

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 Wednesday, November 7, 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

DEPARTMENT HEADS PRESENT:

Bill Rothaar
Meg Ferris
Ray Coyne
Judy Doll
David Hegermiller
Chris Kempner
Gary Pendzick
Laverne Tennenberg

(The meeting was opened at 2:00 p.m.)

(The Pledge of Allegiance was recited)

Supervisor Walter: "Okay."

Supervisor of the Day Roces: "Invocation provided by Rabbi Bill Siemers of Temple Israel in Riverhead."

Approval of the- "

Supervisor Walter: "Not yet. He's going to do the invocation now."

Rabbi Bill Siemers: "God of the winds, God of all flesh, we gather today in humility. The last week reminds us of men's fragility, that our existence is always in your hands.

Our hearts and prayers go out to those still afflicted in the wake of the storm. Lord, comfort those who suffer today. (Inaudible) and give thanks for the tireless work of those who serve the public, police, firemen, engineers, our healers, all who stood in the breach as the winds blew and the waters rose and as the waters receded.

For the acts of kindness, countless from one person to another we give thanks. The acts of love for your creation which are (inaudible). Give your service strength and purpose for the task ahead.

We gather also on the morning following a contentious national election. We give thanks for the great blessings of democracy and freedom which are our heritage.

Direct our leaders' hearts to unity in seeking the common good, direct the hearts of our people to the care of one another and of service to the ideals which make this land a light to all nations.

Bless and heal America with your love. Let us say. Amen."

Supervisor Walter: "Thank you Rabbi Siemers, that was wonderful. Thank you, sir, and enjoy the upcoming storms.

Okay. So what's next?"

Supervisor of the Day Roces: "Approval of minutes of town board meeting of October 16, 2012."

Councilman Dunleavy: "I make a motion that we approve the minutes of the town board meeting of October 16, 2012. So moved."

Councilman Gabrielsen: "And seconded."

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

Supervisor of the Day Roces: "Moved and seconded. Vote please."

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

Councilman Wooten: "Mia, I just- as part of the town board, I just want to present you with a certificate of award.

We realize that the reading program through the Riverhead Free Library that you took place in and you read three- good books, you actually won that. Reading is a great thing and we recognize that in the town.

We want to recognize you for doing a great job here as our supervisor, spending the day with Supervisor Walter, and learning a lot about our town.

So we have a certificate of award for you. On behalf of the town board, I make you Supervisor of the Day."

Supervisor Walter: "How do you want us arranged- you guys in the press? Is this acceptable?"

Councilman Wooten: "It's Mia Roces, right? Roces."

(Some inaudible comments)

Supervisor Walter: "You can bang the gavel again. Go ahead."

Supervisor of the Day Roces: "Awards and proclamations. Correspondence."

CORRESPONDENCE:

Gregory J. Fisher letter regarding Resolution #818 of October 16, 2012 (resignation of 5 full time police officers)

Jeanine Zeltmann letter regarding public hearing -
freshwater wetlands inventory
map at McGann Mercy High School

Diane Wilhelm: "Under Reports."

REPORTS:

Town Clerk October monthly report -
\$11,823.55

Sewer Department discharge monitoring report for
September, 2012

Fire District Budgets:

Jamesport 2013 annual budget summary
Manorville 2013 annual budget summary
Riverhead 2013 annual budget summary
Wading River 2012 annual budget summary

Diane Wilhelm: "And that's it."

Supervisor of the Day Roces: "Is there any town board
reports?"

Councilman Dunleavy: "I have no report."

Councilman Wooten: "I don't have- I know the snowflake
regatta is scheduled for this weekend- that's the 11th I
believe on the riverfront Sunday.

There was a 24 hour veteran run that has been canceled
until the springtime because of the storm and the damage that
was down there, so I think the snowflake regatta is scheduled
for this weekend so if you have a chance to go down and watch
the people get into the ice cold water and row."

Councilman Dunleavy: "I do have one thing. The first
Sunday in December will be the Lion's welcome to Santa Claus in
the town of Riverhead, 1:00 in the afternoon on Main Street.
So we have a month away but I just want to remind everybody to
bring the children and kids down and we all have fun.

Thank you."

Supervisor Walter: "And love when Santa Claus comes."

Councilman Dunleavy: "That's right."

Supervisor Walter: "Do you like Santa Claus?"

Supervisor of the Day Roces: "Yes."

Supervisor Walter: "Absolutely. All right. So we've got some public hearings. If you can call the first- say it's 2:05- "

Public hearing opened: 2:10 p.m.

Supervisor of the Day Roces: "Public hearing, 2:05 p.m., the consideration of the adoption of the 2013 annual budget for the town of Riverhead. It is open."

Supervisor Walter: "Does anybody wish to be heard on the 2013 town budget?"

Steve Romano: "Hey, you guys, good afternoon. Steve Romano, Riverhead.

Could you tell me in this budget if there's been any structural change from the formula that the prior supervisor gave at one time that 80% of his last budget was salaries and benefits, 10% was debt, and 10% was discretionary spending.

Has this budget changed structurally in any way?"

Supervisor Walter: "No. But those figures aren't exactly right. It's more closely 70% salaries; I think more than 15% debt; and then a little less, 15% contractual services.

So that was the same under Supervisor Cardinale as well. It hasn't changed."

Steve Romano: "So nothing's really changed with the big bulk of the expense?"

Supervisor Walter: "Well, spending is way down. We've cut spending-- we've kept spending below the rate of inflation. I think spending over the past three budgets that I've submitted was up 1.07%-- about 1% over three years. That's it, 1%."

Steve Romano: "Okay. Could you tell me if it's possible how many employees the town had in 2007 and how many they currently have today?"

Supervisor Walter: "I can't tell you in 2007. Bill, do you have that information?"

Bill Rothaar: "I don't have 2007."

Steve Romano: "How about 2008 or 2009?"

Bill Rothaar: "I can go back and look (inaudible)."

Supervisor Walter: "We can give it to you. It's definitely a net decrease. Bill, write Steve Romano's name down-- I should be writing this down and then we'll get that to you."

Steve Romano: "Well that was just to see from when you folks took over."

Supervisor Walter: "There's been a net decrease, fairly significant. My guess is going to be with the first round of layoffs, second round of layoffs and attrition jobs that we did replace. I'm going to guess we're close to 20 fewer employees, full time employees. Maybe 15 to 20 is going to be my guess.

But we can get that information to you."

Steve Romano: "Okay, good."

Supervisor Walter: "Bill, you have that?"

Bill Rothaar: "Yes."

Supervisor Walter: "We'll get it to you."

Steve Romano: "I know sometimes with a decrease in

personnel as strange as it may sound, there are departments that get an increase. It happened where I worked and I was just wondering have there been any departments in the town that actually saw an increase and if so would there be an explanation for that?"

Supervisor Walter: "There's not been any increases- I don't think, no, I think every department- accounting, no that wasn't an increase."

Councilwoman Giglio: "Accounting- I'm told accounting has one and a half more employees than it had when we took office."

Supervisor Walter: "That's not true. It's not accurate."

Councilman Gabrielsen: "You have to go back to maybe six years ago at that point."

Supervisor Walter: "Accounting- is at the same level as it was before. They're just different jobs. We used to have a clerk typist or a senior clerk typist and that person retired and we hired an accountant in that person's place but it's still the same- in increase to the town is about \$2,500, that was it."

Councilwoman Giglio: "Riverhead Local reported that there was additional people in the accounting department."

Supervisor Walter: "The accounting- he's right there--"

Councilwoman Giglio: "We'll look into that."

Councilman Gabrielsen: "You have to go further back. If you go back six years or more."

Supervisor Walter: "Guys, you don't have to look into it. He's right here."

Councilman Dunleavy: "Come up here."

Bill Rothaar: "There's changes in departments from year to year. For instance one year we had the retirement of two

people in the building department and one came back as part time and then there was no one in the department to replace that person.

So if you look from two years ago to this year, it's the same amount of employees. But in between, you went down one and back up one. So there are some changes like that within the departments. There's no additional people in '13 than there was in '12. Okay.

As far as the accounting department, there are no additional people over the last five years in the accounting department. I'll go before I was here to see how many people of any one of those given years and get you numbers on those.

I'll also give you numbers for the entire town."

Supervisor Walter: "All right. Thanks."

Steve Romano: "Just a few more questions. Hopefully I can get them in the five minutes.

Could you tell me what the town revenues were in 2007 versus the town revenues now?"

Supervisor Walter: "Bill."

Bill Rothaar: "I don't have that number-- "

Steve Romano: "I'm assuming there's been a major decrease."

Supervisor Walter: "Mortgage tax in 2007 if I'm not mistaken was about two million dollars. It went down to about \$700,000 when we took office. It went up to \$800,000, we budgeted \$900 for this year and for next-- for the budget you're looking at I think we budgeted a million and it's on pace to hit those milestones."

Bill Rothaar: "There were certain revenues like mortgage tax high was 3.1 million dollars. But we also consistently budgeted like 2.1 million dollars. The high was just-- I'm going to say an aberration.

But like you said, even the mortgage tax itself we're going to 1.1 where we're collecting 700, 900 and so forth. So they're starting to come back up.

But most of the mare down significantly."

Steve Romano: "Just a clarification because I've read a few different articles.

Did I read correct, because one was in Newsday and one was in the Local. I remember reading in Newsday, they had quoted the supervisor as saying that there was a \$700,000 increase in pension and \$700,000 increase in medical insurance or was that total, \$700,000 for both?"

Supervisor Walter: "No. That's roughly correct, 700 for each."

Steve Romano: "Okay. So it was 1.4 million increase in compensation for employees of the town?"

Supervisor Walter: "Yes, you're right. Yes."

Steve Romano: "And am I correct that the number that I also quoted was 300 employees?"

Supervisor Walter: "Across all lines, with the police department, yes, 304 is that what you said, Bill?"

Bill Rothaar: "I think that's the latest count."

Steve Romano: "So if my math is correct, that means every employee in the town of Riverhead excluding any salary increases got \$4,650 in increased compensation."

Supervisor Walter: "I don't know about your math, but you're accurate in your analysis. Yes."

Steve Romano: "Okay. I think my math is correct. Because let's round it— you know you made it 5 x 3 that's 1.5.

Being in light of that, is the contract agreements that are still out there— because I know this is unwelcome news but based on what I'm reading and the straits the town is in, are

they still also getting salary increases on top of that?"

Supervisor Walter: "The town- the PBA doesn't have a contract right now. The CSEA had a zero in what was it- '11 or '10? When did the contract start, Tara? Eleven and twelve were zeroes, thirteen is a one and fourteen is one and a half.

They do have steps in the contract but the raises were zero, zero, one, one and a half."

Councilman Gabrielsen: "But I think you also have got to look at the non-union employees in the budget for 2.8. Am I correct?"

Supervisor Walter: "Can you let him finish?"

Councilman Gabrielsen: "Okay."

Supervisor Walter: "If you don't mind."

Councilman Gabrielsen: "I'm answering the rest of the question. I don't think we finished. You answered his question."

Supervisor Walter: "He asked the union contract. He didn't ask for non-union."

Councilman Gabrielsen: "Okay."

Steve Romano: "Thank you. Because I would have- to total. But thank you.

Could you tell me what the total share of the salary percentage-wise that the police department consumes in regards to that 70% number that you- "

Supervisor Walter: "About 50%."

Steve Romano: "Fifty. So and how many employees do they- "

Supervisor Walter: "About a hundred."

Steve Romano: "A hundred. So really 100 employees

eating up 50% of the salary and benefits and the other 200 are only eating up 20%. Would I be correct? Out of the 70%--"

Supervisor Walter: "No. The other 200- "

Councilman Wooten: "The other 50%."

Steve Romano: "Oh, okay, 50%. So what you're saying is 35% of that 75%. In other words, if the salaries and benefits are 70%, my question was- "

Supervisor Walter: "It's not really accurate to say it that way. Your formula is correct but the numbers you had plugged in aren't correct because the police pension costs actually outpaced the CSEA pension costs. It's more expensive."

Steve Romano: "So my analysis what I just kind of round off, that's unfair too then. There might be some employees- "

Supervisor Walter: "It might be higher, for the police."

Steve Romano: "-- for the police where a clerk or a town highway guy might be getting a whole lot less in compensation total."

Supervisor Walter: "Correct."

Steve Romano: "Bear with me, I'm almost done."

The reserve fund, I understand that you've tapped it and according to what I think you quoted, Sean, was that in a couple years, we'll be zero."

Supervisor Walter: "We'll be zero. We are- the reserve fund at the end of this year will be roughly 8.9 million dollars depending on how the budget performs."

We were taking out-- for '11 and '12, we took out 2.6 million and 2.6 million. I held it to just under 3 million. The biggest, the lion's share of that expense was we sold the remaining landfill debt and that added almost \$400,000 to the debt service.

