing."

We have taken into consideration all the breezeway definitions through all the towns including Brookhaven and we find Southold to

be the best.

So we will be publishing and posting for a public hearing."

Bill Welsh: "Okay. I would agree with you on Southold. I think that definition is clear."

Councilman Wooten: "Southold, yeah, sounds like it's a breezeway."

Bill Welsh: "Yeah, right. And not a connection all over the place."

Councilman Wooten: "It's not a 30 foot canopy. Yes."

Bill Welsh: "I was thinking of putting my shed, you know, connecting it to the house."

But now this wouldn't affect what the planning board is doing with its own considerations because it's based on the code as it exists at this moment. Am I right about that?"

Supervisor Walter: "Yes. Well, the code that exists is the code that they have to make a decision based upon until we change it."

Councilman Wooten: "The chicken or the egg."

Supervisor Walter: "How close are we to having a definition--"

(Inaudible comment)

Supervisor Walter: "At work session?"

(Inaudible comment)

Supervisor Walter: "By the next board meeting is what it sounds like."

Bill Welsh: "Okay."

Councilwoman Giglio: "We'll be publishing and posting for a public hearing. So--"

Bill Welsh: "All right."

Councilman Wooten: "There's always a catalyst for something. I mean- "

Councilwoman Giglio: "Yeah. We're always reactive instead of pro-active."

Councilman Wooten: "You have to wonder if there was (inaudible) a certain way in advance (inaudible). It's got to get out soon. We've got to get that out."

Councilman Dunleavy: "(Inaudible) the code that is now. Correct?"

Councilman Wooten: "How long is that draft?"

(Inaudible comment)

Bill Welsh: "Because my neighbors and some other people I've talked to are just concerned this is (inaudible) running around the multiple building definition of country inns. Just connect these two and there you have it."

Councilwoman Giglio: "Yeah. It's amazing that the definition of breezeway has existed in the code for so many years and, you know, now we're reacting and we really need to take a look at our code and when things are brought up, we do react and look at the best alternative and run it by the board members and put it up for a public hearing and invite people in to give their comments on it.

So it seems that we're more reactive than pro-active but we're going to move in a different direction in 2012. We're going to be more proactive."

Bill Welsh: "Very good. Okay, thank you."

Supervisor Walter: "Mr. Romano."

Steve Romano: "I'm back and I was wondering how I was going to approach the subject but I think Resolution 852 gave me the perfect (inaudible).

I guess the sense of the board is that you despise or dislike

unfunded mandates from whatever level they come and where if you had the authority you would eliminate them.

Well, in the town of Riverhead since I guess 2009- in 2008 the Suffolk County legislature passed what I would deem a knee jerk reaction to an isolated incident in Selden where there was no flow at a hydrant at a high elevation because the community had their booster pumps off.

They passed a resolution saying that from now on, all private communities should have their hydrants flow tested on an annual basis. That being said, the communities have to spend anywhere from two to three hundred dollars per hydrant for no cost benefit.

When the hydrants are first installed in any of the private communities, the engineer designs it, he has to meet a certain flow, it's tested to the town's specification, the engineer approves it. Nothing will change unless the street pressure or the street distribution which is the Riverhead water district changes or something happens inside the community.

That being said, this is an onerous non-funded mandate. The town fire marshal took what the county said, and most of the towns are doing the same thing, because nobody wants to speak up. And I'm here to speak up on behalf of my community.

It's a waste of money. I'd rather cut the town a check for seven, eight hundred dollars and you can use it in a more cost effective way. It's not protecting anybody. It's not adding any additional safety.

If anything, the hydrants could be- and they should be mechanically checked once a year, but anybody could do that.

Not only that, there is no certification for the person doing the flow testing. Who knows what the heck they're doing where."

Supervisor Walter: "Who do you pay it to?"

Steve Romano: "You pay it to a private contractor who Riverhead will supply a list or you could go out into the Yellow Pages, wherever you go and they come and do this again I think a silly test and- "

Supervisor Walter: "Did we put that in our code? This predates me sitting on the board but I do remember the case and I know that we don't- "

Steve Romano: "Well, let's put it this way, Sean. The community opened in 2004 and I'm sure there's other condos that opened prior to that.

From 2004 to 2009 there was no flow test requirement. When the county passed their again knee jerk reaction law, they mandated it down to the town. They didn't give the town any funding so now the town says, well, we can't afford to send somebody to flow test your hydrants so you condos, you can low test the hydrant.

If it was serving a purpose, fine. You spend the money. But it's not. I would venture to say 99.9% of the hydrants that are tested throughout Suffolk County that are in the private communities, there's no problem.

Why are we doing it? It's again a law that gets created in a knee jerk reaction and I look at it this way. Look how silly this is.

We have three hydrants in our community and one right outside on the public roadway. That hydrant has never been flow tested as far as I know, probably in 30 years. So why does that hydrant not have to be flow tested, yet the three inside the community do?"

Supervisor Walter: "That's interesting."

Councilwoman Giglio: "Yeah, especially when any new development requires a flow test and if the flow is not adequate then you have to put a booster pump in in order to provide adequate fire protection."

Steve Romano: "Correct. Correct. Let's even go crazier. You flow test it, okay, in this community in Selden, the boosters are on today. Everything is fine. Tomorrow they turn the boosters off, they have the same problem. The law doesn't help anybody. Again, a knee jerk reaction that I don't think anybody thought it out because they don't have to pay. They're going to create a law, give it to the town. The town is going to turn around, give it to the private communities.

Again, I'd rather take the money that we're spending and cut you guys a check because it's, yes, about money but I'd rather you use it for a park or something else than this silly- and not only that.

