

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, March 6, 2012 at 2:00 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
Robert Kozakiewicz,	Town Attorney

(At this time, the Pledge of Allegiance was recited)

Rev. Larry Duncklee: "Lord, give us a pure heart that we may see where you call us to serve. Give us a humble heart that we hear the voices that are different than ours. Give us a heart of mercy and compassion that we will serve those that we have been called to serve.

Lord bless all those here in this assembly, bless the work they do, bless the people they serve. Send your grace to each of them and strengthen them.

We ask this because we trust in you for you are our God forever and ever. Amen."

Supervisor Walter: "Thank you, Rev. Duncklee. I appreciate—we appreciate you coming in and we have something special to do.

We understand Miss Esther Allen is in the audience. Miss Allen, we have a small token of our appreciation for you. Oh, you can stay there, we'll come to you. Do you want us to come to you?

Miss Allen, it is not every day that we meet somebody that has made the milestone of 100 years and I can't imagine the history that (inaudible). North Carolina. I cannot even imagine (inaudible)."

(Inaudible remarks - Resolution was read)

Supervisor Walter: "These are the grandchildren, the great grandchildren.

All right. We've got a dog. Do you want to- "

Councilman Wooten: "In keeping with the tradition of our day meetings to showcase some of the dogs at our animal shelter and they're all for adoption.

This is Dutchess. She's been with us for a little while but she's a beautiful dog. Dutchess, she's an American Staffordshire terrier mix, she's a female. She's only about two years old. She's already been spayed and I believe she's been microchipped.

So she's young, energetic, loves to play. She'd love to become a family member to a great home. She likes long walks, she likes to chase tennis balls and she's great with most other dogs and a great companion.

This is really a good dog. So adopt me is what she says on her- so adopt her."

Supervisor Walter: "Well, I know, I think there's some people in this audience- Julie, you want to take her home? You can have two. There's no reason you can't have two.

All right. Okay, thank you. All right.

I would be remiss if I didn't talk about what March 13th is. March 13th is the 220th anniversary of the town of Riverhead. And as many of you know, the town of Riverhead was broken off from the town of Southold and what was interesting about this, and Georgette Case researched this and I think in the not too distant future the town board will do something further to memorialize this date of the 220th Anniversary.

But what I found interesting, things really haven't changed. Two hundred twenty years ago, one of the reasons that they said in

Southold that they didn't want Riverhead was it was too far away to do the town business, to keep going back and forth. They felt it advisable to set up another town.

Now I love Southold but, you know, there's some people that still have that parochial view of things so it hasn't changed all that much. Just us.

But it is our 220th Anniversary and- of the act of the state legislature creating the town of Riverhead and if you want more history about the town of Riverhead, Georgette Case, and I don't know her phone number, is a wealth of information and I am sure that we will do something further to commemorate this day which March 13th, this week or next week- Tuesday, we'll do something to commemorate this.

But Happy Birthday, Riverhead.

Okay. Minutes."

Councilman Dunleavy: "I'd like to make a motion that we approve the minutes of the February 22 meeting, 2012, and the special meeting on February 26, 2012. So moved. 28th, excuse me."

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: "Okay, Diane, Reports."

REPORTS:

Tax Receiver	total tax collection to date, February 22, 2012 - \$66,694,949.08
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	total tax collection to date, February 29, 2012 - \$67,106,191.77
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Utility collection report

	February, 2012 - \$212,278.51
Building Department	monthly report, February, 2012 - \$72,776.50
Town clerk	monthly report, February, 2012 - \$10,177.36
Sewer district	discharge monitoring report - January, 2012
Landmarks Preservation Commission	2011 annual report

CORRESPONDENCE:

1 post card	recommending a short term moratorium for the Wading River corridor
Petition	from residents of Church Lane and Crystal Drive in Aquebogue with concerns regarding excessive speed on their neighboring roads

Supervisor Walter: "Chief, you don't have to come up but I didn't see the petition, it's probably in my to read file. Are you aware of this Church Land and Crystal Drive that's the excessive speed issue. Maybe we can get the- oh, we just got it today. Maybe we can get that sign up- you know, put it up there. Church Lane and Crystal."

Councilman Dunleavy: "I think it's before the fork in the road, before the fork. No. Just came in today."

Supervisor Walter: "Okay. And, Sharon, I see the building monthly report, February, \$72,000. That sounds a little high. Can you check that number? I can't imagine it took in \$72,000. Wow. Did you hear that, \$72,000, the building department. Would you do me a favor and check what we budgeted for last year for all the building department fees because that's a record for this economy and this time of the year, that's- "

Councilwoman Giglio: "A lot of it is for renewals."

(Some inaudible comment)

Supervisor Walter: "All right. Well, Reports."

Councilman Dunleavy: "I just have— yeah, Saturday, March 10th, forever grateful honoring our vets, Polish Hall, five to ten. It's \$27.50 for you to come out there and honor these veterans.

So anyway let's see if we can have a great turnout for these veterans. They're fighting for us, our country, our county, our state and we should be very grateful to these guys coming home after they did their duties over in Afghanistan, Iraq and the other mid-East places over there.

And all our veterans who protected us right through— World War I, right through World War II, Korea, Viet Nam. All these vets should be honored because this is why we have a free country here.

So make your checks out to Polish Hall, \$27.50, and you can come and honor some of these veterans. Okay? Thank you."