I couldn't absorb it in the budget without catastrophic cuts, so we will take out 3- in this budget, we'll be able to take out 3 in the next budget and then the town- if we don't get something done at EPCAL, we will be facing a 14% or more budget, you know tax increases.

And the lion's share of it, all of it actually is the landfill debt. And here is how you know that. The landfill debt costs us about 3.5 million dollars a year. I think that's the number, right, 3.5? Three point five million dollars a year and I'm tapping the reserve at three million.

So eventually either we're going to sell property, get the subdivision done and sell property or that 14% tax increase is coming and then, you know, I don't have anything else to add.

It's not good."

Steve Romano: "Now is the reserve fund the percentage cushion, I saw on channel 22 when you were talking to George Woodson about that he should have a contingency reserve, 15% of his budget."

Supervisor Walter: "That's right."

Steve Romano: "Is the reserve fund the general budget's cushion? Because if it is, we're not at 15%."

Supervisor Walter: "No, you're not. You're going to be down- after this budget at 13.5 or something like that."

Steve Romano: "Okay. Which leads me to almost my last question."

Supervisor Walter: "Which is why- I'll just finish my thought."

Steve Romano: "Go ahead."

Supervisor Walter: "Which is why we cannot sell any debt right now. Moody's and Standard and Poor's, they probably would not come back and rate us because we're not looking to sell debt on any level."

But if they were to come back and rate us, the fact that we have not been able to wean ourselves off that reserve is problematic.

About the only thing— if we don't sell property in Grumman, about the only thing that could bring us back and it's only going to bring us back maybe a third is if the mortgage tax somehow jumped to 2.1 million again, you know, we would be in better shape. But that has not happened.

We have to grow the tax base."

Steve Romano: "The next question is in regards to Sandy, the storm. The current cost that I'm assuming the town is also incurring like everybody else, will that be in this year's budget, next year's budget, or is something that nobody anticipated and that's part of the cushion?"

Supervisor Walter: "No, it's not in the budget. What's going to happen with Sandy, we hope that FEMA will cover us. We'll have to come about with about 20– 25%, 25%, right? The FEMA match will be 25% between the state and the feds so we may have to come up with 25% or maybe a little bit less depending on how things work out to cover our costs which we're thinking are going to be about a half a million dollars.

So, no, we're in trouble."

Steve Romano: "Wonderful. And the last question, thank you for your patience.

On another show that I was watching you guys were talking about the town dock out on the river and about letting Treasure Cove kind of cooperate and take over the dock leasing or whatever happens over there because it wasn't too efficient the way it was going.

Did the town give any further thought in regards to maybe privatizing or an RFP or thinking about privatizing all their docks, maybe getting out of that part of the business which I know from what I was hearing, it seems like it's a break even, it doesn't really cost— but actually we could probably save and make some money if a private operation was willing to lease from the town and say give us half a million dollars for the

docking. We don't even need the employees to be there.

Was any thought given to that?"

Councilman Wooten: "We've got- actually George Gabrielsen and I are working on a project now that would probably help us do that. We're still in the starting stages of it but we'll be ready to present it in a few weeks."

Steve Romano: "Oh, good. Any other areas where the town might be thinking that's another place to save money but yet keep a decent service?"

Supervisor Walter: "Well, one of the things that we're contemplating doing is the sale of the east lawn building. Depending on what that nets for us we would put that back into the reserve fund would be my guess so hopefully that would work for us."

Councilman Dunleavy: "Say something about the docks. East Creek in Jamesport, the town has made money on that docking facility, about \$265,000 a year comes into the town. And actually we did some improvements on the beach with some of those funds this year.

So the town- the last time the town leased out East Creek we didn't make any money and actually I think it was a loss project for us so taking it back, at least we're getting now \$265,000 and I don't know if you lease that out again if you would get that much funds in and plus put the infrastructure, repair the infrastructure that we've been doing out there.

And like I say, we helped South Jamesport Beach do some reconstruction this year with those funds because they're attached to the East Creek so we could use funds there.

Behind the parking lot, we just don't have the manpower to collect \$25.00 because the recreation department has to come down and collect that money for our patrol and the water does that and they just don't have time to go down there every night to see who's down there so we were thinking about privatizing back there so we could get a little more money than we're getting now."

Steve Romano: "Thank you. Appreciate it."

Supervisor Walter: "Thanks. Hi, Sandra."

Sandra Mott: "Sandra Lee Mott, Riverhead. Let me preface, I'm not from here originally so I probably can speak more freely than many people.

It's ironic you're discussing the budget. I was going to wait through your resolutions but this will probably be as adequate a time as any. I'll make it short.

What kind of budget do you have for emergency preparedness?"

Supervisor Walter: "In terms of- there is not a separate line for emergency preparedness in the budget per se. The highway department has money in overtime reserves for snow removal. We have reserves- not reserves but we have money budgeted for salt, sand, ice, that type of stuff.

The town- because of the financial circumstances that it's in, we don't budget a separate line and if we have to tap money we take it out of the reserve fund."

Sandra Mott: "I think maybe you should reconsider that. After the past week that we've all had to contend with, some of us more than others; some with more success than others in finding help. Some with Sean Walter's assistance. Jill Lewis, Carol, Congressman Tim Bishop's staff, Mr. LaValle's staff, Mr. Losquadro's staff.

It just happens that I've known these people previously. Had they not stepped forward, our particular community of over 500 units, some with very frail elderly who never had a knock on the door to see whether they were dead or alive and since we have no central location for servicing the entire community in addition to my community in which I'm in, I think you really need to reconsider it, whether it's federal funds, state funds or asking these developers to put some money into the kitty because frankly- let me finish my sentence so my five minutes doesn't get mingled with.

Bottom line of the story is there was no emergency

preparedness. Thank God after four days of constant phone contact— I only took the top echelon, I didn't deal with all the other people here in the town. I took the people who I know I could get response from, who they were good enough to respond to.

I want to thank the Buffalo National Grid guys who came on Friday after four days of no heat, no electricity, four days, it took them three hours to fix the problem.

I want to thank the American Red Cross from Indiana and Wisconsin who followed us back to our community and brought hundreds of sandwiches, foods, etc. and to which I know disbursed at least 200 people.

And I want to thank the fact that these people, you may not have it in your budget. As with everything in this town, there's too much dependency on private citizens, individual private organizations, not for profit and otherwise, and organizations like the American Red Cross from Columbus, Indiana and Wisconsin.

Now you may not have it in your budget; it certainly wasn't in our budget to throw out \$300 worth of refrigerated goods and medicines. Not multiply that by 500. Whose budget is that coming out of?

You don't have a budget? You better get a budget. This— you are drawing people into this community like lambs to the slaughter. You constantly are enhancing what we already don't need. You don't need another ice skating rink; you don't need another dog pound run— pardon me, you need the pound. That's another issue.

I'm saying discuss the armory. We own that, correct, Sean?"

Supervisor Walter: "Yes."

Sandra Mott: "And you said they left it in bad condition."

Supervisor Walter: "Very bad."

Sandra Mott: "Well let me say I believe it was the 1st you had a work session or such, whatever you had I saw it on the TV and you were discussing the clean up of the beaches.

Well that's lovely. Well we don't use the beaches and we couldn't get to them because of the gas issue coupled with the fact that they were cutting down the trees on the firemen's lane there next to Honda on this side that you own too, right? Who owns that?"

Councilman Dunleavy: "The fire department."

Sandra Mott: "The fire department. Well guess what? They should have been cleaning up the armory and making that a central location for the services of the community of the town of Riverhead. So at least- "

Supervisor Walter: "We have a central location."

Sandra Mott: "A central location."

Supervisor Walter: "It is."

Sandra Mott: "Because guess what? The county center is not a central location. You have to sort of accidentally find out. We only knew about that- we only knew about that when we found out that our friend's house could have burnt to the ground in Freeport. We have still not been in touch from that horrendous Woodcliff (phonetic) Canal disaster Nautical Mile.

That's why we were at the library and we see a little sign. And guess what we also see? Ready. Suffolk County residential guide to emergency preparedness. And guess what that was dated? 2011. Well excuse me unless we were going to see if our friends were dead or alive, we got nothing from the town of Riverhead. We got not knock on the door, are we dead or alive. Nobody gave us you know what.

You did, Sean, because you kept in touch as did Mr. Bishop's staff, Mr. Losquadro and Mr. LaValle. You better get a preparedness statement. We don't all have generators. Eighty-seven year old mother should not be told that she should get her own generator or get out and find a place to stay.

Now you're not— you understand what I'm talking about. And we're not going to elaborate on that.

I am telling you, you need to do some emergency preparedness and whether it's donated material and supplies, etc. it has to be at that armory.

Now I'm not asking for paint and carpeting. I'm asking for four walls and a ceiling and a generator for heat, water, a central location. If we own it, let's utilize it.

I have— I'm trying to keep myself calm here because I'm not happy. And I have a lot of neighbors who are not happy. Now they may not be here, but I am. How long I'm going to be here, God knows.

I'm telling you coupled with the irony of the day, you know my favorite subject, we don't— what about the animal shelter? Do you have that in your budget?"

Supervisor Walter: "Yes."

Sandra Mott: "You do. Well, guess what? We came in from doing tasks, this magnificent husky dog was running wild in Glenwood. I always carry a leash. He was very frightened. I called 911, fearful because if this dog— he had approached a little dog and a neighbor. Officer— I didn't get his name, is it Mordel (phonetic) or Markel (phonetic), something like that. Very nice man came. I was afraid of this dog causing damage not only to me but to the other people unknowingly.

The cop came. The dog would not go into the little leash that I had in my hand. He said let me see if I can get him in the car. The man is sharing is lunch to get the dog in the car. He still didn't. Because you know why he came? Because we don't have any animal control on staff today.

Now you're telling me, I understand the reasons why. It was expanded on by Jill when I called in to describe the situation and I'm sorry for them, they're wonderful people. But you don't have anything in the budget for these situations?

You have got to be kidding."

Supervisor Walter: "We do. Sandra, we have a reserve fund- the town is not running out of money and if we need money, we have money."

Sandra Mott: "But we're depending on organizations from out of state to come and feed Riverhead town residents."

Supervisor Walter: "That's not accurate."

Sandra Mott: "What's not accurate? I was there, my picture was in Newsday."

Supervisor Walter: "Sandra, we opened up that center, the Red Cross shelter- "

Sandra Mott: "Which center, dear?"

Supervisor Walter: "We opened up the high school, the Red Cross- "

Sandra Mott: "For one day or so and then the American Red Cross closed it."

Supervisor Walter: "It was three days."

Sandra Mott: "No, it wasn't three days according to when I called. Nonetheless, it should be open 24/7."

Councilman Dunleavy: "Sandra, we all have to thank the supervisor. The Red Cross opened the shelter in Hampton Bays."

Sandra Mott: "We don't live in Hampton Bays."

Councilman Dunleavy: "They wanted out residents to go over to Hampton Bays. Our supervisor said we're not going to do that for our residents and- "

Sandra Mott: "Sean, I think- would agree with you, no, no, no- I would agree, that Sean would probably agree, that's his job. So don't say weren't I wonderful."

Councilman Dunleavy: "And he did. He opened the schools without the Red Cross authority to open it and they're the ones the county gave the authority to run the shelters. He opened

it without their authority- "

Sandra Mott: "Well then you need to get FEMA's authority to use that armory because most communities have the armories in their towns for whatever reason and you're telling me that we could not utilize that as a central location. Because the American Red Cross people were freezing their heinies off over in the county center and they asked permission could they follow me back."

Supervisor Walter: "Okay. Can we- I just want to keep it to the budget."

Sandra Mott: "No, I want-- the budget is- you need to budget more broadly in protecting your residents. And the communities that are in this town of Riverhead, the developers need to be required to provide a safe on site haven. If they have a rec hall, if they don't have a rec hall they need to provide something on site because I'll tell you one thing. A lot of people were afraid to leave for fear of burglary, etc.

Because as we all know, it was pitch black. So when you're budgeting your budget you need to recognize these things happen and if you think it's funny, John- "

Councilman Dunleavy: "I don't think it's funny- "

Sandra Mott: "Yeah, you do, John. And you know what? I don't think it's funny."

Councilman Dunleavy: "I just don't think that you understand that the state- "

Sandra Mott: "I understand freezing my ass off for four nights."

Councilman Dunleavy: "The state regulates what we can charge developers and what we can't charge developers."

Sandra Mott: "Well then you need to expand your repertoire."

Councilman Dunleavy: "It's like a tax. So they- we're required- "

Sandra Mott: "But you're not funding going to the recreation facility, right?"

Councilman Dunleavy: "You know, sometimes you have to depend on neighbors looking out for neighbors."