On top of that, it creates rusty water for at least 24 hours in the community and I don't want to pick on the Riverhead water, but our system is pristine. It's PVC pipe and copper. So the only place we're getting the discolored water is from the old cast iron pipe (inaudible).

And on top of that we get to pay for the thousands gallons of water that we flush out into the street."

Supervisor Walter: "Thank you."

Steve Romano: "Okay. So I don't know if you can look into it, talk to the fire marshal. We'd be willing to sign off on a certification each year that the hydrants are in good working order so if the town has to or the fire marshal has to kind of cover himself, because there probably would be communities that would never look at the hydrants and we've had one where somebody comes in, we can't even open the tap on the hydrant. That's another story."

Councilman Dunleavy: "I agree with you. This was a knee jerk reaction to something that happened up in Selden and we don't know if the Suffolk County Water Authority flow test before in the community, before it's granted the CO's. And I think everybody said they have to protect these people and have these things checked every year."

Steve Romano: "Well, that was the theory."

Councilman Dunleavy: "(inaudible) flow check them before the community gets a certification. So I think that (inaudible) and you flush it out. We flush our hydrants out every year, twice a year, and if you flush your hydrants out, that should clean the piping inside out, if you open them up and flush them out.

So, and then every two years have the town come in and just check the flow. (Inaudible)."

Steve Romano: "Well, we'd love the Riverhead water district

to do it. But this is an engineering flow test. This isn't just-- you can open a hydrant and if the water shoots across the road, you know you've got pretty good fire protection. I mean if it comes out in a tinkling form, then you know you have a problem."

Councilman Dunleavy: "But I mean, I live in a community-- we have only two hydrants in the whole community where we should have five."

Supervisor Walter: "That whole community has two hydrants?"

Councilman Dunleavy: "Two hydrants. We should have five hydrants but that's the way they got their CO's and approvals-- now the communities are having more hydrants. So I mean, yes, I think everything should be looked into and I think the fire marshal should have a schedule to go out and to check."

Supervisor Walter: "Well, it's probably an engineer that you hire to do this."

Councilman Dunleavy: (Inaudible)

Steve Romano: "Well, that's-- you could get an engineer, you could get a master plumber or you could get these companies they just call hydrant certification companies and nobody-- you don't know what their certification is but they do the test--"

Councilman Wooten: "They get paid though."

Steve Romano: "And they get paid and they're very happy to do it for you."

Councilman Wooten: "I'm sure they are."

Steve Romano: "That being said, just think about it. As I said, I would sign off, you know, again on a certification that the hydrants work."

Supervisor Walter: "It sounds like a good part time job for you."

Steve Romano: "I don't want it. I'm out of the water business. All right. Thanks."

Councilwoman Giglio: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Good evening."

Dominique Mendez: "Good evening. Oops, excuse me. Dominique Mendez, Riverhead Neighborhood Preservation Coalition."

Councilman Wooten: "Hi, Dominique."

Dominique Mendez: "Hi, Jim. So I wanted to also address the Hawkins issue. So you mentioned that we have been and to remind you guys, we have been bringing this up— this issue up and spoken to actually— I think every one of you except maybe you, John. I'm not sure if we did mention it to you, or I didn't at least, the faulty breezeway definition since July and it's great that now you're talking about finally addressing it.

And I have a question about that which is if you address it after the fact, after— because as we know, it hasn't really gone anywhere and it just so happens that this Thursday the planning board is— has a resolution to approve this breezeway.

So if you change the breezeway definition after the— I call it the faux breezeway, the make believe breezeway is approved, and then they submit a second site plan because they have admitted to Landmarks and Preservation Committee that the plan is to have six rooms on top, on the top floor and a dining room on the bottom floor and they're checking with the health department if this— this path with a covered plexiglass, it's a hundred foot long, the open sides, if that can be used to transport food.

So if that site plan that they've already said they're going to— that's what this breezeway is about, if they submit that site plan after you've changed the breezeway, am I correct that that would prevent them from using that definition since it would have been changed from considering a barn and a country inn one structure?"

Councilwoman Giglio: "I think that the site plan approval, all of our site plans that are issued throughout the town can be issued without health department approvals, so I don't know that they have to come back to the planning board after they get health

department approval.

I think the site plan approval from the planning board that gives them approval to build what they want to build and then they go to the health department, they can't get a building permit until they get their health department approval but the planning board, Bill, am I correct in saying that?"

Dominique Mendez: "That's not what I was saying at all though."

Councilwoman Giglio: "Okay."

Councilman Dunleavy: "They need a green stamp from the health department before a building- "

Councilwoman Giglio: "They get a building permit."

Dominique Mendez: "Right. They haven't even submitted that other- what they've done is they've divided. They've divided the site plan into two chunks so that they can get it passed and avoid that two building requirement.

The breezeway they've admitted is so to connect the barn and the inn so that they can expand and get around that. It has to be in one building. We all know country inn has to be in one building. We've discussed that definition before."

Councilwoman Giglio: "That was changed in 2009 I think, where it said that it has to be in a principal building. It used to say and/or buildings. But I think it was changed."

Dominique Mendez: "No. No. That's not- "

Councilwoman Giglio: "Wasn't that changed?"

Supervisor Walter: "The country inn definition was changed- exactly the same fashion you're talking about, when Kenny Barra built his country inn, the town board came in and changed it to make it the country inn definition- "

Dominique Mendez: "Right."

Councilwoman Giglio: "It used to say building and/or

buildings. Now it says building."

Dominique Mendez: "Well, many, many years ago maybe but there was an attempt to change it, and/or buildings recently which didn't go forward because the Jedidiah Hawkins wanted to expand. We all- "

Councilwoman Giglio: "But at that time, the definition of breezeway was not brought up and had it been, then it would have been addressed at the same time."