Supervisor Walter: "Any other reports? Jodi, I know you had an interesting project."

Councilwoman Giglio: "We did. We have formed the alternative transportation committee as I'm sure some of you might have read it in Newsday. And we received grant money from Cornell Cooperative to install bicycle racks at all of our public parks and beaches so on Friday we went out with the (inaudible) and looked at the topography, where we are going to put these bike racks and we expect the bike racks to be in next week so we'll be putting up signs saying share the road and please be careful when you see bicyclists on the road and I know that Jim has been working with you with widening some of the shoulders to provide for bicycles seeing as the cost of fuel keeps rising and bicycles are a fantastic alternative."

Supervisor Walter: "Don't you think Jim, he's the closest councilman, we should ride his bike to work, don't you think? Let's pass a motion. It's only one block."

Councilman Gabrielsen: "Better yet, walk it."

Supervisor Walter: "I think we should pass a motion that Jim has to ride the bike to work."

Councilwoman Giglio: "I'll pick you up on the way. Get a bicycle built for two."

Councilman Gabrielsen: "I just want to point something out today. It's good news for the community garden. They got the eco-light pole, it's being installed as we speak. They're just finishing up."

And that was a donation from save a watt and it's- eco-pole means it's being driven by wind and solar and it will light that whole park area. It was a donation. We ought to thank them."

Supervisor Walter: "I thought you said you said that the community garden just got e-coli."

Councilman Gabrielsen: "No. Eco-light."

Councilman Dunleavy: "Actually--"

Councilman Wooten: "Yeah, you can't do that when you're talking about a garden."

Councilman Dunleavy: "Actually, Councilman Gabrielsen was out there helping them install them today."

Councilman Gabrielsen: "Yes, I actually was there."

Supervisor Walter: "All right. Are there any other committee reports? No? All right."

Public hearing opened: 2:10 p.m.

Supervisor Walter: "We have one public hearing. And this is a public hearing to hear all interested persons- well, scheduled for 2:05 and 2:05 having arrived, I'm going to open the public hearing to hear all interested persons to consider the town of Riverhead expenditure of community preservation funds in the amount of \$50,000 for improvement and maintenance of hamlet park on property described as SCTM# 0600-17-1-5.22- well, it's the corner of Sound Avenue and Park Road, right by Reeves Park and this is in conjunction with the acquisition by the County of Suffolk."

I don't know, Jim, (inaudible)."

Councilman Wooten: "Yeah, this is a public hearing. We didn't discuss it at open space (inaudible) it's right in line with what our open space represents."

Supervisor Walter: "Okay."

Robert Kozakiewicz: "There is a description of what's being proposed up on the easel for the improvements to the area on the northeast corner of Sound Avenue and Park Road.

And the idea is to put these improvements in. They're not going to require extensive maintenance. There will be limited mowing and annual planting and as indicated in the resolution, it's for a period of five years with the cost not to exceed \$50,000 total for the five years.

That includes the planting, the improvements being made to the location, the limited mowing and the annual plantings."

Supervisor Walter: "And I would think there's a couple people that want to say one or two words about this, so come on up.

How are you doing, sir? We know who you are but just state your name."

Bob Kelly: "Bob Kelly, town of Riverhead, Reeves Park. Short comment on this.

It's good to see that this is moving along. Have full support from the town and from our community as you well know.

In regards to the amount of money that may come up, maybe just clear that air, that we're not looking for the town to spend any money per se to go through their pockets.

This is strictly like the gentleman said, about maintenance. We already have a lot of works who are willing to donate their money and their time as far as purchasing anything that would be needed for the memorial park in the way of benches and the memorial stone.

We're not looking for a large project here. And we have good resources that are available. Again, through things like my brother's golf outing and private citizens who are willing to make a contribution to see this thing come to the light of day.

Again, it would be a very small park, a memorial park, earmarked again for the 9/11 victims with a note to the folks who were never recovered that day. There's about 1100 folks that still have no remains, have never been found that day, and also for all the people that are getting ill and are unfortunately passing away as a result of the recovery efforts down there.

And you know how I feel about it. And you couldn't pick a nicer place to have a small memorial like that.

Thanks again and, hopefully, we can get this thing going. Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard? Okay. I'm going to close this out and there is a resolution set up-- there is not, okay."

We'll close it out. I don't know if we need to keep this open for written comment until March 16th. We do that all the time, so we'll keep it open for written comment until March 16th at 4:30 in the town clerk's office."

Public hearing closed: 2:20 p.m.

Left open for written comment for 10 days to March 16, 2012 at 4:30 p.m.

Supervisor Walter: "And now we'll go on to resolutions. Would anybody like to be heard on any of the resolutions? How did we do, Sal?"

Sal Mastropaolo: "Quick question. 194. Shows a total cost of \$5,500 for plant 15 but there's no mention of monthly ongoing costs to maintain that. 194."

Supervisor Walter: "We have Gary Pendzick and he can address that. If you want to let him come up and address that one."

Gary Pendzick: "That's for the installation of cable into plant 15 for the communications and telemetry. There's only a one

time fee.

However, there is a monthly fee for the signals and the telemetry to all our other facilities. It's a control line, not television."

Supervisor Walter: "What do we pay for the monthly fee, do you know off the top- "

Gary Pendzick: "I think you go through IT and I think it's like eleven and change."