Sandra Mott: "Oh, excuse me. That's your dependency element again. That's why people pay taxes and when people come up here and say consider this, consider that. Depend on neighbors. Who? My 85 year old neighbor."

Supervisor Walter: "Me."

Sandra Mott: "I know, Sean was one of the few people who- "

Supervisor Walter: "And the police."

Sandra Mott: "And the police. But the problem is- "

Supervisor Walter: "Can we stick to the budget if you don't- "

Sandra Mott: "Yeah. Well the budget is you need to budget because I know that we're living on a budget and now this \$300 loss of food stuff was not in our budget. So who do I bring the bill to, you?"

We have a class action lawsuit in the entire town of Riverhead to bring against the town for not providing adequate emergency preparedness which you just said we don't have.

So anybody want a class action lawsuit? I'd be happy to sign at the top. Any attorneys out here whose mothers, whose aunts, whose grandmothers froze their asses for four nights?"

Councilman Wooten: "Please watch your language with the young girl up here. Please."

Sandra Mott: "Oh yeah, well guess what? The young girl shouldn't be here at an important meeting like this."

Supervisor Walter: "Sandra, can we just keep it- "

Sandra Mott: "Yeah, well let me get to this. So what are you going to do? Are you going to provide a brochure because we don't have any brochures for the town of Riverhead. We don't have a website. Not everybody has a computer, Jill, I agree. Thank you very much for bringing that up. Not everybody has access to a website. And can't afford a website because their budget doesn't allow for it.

Don't- I know what you are."

Councilman Wooten: "Sandra, we'll get you a copy. I don't know what you want."

Sandra Mott: "A copy of what?"

Councilman Wooten: "A copy of the plan."

Sandra Mott: "I want you to provide it for every citizen in the town of Riverhead and not everyone should have to do for themselves."

Councilman Wooten: "We'll supply- we'll supply a hard copy for anybody who wants it."

Sandra Mott: "Who wants it? You should be providing it. You were supposed to protect your citizenry."

Councilman Wooten: "We'll make it available."

Sandra Mott: "No, no, no. You will mail it out to each person. Yeah, don't worry about the five minutes, don't worry- the point of order is that we don't have a generator. You need to do the right thing."

Supervisor Walter: "Sandra, are we don't with the budget? Thank you. Thank you very much.

Is there anybody else who wishes to be heard on the budget? Actually there's not a five minute in a public hearing."

Larry Oxman: "Hi. Good afternoon. I will talk just about the budget."

Supervisor Walter: "Larry, your- "

Larry Oxman: "Larry Oxman, sorry. In the budget there's I guess a line item for self insured for I guess the coming budget it's zero for any of the different districts that pay into that.

In 2011, I believe it was just under a million, like \$950,000. What exactly is that money for and is that an account or was it to reimburse? What- "

Supervisor Walter: "I'm going to let Bill Rothaar answer that. Is that the only question, Larry?"

Larry Oxman: "It's all going to pertain to that."

Supervisor Walter: "Okay."

Bill Rothaar: "The town has set up a self insured fund, actually one for Worker's Comp, one for unemployment, and one for risk retention way back in the early '90s.

Every fund has been contributing to that fund- every operating fund has been contributing to that fund since then.

We are considering instead of contributing to that fund because of GAP, government accounting procedures, not paying the money into the reserve fund but paying it directly out of the operating funds because GAP doesn't want to see a large fund balance in those insurance funds.

So the way we budgeted 2013, was instead of making the transfer from the general fund and every other operating fund to the self insurance fund, we have a line that's in an 0190 cost center paying the claims directly and paying the insurance policy directly.

Between now and January when we start paying these claims, we will determine whether we are going to eliminate that self insurance fund, put the money back into the operating funds and if we do that then the budget is fine.

If we're going to continue to move the money into the self insurance fund then all we need to do is do a budget mod

increasing revenue in the self insurance fund and putting the appropriate expenditure in the self insurance fund.

Either way, the monies that are put into that fund when it was set up years ago was to ensure— was to save money on the policy. Instead of being insured from dollar one or to having a self insured retention amount that any specific fund could wind up getting hit hard in one particular year, the fund was set up to take the expenditures and spread them out over all funds in any given year so that we don't get hit hard in one year.

So there may be an accounting change depending on research we're doing with GAP to see whether we're going to keep it that way or go back to the way we were.

He's correct in saying that the reserve funds have no budget in there and if we have to go back and do it that way, it's just simply adding lines in the reserve fund for the revenue and the expenditures."

Supervisor Walter: "Thank you."

Larry Oxman: "So if I understand Mr. Rothaar correctly, if Sandra Mott did take a class action suit against the town and in the unlikely circumstance that she won, where would that money come from? Because it didn't sound like it came from that fund or if (inaudible) won who has litigation against the town where would that money come from? Does that come out of that self insurance fund or it comes from somewhere else?"

Supervisor Walter: "Well, go ahead, Bill. I can answer it but Bill, go ahead."

Bill Rothaar: "So what will happen is if we do away with the self insurance fund the balance in that fund will go to the operating funds and sit in reserve in fund balance for future claims.

This way if there is a particular claim in the highway fund or town general, you'll have a reserve fund balance there instead of in the self insurance fund.

I'm actually looking for a way to keep the self insurance

fund because it helps smooth out the expenses. If we can't do it that way, then we have to do it individually by fund.

When you get a small fund that may get hit with a claim on any given year it could have a significant effect on a smaller fund. They're kind of protected by pooling all the resources.

So I'm trying to keep it in the reserve fund. If not, everybody gets their fund balance back, everyone gets it back in the way of a fund balance, but it's reserved for claims. There may not be enough in that specific fund if there's a large claim."

Supervisor Walter: "Really, it's- the money exists. It's just an accounting question that we're trying to get answered by- is it GAP?"

Bill Rothaar: "Yes. And we're going back to the original resolution, I had to pull that resolution out to see the specifics of that resolution.

We had a claim in the water district years back, if it was set up the way they want us to, the water district would be in a lot of trouble. But if was absorbed by everybody because everybody is putting money into that fund all along.

That's why we're trying to keep it that way but I have to figure out how we can do that. Maybe we have to change the resolution that set up the reserve fund."

Councilman Dunleavy: "I've got a follow up question on that one. If someone sued and wins \$5 million dollars from the town, where does that fund- how do we pay that? Where do we get that money from? That's-- I think that was his question."

Bill Rothaar: "Well, right- okay. Right now it comes out of the insurance reserve fund, okay, and there's money in there that's contributed every year. We expect a certain amount of claims to be paid out.

If it's in excess of what we pay out every year, it's going to wind out coming out of the fund balance in the self insurance fund.

However, we have self insured retention meaning that we have in essence- we're only on the hook for the first \$150 or \$175,000, sort of like a deductible. Okay?

So on any given lawsuit we would only be on the hook for the first \$150 or 175. And then our insurance- because what we do is we pay a policy in addition to contributing to this fund and the policy covers us for anything in excess of that."

Councilman Dunleavy: "So to answer his question, we have insurance for that?"

Bill Rothaar: "Yes."

Councilman Dunleavy: "Okay. We only have to pay the first 150- "

Bill Rothaar: "Or 175 depending on whether it's Worker's Comp or- "

Councilman Dunleavy: "-- or 175. Then it goes to the insurance company, our insurance company. We're not totally self insured?"

Bill Rothaar: "Correct."

Councilman Wooten: "My only question to you, Bill, since we're not having this in the insurance fund anymore, is it earmarked in the reserves? You said it's pooled."

Bill Rothaar: "Well what will happen, if we have to eliminate the reserve fund, this insurance reserve fund, what we will do as of 12/31/2012 is take the balance of the reserves in the insurance fund- "

Councilman Wooten: "Okay."

Bill Rothaar: "-- and move them to the appropriate operating fund that they belong to and then we will- you'll have a resolution obviously that will put those aside in fund balance.

It will reserve it in fund balance that that fund balance is specifically for insurance claims."

Councilman Wooten: "Okay. Thank you. That's all. Thanks."

Supervisor Walter: "Thank you. Anything else, Larry?"

Larry Oxman: "So, John, I think you answered my question."

Looking through the budget I didn't find any lines for insurance policies. So somewhere in there, that information?"

Bill Rothaar: "We used to have in one cost center which would be our insurance 019100 unallocated insurance. That line was only for the payment of the premiums, each fund. And then in the back of the budget, in our transfers to other funds, would be the transfer to the self insurance fund."

We've now put both of those in the 1910 unallocated insurance and self insurance contribution is 19110, so it's in two separate cost centers at the beginning as opposed to being transferred out to the self insurance fund."

Councilman Dunleavy: "But I think we get people confused when you use two different self insurance funds and an insurance fund. Actually we shouldn't have a self insurance fund. We should have an insurance fund that has a reserve fund attached to it."

Bill Rothaar: "Right. So what we have is an unallocated insurance cost center and then the next line or the next cost center is the contribution for— it's actually the budget for the actual claims that are paid. That's what we'll transfer if keep the self insurance fund."

Larry Oxman: "Thank you."

Supervisor Walter: "Thank you. Mr. Fischer, good afternoon."

Greg Fischer: "Hi. Greg Fischer, Calverton. I have a request of the board to pass two resolutions, one request to the governor and one to the county executive."

Supervisor Walter: "This is a budget public hearing."

Greg Fischer: "I understand. And it does have fiscal impact."

As you know, I filed some suits to try and form-- like I got the rates down. Also some of these suits are still pending. We filed petitions to have elected trustees. We would like to-- "

Supervisor Walter: "Tie it to the budget?"

Greg Fischer: "-- well, we're trying to break out this thing of municipal power authorities and try and get Riverhead municipal power authority no different than Greenport, knock the electric rates down 40 points but of course that would affect town line items on energy."

So it's simply to request a resolution to support elected trustees and to ask for a resolution to go to the governor and the county executive-- if the county executive or the governor consent to these suits pending for elected trustees, it becomes law. It doesn't have to go through a 10 - 12 year process.

And our goal is to do the right thing and to cut these rates down. So that's the extent of it. Thank you."

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

Councilman Gabrielsen: "Okay. I just would like to make a statement."

Councilwoman Giglio and myself are coming up with some amendments to the supervisor's budget and we're looking at some substantial savings. I think there may be enough monies to cover the matching grant from FEMA that may put us in a hole or else the money will go back to reserves and we'll probably have that ready in about-- I'd say in about a week.

And where we found most of this was overstated expenses and missing revenue. So I think in about a week we'll have substantial number we can-- "

Councilman Wooten: "When you get a chance, could you share some of that information."

Supervisor Walter: "Okay, guys. We're here to hear the public. I understand, but you're going to have a work session to discuss this."

Councilman Gabrielsen: "We- I totally understand. I just wanted the public to know that something is coming up. This isn't final."

Supervisor Walter: "Okay."

Councilman Gabrielsen: "It may be final."

Supervisor Walter: "In that vein I will say that I have researched \$250,000 of your expenses and we found about \$18,000 that was accurate and \$50,000 of a grant that may or may not be able to be obtained that our senior center didn't ask us to put in the budget as revenue and if it is in fact true there will be \$50,000."

Councilman Gabrielsen: "That's another 50-- it's funny that you would know all these numbers because I haven't worked on this with you. You probably heard from the accountant. There's other things that you haven't even mentioned that are in there."

I said I will present mine. This isn't yours, Sean, this is yours here. So when it gets presented at a work session we'll look at it. I don't want you to beat it up you know until we get it."

Supervisor Walter: "I just- "

Councilwoman Giglio: "But right now we're confirming the information with the chief financial officer and we have had several meetings with the chief financial officer or the financial administrator and we are under the impression that a lot of these overstated expenses are in error and need to be corrected."

Supervisor Walter: "Okay. Well I think you're mistaken because that document that was given to you was also given to me and I've gone through it line by line. The chief financial officer works for the town board, gave all that information to the town board and a written statement that said there was

about \$18,000 that may have been on a 45 million dollar budget that may have been in error. I consider that very good.

And potentially there's \$50,000 that we didn't know from the senior center that may be a grant. But the bottom line, if you have two council members working independently that's really not helpful to the-

Councilman Gabrielsen: "It's a work session. It will be presented at a work session to the board, Sean.

And the 18,000, you keep going on with that two weeks ago. We've since worked on it and that number is history."

Supervisor Walter: "Well, good, I'm glad."

Councilman Gabrielsen: "But until you see it, that's okay."

Supervisor Walter: "Well, that's what I'm asking. You brought it up."

Councilman Gabrielsen: "No."

Supervisor Walter: "Hey, George, you brought it up at the public hearing, so where is it, let's see it."

Councilman Gabrielsen: "Right. It will be next week. And, Sean, I don't know if you're feeling slighted-

Supervisor Walter: "I don't feel slighted."

Councilman Gabrielsen: "You did a good job. It's a good thing if we find more money, not a bad thing. It doesn't reflect on you. That's the impression I'm getting."