Dominique Mendez: "There was no knowledge that they were going to try to use a breezeway to get around the definition and we didn't know that and we don't look into every single definition in the code constantly. I mean we don't get paid at all to do this, so the question, it's not- they haven't yet submitted that site plan.

They're segmenting, they're separating the site plans so instead of putting the breezeway site plan in with what it's for which is to attach the two buildings so that we can call it one building, right, and so that they could put, which they said, six rooms on the top floor and a diningroom on the bottom floor. That's the whole purpose of that site plan, the breezeway.

So when the second site plan comes in which they've told you- "

Supervisor Walter: "But wait a minute. You have to stop there. Because if they get their building permit for that and breezeway and start constructing that breezeway- "

Dominique Mendez: "Just the breezeway."

Supervisor Walter: "They'll be (inaudible)."

Dominique Mendez: "Definition?"

Supervisor Walter: "Well, they'll have the building permit and they'll start the construction."

Dominique Mendez: "I'm not questioning whether they can build that long path covered with plexiglass, open roof and timbers. It's a hundred fifty foot long with a road going through it which is not a breezeway by anyone else's definition.

I'm not questioning whether once it gets approved if they can

build that. I'm questioning when they put that second site plan in because they've divided the site plan into two instead of one, the second site plan that they say they're going to put in for the six rooms to convert the barn, why would it then if the breezeway definition has been changed- "

Supervisor Walter: "But they wouldn't be asking for a breezeway because once you have your building permit and you start the construction, you are vested in it. So if they did nothing with the building and just built the breezeway, they would have that breezeway."

Dominique Mendez: "Yes."

Supervisor Walter: "If they built, you know, got the building permit, got the- started the construction, vested in the permit and then wanted to build what you're saying they want to build and I don't know that they want to build- "

Dominique Mendez: "They said it at Landmarks Preservation."

Supervisor Walter: "They would still be vested in the breezeway."

Dominique Mendez: "Yes. But does that mean that since the old definition would have- "

Supervisor Walter: "It would be vested under the old definition."

Dominique Mendez: "So because this board hasn't acted in four months and it's changing on Thursday, that's something that you would be addressing- "

Supervisor Walter: "I don't know that the board perceived that there was some huge problem here."

Councilwoman Giglio: "And I don't even know when the application- "

Supervisor Walter: "I've had people- "

Councilman Wooten: "We did put it before the code revision."

Dominique Mendez: "Yeah, in August."

Supervisor Walter: "-- I've had people from the civic organizations in the local community tell us, you know, that this might not be a bad thing to do. So I don't know that there's this public outcry about this."

Dominique Mendez: "In August the code revision committee talked to Kozakiewicz and charged him with looking into this and we have followed up multiple times and each time he said he hasn't done nothing."

Supervisor Walter: "What I'm saying is I don't know-- as I said, I had people from the Jamesport Civic Association, we talked about this and I'm not going to put anybody on the spot about it, but it didn't seem like they had a problem with it. In fact, they thought this might be a good way to handle a bad situation. So I don't know that there is a public outcry that we were supposed to change breezeway definitions or anything else."

Dominique Mendez: "But is this a breezeway-- "

Supervisor Walter: "I think I gave that to you, didn't I?"

Dominique Mendez: "Yes. But is this a breezeway though to you? It's 150 feet long with a road going through it."

Councilwoman Giglio: "Under our code it is."

Dominique Mendez: "Right. But nowhere else probably in the world is this considered a breezeway."

Councilman Dunleavy: "My understanding-- "

Councilwoman Giglio: "That's the definition of the state code, too, is what our attorney is telling us."

Councilman Dunleavy: "-- Jamesport Civic Association and to explain what they were doing and I think that might be why because they reached out to them and I'm not one for spot zoning, but this is, again, if you don't like something, you want to spot zone this one location now to stop it. And I think that if it's in our code now they should be able to follow the code and then if we change it, we change it for other subsequent people."

Dominique Mendez: "So allow the loophole to remain."

Councilman Gabrielsen: "And I must- I'm from Jamesport. My family has been there for many years and almost everybody except, you know, a few here, are supporting it. I really don't know anyone that's not supporting it. They don't have a problem with it. They know the history of it. They don't, you know--"

Dominique Mendez: "Yeah, we know the history of it."

Councilman Gabrielsen: "That's why we don't want to single out a project and write a code just to stop a project. And that's not the intent of this board."

Dominique Mendez: "If you're looking to change the breezeway definition because you know that it's not about- "

Councilman Gabrielsen: "(inaudible) moving forward but you are targeting this project."

Dominique Mendez: "I'm saying that's what- this is what an example of your current definition- and the problem with that is in the definition it automatically makes two buildings one. So they could technically take that house in the front, have a however long, 500 foot, fake breezeway, cover it with plexiglass with roads going through it and call it a breezeway and make those three buildings one structure under your current code. And so- "

Councilman Dunleavy: "But you've got to realize we were not here when this code was approved and drawn up."

Dominique Mendez: "I realize that."

Councilman Dunleavy: "Our code- all our codes have to be looked at. But the expense to have someone go over our codes and to see, explain to us, it's going to take time. And that's what we--"

Dominique Mendez: "But we pointed this one out."

Councilman Dunleavy: "That's what we intend to do is look at these codes and not hire someone, but us look at them and make changes where we feel appropriate and have a public hearing. I assume this is going to have a public hearing through planning."

Supervisor Walter: "But I think the main issue is this is a family owned business. There has been no public outcry except for the, you know, a few people that show up at the board meeting.

I can't tell you the number of e-mails that I've gotten from the citizens of this town supporting this project. I had- as I said, people in the civic association tell us that this is probably a good way to handle this situation.

So I don't see where- I mean I understand you don't like it but, you know- "

Dominique Mendez: "It's not even just that."