Supervisor Walter: "Eleven thousand a year?"

Gary Pendzick: "No. I think it's like eleven dollars a month."

Supervisor Walter: "Okay. That enables us to control all our wells from the control room."

Councilman Wooten: "We're just adding the cost of a line."

Sal Mastropaolo: "199. On page 7 of the attachment, change the town attorney's name. It says Dawn Thomas on it. That's it."

Councilman Dunleavy: "I guess we are getting better, Sal."

Supervisor Walter: "Either that or Sal's getting tired. We wore him out. Did you get that change?"

All right. Anybody else wish to be heard? Okay, we'll take up the resolutions."

Resolution #179

Councilman Dunleavy: "Appoints an assistant town engineer. So moved."

Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "Yes. All we're doing is-- he was appointed provisional when the other town engineer left, and now we're making him a permanent status.

I vote yes."

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

Resolution #180

Councilman Wooten: "This authorizes attendance of assessors at seminar. 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 #181

Councilman Gabrielsen: "Approves the temporary sign permit of Mattituck Lions Club. 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 #182

Councilwoman Giglio: "Authorizes the town of Riverhead to direct Classie Kelly to remove all rubbish, litter and garbage/refuse upon the premises known as 55 Segal Avenue, Riverhead, New York 11901 a/k/a SCTM# 0600-105.00-02-027.00 pursuant to Riverhead town code Chapter 96. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "I'm surprised George voted yes. Yes."

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

Resolution #183

Councilman Dunleavy: "Authorizes publication of a help wanted advertisement re attendance at Suffolk County police academy. So moved."

Councilman Wooten: "I'll second."

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

The Vote: "Giglio."

Councilwoman Giglio: "Yes. If you're interested in becoming a Suffolk County police department or Riverhead police department-- part time, then you can put your application in and you'll be considered to go to the academy. Yes."

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

Councilman Dunleavy: "I vote yes. Also you have to pay your own way for this academy training and you can go at night and on weekends. So if you're really interested, it's a good way to help the town of Riverhead and our police department out.

I vote yes."

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

Resolution #184

Councilman Wooten: "This amends 2012 salary resolution. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Councilman Wooten: "Yes. All it does is follow the living wage. Yes."

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

Councilman Dunleavy: "Yes. We're reimbursed by Suffolk County for these so I vote yes.:

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

Resolution #185

Councilman Gabrielsen: "Extends special permit of Hampton Jitney, Inc. 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 #186

Councilwoman Giglio: "Appoints a call in park attendant III to the recreation department. 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 #187

Councilman Dunleavy: "Appoints a call in park attendant II to the recreation department. So moved."

Councilman Wooten: "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 #188

Councilman Wooten: "This approves extension of security posted by CTR Development LLC in connection with the subdivision entitled Fedun Estates, road and drainage improvement. 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 #189

Councilman Gabrielsen: "Authorize the supervisor to execute an agreement with Fantastic Voyage LLC for use of water district premises in connection with motion picture. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "So you have to go over there and see if you can get in this movie. That would be pretty cool. In an especially good mood today.

Where were we? Moved and seconded. Vote please."

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

Supervisor Walter: "As my good friend (inaudible) said, if you can't make fun of yourself, who's going to make fun of you."

Resolution #190

Councilwoman Giglio: "Authorizes the execution of an agreement with Verizon Business Network Services Inc. on behalf of

MCI Communications Services, Inc. d/b/a Verizon Business Services and/or their affiliates (Verizon) for managed security services. 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 #191

Councilman Dunleavy: "Authorize the supervisor to execute a license agreement with East End Oysters to allow the installation of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "Yes. We do this every year and they do a great job with the oysters."

I vote yes."

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

Supervisor Walter: "Didn't you go last year with them on that cold day do drop these things?"

Councilman Gabrielsen: "Yes, we went out there. Seeding the oysters and clams."

Supervisor Walter: "It was cold that day."

Councilwoman Giglio: "Are you going again this year?"

Councilman Wooten: (Inaudible)

Resolution #192

Councilman Wooten: "192 authorizes the supervisor to execute an agreement with Family Services League for employee assistance program. 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 #193

Councilman Gabrielsen: "Waives the Showmobile application fee for Riverhead MTAS (Move the Animal Shelter) Inc. 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 #194

Councilwoman Giglio: "Approves installation of Cablevision service at Plant 15, 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 #195

Councilman Dunleavy: "authorizes change order No. 2 interim and permanent treatment at well No. 17-1 contract E - electrical construction Riverhead water district. So moved."

Councilman Wooten: "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 196

Councilman Wooten: "Authorizes change order No. 3 construction of supply well at Plant No. 15 contract C - civil and electrical work Riverhead water district. 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 197

Councilman Gabrielsen: "Authorize the town clerk to publish and post notice to bidders for corrosion control chemical (PO4). 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 #198

Councilwoman Giglio: "Authorizes the town clerk to publish and post a notice to bidders for well and pump testing, evaluation, reporting and information management. 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 #199

Councilman Dunleavy: "Authorize the supervisor to execute an agreement to obtain medical arbitration services from Rehabilitation Medicine Associates. So moved."

Councilman Wooten: "I'll second."

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

The Vote: "Giglio."

Councilwoman Giglio: "As amended, correcting the town attorney's name. Yes."