Supervisor Walter: "You found, but you have two board members that are not sharing the information with the other-

Councilman Gabrielsen: "It's a work in progress. We're going to share it at a work session."

Councilwoman Giglio: "It has to be confirmed by the financial administrator before we're going to bring it to the

other board members- "

Councilman Wooten: "Let me just say one thing. I appreciate your diligence. I'm looking at it from my- and I will tell you this. It's not your budget and it's not yours. And we'll get it right."

Councilman Gabrielsen: "At a work session we'll put it all together."

Councilwoman Giglio: "And I know that Jim and John have also been working independently with the chief financial administrator and going through proposed changes to the budget also so we will put them all together and, you know, I've had discussions with Jim about it and I've had discussions with John about it and you know we will come together as a board and we will discuss these proposed changes to the public budget that was presented to the town clerk."

Councilman Dunleavy: "I think we do need a work session. I thought we were going to have a work session on the budget last week before this public hearing and I don't know if we have a work session and change the budget, no one has told me yet do we have to have another public hearing before the budget is passed because no one shared any of that information with any of these board members on this end of the table."

So I would like to get that straight before we discuss it."

Supervisor Walter: "We have the ability to have a work session, let's have the work session. Can we hear from the public? We're here to hear from the public, not from the individual board members. This is the public's public hearing."

Councilman Gabreilsen: "We understand that and we didn't go into details with numbers, you did."

Councilwoman Giglio: "And you just asked us- "

Supervisor Walter: "No, I did not. We are here to hear from the public and we hear from the public."

Councilman Dunleavy: "Move on."

Supervisor Walter: "Oh wait, the gavel. The public. Yes."

Dennis Yuen: "Good afternoon. Dennis Yuen, Riverhead."

Councilman Dunleavy: "Good afternoon."

Dennis Yuen: "First of all, I apologize for not looking at the entire budget on line. But a couple questions.

I had read-- confirmation of questions I had read about in your 2013 budget, are you proposing to cut the position of the youth director, and also I guess the director of personnel in your budget?

Again, that's what I read. I just want confirmation or clarification."

Councilman Wooten: "The youth director, personnel director and what was the other one?"

Dennis Yuen: "Those two."

Councilman Wooten: "Yeah."

Dennis Yuen: "Just confirmation-- again that's what I read. I haven't examined the whole budget."

Councilman Wooten: "That wasn't the tentative-- the first budget-- so we're not sure. I don't know if it's going to wind up there, but that's-- "

Councilman Gabrielsen: "That will be presented at the work session. That's one of the considerations we have, one or both."

Dennis Yuen: "Okay. The comment is-- those are two needed employees in the town of Riverhead, employees of 300 do need a personnel director I believe and the youth-- "

Supervisor Walter: "No, there's no legal requirement. In fact, the town didn't have a personnel director, I think

that position is maybe four year old and the town didn't have one.

East Hampton had a personnel department of four employees and I believe, I'm not positive, but I believe it was cut down to one person. We have a-- we have somebody in the personnel department that we can devote half to three-quarters time in the personnel department.

So what I'm saying is, in these tough times, we've got to go back to what we did and we got the job done before. So it's not a legal requirement for that position."

Dennis Yuen: "Employee base was 300 in those years?"

Supervisor Walter: "Yes. Roughly our employee base is less now than it was then."

Dennis Yuen: "Does that work fall on someone else's shoulders, other departments?"

Supervisor Walter: "Yes. Everybody has to do more with less."

Councilwoman Giglio: "More with less but now without. So when you have a department that has 14 people in it and you feel the need to cut a position, then-- because you're doing more with less.

These are departments, the youth bureau and personnel, they are a one person essentially department and to divy up the duties amongst several people may not fulfill the requirements of that position. So-- and the dedication to that position. So that is something that we're looking at.

We did have a work session last week where we had the youth bureau board that was here. I have had several discussions with police officers that are in the mentoring program with the kids that have been able to through the youth bureau get these kids on the right track which will end up saving the taxpayers of this town a significant amount of money when it comes to having these children either incarcerated or having to educate them in special classes because they fall

behind in their work."

Dennis Yuen: "That is the goal."

Councilwoman Giglio: "So- "

Supervisor Walter: "Well, I just want to point out that the youth bureau was not an independent department. It was part of the recreation department and the youth bureau will continue.

I did speak to Mr. Coyne today as a matter of fact and he was misquoted when the youth bureau came- board of directors came last week or advisory board and it's- still his opinion that he can temporarily- you know what- I'm not looking to cut the youth bureau position forever but if we have to due to these difficult economic times not hire somebody, we're not cutting that position, not hire somebody for a year or two and the recreation department which the youth bureau is part of can absorb everything and can continue to function as it did in the past, that's what we have to look at. And we owe it to the taxpayers to look at it that way.

So that's-- my budget is designed to basically keep the youth bureau running seamlessly but not have a youth bureau director. It would be subsumed completely within the recreation department.

So I don't think people are going to see a change except that Donna retired."

Councilwoman Giglio: "But one of the things that I'm told that is a requirement of employment of the youth bureau director is that you have a degree in psychology. So I don't know where we're going to find that in the recreation department. I think it's important."

Supervisor Walter: "That's not accurate."

Councilman Wooten: "But we'll let you know, Dennis, just to ease- yes, those were tentative cuts, a proposed budget. The board now has the budget, they're looking through it. We're going to meet as a board and some of us feel passionately about some of those services and if we can find the money to

restore some we're looking to do that."

Dennis Yuen: "All right. Thank you for your input."

Councilman Wooten: "Thank you."

Supervisor Walter: "Okay, next. Mr. Hattorff, I was thinking you weren't coming a this shindig."

Matt Hattorff: "I really didn't want to. Matt Hattorff. Speaking of the youth bureau, who's going to do that work in the recreation department?"

Supervisor Walter: "It will be broken up between the department head and his staff and the police department, the JAV unit of the police department.

And, Matt, it's not forever. This is a relatively temporary thing. A year or two is my goal to bring this position back."

Matt Hattorff: "I'm just wondering who- what individual is going to be doing that work. And you know why. I mean it's a union position that we're not filling."

Supervisor Walter: "Oh no, it would be your members. I would think that it would be overseen as anything with the department head and then it would be your members that would be doing the work. We're not looking to send it out to anybody else."

Matt Hattorff: "Okay. Thank you."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? All right, not seeing anybody, we will- "

Councilman Dunleavy: "Could I say something? I've been on the youth bureau committee- been out for six years but I've been a member oh longer than that, maybe 20 years now.

Basically all the ideas and all the work comes from the volunteers. I mean other than monitors where we need security or we need people to help, most are volunteers.

We need a full time coordinator. A part time coordinator cannot bring all these volunteers together.

Now anybody has watched on television the high school when they have the program at the Vail Leavitt, the singing teen idol which- "

Supervisor Walter: "I thought Jim ran that."

Councilman Wooten: "I do."

Councilman Dunleavy: "Well, he does. He doesn't run it, he's the- "

Councilman Wooten: (Inaudible)

Councilman Dunleavy: "But you need someone to put all this stuff together. A part time person cannot keep control of all the volunteers that we have and if someone doesn't show up, the youth bureau administrator is there to do this.

And a part time person, he's not going to know that no one showed up. I mean it's just almost impossible.

So that's a real- but on any budget what's cut is either youth or seniors and I think it's a shame that that happens."

Supervisor Walter: "I cut more than that unfortunately. All right- "

Councilman Gabrielsen: "But John now that we have a work session, we may keep that, we may not."

Councilwoman Giglio: "And that's something that we have discussed individually amongst board members. So John you did hear something from this side of the table about that."

Supervisor Walter: "Yes. But apparently the supervisor is in the dark about what the board's doing."

Councilman Gabrielsen: "You seem to have a lot of detail before."

Supervisor Walter: "Well because I ask my staff- I asked

my staff to provide me with the details."

Councilman Gabrielsen: "Well come to Councilman Gabrielsen, Councilwoman Giglio. We work with you. And I told you already- well- "

Supervisor Walter: "You can't have three board members sit together and work on something but it would be nice if everything was shared.

I'm closing the public- "

Denise Civiletti: "Can I say something?"

Councilman Dunleavy: "Yes, you may."

Denise Civiletti: "I'm sorry."

Supervisor Walter: "Wow."

Denise Civiletti: "I know, but I am a resident and a taxpayer.

I just want to say this isn't exactly on the budget, Denise Civiletti 718 Mill Road, Riverhead.

The state law that you prepare the budget pursuant to, requires the supervisor to present the budget to the town September 30th. Requires you to have a public hearing on a preliminary budget by the Thursday after election day.

Presumably it was always my understanding, the time in between those two dates was the time within during which the town board was supposed to work on a budget, work on the supervisor's budget, tweak it, amend it, etc., etc. to come up with a preliminary budget to present to us."

Councilman Dunleavy: "That's right."

Denise Civiletti: "Because when you have a hearing on a budget that is still a work in progress that you haven't had public discussion of amendments on, and that you are going to revise between now and the statutory date by which you have to adopt it which is November 20th, that leaves the public in the

dark and it leaves the public without an opportunity to speak on the budget, which is what this is all about."

Councilman Dunleavy: "That's right."

Denise Civiletti: "Supposed to be. Now I'm sure that's not your intention and I know the budget is very thick and complicated and the issues are very difficult.

But this is the third year that I've been observing this that this is how it's transpired and I just don't think it's fair to the public."

Councilman Dunleavy: "Well, that's why- "

Denise Civiletti: "So that's my comment."

Councilman Dunleavy: "I just want to answer your question. That's why last Thursday we were supposed to have a budget workshop at our- but it was canceled by two council people, that workshop."

Denise Civiletti: "And probably a hurricane."

Councilwoman Giglio: "That could have had something to do with it- meetings set up during the hurricane."

Councilman Dunleavy: "But state law says you have to do these things by a certain date so a hurricane can't postpone those dates unless the state says-- that it passes legislation that says you can.

That's why my question was do we have to have another public hearing?"

Councilwoman Giglio: "And I have the answer."

Councilman Dunleavy: "And I haven't received that answer, other than holding up a piece of paper saying I have an answer."

Councilwoman Giglio: "I just got this from the town attorney because I did ask the town attorney as to whether or not we would have to have another public hearing and with all

due respect to Miss Civiletti and her comment, the items that we found in the budget are errors in calculations.

They are not changing positions other than what we've spoken about today which is maybe reinstating the youth bureau and reinstating the personnel director.

We did have a natural disaster. We did have meetings set up with the chief financial officer. We did have meetings set up with other people in town hall. We were waiting for information from the senior department who- she was on vacation.

So there's a lot of coordination and as things come up and are brought to our attention, we feel that we need to be prudent and explore all of them and if we did not get to explore all of them because there was new information that was provided to us yesterday.

If we did not get to explore all that information prior to the public hearing, there is an opinion that's effective August 17, 2004 from West Law, McKinney's town law 109 and it says after the public hearing the town board may further change, alter and revise the preliminary budget subject.

However, the requirements of subdivision 1 of section 107 of this chapter which reads- it's pretty lengthy but I can give you a copy of it. But you have that section of the budget.

So budgets- the preliminary budget can be changed after the public hearing. And the changes that we are seeking are errors in the budget."

Supervisor Walter: "In your opinion, they are errors. All right.

I'm going to close the public hearing out and I'm going to use the gavel. Public hearing closed and I'll leave it open for written comment until November 16th, Friday, November 16th, have your written comments into the town clerk's office by 4:30."

Public hearing closed: 3:05 p.m.

Left open for 10 days for written comment to November 16, 2012, at 4:30 in the town clerk's office

Supervisor Walter: "And Supervisor Mia got me- I like this gavel. I think this is good. We should use this more. I think Joe Janoski, Supervisor Janoski used to use it. Did supervisor Janoski use it? You sat on the board. I've never ever used it.

Okay. So we have a second public hearing scheduled for 2:10."

Public hearing opened: 3:05 p.m.

Supervisor Walter: "And this is for the consideration of an amendment of the town of Riverhead fresh water wetlands inventory map for McGann Mercy High School.

And we're going to open that public hearing and, Bob, if you just want to give us a brief overview."

Robert Kozakiewicz: "Sure. Mercy McGann has been doing a great deal of work. They've been ambitious with their premises over the last couple years and they've moved some things around.

For any of us who have had occasion to drive past Mercy, you know that they relocated the baseball field further east and removed it from being a combination baseball field football field.

When they did that they caused the second field, which they used to have two baseball fields, or two fields, one towards the westerly end which is close to Roanoke Avenue; one that is closer to the school on the easterly end.

They discontinued that second field. That caused them to take a look at where could they put another field, in this case a softball field.