Supervisor Walter: "But I don't understand- "

Councilman Wooten: "Well, I'll say this. I think Riverhead does have to look at their definitions. I think that's not a breezeway, it's not. It's really not. And whether it affects Jedediah Hawkins or not, it's something that we should look at, it would be more sensible.

Southold I think their definition is what a breezeway is. A breezeway is between a garage and a house or whatever. It's defined as a certain size and for a certain purpose, not just- that is kind of ridiculous.

So I think the town has to look at it, not to circumvent or to cut off anything that's going on now, but it certainly is ridiculous."

Councilman Dunleavy: "It's something we have to look at."

Councilman Wooten: "The definition (inaudible)."

Dominique Mendez: "Right. But if the breezeway definition were reasonable, this would never be an issue and they would have had to abide by the code. So it is an attempt to circumvent the code that this board was aware of for four months."

Supervisor Walter: "In your opinion."

Dominique Mendez: "Yes. In my- "

Supervisor Walter: "In the opinion of the majority of the people from Jamesport that have contacted me, it is not an attempt to circumvent the code."

Dominique Mendez: "Do they know the technical aspects of this?"

Supervisor Walter: "It is an attempt to correct a bad situation. We didn't issue the building permit. I wasn't in office when the building permit for the barn was created. You know. I don't know what the circumstances were. It's a good business and people— very many people in the community have supported them. So I don't see a big public outcry against this breezeway."

Councilwoman Giglio: "And I believe our attorney just said that our code as it exists today mimics the state code definition of breezeway."

Unidentified: "The state code says that a breezeway connects two buildings (inaudible) one structure."

Councilman Wooten: "Right. Well then we could connect— why don't we just connect (inaudible) and it will all be one building."

Dominique Mendez: "Right."

Councilman Wooten: "This is ridiculous."

Supervisor Walter: "We're following the state code."

Dominique Mendez: "I think the state might say that but it says more than that, I'm sure."

Councilman Dunleavy: (Inaudible)"-- and make us follow the state when they wrote this I assume because, and, yes, we weren't here when this was adopted. So— "

Dominique Mendez: "But you have been here for the last four months."

Councilman Wooten: "But it is our job as legislators to close loopholes. That's what we do and we'll take advantage of it in the future."

Dominique Mendez: "That's right, Jim, it is- as Jim said it is the board's job to close loopholes and once they are brought to your attention like with the other case with the wine tasting variance, the wine tasting craft store, if you wait too long each time- "

Councilman Wooten: "It can definitely be abused. A hundred foot breezeway. I think the garage and the house is- "

Supervisor Walter: "I'm not an architect. I defer to the architect."

Councilman Wooten: "Yeah, well. You can be an architect if you want to be, so- "

Councilman Dunleavy: "I don't know (inaudible) so I don't know if it's going around or- but we certainly are living to the code. Right now they're living to it and- "

Dominique Mendez: "Right. But as you acknowledge, it's not a good definition and I do believe that it is- "

Councilman Dunleavy: "It may not be a good definition, but it's in our code now."

Councilwoman Giglio: "We agree it's not a good definition."

Dominique Mendez: "And it had four months to address it and they're using it to their advantage and- "

Councilman Wooten: "When is planning meeting, Thursday? Friday."

Dominique Mendez: "It's Thursday. Right. Exactly. After four months it will happen just after and everyone will throw their hands up."

Councilwoman Giglio: "I respectfully disagree. It has not been four months. First you said it was the end of July, so the end of November would be four months and I believe that it was the middle of August when you came to the code revision meeting and you sat and that was the first time that we ever discussed it.

Since then, the code revision committee meets bi-weekly, okay,

on opposite weeks the town board is not meeting. And the town attorney cannot always attend those meetings because he's called up for litigation or he's called up for other matters and there were two code revision committee meetings over the last three months that were missed because the town attorney had other obligations and he could not attend the code revision committee meetings.

So the meetings were adjourned for those days. So you know I tell you that as a government, elected official, we do our best to stay on top of things but this is a reaction to an application that was filed and do we scurry and try and get something adopted quickly that may not be in the best interests of all residents of the town of Riverhead to be reactive to a single application that's been filed or do we look at it very carefully and look at all other town codes to make sure that the one that we're adopting is the best one that fits our town."

Dominique Mendez: "Okay. First I must say it was four months ago I talked to Jim, I have a record. I have the e-mail and it was July and back that out, it's four months.

And, second, I spoke to Kozakiewicz multiple times, I must have to talked to him at least three times."

Councilwoman Giglio: "Yeah, I know, I was cut out of the e-mail chain."

Dominique Mendez: "The last time was about two weeks ago and I just want to say at that time he hadn't done anything."

Supervisor Walter: "Dominique, you- but you're assuming that your group, the RNPC, is- represents the entire town's views on this I for one- "

Dominique Mendez: "I didn't say it did."

Supervisor Walter: "-- will tell you that and I will say it again. This is a family owned business. I received- flooded with e-mails supporting this business from Jamesport residents, Aquebogue, Riverhead residents and spoke to civic leaders and they didn't necessarily have a problem with it.

So you're making this assumption that there's a huge problem here and I don't know that there is. That's what we'll go to public

hearing on."

Dominique Mendez: "I'm finished. Thank you."

Supervisor Walter: "Thank you. I was never flooded with more e-mails than the Jedediah- "

Bill Welsh: "I guess I'm the prime devil here regarding Jedediah."

Supervisor Walter: "I would never call you that."

Bill Welsh: "No. Thank you. But I do support Jedediah's. I've gone over there within the past couple of weeks to eat. Keith and I, you know, speak to each other a lot. We've discussed the situation and I can understand why people, you know, would feel, you know, this is a good operation.

And the way things are going now, it is. I'm perfectly, you know, satisfied with what they're doing.