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

Resolution #200

Councilman Gabrielsen: "55 Segal Avenue, Riverhead, New York Chapter 96 budget adoption. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "The reason I'm voting for this is because it's the winter, it's not a grass event. Yes."

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

Councilman Wooten: "Where's the extra money (inaudible). It says (inaudible)."

(Some inaudible comment)

Councilman Wooten: "All right. Yes."

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

Resolution #201

Councilman Gabrielsen: "Authorize the town supervisor and town attorney to recover unclaimed funds from New York State Comptroller, reference number 11320410). So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "Seventy-five hundred is for a check that the New York State Comptroller issued but hasn't been cashed."

Robert Kozakiewicz: "(Inaudible) that were supposed to come to the town and for reasons that are not clear, they did not make it here and when they're unclaimed, they turn them over to the State Comptroller as unclaimed funds. (Inaudible)."

Supervisor Walter: "This is going to go into the general fund."

Councilman Dunleavy: "Yeah, where does this go, Bill?"

(Inaudible comment)

Bill Rothaar: "This was a water district account that we're getting money back (inaudible)."

Councilman Dunleavy: "Let me ask you a question. One says outstanding checks issued to vendors. Who issued those checks to vendors? Are they town of Riverhead check? I don't know. Outside checks issued to vendors. It's the one, two, three, the fourth one down for \$146.70."

Bill Rothaar: "I don't have that in front of me. If this is a check that we issued to a vendor-- "

Councilman Dunleavy: "Well, that's why I'm-- it's got two different definitions of it. Someone said that this is a check that we issued or will not cash and the town attorney said that these are monies due us. So I don't know which one is what now."

William Kozakiewicz: "It's my understanding that you have to look- the (inaudible) is the person that is issuing the funds or paying the money. The account title is the recipient of the funds as I understand it so in the case of (inaudible)."

Councilman Dunleavy: "Property type."

Robert Kozakiewicz: "Property type. You know, I- it might have been a water payment bill that got lost."

Bill Rothaar: "Well, which one are we looking at?"

Councilman Dunleavy: "Well, there's three of them. There's one from K-Mart Corp., property type outstanding check issued to vendors. (Inaudible) Corp., outstanding check and On Line Resource Corp. outstanding check."

Bill Rothaar: "The one for On Line Resources looks like it was made payable to the tax receiver. It never got to us apparently so it's an outstanding check from On Line Resources. Same thing from Syntax and same thing from-- K-Mart is the name of the person who'd be distributing the check. We could be a vendor of K-Mart."

Councilman Dunleavy: "Okay. So this property is written incorrectly?"

Robert Kozakiewicz: "This is the way the State Comptroller's office-- "

Bill Rothaar: "That's how they receive it. If they receive it from K-Mart-- yeah, they received it from K-Mart to the town of Riverhead. And it was never cashed for whatever reason. Maybe it got lost, I'm not sure."

Supervisor Walter: "Since we haven't passed a resolution (inaudible)."

Moved and seconded. Vote please."

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

Resolution #202

Councilwoman Giglio: "Denies a grievance filed by a member of the Riverhead P.B.A. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "I was told that this is not in agreement with the contract with the P.B.A, so I'll vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, no; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #203

Councilman Dunleavy: "Adopts SEQRA findings regarding the special permit petitions of JUL-BET Enterprise LLC (Village at Jamesport). 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 #204

Councilman Wooten: "Motion to pay bills. 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."

Supervisor Walter: "Okay. Now we open the public meeting up to anybody- public comment on anybody that- any issue that's before the town or they'd like to bring before the town. We ask you to limit your comments to five minutes. Of course, that is assuming the board doesn't interrupt and- or talk over you or do the various

things that we do. Mr. Amper."

Richard Amper: "Good afternoon. My name is Richard Amper. I live at 97 Lakeside Trail in Ridge and I do want to cover that going in.

I am not a Riverhead resident but I don't think that much matters with respect to my concern about redevelopment in Wading River. I'm about 500 yards from the Riverhead/Brookhaven town line and I discovered that the water that drops on the line doesn't know whether it dropped in Riverhead or Brookhaven and the traffic that we encounter going to and from work is (inaudible) on one side or the other.

In fact, I know that this town board actually has influence far beyond its own boundaries so I wanted to talk a little bit about that Wading River thing."

Supervisor Walter: "Can I ask you a question about Lake Panamoka?"

Richard Amper: "Sure."

Supervisor Walter: "Does it get pollution from all those cesspools around it? I'm in awe that it's so clean."

Richard Amper: "Miraculously it doesn't. It makes it much more difficult for us to explain the problems with cesspools.

What has happened is they- the water is checked weekly by the civic association. The lake is owned by the civic association and not by the town or by the community and so we pay to have water testing and we do dye testing of cesspools.

They put them all in on the inside perimeter, that is between the lake and the houses which nobody would begin to do at this point, but increasingly people then when they switched, first of all the community is now in the Suffolk County Water Authority and I'm not going to talk about the Water Authority.

But in any case the point is people are moving their cesspools there because there's no conflict with the water supply. We used to have the wells in the front yard and stuff and it is remarkable in the spring, it is nearly pristine. It is unmeasurable parts of

nitrogen and even in the hottest summer months, it's entirely swimmable. They don't allow power boats on the lake. They discourage fertilizers. They specifically tell people that are walking their dogs on the perimeter of the lake— they've been very, very attentive about this long before I was there and I've been there for about 40 years."