And their proposal involves that underlying issue of

placement of a softball field at an area denoted as a recharge basin but it's wetland. It's denoted as a DEC wetland. It's denoted as a town of Riverhead CAC inventoried wetland that they are proposing to place 4700— that's 4700 cubic yards of fill and utilize that for purposes of a softball field.

That would be— if anyone's familiar with the site, if you were traveling east on Middle Road you would go past their entrance on Middle Road, past the tennis courts and then there's a wooded area. They are proposing to put in that corner, the northeasterly corner of the premises just before you turn down Ostrander.

So as you pass the tennis courts, traveling east and make the right hand turn on Ostrander, there's an area there where they are proposing to fill and place a girl's softball diamond.

As part of that consideration they are looking to enhance the wetlands that are to the west, again, along Middle Road by adding to those wetlands and removing the current track— "

Supervisor Walter: "Three times larger, right?"

Robert Kozakiewicz: "That's what they're indicating in their proposal. I haven't done the math."

Supervisor Walter: "Right. They came to a work session and they're making that wetlands three times larger."

Councilwoman Giglio: "The DEC permit reflects that it's a three to one ratio of the wetlands."

Robert Kozakiewicz: "Correct. Correct. So they are looking to utilize that for— not only for enhancement but also for studying so they would plant wetland species there and have classes come and analyze them and learn from the plantings and they do have as noted by Councilwoman Giglio, a DEC permit. The DEC permit was issued and is authorizing this action.

We're hearing this because under Chapter 107 of the code of the town of Riverhead when the wetland maps were designated back— I guess it was the '80's, any amendments to those wetland maps require one of two ways.

One would be upon an application of the applicant. The other would be on the town board's own motion.

In this case the applicant has made the Chapter 107 application and is seeking to remove that wetlands from the town designated map and again as I said fill it with 4700 cubic yards of fill and then enhance the westerly wetland that's where the track used to be— where the track used to be— circle."

Supervisor Walter: "All right. So what I'd like to do is incorporate the entire— I don't have it in front of me but, Bob, I'd like to incorporate the entire planning department file on this matter into the public hearing record for our— the town board went through this at work session.

A couple salient points. The— right now McGann Mercy property does not take stormwater. When they came into the work session and I'm surprised they're not here.

When they came into the work session they told us that this new wetland scenario will allow them to take some stormwater from the town road which they have no legal obligation to do nor do they do now.

So the DEC has issued this permit to as Councilwoman Giglio said, it's a three to one ratio. For every acre they take out they've got to put three acres of wetlands in. And that's what's being proposed to be done.

So it's really more moving of the wetlands than it is eliminating them.

That being said, does anybody wish to be heard on the matter?"

Councilman Dunleavy: "Can I just say something on record?"

I've received a lot of correspondence from people who live in that area about their basements flooding and I thought that this second wetlands that they want to fill in now was dug to take rain runoff from our roads.

People who have been living here longer than 42 years and that's as long as I've been living here, said that that's not correct. That that wetlands comes from a stream that's underneath and runs all the way down to the Peconic River.

And they are afraid that if that's filled in that the basements will get the water again from this stream and come up into the basements instead of coming up into that wetlands.

I would just like to know if our engineer could go out and make sure that this doesn't or will not occur because I don't want to move one problem to another problem and have our homeowners being flooded out, their basements being flooded out.

I remember years ago that Roanoke Avenue used to have hoses coming out of their basements and pumping their basements out. So I just don't want that to happen anymore.

If this is going to give that problem, I'd like our engineers to say this is the problem we're going to have because usually when you fix something one place, it moves something- a problem to another place.

Like 58. We made that wider. Now we moved the problem down towards 25 to 105 which backs up. So I mean I'd just like our engineer to look at it and see what happens."

Supervisor Walter: "All right. Just where I was- it's not a stream. It's groundwater. Before I was the town supervisor, before I was an attorney I was an environmental engineer for the Air Force. Even though I don't hold an engineering degree that's the title I had. It's not a freshwater stream, it's groundwater. When the groundwater rises it will percolate up through the basement.

I am stunned and shocked that Mercy are not here to present this application but these were things that we discussed at the work session and I thought that the answers were given to us."

Councilman Dunleavy: "No."

Supervisor Walter: "So what I'm going to do is- I want

to hold this public hearing open and have Mercy come out with their engineers."

Councilman Dunleavy: "Nothing was discussed about basements filling up with water or getting water."

Supervisor Walter: "No. But it's groundwater."

Councilman Dunleavy: "The stream runs all the way down. Someone showed me- "

Supervisor Walter: "It's groundwater."

Councilman Dunleavy: "-- someone showed me a map that that stream runs all the way down through the pond across the street and then- the old duck pond. Anybody knows where the old duck farm was on 58, through there and down across Northville Turnpike to the bay."

Supervisor Walter: "Okay. John, I'm leaving the public hearing open until the next town board meeting and I'm requesting that Mercy come and present this. And it would be in Mercy's best interests to be here. I'm again stunned and shocked that they're not here. I don't understand."

And what I'll do is we'll adjourn it until the next board meeting. Diane if you can- we'll start this public hearing first at the next board meeting and we'll have Mercy come in.

All right. Let's move on. We'll hold this one in abeyance. Thank you."

Public hearing adjourned to
November 20, 2012 at 7:05 p.m.

Public hearing opened: 3:15 p.m.

Supervisor Walter: "Let's move on to the public hearing- 2:20 having arrived this is a consideration of the expenditures of community preservation funds in an amount not to exceed \$900,000 for costs expenses related and necessary to create an open space preserve, including but not limited to purchase of

property in and along Horton Avenue.

Bob, do you want to present this or is Ann Marie- "

Robert Kozakiewicz: "I don't believe Ann Marie's here. This is essentially our contribution in order to acquire the properties in and around Horton Avenue as a result of the March 2, 2010 storm events.

As a result of those events, the town first sought funding from FEMA which was not granted to us and then from the state emergency management- New York State office of emergency management and we did receive funding.

That funding required that the town contribute- "

Supervisor Walter: "12.4%."

Robert Kozakiewicz: "That's correct, for the purposes of purchasing the properties which we have commenced action on. Contracts were signed. A series of closings have taken place and this is looking to button that up so we can further that goal which was carried out already."

Supervisor Walter: "Use the CPF money."

Robert Kozakiewicz: "That's correct."

Supervisor Walter: "Mr. Romano."

Steve Romano: "I think you answered most of the questions I was going to ask. But this is then just- it's not a hearing, it sounds like it's a formality, that it's said and done."

Robert Kozakiewicz: "Well, without this hearing being granted, then we wouldn't be able- "

Supervisor Walter: "We wouldn't be able to use CPF funds."

Robert Kozakiewicz: "We'd have to find funds from general funds."

Steve Romano: "These funds are monies that are already in the bank?"

Supervisor Walter: "Correct."

Robert Kozakiewicz: "That's correct."

Steve Romano: "The question that I do have then is I remember again reading somewhere that I think Sean you may have said it or maybe I made it up that the CPF fund is actually really, really low and that you envision in time that if monies don't start flowing in there, that that fund is going to have to be funded through the general fund."

Supervisor Walter: "It is but- it is but it's getting better. It's getting better because what happened is the town of Riverhead sold bonds or authorizes the sale of bonds and we didn't expend- about \$4 million dollars, Bill, and we took \$3 million dollars and we put it back to pay debt service down, put it back into our reserves to pay the debt service.

So we were going to run out of money in 2018. Now we're out- "

Bill Rothaar: "Another two years possibly. But we also accounted for this 900,000 before we took the 3 million out. So it's already accounted for.

The reason for this resolution is because we are not sure now how much of the CPF funds are paying for the purchase of the property or the demolition of the buildings."

Supervisor Walter: "We're not using it for demolition. The county is doing the demolition."

Bill Rothaar: "Okay. But this allow us to spend- "

Supervisor Walter: "This is- purchase the property and a making of a park, not a park, wetlands."

Bill Rothaar: "-- but the bonds that we sold only allow us to purchase the property. If we take it out of- if we take it out of CPF revenues as opposed to bond, then we can use that money to build a park or open space or demolish the building or

whatever it may be and because we're not sure we wanted to do it this way so we weren't stuck at a closing because even \$5,000 of our money was to build a park or to demolish a building.

So this gives us the latitude. We already allocated this money in the past and now we have the latitude of spending it however the closing determines for us to spend. So whether it's demolition or purchase of the property or even putting a park in we can spend it now with this money also."

Councilman Dunleavy: "Can I just ask a question? Can I ask you a question?"

Is this money part of the-- of our share of the federal funds that we're getting? Because I thought this-- we got federal funds to purchase that property. Is this our share of that?"

Bill Rothaar: "We got 2.6 million and this is our share to match that-- yes."

Councilman Dunleavy: "So we do-- we don't get federal funds for free. We always have to share and put a portion of it whether it be 5% or 10% and this is our share."

Robert Kozakiewicz: "This was 12.5%, I believe was the number."

Councilman Dunleavy: "Okay."

Robert Kozakiewicz: "And the county also agreed to contribute I think 12.5% although I believe most of their contribution will be in kind services."

Councilman Dunleavy: "Right, okay. No, that's all I wanted, just to answer his question. This is something that we have to do to get that money from the federal government, we have to give our share and help them out."

Steve Romano: "Who is actually getting the 900,000?"

Supervisor Walter: "It's-- this is for the purchase of the homes so the federal government, if I say this right,

they're paying us to purchase the homes.

We're going to purchase the homes, 12 and a half percent of that we have to pay. That's what this money is."

Steve Romano: "So the 12- there's 12 houses in there?"

Supervisor Walter: "Twelve houses. Yes."

Steve Romano: "So the 12 homeowners will split the 900,000."

Councilman Dunleavy: "The homeowners are getting money. We had the property appraised and we are paying the appraisal, whatever they come back that it's appraised at, that's what we're paying the homeowners."

Supervisor Walter: "And we may not spend the whole 900,000."

Councilman Dunleavy: "For them to get other homes, if they have to get mortgages, they have to get mortgages on their own. We're not buying them new homes. All we're doing is purchasing the homes that were appraised- at the appraised value."

Councilwoman Giglio: "We're buying open space."

Robert Kozakiewicz: "I think I was going to say that's exactly what we're doing. As opposed to buying development rights from farmland, what we're acquiring is a fee interest for open space."

I think it's 12 houses, but it may not be 12 properties. I think there's one property that had three houses on it. What was required under the funding source was that we go out, gain an appraisal for each piece of property, negotiate with the property owner in question, enter into a contract of sale and then close.

This 900,000 will be a contribution towards each of those acquisitions that will be piggy backing those federal funds or those FEMA source funds to acquire the land.

Then it's my understanding the county is going to contribute by demolishing the structures and removing them and then if there's further funds we can establish a wetland area or open space area for the future."

Steve Romano: "How much property are we getting?"

Robert Kozakiewicz: "The total acreage?"

Steve Romano: "Yeah. Ballpark."

Councilman Dunleavy: "Maybe the- does the chief know how much property we're getting?"

Robert Kozakiewicz: "I would be guessing 12 acres, 10 acres. Ten properties but the total acreage- "

Councilman Dunleavy: "They look like they're about a quarter acre property. They are small pieces of property. They're not acre properties. They're fairly small."

Steve Romano: "Well, that's the reason why I asked."

Councilman Dunleavy: "Fairly small."

Steve Romano: "Because if it's let's say three acres, it sounds more like a good neighbor policy than a CPF purchase where you would get more open property for 900,000.

And I don't have a major issue with it but I think we should call it what it is then. Because 900,000 would seem- in EPCAL you could buy quite a few acres over there."

Supervisor Walter: "Understood."

Steve Romano: "Am I incorrect?"

Supervisor Walter: "Understood."

Councilman Dunleavy: "But they're not improved property. This is improved property. If we were to go on West Main Street to buy a piece of property just like the motel, that was improved property so we had to pay what the appraisal came back on that motel which was quite a bit of money.

So if it's improved we have to pay what the appraisal is and they're going to give it the market value on that, if he sold it privately what that would pay."

Steve Romano: "Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard on this matter? Not seeing anybody I will leave it—close the public comment portion of it, leave it open for written comment 'til November 16th, 4:30 in the town clerk's office."

Public hearing closed: 3:23 p.m.

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

Supervisor Walter: "We have resolutions. Does anybody wish to be heard on resolutions?"

Robert Kozakiewicz: "One change."

Supervisor Walter: "Bear with us."

(Some inaudible discussion)

Robert Kozakiewicz: "It should have been part of the community development agency resolution packet since it involves the community development agency."

Supervisor Walter: "So am I taking CDA resolution 16?"

Robert Kozakiewicz: "Right. Then it will require a series of amendments."

(Some inaudible discussion)

Supervisor Walter: "All right. And what's the amendment to the resolution 16?"

Robert Kozakiewicz: "On 16, the title would be town of

Riverhead Community Development Agency resolution as opposed to the town of Riverhead. That would be changed.