But I didn't appreciate getting blasted out of my bed on a Thursday night in September when they had an outdoor wedding. I'm sick of coming to them about, you know, one thing after another, whether they're parking in a residential lot, whether they're having, you know, an extension of outdoor weddings.

Now with the barn which every week is used as an exhibition center when it's supposed to be storage. You know, I'll cut anybody a little slack when it goes over and over again and, you know, that night and to this day I don't have air conditioning in the house so I heard everything that was going on. Maybe other people, you know, had their air conditioning on or weren't around or whatever. But, you know, there was a problem there and I'm just concerned that we don't digress back to that, that they don't come up with some other, you know, grand scheme of things."

Supervisor Walter: "If there is sound problems and things like that, then you call the police, you call code enforcement and they will enforce the code.

But, you know, it's interesting because this was done- this line was changed and I think you were in office at the time or an appointed official. This line to bring the Jedediah, to give them

the zoning was changed. It might have pre-dated you, it might have been Jill.

But it was— but the community asked for it. They asked to move this line to capture this house."

Bill Welsh: "Because I think the community believed they were getting a bed and breakfast, which a country inn we can still do with under the definition. But we didn't think a catering hall was coming.

And, you know, no matter how good Keith is, if somebody buys it after him and says, well, all these weddings were here and, you know, we've had an experience in track history, why can't we just do that and more? This is what, you know, what turns me into a devil."

Councilman Dunleavy: "You've got to realize too with an open tent, you're going to get more sound than you will with it being enclosed in a building."

Bill Welsh: "Right."

Councilman Dunleavy: "So again you're not going to get the sound that you're getting from an open tent in a closed building. So if it does, like the supervisor said, call the police department, code enforcement and they'll come down and they'll look at the sound on the street and see if it's higher than what our code calls for and summonses can be issued.

So I mean if that happens, but the idea was to get rid of the tent because everyone was complaining about the tent, that the noise was so long, and we did limit the amount of weddings that they could have underneath that tent to get it down.

Now they want to put it inside a building which would lower the sound even more and I don't know, like the supervisor says, I have not got any phone calls or e-mails from residents that are against this other than the ones that show up at the town board meeting and ones— you live right across the street."

Bill Welsh: "Right."

Councilman Dunleavy: "So you would be affected but the neighbors on each side would be affected too. So I mean, you know,

I just feel that our code is our code and if they build to our code, we should go forward and let them. If the code has to be changed, we will change it for subsequent uses after it. And that's what happens.

Usually somebody doesn't like something so when someone does it, they come and the code is changed after it. Basically that's what— we're looking at it, it is in front of the code revision and we'll look at it and see what has to be changed in the code.

We can make it stricter than the state but a long time ago it was voted on to adopt the state building code and that's what they did. So we're just going to try and make it a little stricter. That's all. All right, then we'll see what happens."

Bill Welsh: "One of the neighbors on one side are a group home and a rental home and on the other side is owned by one of the owners of the inn so you probably wouldn't be hearing from (inaudible)."

Councilman Dunleavy: "Well, I don't know who owns any of that property up there."

Bill Welsh: "I'm telling you who owns those properties. I appreciate your dealing with this."

There have been no more outdoor weddings for the past year there so we're all, you know, on good hand shaking terms."

Councilman Dunleavy: "I mean he is trying to cooperate with the community because of the outcry with the outdoor weddings and the sound and I think this is just one more piece of that if they have weddings, to move it inside and cut the noise down a little bit more. That's what I think."

Bill Welsh: "Okay, thank you all."

Supervisor Walter: "Thank you. Angela."

Angela DeVito: "I just think there needs to be some clarification. As a member of the Jamesport/South Jamesport Civic Association, I did meet with you and the president Georgette Keller met— "

Supervisor Walter: "I never said who it was."

Angela DeVito: "That's okay, in August on that meeting. And during that meeting we shared with you the fact that as a civic association and as individuals in the community we had supported the restoration of a magnificent structure in our community. We had not opposed the extension of a commercial zone use district into a residential- clearly residential area one time there.

But our concern was for the continuation of expansion of things that they wanted to do. Many of us- as a member of that community, I went to that building during all phases of its restoration, I was invited in to see it. And they were talking about at one point of being sort of the residential wing for weddings that were going to be up at the Jamesport Manor Inn.

Never, ever was discussed by the principals at that time and the principals have changed in the partnerships there, by the principals there that they were going to become a catering hall.

And the approvals of people in the area in Jamesport and South Jamesport is for that Victorian era structure, for the Jamesport Inn. It is not for this twigs and plastic hundred fifty foot breezeway.

I do not believe you have received, Mr. Gabrielsen, e-mail or talked with people who say they specifically support the breezeway. I don't believe."

Councilman Gabrielsen: "I did not say I got e-mails. I say by being a member of the community and believe me I know what's going on a lot, so do you, and I've had nobody against it. Most people said- "

Angela DeVito: "People supporting the breezeway specifically. They support the Jamesport Manor Inn."

Councilman Gabrielsen: "Supporting their moving on. It's kind of like expansion-- "

Angela DeVito: "We as a civic said that we had met with them and worked- I believe that's a misrepresentation, Mr. Gabrielsen, that's all I'm saying. Is that I don't think- that's my opinion and- "

Councilman Gabrielsen: "Exactly. I think, you know- "

Angela DeVito: "No. I'm not misrepresenting anything."

Councilman Gabrielsen: "You said I am, so we're even. All right, go ahead."

Angela DeVito: "It's a game of points, isn't it. Wonderful. But the thing is that when we met with you, Mr. Walter, what we did was we discussed our concerns. We also discussed the fact that we had met with Mr. Luce and we were willing to work. We had done things on how far the noise traveled, we did noise tests, we did all of this.