Supervisor Walter: "It would make a nice water skating lake."

Richard Amper: "Well, I think (inaudible)."

Supervisor Walter: "Anyway, no, I'm just in awe of it."

Councilwoman Giglio: "Actually the nitrates protect the drinking water, not surface water."

Richard Amper: "Actually the surface water is a manifestation— I mean the lake is a surface water and it's a manifestation of the water table which is surface water and also impacts drinking water so when we're dealing with by the way just because it's all going to come up and be very important this coming year."

The Suffolk County Water Authority's reports on water quality suggests that surface water is really suffering and that's impacting not just drinking water but surface water."

Councilwoman Giglio: "So they're saying surface water is suffering from nitrates? Really? (Inaudible)."

Richard Amper: "The state standard for drinking water is 10 parts of nitrogen per liter and to make any surface water body survive on Long Island it has to be purer than three parts so it's actually— the surface water is more sensitive than drinking water in terms of preservation."

Supervisor Walter: "What is the nitrogen (inaudible) in the summertime? I mean I'm just curious, it's so clean, in the lake, in the summer, do you know?"

Richard Amper: "It gets as high as two parts."

Supervisor Walter: "That's it?"

Richard Amper: "Yes."

Supervisor Walter: "You could drink that water with a Brita filter probably."

Councilman Dunleavy: "Do they have road runoff going into that lake or no?"

Richard Amper: "No, well, we think that it's pretty well captured. They built special catch basins with filters the town of Brookhaven has on the single road that is the perimeter of the lake and that's supposed to control it.

We think that some storm water must be getting to the lake because after two or three days of heavy rain—in the way that sometimes the DEC has to close shellfish areas and so forth, the percentage of chloroform is higher after that kind of incident so it's getting— it's rolling off lawns and it's rolling off other surfaces but it's not so much road runoff as other surfaces."

Councilman Dunleavy: "Thank you."

Richard Amper: "A little primer on Lake Panamoka.

My reason for coming here is that I wanted you all to know that I'm working independently on the issues involving proposed development now and in the future along Route 25A in Wading River, principally because I think the BFJ study was flawed.

I was very much a part of the BFJ study in Brookhaven town and I think they got a better work project. I don't know exactly why.

And in addition, I think the community plan that has been sent to you doesn't go far enough and I think that the object of the game is to try to I think balance the rights of the developers and the needs of the community.

You had a brief discussion of this at your work session and you focused parcel by parcel on the parcels that were to be developed. I think we should be taking a broader subject— and I'll come back to that in just a second.

But I very much would like to work with the town board. I sent you all some additional documentation in terms of where we might go

and I'm going to advance on them in just a minute or so what I think we can do to actually produce a satisfactory result. Right now, I don't see the developers or the environmentalists entirely satisfied with where we are, so that means we just have a little bit greater distance to go.

The plan that I think will work will be one that starts with why did we do this in the first place; what are the concerns. The latest plan from BFJ actually increases the amount of commercial development over the previous version.

I mentioned to you at work session we have- "

Supervisor Walter: "Rick, but listen to what he's saying because I don't understand how this could be so. Yes, go ahead."

Richard Amper: "Okay, well, in any case the initial concern was that there was some 200,000 square feet. Now it's somewhere between 210 and 230,000 square feet of commercial. How it went up and the details of the zoning recommending it is way too much for a brief presentation but we can come to that.

The other concern is that the economic study that was made in connection with the BJJ plan on the Brookhaven side looked at all of Wading River, not just half, not just the parcel that was in Brookhaven, and concluded that the hamlet could not absorb more than about 23,000 square feet of additional retail and probably no restaurants and certain other things at all and the proposal as is currently in front of you calls for 123,000 square feet, almost five times what it is the community can absorb.

So we worry not just that the new development might adversely impact existing businesses but we might find that the various and sundry proposals are competing with one another.

And so we think that- you have a question, go ahead."

Councilwoman Giglio: "When the BFJ study was done on the Brookhaven side, they based it on the zoning as it exists before we adopt any plan. Is that correct?"

Richard Amper: "Correct."

Councilwoman Giglio: "So they took into consideration the

commercial zoning that was in Wading River already and recommended that minimal should be placed on the Brookhaven side because of all the commercial development that was proposed in Wading River."

Richard Amper: "No. I want to make just one distinction. You're close. It's that they looked at the whole 11792, the whole of Wading River, determined that the whole of Wading River could only absorb 23,000 square feet, not that just the portion on the Brookhaven side could. They were looking at all of Wading River.

And by the way, I think we should. I think that the BFJ study might better have looked at more but you guys were looking at a limited one and a half mile stretch and I understand your scope is very different from the scope that Brookhaven undertook.

But we really do need to be looking at Wading River as a whole hamlet even though the line goes— these boundaries don't work in terms of how stuff functions. That's all."

Councilman Dunleavy: "Yeah, you know, we try to help Wading River out by doing the study and we paid for the study to be done and now the study is in and now Wading River don't like the study. And it's a third party. It wasn't the town doing it. It wasn't Wading River residents doing it. It was a third party doing it, and this is what they came back and recommended and now Wading River doesn't like what they recommended.

I just don't know where we're going and I think we have to sit down and talk with you to see where we're going because there has to be equalization between preservation and commercial use. And I agree with that."