The resolution number obviously becomes 16. Wherever the word supervisor appears, it will be substituted with the word chairman.

The second line in the title addendum between the town of Riverhead community development, insert the word agency between development and and.

In the first whereas- "

Supervisor Walter: "And where is that- on the agreement?"

Robert Kozakiewicz: "Right. Right on top, agency."

On the first whereas, where it says Riverhead town board, that should be the CDA.

Staying in the first whereas on the fourth sentence where it says supervisor, that should become chairman.

Going down to the first resolve, now, therefore be it resolved, in the first line, again Riverhead town board should become CDA.

And the second sentence where it says supervisor, that should become chairman."

Supervisor Walter: "Is the agreement okay or does that need to be changed as well?"

Robert Kozakiewicz: "Only- it says community development agency. I believe the agreement is in substantial compliance form."

Supervisor Walter: "Okay. All right. Is that it?"

Robert Kozakiewicz: "That's it."

(Some inaudible discussion)

Supervisor Walter: "Okay. What have you got, Dominique?"

Dominique Mendez: "I wanted to ask- "

Supervisor Walter: "I'm sorry. Good afternoon. How are you doing this rainy, windy day?"

Dominique Mendez: "I'm doing very well. I luckily didn't lose electricity at all, so I'm a happy woman."

Supervisor Walter: "So the showers at Dominique's house- I already have my Mom staying with me for a week. That's enough."

(Inaudible comment)

Dominique Mendez: "That was good. So that's not what this is about."

I just want to ask a question. Are there any resolutions off the floor today?"

Councilwoman Giglio: "Yes, there is one resolution off the floor."

Dominique Mendez: "Can you just give me the idea of the gist of it."

Councilwoman Giglio: "It's a personnel matter."

Dominique Mendez: "Okay. And that's it? Great."

Supervisor Walter: "What is the resolution off the floor? What is the personnel matter off the floor? Are you going to share that with the town board?"

Councilwoman Giglio: "Yes. I'm going to pull it off after the resolutions are called which these are normally done at that time."

Dominique Mendez: "That's okay. It's just that if there was public comment- I just wanted to ask in case we wanted to comment."

Councilwoman Giglio: "Well, Jim and George, the majority of the town board wants to move in this direction."

Supervisor Walter: "Are you kidding me? You're going to bring a resolution terminating an employee off the floor- "

Councilwoman Giglio: "Yup."

Supervisor Walter: "-- without conversation."

Councilwoman Giglio: "There could have been conversation, when it was pulled off the floor."

Councilman Gabrielsen: "Well it's not- "

Supervisor Walter: "You have to be kidding me. You're trying to terminate your town board coordinator off the floor. The insensitivity of that is awe inspiring."

Councilman Dunleavy: "We haven't spoke about this at any gathering in executive session of the town board. And I think- "

Supervisor Walter: "I can't believe you're that insensitive. I know- well, I'm not voting to take it off the floor.

How did you find out about that?"

Dominique Mendez: "I didn't. (Inaudible) completely related to something else. I had no idea."

Supervisor Walter: "This is the most insensitive thing I've ever seen anybody do and if not the disrespect for the rest of the board, did not discuss that in work session. So you're just- you're coming in here not showing anybody this and you're terminating an employee. How are you."

Councilman Dunleavy: "It's possible- four members voted for this. Something's wrong."

Supervisor Walter: "Can we take up resolutions, please?

Something is absolutely wrong."

Councilman Dunleavy: "Okay. I'd like to make a motion that we stop the town board meeting and open the community development agency meeting for resolutions. So moved."

Councilman Wooten: "Seconded."

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

Town board meeting adjourned

Town board meeting reopened

Councilman Dunleavy: "I'd like to reopen the town board meeting for resolutions. So moved."

Councilman Wooten: "And second."

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

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The town board meeting is now reopened."

Resolution #828

Councilman Wooten: "Closure of bank accounts in Capital One and Suffolk County National Bank. 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 #829

Councilman Gabrielsen: "General fund 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 #830

Councilwoman Giglio: "General fund justice court budget adjustment. 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 #831

Councilman Dunleavy: "General fund nutrition department budget adjustment. 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 #832

Councilman Wooten: "Horton Avenue open space capital project 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 withdrawn."

Resolution #833

Councilman Gabrielsen: "Riverhead sewer rehabilitation 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 #834

Councilwoman Giglio: "2012 law enforcement facility improvement project budget adjustment. 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 #835

Councilman Dunleavy: "Auction of town's disposed assets (cars). 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 #836

Councilman Wooten: "Auction of town's disposed assets. 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 #837

Councilman Gabrielsen: "Water district 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 #838

Councilwoman Giglio: "Street lighting budget adjustment. 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 #839

Councilman Dunleavy: "CDBG 2012 program budget adoption. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "I thought we were putting something in here for Maureen's Haven. Yeah."

Councilman Wooten: "Yes, I saw this yesterday."

Councilman Dunleavy: "What we can do is go-- last year we did five and five. We gave them five and Maureen's Haven five."

Supervisor Walter: "No. I think we didn't give-- "

Councilman Wooten: "Why such an odd number?
(Inaudible)."

Supervisor Walter: "No. This is what we're going to use for the streetlights.

Chris, is this resolution critical to pass right now for the CDBG tonight?"

Chris: (Inaudible)

Supervisor Walter: "All right. Because I want to talk about Maureen's Haven.

Can I get a motion to-- can you withdraw your motion?"

Councilman Dunleavy: "Yeah, I'm going to withdraw my motion. I make a motion to table Resolution 839. So moved."

Supervisor Walter: "I know we talked about Maureen's Haven."

Councilman Wooten: "I'll second to table."

Supervisor Walter: "Moved and seconded as to table."

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

Resolution #840

Councilman Wooten: "This is an amendment to the procurement policy. 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 #841

Councilman Gabrielsen: "Authorization to publish advertisement for 2012 or 2013 Type III ambulance for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Can we have some discussion?"

Bill, this Type III ambulance, this was not in our package before. Do you know about this? Yeah, advertise for-

Councilman Dunleavy: "I think I can. Didn't I discuss this with you? That the ambulance wanted to get 2012 prices instead of 2013. In our contract with them, we have an ambulance- if it's 12 years old for them to go out and purchase another ambulance and I thought that we just-

Supervisor Walter: "We can table this-

Councilman Dunleavy: "Well, all right. What we want to do is try and get the bids in so we can get a 2012 price."

Supervisor Walter: "I don't know that their ambulances are 12 years old. We have a meeting we're trying to set up with the ambulance- what's that?"

I'd like to table this and do some more research on it. An ambulance is a \$75,000 piece of equipment or more."

Councilman Dunleavy: "I understand. But if we have it in their contract, do we have to honor-

Supervisor Walter: "I don't know, we didn't discuss it."

Councilman Dunleavy: "So, yeah, we can- I can make a motion to- to get bids, that's all."

Supervisor Walter: "I don't think it was in my packet. I would have said something."

Councilman Dunleavy: "This is only for bids though."

Supervisor Walter: "I would have said something."

Councilman Gabrielsen: "I remember having this discussion with John that we would get the 2012 price. Am I correct?"

Councilman Dunleavy: "Yeah."

Councilman Gabrielsen: "But I know you have here '12 or '13 so if you don't get the '12 then you get the '13."

Councilman Dunleavy: "Yes. But this is just for bids."

Councilman Gabrielsen: "But is there a need for this?"

Councilman Dunleavy: "It's just for bids, that's all. We're not-- it don't say we're going to purchase it, we're just going to bid it out and see what the prices are."

Supervisor Walter: "All right. Put it forward but until we resolve the issue of their budget which we're still waiting for them to submit to us and medical billing, this is something that-- "

Councilman Dunleavy: "I thought we were having a reserve fund for the purchase of ambulance equipment. Remember we set that reserve for that?"

Supervisor Walter: "We did. But until they get the billing in place the reserve fund is going to be used to pay their budget unless something changes."

There's a lot of issues here that the ambulance company needs to-- "

Councilman Dunleavy: "I agree with Billy. But I don't want to-- and the reason why with Billy is because we don't want to decrease the medical response to our residents in the town of Riverhead."

And, again, if we're taking money out of their reserve fund that was set up to purchase vehicles, and we are decreasing that to pay their general fund and I just don't think that's right. You know, it's only for a bit, so-- "

Supervisor Walter: "All right. I'll vote for the advertisement. That's fine. So, George, did you move it?"

Councilman Gabrielsen: "Yes."

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 #842

Councilwoman Giglio: "Street lighting district budget adjustment. 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 #843

Councilman Dunleavy: "Ratifies the appointment of a call in recreation bus driver 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."

Councilman Dunleavy: "And the reason I'm voting for this is because this driver can also be used as a call in for our senior program."

So I mean it's a dual thing. If somebody comes in sick or calls in sick, we can call this driver."

Resolution #844

Councilman Wooten: "Appoints part time call in personnel for the youth bureau's 2012 mentoring matters 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 #845

Councilman Gabrielsen: "Appoints a call in recreation leader to the recreation department. 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 #846

Councilwoman Giglio: "Appoints a call in recreation aide I 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 #847

Councilman Dunleavy: "Appoints a-- no, approves Chapter 90 application of Lions Club of Riverhead Inc. for annual Christmas parade and assembly, December 2, 2012. 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 #848

Councilman Wooten: "Adopts a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, Section 108-56.1 sign permits. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Councilman Dunleavy: "Yes. All this is doing is we're extending six months to a year for the sign permits. So you can have a sign. So I say yes."

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

Resolution #849

Councilman Gabrielsen: "Adopts a local law amending Chapter 110 entitled stormwater management and erosion and sediment control of the Riverhead town code. 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 #850

Councilwoman Giglio: "Authorizes town clerk to publish and post notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code. 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 #851

Councilman Dunleavy: "Recreation fund 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."

Diane Wilhelm: "Resolution 852 which was formerly 869."

Resolution #852

Councilman Dunleavy: "Approves Chapter 90 application of- oh, 869 okay. Approves the- oh, that's not me anyway. George."

Councilman Gabrielsen: "Wait a second. What number are we on now?"

Diane Wilhelm: "852. It was- "

Councilman Dunleavy: "It was 869. Okay."

Councilman Wooten: "869 became 852. 870 became- "

Councilwoman Giglio: "Our resolutions are out of whack today."

Councilman Gabrielsen: "Okay, 869, authorize the supervisor to execute a stipulation with Local 1000 AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852 and authorizes the supervisor to enter an agreement with an employee setting terms and conditions of employment. 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 #853

Councilman Gabrielsen: "853 authorizes the town attorney to order an updated appraisal for property owned by the town of Riverhead community development agency and the Riverhead water district (Roanoke Nursery School, Inc. k/k/a Riverhead Country Day School, 165 Columbus Avenue, 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 #854

Councilwoman Giglio: "Authorizes the supervisor to execute professional services agreement with Munistat Services Inc. for 2012 and 2013. 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 is adopted."

Resolution #855

Councilman Dunleavy: "Authorization to publish advertisement of a request for proposals for insurance brokerage services. 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 #856

Councilman Wooten: "Authorizes the supervisor to execute a rider agreement for consultant/professional services with Nextiraone, LLC d/b/a Black Box Network Services. 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 #857

Councilman Gabrielsen: "Approves the Chapter 90 application of Event Power (Riverhead Rocks Triathlon - June 29 - 30, 2013. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I just want to say the cardboard boat race is traditionally scheduled for the last Sunday in June. So that Sunday they're going to be here. We're going to move the cardboard boat race back to Saturday, June 29th.

So moved. Yes."

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

Councilman Wooten: "I have a question. They've got two dates here."

Councilman Gabrielsen: "Well the first date for the triathlon is just a set up date to bring the trailers and whatnot. So nothing is really going on.

But they volunteered to help us with the cardboard boat race so it should work out nice."

Councilman Wooten: "Very good. Yes."

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

Resolution #858

Councilwoman Giglio: "Authorizes the town supervisor to execute final change order for Peconic Avenue crosswalk improvement project. 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 #859

Councilman Dunleavy: "Approves Chapter 90 application of Competitive Events Group (2013 Deep Pond Triathlon - August 17 and 18, 2013). 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 #860

Councilman Wooten: "860 declares Route 58 LLC in default in connection with site plan approval of the construction of a bowling center. 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 #861

Councilman Gabrielsen: "Denial of special permit application of Rosa's Cafe, Inc. d/b/a Michelle's Cafe. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Wooten: "Only 20 reasons why, huh? Yes."

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

Resolution #862

Councilwoman Giglio: "Authorizes waiver of fees for permits necessary to repair or replace storm damaged premises. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Wooten: "Thirty days. Okay, yes."

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

Resolution #863

Councilman Dunleavy: "Awards bid for calcium hypochlorite tablets for use in the Riverhead water district. So moved."