And then we came to a public hearing in which they were appealing on some application here only to have their legal counsel call us global terrorists. Okay.

We have, for a long time felt that that structure should be there even though years ago Leroy Barnes wanted to tear it down because it was a safety hazard. Okay. That's what started the whole idea of the concept for doing renovation.

I'm told the original owners that it was going to tear down, that it was a safety hazard in the community. It's been in our community for a long time.

But I think this- the concept of this breezeway, whether your current definition allows for it or not, the way in which it is being structured which is that it is not continuous structure. It doesn't have to be totally enclosed. But it has a roadway that's going to be built in it that has to allow for emergency vehicles, fire trucks, delivery trucks, as well as vehicles to come in and park in that.

I don't think that you really have a breezeway. And that will be something the planning board can take up. That's something- "

Supervisor Walter: "What's your opinion about because- and I didn't mean to misrepresent their meeting. I thought your opinion in the meeting was that while it wasn't the greatest solution, it was somewhat acceptable to do it this way but it seems silly. I mean I know I'm paraphrasing."

Angela DeVito: "It just seemed at that time, I mean the things that we presented to you for the first time I think you saw, the architectural renderings, not what Dominique had but it was a smaller one, the plans for that that had come to the Landmarks Preservation Commission, okay, on that and just, you know, talked about the ridiculousness of having a hundred fifty foot breezeway.

I mean I know the definition, the state definition, talks breezeway is a structure that connects two buildings, but, you know, I don't think the framers of that ever thought that you were going to have a fifty foot, seventy five foot, a hundred and fifty foot structure to connect two buildings.

I don't think there's a structure in the state of New York, two buildings that have been connected by a breezeway with the exception of a home up on Soundview Drive here in Riverhead. They do have I think it's a thirty five foot breezeway, and also Mister (inaudible) was going to do one for his garage in Jamesport to attach there but he flew under the radar with that one. Yeah, there was a public hearing on that one. And this has actually come up."

Supervisor Walter: "(inaudible) allow country inn in two buildings or- "

Angela DeVito: "I think the solution is to- I don't- I think they, you know, if you look at first of all historically, the barn doesn't fit in with the building there. You have a, you know, Victorian era restoration.

I think that they should have to go and make a go with what they have at this particular point in time. Because even with, let's say the breezeway is acceptable, it's a great thing to do. It is not a formula for economic success. There's no guarantee that they are going to succeed. And that's what they're basing this on. They need this in order to succeed."

Councilman Gabrielsen: "Yeah, but that's their decision as a business. It's not yours to tell them how to run a business."

Angela DeVito: "I'm not telling them how to run their business."

Councilman Gabrielsen: "I'm saying if they feel it is, it is, that's their risk. That doesn't become a negative."

Angela DeVito: "I'm not saying, but you're going to be making a decision. They're coming to you and saying to be economically viable, we need to be able to do this. And you're saying okay."

Councilman Gabrielsen: "Exactly."

Angela DeVito: "There's no- you're saying that there's a formula for success for businesses. You are- and I thought all of you were fiscal conservatives. You're giving government bailout to local businesses."

Councilwoman Giglio: "No, the code provides for it, Angela."

Angela DeVito: "It's not being business friendly, Jodi, no, it's not. You are-- "

Councilwoman Giglio: "The code provides for it. We are not giving a bailout. The code allows them to do it."

Angela DeVito: "Yes, you are. If you go ahead and allow for this.

You asked me a question, Sean. I personally believe it should be left the way it is and they need to develop means in which they can accrue more monies. That's all."

Councilman Dunleavy: "But, Angela, too- "

Angela DeVito: "For example, they're closed for business two, three days out of a week. How do you become economically viable if you don't run your business? That's a business decision, that's their right, Mr. Gabrielsen, I understand that.

But then don't come to government and ask for handouts."

Councilman Dunleavy: "Before they get their CO, the fire department has to sign off and the fire marshal has to sign off that if that goes on fire, they can get the fire trucks around and they can fight that fire. So they have to sign off that these- "

Angela DeVito: "But they're designing it so that the fire trucks can go through. They have what's called a knuckle. Have you seen that- "

Supervisor Walter: "It should be an interesting breezeway is what I'm gathering."

Councilwoman Giglio: "But you know what the most amazing thing about this scenario is? Is that the community got tired of seeing an eyesore of a building and they wanted to see it fixed up so they extended the line in the rural corridor to allow for this building to be fixed up."

The master plan essentially spot zoned this property and the Manor Inn on Manor Lane to allow for these buildings to be fixed up rather than just being left a residential structure. If it was a residential structure as per the code without giving special allowances then it would simply be a residential structure and we wouldn't be here today."

Angela DeVito: "It would have been torn down, Jodi. It would have been torn down. The building would have been destroyed and all you would have is their workforce housing unit in the front on the property."

Councilwoman Giglio: "So the master plan was crafted to fit this house and the supervisor said this house was captured into the rural corridor."

It's the only line in the rural corridor that extends out and actually captures this property. The master plan was crafted so that this house could be renovated. And now the house is renovated- "

Angela DeVito: "No. The master plan, Jodi, you have your facts wrong. The master plan was not crafted to have this house captured into the rural corridor. The master plan was passed in 2003 and then there was an amendment to extend the rural corridor down. So the master plan was not crafted to do that. You're incorrect."

Councilwoman Giglio: "Okay. So then it must have been a reaction when it didn't capture it in 2003 and the community said, hey, let's draw the line around this house so we can include it."

Angela DeVito: "No, we did not. The proposal was made to us and we said we do not oppose it."

Councilwoman Giglio: "Okay."

Angela DeVito: "To save the structure. We did not come to the town board-- "

Councilman Dunleavy: "But nobody realized at that time when an amendment was passed to bring this house into this corridor that this possibly could happen."