Richard Amper: "Okay. Let me respond to that. I think there should be a balance between preservation and commercial use. I don't see any preservation proposed in the study at all. The only preservation that was suggested has been rejected and that is the entitlement of the land owner— "

Councilman Dunleavy: "There has to be a balance."

Richard Amper: "But the answer is that, yes, the community is not very happy about the proposals and it turns out that neither are the developers. They are complaining, their attorney and myself recently just a few minutes ago were saying that there might be

litigation unless the plan were changed.

The plan isn't in place. It's still in flux. We're all working on it together. Why don't we find-- we ought to try and find an accommodation.

Everybody realizes that this land is going to be developed, that the owners of that property have a right to develop it. But could there be a mix of retail and maybe some professional and maybe some residential and maybe some community uses.

If a balance occurred we wouldn't find the commercial especially the retail issues competing with one another and I think you wouldn't have the same anxiety from the community that you are going to see-- we don't want 25A to look very much like 25 does from west to east."

Councilman Dunleavy: "I'm saying-- "

Richard Amper: "I don't think our views or our vision of it are all that different. I just think we haven't reconciled it yet and so my reason for coming here is that the supervisor has been advocating that we move this along quickly and I think that's very commendable.

This may be the first time in my life that I've ever suggested that government slow down. But because the BFJ plan is not adequate and because I'm not sure it all got worked out at the work session, I think we should take a little bit of time and I'll tell you why.

As elected officials here, you have to deal with issues large and small. You've got-- are we going to do the Blues Festival; are we doing the animal shelter properly? All of those things, none of them unimportant.

But I have been working at this for about 25 years and I've seen development move from west to east and I've seen a lot of town not plan it properly. It isn't a question of too much, it's where it belongs and how much of what type and so forth. We don't have a good record.

A lot of the western towns have simply processed applications and not really planned. Somebody came in and said I want to build this and they said go ahead instead of saying no, that belongs over

here or we want our residential over here.

It's a planning challenge and I think we should all be engaged in that challenge.

But the future of Wading River I think is at stake. What it's like, how it works. And I think it's not just Wading River. It's happening in Wading River first because it's farthest west. But it's going to happen in Calverton and it's going to happen in Northville and it's going to happen in Jamesport and beyond.

You're working even today to try to restore downtown because planning didn't get that— sort that all right when we did 58. Maybe we build a bypass and there are a whole bunch of dynamics. It's not as simple as any one thing.

But the point is we want to solve it in Wading River not just because of Wading River, because the same pressures are going to exist all over. You're next in line from the juggernaut that started in Huntington and has worked it's way well into Brookhaven.

So what I'm suggesting is that— I'm asking you perhaps and I don't see it on the agenda and I even— well I didn't see it maybe I shouldn't bring it up.

But there was a suggestion that you might want to convene or schedule a public hearing on this sooner rather than later and my suggestion is let's hold off just a bit because the public hearing would be on a particular plan and if no one really likes the BFJ plan. We've even had people already threatening that there might be litigation if you guys adopt it.

You guys yourselves at the work session said there's some of the stuff that was recommended that we don't really want to go along with. I'm trying to figure out how to reconcile their recommendations with your judgment and by the way, Mr. Dunleavy, it is a shame when government invests in a study and you've got professionals doing this and they come back with something that's not satisfactory.

They don't have the answers all the time. You don't have the answers, I don't have the answers all the time. But if we all sat down together, we got some planners in a room and we got the lawyers and nobody was trying to deny anybody their private property rights,

just to try and sort out why it was you did the study, why it is you thought it was worth looking at land use in that particular hamlet because you didn't want to see it be something you didn't mean it for it to be.

I think that would be a useful exercise. I'd love to chat you up about it. I sent you a letter, made some suggestions. You'll come back and I think you will think as little of my plan as I think of BFJ's.

But the fact of the matter is, we should all be talking about it because between and among us, I think there's a real opportunity. This is one we want to get right.

I mentioned the other functions that you take, but the future of the hamlets in this town may be the most important thing of the things that you take the greatest pride or the greatest regret when you've done your political career here.

I think we have a tremendous opportunity to get this right and I would very, very much like in the weeks ahead to sit down and figure out amongst people, they could be Rick and other planners that you respect, the planners that the community is using, somebody that the developers say we respect, especially the economic analysis.

I just don't— I'm not an economist but I don't see how the community can absorb that kind of density to anybody's economic benefit. It's real, real hard to make a living in this kind of economy and to make it more complicated by everybody doing the same thing in a very small area.

You mentioned the traffic problem west of Wading River Road during the work session, so you're beginning to see some of the things that are potential problems and rather than to have litigation by either side, it just seems to me that we ought to— that the town tends to— when the town rushes things, it tends to make mistakes and the mistakes produce lawsuits and the lawsuits produce rulings that you don't like."

Councilman Gabrielsen: "Except for the exception of this town board. We're sharp."

Councilman Dunleavy: "Did you— "

Richard Amper: "So we will not give you the BFJ award for planning."

Councilman Dunleavy: "But I also think the property owners should be involved because did you see a ruling that the western towns got today, millions of dollars, they have to pay the property owner because they down-zoned his property and he lost money on his property."

So these are the things we have to look out. I think the property owners should be included so they know where we're coming from and maybe may stop some litigation."

Richard Amper: "Councilman Dunleavy, I absolutely agree with you. I would make one correction that we all should understand and I've heard misinformation from- in the media, which I have my own distrust for."