Councilman Wooten: "Hey, 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 #864

Councilman Wooten: "This authorizes town clerk to publish and post notice to bidders for water service materials. 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 #865

Councilman Gabrielsen: "Water department 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 #866

Councilwoman Giglio: "Amends the appointment of Laurie Zaneski to fill vacancy position of tax receiver for the town of Riverhead nunc pro tunc. 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. I just want to thank her and congratulate her on being elected to fill the term of the retiring member."

I vote yes."

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

Diane Wilhelm: "The resolution is adopted."

Resolution #867

Councilman Dunleavy: "Appoints a deputy tax receiver. 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 is adopted."

Resolution #868

Councilman Wooten: "Adopts a local law amending Chapter 37 Article III early retirement incentive program for eligible full time employees who are members of the Civil Service Employees Association, Inc. of the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Councilman Dunleavy: "I'm going to vote yes. This has been successful in the previous ones that we've had. We want to continue trying to lower the salaries of our departments.

So I vote yes."

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

Resolution #869

Councilman Gabrielsen: "869- okay, pay bills. 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."

Councilwoman Giglio: "Okay. I'd like to pull 870 off the floor, terminating an employee from position of the town board coordinator."

Supervisor Walter: "So without any conversation- "

Councilman Gabrielsen: "So moved."

Councilman Wooten: "I'll second it."

Councilman Gabrielsen: "Moved and seconded. Vote please."

The Vote: "Giglio."

Supervisor Walte: "Discussion. No. He's not the supervisor, Diane."

Councilman Gabrielsen: "We're moving it. She took it off the floor."

Supervisor Walter: "It is- she is not- you are not the supervisor- "

Councilman Gabrielsen: "We are moving it on."

Supervisor Walter: "You are not the supervisor."

Councilman Gabrielsen: "We can move it and- "

Supervisor Walter: "Would you just let me speak. Your ego is so big, I just want to speak.

You can have discussion. And I'm asking for discussion."

Councilman Wooten: "We normally do after a second."

Councilman Gabrielsen: "We second. You understand that."

Supervisor Walter: "So this is what you are going to do, without any possible conversation with the town board, as a whole. You are summarily firing the town board coordinator. For what reason?"

Councilman Wooten: "Well, for one, to be honest with you. You didn't want anything to do with this one- "

Supervisor Walter: "That's not true."

Councilman Wooten: "You said it doesn't concern my office- "

Councilman Gabrielsen: "You made that clear, Sean. This is not my office, I am- "

Supervisor Walter: "No, you are summarily firing- "

Councilman Wooten: "That's the first point."

Supervisor Walter: "But I'm 20% of the board."

Councilwoman Giglio: "Diane, please call the vote."

The Vote: "Giglio."

Supervisor Walter: "Diane- "

Councilwoman Giglio: "Yes."

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

Councilman Dunleavy: "You know, I can't vote for this to hire a family member to take her place and I will not. She does a good job. Just because we have a situation.

I vote no."

Supervisor Walter: "I'm going to register my objection. I'd like the town attorney to research whether this vote is legal.

I asked for a discussion. They did not allow discussion. So now we have to move- "

Councilman Gabrielsen: "It's your turn to talk."

Supervisor Walter: "-- now we have to move to have discussion. So I'd like to have discussion. Because you didn't adopt it, you just took it off the floor."

Councilman Gabrielsen: "Right. So yes or no, you're the next one up."

Supervisor Walter: "No."

Councilman Gabrielsen: "Okay, no, okay."

Supervisor Walter: "So I want discussion, Diane. Do not call the vote until we have discussion."

Councilman Gabrielsen: "That was to take off the floor."

Supervisor Walter: "And since you're making this a public debacle, a public spectacle, and you don't want to include two of the board members, so I guess John and I don't count, 40% of the board don't count, you are going to deal with this all on your own.

I personally happen to believe she's a whistle blower. I personally know that she has registered a complaint against this individual board member and I think she's a whistle blower and I think what you're doing is retaliation for her raising a complaint."

Councilwoman Giglio: "I'm not aware of any complaint filed against any board member."

Supervisor Walter: "I'm aware of a complaint."

Councilman Gabrielsen: "That's not what's driving this."

Councilman Dunleavy: "No. I know what's driving this and I think it's a shame."

Supervisor Walter: "I personally believe that this is retaliation for her actions."

Councilwoman Giglio: "For something that we didn't know about."

Supervisor Walter: "But you know you're the ones that want to have this in public conversation. This is something that should have been discussed in executive session."

And Councilwoman Giglio, you're the one that brought Linda Hulse to the table. You're the one that said Linda Hulse would be a wonderful town board coordinator and you don't think that she deserves the common decency.

There's not one town employee, not one, that we let go that I didn't sit down to and talk to individually.

This is the most heartless act I've ever seen an employer do."

Councilman Dunleavy: "It is. It is."

Supervisor Walter: "It is the most heartless act."

Councilwoman Giglio: "Diane, can you please call the vote?"

Supervisor Walter: "You don't think that-- no, we're having conversation-- discussion."

Councilwoman Giglio: "Terminates the employee from the position of town board coordinator. So moved."

Supervisor Walter: "We are having discussion on the resolution-- "

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "-- you can't move a resolution that we're having discussion on."

Robert Kozakiewicz: "Well, we're at the point where it was moved off the floor."

Supervisor Walter: "And we're having discussion on the resolution."

Robert Kozakiewicz: "On the resolution itself."

Supervisor Walter: "On the resolution."

Councilman Dunleavy: "Right. On the resolution."

Supervisor Walter: "So please don't call the resolution while we're having discussion."

Robert Kozakiewicz: "There can't be a roll call vote while there's discussion."

Supervisor Walter: "So I want to have discussion on the resolution."

What is the issue?"

Councilman Wooten: "I can say this. Well, because it's so much like to many other personnel that we so publicly label as- we can't discuss that, it's a personnel issue."

Supervisor Walter: "So why don't we do it in town work session?"

Councilman Wooten: "I'll tell you why, Sean. Because it really comes down to an (inaudible) employee and the majority of the board feels that the board is moving in a different direction and to come out with getting into a tit for tat and I'm this and you're that, it's disruptive, it's divisive and it really- "

Supervisor Walter: "You don't think this is disruptive- "

Councilman Wooten: "Yes. I think it is. I absolutely think it is."

Supervisor Walter: "You don't think letting an employee,

calling an employee, and who is sitting out there right now probably hysterical if she hasn't gone home, calling an employee in first like every single employee that I've had to let go- "

Councilman Wooten: "You don't think for a minute that this comes easily and that this is somebody licking their chops- "

Supervisor Walter: "No. I think you are cowards. I think you are absolute cowards."

Councilman Wooten: "Well, that's your opinion and you've been wrong many times."

Councilman Dunleavy: "But I think it does come easily for all three of you people, I really do."

Supervisor Walter: "A real man or a real woman sits down with the employee and talks to him."

Councilman Dunleavy: "That's right. Yes."

Supervisor Walter: "A coward pulls this off the floor without saying anything to anybody in secret and tries to fire the employee. That's a coward. You are cowards."

(Inaudible comments by Councilman Wooten and Councilman Gabrielsen talking at the same time)

Councilman Gabrielsen: "And you've said, I stay out of your town coordinator's business for your employees. There's things I don't go in- "

Supervisor Walter: "Yes, you did. You went into my office and told my employees you were going to write them out of the budget."

Councilman Gabrielsen: "I didn't."

Supervisor Walter: "You did, too."

(Inaudible comment by Councilman Gabrielsen)

Councilman Dunleavy: "I don't understand why- George, can I just ask you a question?"

Supervisor Walter: "Can't move it while we're having discussion. I don't care how late we stay for discussion."

Councilman Dunleavy: "I know that you are a farmer and I know I come from business community where we had many employees and anybody we had to let go, we brought in and spoke to them. Gave them the reasons why we had to let them go before they were let go.

This is- and I have to say, this is a coward's position that you are afraid to talk to the employee and face the employee and tell the employee what the reasons are that you are letting them go.

And in fact I never knew nothing about this until just now. I mean I'm a town board member, you know, no one has ever discussed this with me. So I mean I don't understand where- I know the three of you consort for different things and I just- I just think that this is wrong and I may lose this vote which probably I will but I just want to condemn this town board for doing this cowardly thing that they're doing.

As a board member, I just can't see this being done like this.

If you want it, yes, let's have a discussion, let's bring them in, talk to them and give them two weeks notice like every other employee does and let them go.

But this way is just cowardly. Sneaking in like this, you know, it's bad and it shows that the people up here are not out for the town employees. They're only out for themselves."

Councilman Wooten: "Well, it's not (inaudible) employee first off and that's not true."

Supervisor Walter: "Have you spoken to legal counsel?"

Councilman Wooten: "I have."

Supervisor Walter: "And what did Richard Zuckerman or

the law firm say? I think we should go into executive session. I'd like a motion to go into executive session- "

Councilman Wooten: "Well you ask a question and then you don't be quiet long enough to even respond."

Supervisor Walter: "I can't give you a response because it's legal advice. If you are going to give legal advice, let's go into executive-

I'm not really pushing the floor on this motion, unless we go into executive session. I don't care if I sit here all night."

Councilman Gabrielsen: "Bob, just being objective here."

Supervisor Walter: "You're being objective?"

Councilman Gabrielsen: "I'm- not on that issue, on a different issue. In these situations- I'm talking, please. A little respect."

Supervisor Walter: "I didn't say- "

Councilman Dunleavy: "I said it. But we're talking about this resolution, not another subject."

Councilman Gabrielsen: "I'm just curious. Can you vote on a resolution? Can the board vote on this resolution? They will have the discussion."

Supervisor Walter: "We're not done with discussion. Jim was going to give us a legal- "

Councilman Gabrielsen: "Is this the time for discussion to stop a vote?"

Supervisor Walter: "Jim was going to give us a legal- "

Councilwoman Giglio: "Not if it requires that we have to go into executive session."

Supervisor Walter: "Well, I would like to go into executive session to find out what legal information- I'm a

town board member as well as the supervisor.

John Dunleavy is a town board member. Is he not entitled to that same legal- "

Councilman Dunleavy: "I think we're entitled to the courtesy of just listening and finding out what the problem is with this employee. That's all. I'm just asking for a courtesy."

Councilman Gabrielsen: "In due respect to my colleagues, Sean, I think you- "

Supervisor Walter: "You haven't given us any reason."

Councilman Gabrielsen: "-- you know- we have spoken- I have spoken to you about situations. I know that the other board members have situations. You are aware of an environment maybe that's not- "

Councilwoman Giglio: "We have had this employee for a year, it's not working out and the majority of the board would like to move in a different direction.

It affects four town board members and three are in favor of terminating the employee.

So the town board coordinator is at will by the town board. Three of the four members would like to move in a different direction."

Supervisor Walter: "The last time I checked, Jodi, when you divide a hundred by five, each of us is 20% of the board. I am 20% of the board."

Councilman Dunleavy: "Maybe at election, people will see different. I don't know."

Supervisor Walter: "What this vote- means something and I would like at the very least that the board would have the good sense from a legal perspective and heart so that we can sit down and talk to the town board coordinator.

This is an evil act right here. That's what this is."

Councilman Dunleavy: "Well, I think, you know- "

Supervisor Walter: "Absolutely terrible. How many other employees are you planning to fire like this?"

Unidentified: "Table it."

Supervisor Walter: "I'll table it. I'll go for a motion to table."

Unidentified: "We're tired of listening to you argue."

Supervisor Walter: "I'll go for a motion to table it."

Unidentified: "Table the bloody resolution."

Supervisor Walter: "No, I won't relinquish the floor."

Unidentified: "Have executive session on your own time, not on ours."

Supervisor Walter: "This is your time, Rex."

Rex Farr: "Thank you."

Councilman Dunleavy: "But I just think that- and I think one of the problems is the storm we just had. Councilmen wasn't notified, it's not her job. The supervisor is the leader of the town in emergencies along with the chief of police.

If a board member hear is working on a day that they're having a meeting and we can sit in on a meeting and I did- it comes down to me. I did sit in on a meeting and listened. I didn't give any input on that meeting and then they had another meeting every day and I came every day.

One board members comes to me and says well how did you find out about this? And I said I was here working on Friday when they had the meeting and I sat in on it and he accused our coordinator of not notifying him of the meeting which she takes her direction from the supervisor because he is the ultimate person in charge.

We didn't even have to be there. It was just a freak that I was there and listened to this and thought I could help out.

Other things have happened I know with Councilwoman Giglio. She posts her schedule- "

Councilman Gabrielsen: "Absolutely, that's not true."

Councilman Dunleavy: "-- there. (Inaudible). Because this is what I hear. This should have been said at executive session but this was not brought up."

Supervisor Walter: "Of course it should have been at executive session."