Angela DeVito: "That's correct, John."

Councilman Dunleavy: "And so it (inaudible). Now that-- "

Angela DeVito: "We never thought we were going to get a catering hall."

Councilman Dunleavy: "-- we don't want this to happen. But that was a-- that's a consequence of what happened when the line was extended."

Councilwoman Giglio: "Right. The safeguards were not put in place."

Angela DeVito: "We also have-- the fact of the matter is also that you have an inn with a restaurant that's an accessory use. By building this and joining two buildings there, they're allowed to expand their restaurant but they're still going to be doing catering which is an accessory to restaurant not an accessory to an inn. So there are problems all along with this.

Yes, as a community we said yes and it's kind of like we did it, now we're getting kicked in the ass."

Councilman Wooten: "Well, that's the problem. It morphed into something more than you realized it would be when you did it."

Councilman Dunleavy: "The same thing is happening at the other end of our town when our master plan was-- everybody wanted to reduce (inaudible), okay, this is great. But now (inaudible) we reduced it, the master plan, now things are being built there that can coincide with that master plan and they don't want it.

So, I mean, you know, these are the consequences-- "

Angela DeVito: "That's the reason why the state requires towns to review master plans every tow years."

Supervisor Walter: "All right. Let's hear from- let's talk about something different than- "

Sal Mastropaolo: "I've got a couple of different things for you."

Supervisor Walter: "What have you got?"

Sal Mastropaolo: "The first question is how long do the politicians have to take their signs off the roads? And if they don't take them off in a certain amount of time, do they get fined?"

Councilman Wooten: "I think it's 30 days, (inaudible)."

Sal Mastropaolo: "Well, there's quite a few of Angie Carpenter still up."

Councilman Dunleavy: "I instructed (inaudible). Okay."

Supervisor Walter: "I took all mine down the next day myself."

(Some inaudible discussion)

Sal Mastropaolo: "Next subject."

Supervisor Walter: "Sal, I've been taking them down, too, as I see them. It doesn't matter whether they're- "

Councilman Wooten: (Inaudible)

Sal Mastropaolo: "Excuse me. The next subject is there's an increasing number of out of state plates in the town of Riverhead. If you go up to Best Yet on a Sunday, okay- "

Councilman Wooten: (Inaudible)

Sal Mastropaolo: "Yes. And there's Riverside Drive, one block away from here, South Carolina, okay. We've got to do something about it."

Councilman Dunleavy: "Sal, I agree. Our state law says that when you drive— each state has a different liability laws as far as driving a car. And the state of New York says when you drive in the state of New York you have to have liability that covers the other driver and other states like I know Florida, you don't need any liability. All you need is collision.

So they get their plates down there and they drive up to New York. We should, our police department, should stop these people and they have plastic over their license plates and in the state of New York, you're not supposed to have plastic over your license plate.

So if you have plastic on your license plates, you can stop that car and ask for their insurance stuff and if they don't comply with New York state law, right, then they should be issued a summons and their car should be— "

Sal Mastropaolo: "Confiscated. That's what they did in Texas."

Councilman Dunleavy: "I agree."

Sal Mastropaolo: "That's what they did in Texas."

Councilwoman Giglio: "I agree."

Sal Mastropaolo: "They pull them over, they ask for insurance— "

Councilman Wooten: "Is your complaint insurance? Is that what your complaint is?"

Sal Mastropaolo: "Well, that's one of my concerns. I mean one concern is the fact that— "

Councilman Wooten: "If you live in New York, you have 30 days to register in New York."

Sal Mastropaolo: "One concern is the fact that— "

Councilman Dunleavy: "(inaudible) for years."

Sal Mastropaolo: "I know one car that's in town at least two

years and still has South Carolina plates."

Councilman Dunleavy: "I agree with you. I agree with you."

Sal Mastropaolo: "Okay."

Councilwoman Giglio: "I brought that up to the chief. He said how do we know that they didn't drive back to their state for a couple days and then come back?"

Supervisor Walter: "Unless you're watching the car- "

Sal Mastropaolo: "Can we at least stop them and check for insurance and if they don't have insurance- "

Councilman Dunleavy: "If they're gainfully employed in the state of New York, they're residents and (inaudible) state of New York, they have to pay taxes to the state of New York."

Supervisor Walter: "I will talk to the police commission- police chief about it."

Sal Mastropaolo: "It's a problem and it's getting worse."

Councilman Dunleavy: "And I agree a hundred percent with you, Sal."

Supervisor Walter: "I agree with you."

Councilman Wooten: (Inaudible)

Sal Mastropaolo: "The third subject, you're going to like this one."

Supervisor Walter: "Better than this one?"

Sal Mastropaolo: "Yes. Better than this one. I haven't brought this up in a long time. Thirty years of inaction by the town boards, okay, have resulted in no town-wide reassessment. One-third of the taxpayers- one-third of the taxpayers in Riverhead are getting screwed by another one-third of the taxpayers who aren't paying enough, okay, and one-third are paying just right. I got that number from the assessor. One-third would stay the same; one-third would go up and one-third would go down. So one-third is

screwing one-third."

Supervisor Walter: "Sal, we had this conversation and I won't- "

Sal Mastropaolo: "And I don't know where I am in the picture. It's just a concern because I've seen the town- "

Supervisor Walter: "I will never vote as a town supervisor for reassessment, never, never, never, never. If the state of New York in their archaic assessment system wants to reassess all the towns, they are welcome to come and reassess us, pay for it and do it themselves.

Let me put it again. I will not support it."

Sal Mastropaolo: "You've said that before."