And that is that there is nothing that prohibits a municipality under state zoning law to upzone or down-zone property unless- but there has to be a rational basis for it. So you could reduce the density and the return on investment of a developer who bought property under previous zoning and you would be perfectly permitted to do it if you could provide a rational basis for it.

This is not- an investment in real estate is not the only investment that there are risks associated with. The government is not responsible for an investment that didn't anticipate a zoning change any more than the price of gold or the price of stocks or anything else.

But the answer is we're not going to produce a result that is satisfactory to you, the developers who own that land, and there's no dispute about it, are going to develop it. It's not a question of whether. Their property rights are not in jeopardy. They're going to develop the land.

Whether we can have them do that in ways that is actually more profitable to them and better suited to the community or not is a challenge we ought to take on.

I think we're up to it."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "All right. Let's do that. We will— because the board hasn't made (inaudible). Thursday— this Thursday's work session— we'll put it on for March 15th and if you want to come in and the RNPC, I don't see anybody from RNPC here. If you want to come in, the property owners want to come in."

Richard Amper: "I think because I'm here they're not. I don't know whether that's true or not but the point is what we ought to do is— and let's talk between now and then and anybody who has a suggestion of who needs to be there. This really ought to be open and people ought to be really looking for solutions so we can— "

Supervisor Walter: "We'll do it on the 20th— you're not going to be here on the 15th?"

(Inaudible)

Richard Amper: "We need Councilman Wooten, I could tell from the last meeting. We need you, I could tell from the last meeting."

Supervisor Walter: (Inaudible)

Councilman Dunleavy: "We have to wait until April."

Councilwoman Giglio: "I don't think it would be a bad idea if we could call a special work session just to discuss it because it's going to be a long process. So we can set everything else aside and just dedicate the morning— "

Richard Amper: "Make sure it's a time— that's right, when you're available and when we can bring in the— between now and when we do this, let's figure out who should be here."

Supervisor Walter: "The best— this week is a short notice. Jim, you're not here. I think— you're not going to be here the 22nd."

Councilman Wooten: "The 13th through the (inaudible)."

Councilwoman Giglio: "You know what's interesting is that when we undertook this study which I did not support because we had the plan that was just adopted less than 10 years ago and that master plan said Wading River piggy-backed the zoning or the plan that was established in 1989 and they basically agreed with it was

less intense than what existed in 1989, and you know I think the supervisor said it best.

When the civic organization picked BFJ to do the study because they felt comfortable with them, that you may not be happy with the outcome and specifically pertaining to the Zoomas property where the back portion is going to be preserved as open space and now it's going to be developed based on the recommendation from BJJF."

Richard Amper: "I'm going to resist your urge to look at the individual projects one by one and rather try to take the big picture of how this all fits together.

The BFJ study actually contradicts— actually in some measures contradicts what they— the recommendation they made just across that line. I'm not pointing fingers. I don't know why they did it. I haven't had a chance to talk to Frank about it.

But the fact of the matter is BFJ is welcome to come in and sit down with us and say this is why we think this is a better way. You will only be the more knowledgeable to make a better decision."

Supervisor Walter: "We might have to pay them because I know they have a certain number of meetings.

Dick, if you could do me a favor and speak to Rick about that mathematical calculation because it doesn't seem to me to make sense.

And then the other thing what I'd like is specific— I understand maybe it wasn't (inaudible) parcel by parcel but I want specific input on specific things for a specific area. If you don't want to go parcel by parcel but at least— "

Richard Amper: "We're going to have to go parcel by parcel. I just wouldn't want to start with a big picture looked at. What have we got here, what worked 10 years ago, what motivated us to decide there was a risk that we might be doing something that the community couldn't tolerate economically or in terms of quality of life.

Let's look at the big picture and see if we can— if there's a difference of opinion— you guys get to make the choice at the end of the day anyway. The better information you have, the better the

decision you can make."

Councilman Dunleavy: "I think the company BFJ did what Wading River residents wanted at that-- the meetings they had with them, especially on the 4th and-- "

Richard Amper: "I was absolutely thrilled by the public-- "

Councilman Dunleavy: "This is the information they received from the residents and I think that's what they followed. They certainly didn't-- I know Jodie made some recommendations and they didn't follow anything Jodie said."

Richard Amper: "Okay. So maybe they weren't all wrong."

Councilman Dunleavy: "They had to follow the recommendations of the-- "

Councilwoman Giglio: "They did. They ignored my recommendations."

Richard Amper: "Well, Councilwoman Giglio, you're in good company because in fact the community doesn't feel as though they were heard and they can't find the things in that study that were reflected in that I thought great turn out and great public support.

The answer is so we don't have all the answers now but we're not making a precipitous decision now either. What we're going to try to do is figure out where BFJ was right, where the community was right, and maybe even where Councilwoman Giglio was right."

Councilman Dunleavy: "And I went along with her. Maybe that was the reason why they ignored her."

Supervisor Walter: "Dick, if you could just show Rick. You know, I gave that to the board what you gave to me and I don't actually know where my original copy wound up so I will take a look at that (inaudible)."

Richard Amper: "You're at a disadvantage not having it in front of you because then you could look at it and tell me why my ideas are not so good either. So-- "

Supervisor Walter: "I'll take a look at it."