Supervisor Walter: "And here's one of the reasons. Because if you look at a guy like me, I live in a 1,400 square foot ranch. I bought my office- I bought an old building because I knew what the tax is. I know my ranch, what the tax is. I don't live in Meadowcrest. I don't live in some of the bigger houses because I know what my taxes are.

So why because I was frugal and bought a small house that was built a long time ago, should I worry about my taxes going up? When you buy a big house, you know what your taxes are."

Sal Mastropaolo: "But look at the repercussions from not doing it. The school district has problems between us and Southampton because we assess one way, they assess another. Okay.

I've seen you settle numerous lawsuits from commercial properties because of the no assessments. Okay. And the only way you're going to straighten that out is reassessment."

Supervisor Walter: "That is different. The commercial projects get assessed by income approach. They're not assessed like a house."

Sal Mastropaolo: "But if you reassessed- "

Supervisor Walter: "If you look at our new residential, our

equalization rate, I check these things and I see them all the time. We're pretty darn close. I'm going to tell you, I don't think it's a third, a third and a third. You're (inaudible)."

Sal Mastropaolo: "I got that right from the assessor."

Supervisor Walter: "Yeah, but that's anecdotal. When you sit down and look at how many Star cases they actually lose, that's real. We lose very few."

Councilwoman Giglio: "And I can tell you that in the town of Southampton when did the town-wide reassessment a few years ago, that they spent a lot of time trying to keep those— to uphold those assessments and they're constantly grieved and they're constantly paying people to go and sit at the hearings and listen to the grievances and then the grievances go back.

I mean I know of a particular piece of property that was upzoned to \$400,000 and every two years they went in and they grieved it and they got it down to \$100,000 which was what the original assessment was. But it costs the town a lot of money not only to do the town-wide reassessment.

And I'm not talking about a couple hundred thousand dollars. I'm talking about a few million dollars to do a town-wide reassessment and then to pay the people to actually go in and uphold those assessment values. It's a very expensive procedure."

Sal Mastropaolo: "I know it's expensive."

Supervisor Walter: "All right, we've got— "

Councilman Dunleavy: "The problem is these districts are overlapping on town lines. The same thing out in Wading River, we have the Shoreham district overlapping Brookhaven and Riverhead. Out in Laurel we have the Laurel district overlapping in Southold and Riverhead and our school district, Riverhead, overlapping Southampton and Brookhaven.

But you know something? They're the ones that these lines were drawn years ago so they have to assess and get their money is how each town does their assessments. And that could be hard but that's the way life is today. And we've got to live with it."

Sal Mastropaolo: "I'll close with one statement. My understanding is state law says you must reassess every so often and we haven't reassessed in 30 years."

Supervisor Walter: "Yes. So when the state comes down from on high in litigation-- no way, never going to happen. Never, never, never. Did you get that?"

All right. Yes."

Phil Barbato: "Ninety seconds. Just two points. Phil Barbato, I'm a resident of-- "

Supervisor Walter: "I know. I handed you stuff at the post office. How did that free pen work? I have another one here."

Phil Barbato: "Great."

Councilman Wooten: "Does it have ink in it?"

Supervisor Walter: "I bought better ones."

Phil Barbato: (Inaudible) "I live about midway between the Manor Inn and the Jedediah Hawkins, two facilities that would love to be East Wind East and-- "

Supervisor Walter: (Inaudible)

Phil Barbato: "-- one (inaudible) approval after another, I just think it's time for some commonsense. A 150 foot covered walkway with a hole in it that you can drive a truck through, 20 foot wide and 12 foot high, sorry, ladies and gentlemen, that is not a breezeway.

And if you come down and say I'm sorry it's not a breezeway, no court in the world is going to complain about that. So it's just commonsense."

Councilman Dunleavy: "Well, we don't know. It's one judge that complains. We have one judge-- "

Phil Barbato: (Inaudible) "I mean somebody has got to stand up here. This thing is going to turn into a big catering hall."

The second point is what's to prevent that facility or any other country inn from building another barn for storage and then connecting it with a hundred and fifty foot covered walkway and doubling the size of their inn overnight?"

Councilman Dunleavy: "But to change our code, if we change our code, then it can't happen again."

Phil Barbato: "Well, if you're going to change it then don't do it in the first place is all I'm saying. That's all. If your intention is that you don't want this to happen, then don't let it happen in the first place."

The third point I have is you made the reference, Miss Giglio, that the Jamesport Manor Inn was a master plan thing."

Councilwoman Giglio: "It was residentially zoned."

Phil Barbato: "It was in the agricultural protection zone?"

Councilwoman Giglio: "It's supposed to be a house. Residentials are the only things that are approved in the APZ."

Phil Barbato: "They went to the zoning board of appeals and they got the zoning board of appeals to say well, they never intended to allow that pre-existing, non-conforming use to lapse even though it had for three years or more."

Councilwoman Giglio: "With the support of the community, yes."

Phil Barbato: "That's not Jedediah Hawkins."

Councilwoman Giglio: "No. The community- "

(Some inaudible comments)

Phil Barbato: "It's a zoning board of appeals mess up. That's all."

Councilwoman Giglio: "But the community didn't support that being turned back into a restaurant after having been abandoned for five years when it should have been after abandoned for five years converted to a residence which is the only thing that's allowed in

the APZ. Restaurants are not. And they went to the zoning board of appeals."

Phil Barbato: "When you say community, I think you're referring to the friends of the owners who came and said that they were in favor of it. The rest of us who actually live there, were not in favor."

Councilwoman Giglio: "Okay, so you did show up at the meeting and say no were against— oh, right, there was the big appeal. Absolutely, I'm sorry."

Supervisor Walter: "What else have we got?"

Councilman Dunleavy: "I make a motion we adjourn the town board meeting."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Meeting adjourned: 9:00 p.m.

Chase M. Silke
Town Clerk