Richard Amper: "Thank you very, very much. Appreciate it."

Councilman Dunleavy: "Thank you very much, Dick."

Supervisor Walter: "Come on up."

Steve Romano: "Good afternoon. Steve Romano, Riverhead. I wasn't going to speak and I'm not as articulate as Mr. Amper but I'm still confused."

It seems to me as a resident of Riverhead up to seven years now that you guys have studied this area forever. I could be wrong. But I still go back to the point you know and I can tell Mr. Dunleavy and Mr. Amper may know more about the legalities but in Newsday today there was an article about a developer in Brookhaven where he bought his property under the master zoning, certain zoning, and then he was down-zoned.

Yes, they're going to go to appeals because the article, and I understand that government has undue funds to continue to challenge in court after court. But I have a feeling it sounds like the builder is going to win.

And as a resident of Riverhead and a taxpayer— "

Councilman Dunleavy: "That was the court of appeals who decided that. They went to the court of appeals and they're the ones who decided. The next step is Supreme Court."

Steve Romano: "Okay. There's one more step."

Councilman Dunleavy: "In New York State."

Steve Romano: "And if they lose, the town of Brookhaven taxpayers could be open to a million dollars or so what they're going to have to come up with."

Councilman Dunleavy: "It could be over a million dollars."

Steve Romano: "I hate to see the same thing happening in Riverhead because I'm still going back and, again, I'm not a lawyer but I know a little bit about the constitution. And if you buy property under a zoning that was done 10 years ago, under your master zoning, now people want to change it because they're not

happy, I understand their frustration. Believe me.

Again, I lived in Rocky Point. When I was there in '67, there was nothing and as Mr. Amper said, the west end got over built and people have rights. They buy property.

To me I think the biggest key player you have to bring in is the developers themselves and say, listen, developers, this is what the community wants. Is there any way you could build something affordable but if not I think you're going to get sued and I think you're going to lose and, again, it sounds like it's (inaudible) forever and ever and then when you finally get a report, there's still problems with the report.

So it's frustrating for everybody but it's just frustrating to look in. I have no horse in the race. I'm not a builder, I'm not a developer but somehow it just seems unfair to the developers, again, you know, they have a right to build something and all of a sudden you pull the rug out from underneath them and say no because you know what? There's going to be traffic. Boo-hoo. You live on Long Island. Yeah, there's traffic and so, you know, maybe my commonsense is- "

Councilman Dunleavy: "That's what it is, commonsense. You have to do things with commonsense. And you have to look at past practices. So far any zoning that we were sued for, we lost. So-well, most of them we did."

Steve Romano: "What would you say, 90%?"

Councilwoman Giglio: "Name one that we won."

Councilman Dunleavy: "Yes. Name one that we won."

Supervisor Walter: "Mitch Freeman, I want to know, what is this in Newsday that I didn't read today?"

Councilman Dunleavy: "Well, you didn't read also, you didn't read about the ambulance. I mean we were one that (inaudible)."

Councilwoman Giglio: "You and I have been talking about that for years."

Councilman Dunleavy: "Yes, for years we've been talking about

it."

Supervisor Walter: "All right. Let's focus on— who is the developer and where was the property, do you know?"

Steve Romano: "I forget his name, but I think it was somewhere along 25A. I said look at this, I was reading the article."

Councilman Dunleavy: "I can't remember— "

Steve Romano: "It's in today's Newsday."

Councilman Dunleavy: "The developer wanted to develop something and he down-zoned and he lost. His property was de-valued and he sued. He lost the first two in our courts here. They went to the appellate division and the appellate division overturned them and said that he was right and they awarded him over \$800,000. With penalties and interest, it could be millions of dollars they have to pay."

Councilman Wooten: "So that's why any sort of rezoning through planning steps has to be— just can't be willy-nilly because somebody wants it. But there can be a rationale as to why it's being done— "

Steve Romano: "But would I be wrong saying that the study that this company just did, didn't show any real rationale?"

Councilman Wooten: (inaudible)

Steve Romano: "That's why Mr. Amper was talking about (inaudible)."

Councilman Wooten: "Well, we just got it. We want to work with the study they did but (inaudible)."

Steve Romano: "And one other question on commonsense. I saw a work session in regards to a windmill for the sewer plant and I don't know if the board made any sort of decision but I was looking at that thing too and I know alternative energy is a great thing but it just didn't seem cost effective. It didn't seem like the (inaudible) the town should be looking for. Again, I don't know if you guys made a decision on it."

Councilman Dunleavy: "We did make a decision. We're not doing it."

Steve Romano: "Thank you. Have a good day."

Supervisor Walter: "Okay. Mr. Klein."

Julius Klein: "I bought property out here in Jamesport and I was going to build on 75000 square feet and I lost in court when I took them to court and I appealed it and I lost and I'm talking about like \$150,000 (inaudible).

You've got to take the beating, forget about it, whatever the town does that's it. Because like I said, I've been there. I bought the property- "

Councilman Dunleavy: "We beat you. Okay, thank you."

Councilman Wooten: "Wait until the next round."

Supervisor Walter: "Does anybody else wish to be heard today? Mr. Kelly, are you coming up? No. We're done.

Can I get a motion to adjourn?"

Councilman Dunleavy: "So moved."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "Thank you for coming everybody."

Meeting adjourned: 3:05 p.m.

Dianna M. Skelton
Town Clerk