Councilman Dunleavy: "So she posts your schedule every single week so you know where you're going. She doesn't post any of ours because you asked her to do that."

Councilwoman Giglio: "Actually, no. I asked here to because when people were coming to town hall asking where I was, the response that they- "

Rex Farr: "Motion to table it."

Councilwoman Giglio: "We're not tabling it."

Councilman Dunleavy: "I make a motion - "

Councilwoman Giglio: "That's why my calendar is posted on my door so everybody knows where I am every minute during the week that has to do with town business."

Councilman Dunleavy: "(inaudible) and have a discussion on it.

I make a motion we table it. So moved."

Councilman Gabrielsen: "We didn't vote on the last motion."

Supervisor Walter: "We didn't make a motion. I second that motion to table.

Diane, call the vote to table. We had discussion- "

Councilman Gabrielsen: "Did you make the motion before?"

Councilwoman Giglio: "Okay. So now you're making a motion to table."

Supervisor Walter: "Yes, I am."

Diane Wilhelm: "Taking it off the floor."

Supervisor Walter: "We took it off the floor. Now there's a motion to table."

Resolution #870

Diane Wilhelm: "Resolution 870, consideration to table."

The Vote: "Giglio, no; Gabrielsen, no; Wooten, no; Dunleavy, yes; Walter."

Supervisor Walter: "Yes. Discussion please."

Councilman Dunleavy: "Discussion."

Supervisor Walter: "On the motion."

Councilman Dunleavy: "On the motion."

Councilman Wooten: "You didn't have to repeat him. Let him speak for himself."

Councilman Dunleavy: "You know you're very rude and I think that you've been rude ever since you've been elected. So I mean, you know, that's the way you are, Jimmy. Okay. That's it."

Supervisor Walter: "Well, I'd like legal advice so I'd like to go into executive session for legal advice."

I think it's insane for the town board to be making a decision like this without having the benefit of legal advice. I mean I just don't understand how you three board members think the town supervisor is not entitled to legal advice or

any other board member is not entitled to legal advice on firing an employee."

Councilwoman Giglio: "It's an at will employee. I make a motion to end the discussion. So moved."

Councilman Gabrielsen: "And I second it."

Supervisor Walter: "I- we're still having discussion."

Robert Kozakiewicz: "There was discussion. There was discussion about going into executive session but there wasn't a second."

Councilman Dunleavy: "Well, I would second that if that's- "

Supervisor Walter: "I tell you what. All you guys are doing is setting us up for a huge lawsuit."

Councilman Dunleavy: "You know, it's just- "

Supervisor Walter: "Don't be ridiculous. You're such a born leader. A born leader does not do this. A leader of- "

Councilman Wooten: "Save it for the women, Sean."

Councilman Gabrielsen: "Let's not personal attack here."

Supervisor Walter: "A leader sits down with the employee- a leader sits down with the employee and discusses the situation."

Councilman Wooten: "You have no idea what I've done."

Supervisor Walter: "Does Linda Hulse know you are trying to fire her?"

Councilman Wooten: "Just because you don't know, doesn't mean it (inaudible)."

Supervisor Walter: "I'm 20% of the board."

Councilman Wooten: "Yes you are 20%. I'm glad you

recognize that."

Supervisor Walter: "I'm 20% of the board. That's 40% of the board with John and I and we don't know anything about this."

So I'd like legal advice. How do I get legal advice? Do you want to waive attorney/client privilege and have the town attorney give us legal advice in public on camera? You know, that's the way you want to go, we'll really get the lawsuit going."

Robert Kozakiewicz: "Untable it? I believe that the table was by the supervisor with a second by John. The vote was three no, two yes."

Councilwoman Giglio: "Well, there's nothing on the floor right now and Mr. Farr obviously has something that he wants to say so why don't we hear what the public has to say."

Supervisor Walter: "Jodi, you're not the town supervisor. The town supervisor runs the meeting."

Councilwoman Giglio: "So you'd rather have him wait while you discuss it?"

Supervisor Walter: "We're having a conversation. I'd like legal advice on this issue and you guys won't let us go into executive session."

Councilwoman Giglio: "You can go into- "

Councilman Dunleavy: "No, we have to take a vote. We haven't taken a vote yet."

Supervisor Walter: "Or I would like to table this so that- "

Councilman Gabrielsen: "We got a no for the table. The table was a no."

Supervisor Walter: "Then I would like legal advice."

Councilman Gabrielsen: "Well it's no to table it. We

just had that vote. Am I correct?"

Robert Kozakiewicz: "That's correct."

Supervisor Walter: "Then I would like legal advice. Bob, I'd like legal advice."

Councilman Dunleavy: "I would like- "

Supervisor Walter: "What is your opinion about the method that this is being fired especially given- that I believe Linda Hulse is a whistle blower."

(Inaudible comments)

Councilwoman Giglio: "I don't know anything where our, the town board coordinator has been a whistle blower on any incident and I'm surprised that anybody- I mean, Jim, did you know that she is a whistle blower? Do you know that she's a whistle blower? I don't know that she's a whistle blower. John, do you know that she's a whistle blower?"

Supervisor Walter: "She came to the town supervisor and- "

Councilman Gabrielsen: "Well, whatever, that's not part of the decision."

Councilwoman Giglio: "John, do you know what it is? Okay. So one town board member knows."

Councilman Wooten: "I don't know. How do we move forward?"

Councilman Dunleavy: "Well, I was there when they- no, no- "

Robert Kozakiewicz: "I have no information as to whistle blower."

Councilman Dunleavy: "Let me clarify something. I was there- "

Councilwoman Giglio: "Wait, what were you saying?"

Robert Kozakiewicz: "I'm not aware of any- "

Councilwoman Giglio: "You're not aware of any- "

Councilman Dunleavy: "I was there when this incident happened and that's why I brought up the hurricane because she was almost mutilated one day by a council member."

Councilman Gabrielsen: "But I will clearly say this goes before the hurricane. This decision was made, and three will tell you, before the hurricane this decision was made."

It has nothing to do with the hurricane. It was before the hurricane that day."

Councilwoman Giglio: "She's an at will employee. The majority of the board is- has tried it for a year. We worked with this person. We are moving in a different direction and that's why the resolution is before you."

Councilman Dunleavy: "You want to hire a family member, that's it."

Supervisor Walter: "When was the last- let me ask you, Jodi. When was the last time we fired somebody or let somebody go or did any personnel issue without discussing it in executive session?"

Councilwoman Giglio: "This is an at will employee of the town board, not the supervisor. The supervisor has his own at will employee. And you can choose to do with those at will employees which you would if you have the majority of the board to go along with you."

The majority of the board has decided this is the direction that we want to go in and you're trying to stop the process and I will stay here all night as well but I just think that it is- "

Supervisor Walter: "I'll stay here all night as well."

Councilman Dunleavy: "But I just think it's common courtesy to discuss it with the entire town board so the entire town board knows what's happening and so we don't do this in

public like we're elementary school children up here doing this.

I just think that there should be places where this is discussed and decisions made and whatever comes out of that meeting, the vote is taken. If it's three to two or four to one or five to zero, but that's what should happen and not be here like we just got out of kindergarten and we're having this discussion right now.

You know, it's a shame."

Supervisor Walter: "You know what bothers me, John? This is a highly respected member of the Riverhead community and to slap this woman in the face is- "

Councilman Gabrielsen: "It's up to the board."

Councilman Dunleavy: "If three members of the board want to do this, I- that's their right and that's their right to win three to two.

I just think there should have been the courtesy to discuss it with us and to discuss it with the employee. That's all I'm saying. That the rest of this board here has not had any business sense where they had employees where they had to let go and fire before getting up here and if this is how they're going to react, well we're just going to fire her. That's it.

And I don't think it's right, that's all."

Supervisor Walter: "John, a further problem with this is the way this was done without the benefit of legal advice, there is not one employee, confidential or otherwise, that we did not seek legal advice before we made a personnel issue and they're not giving us the common courtesy of seeking- "

Councilman Dunleavy: "But that's their problem with their three votes. That's not my problem. If something happens, they're putting the taxpayer at risk and the town at risk if there's damages or any damages that may happen from anything that we do.

But I- it's just a common courtesy. That's all.

And bringing this one me right now we should have had a discussion and I could have got my thoughts out to you guys and if you had a three to two vote, that's perfectly all right. Right. But at least we have a private discussion on personnel matters in executive session and not at an open meeting here. That's my point that we're being children about this and I think that this should be tabled and discussed in executive session.

And you guys can have your three votes. You know. That's okay. But let's have a discussion so we can get a meaningful outright discussion and make a decision. That's all."

Supervisor Walter: "Especially considering everything that's been discussed now, I do believe we need legal advice."

Councilman Dunleavy: "You know. I mean- "

Supervisor Walter: "I'm sure there's a way to deal with this but I think we need legal advice."

Robert Kozakiewicz: "I'm not sure if there's any way to get this off of dead center. If in fact it's an at will employee as suggested- for the life of me I can't understand why it couldn't be done at the next meeting.

If there is a complaint that's been lodged, that should be investigated to determine if in fact there is one and I don't know if there is. I knew nothing about this resolution."

Councilman Dunleavy: "I don't know if a complaint has been lodged."

Supervisor Walter: "I don't know that there is."

Councilman Dunleavy: "Because we're not privy to these complaints. That is a committee that handles it within the town so we don't know what the investigation is. We don't know anything- "

Councilwoman Giglio: "Or if it was a formal complaint that's actually stamped in on a certain date. I don't know."

Councilman Dunleavy: "The same way when Councilwoman Giglio made a complaint against our supervisor, nobody knew about it- "

Robert Kozakiewicz: "We're getting off topic."

Councilman Dunleavy: "No, no, no. But nobody knew about it. She wants to know why I knew about this. Nobody knew about it because we are not involved in the investigation."

Councilwoman Giglio: "The supervisor just said we dug our own grave so I guess we dug our own grave and the discussion is ongoing or can we call this to a vote?"

Supervisor Walter: "Why don't we table it so we can get legal advice?"

Councilwoman Giglio: "It was already no to table."

Supervisor Walter: "So I'm asking, why don't we table it again?"

Councilwoman Giglio: "We want to move the vote."

Robert Kozakiewicz: "I- we're not going anywhere if we're going to continue with discussion. I mean it's got to be called to a vote."

The question was asked to me before by Councilman Gabrielsen how does- I guess the question was how does the conduct of hearings occur?

We've never adopted formal rules as to how the town board operates, Robert's rules or the rules that are in effect to this point in time are those that control.

As the supervisor did note, he is the chairman and in control of the conduct of the board until such time as he cedes that seat to someone else to control the manner in which the board meeting is held.

We seem to be in a very odd situation which, again, I think could be resolved. I think the idea of tabling it and addressing it in executive session and bringing the vote up if

in fact it's an at will employee and there is nothing. It seems to be the most logical and sensible and most logical for the purposes of not only a vote but also to ensure that there's not a problem that can cause a suit down the road.

But, again, that seems to be the reasonable and prudent approach and one that I would recommend to the board. But again to be confronted with this at the 11th hour and having people here starting to lose their patience it- "

Councilwoman Giglio: "You know, Bob, you said she was an at will employee."

Robert Kozakiewicz: "I believe that's the case."

Councilwoman Giglio: "And the board is moving- the majority of the board is moving in a different direction. She is not a contracted employee. They are not a union employee. They are at will.

So if the majority of the board feels that their services were appreciated but no longer needed, then the town board could at any time terminate that employment."

Councilman Dunleavy: "You keep saying that and I keep agreeing with you. There's no problem with that. That's the truth."

Councilwoman Giglio: "Okay, so let's call the vote."

Councilman Dunleavy: "I just think that having secret meetings among yourselves without telling the other town board members, I think it's rude. I think it's not professional and I think that you have to look and say to yourself, what am I doing.

And I just hope that everybody out there if this passes, everybody does not fire employees like we're doing today. So you have to think if you were in her position would you want to be fired like this with no speaking to or no- everybody gives everybody a- goes to the personnel director and you speak to him and you tell him and she tells you what's happening and so you get a little clue of what's happening so you can prepare yourself.

But I think that the way this town board is doing it, I think you really have to think. Do you want to be fired like this by these people and take a hard look in what happens."

Supervisor Walter: "Rex wants to be fired?"

You've got to-- the town attorney has said that he sees no reason not to have this tabled so that we can sort it out so he can determine whether it's an at will employee, whether there's any ongoing investigation happening that you may not be a part of although one of you may be getting investigated. I don't know.

It seems prudent to do that and that's what your attorney is recommending to you."

Robert Kozakiewicz: "The fundamental thing I was told in law school is don't render advice from the curbside because you don't know all the facts and circumstances.

Clearly I do not know all the facts and circumstances here."

Councilman Dunleavy: "I don't either."

Robert Kozakiewicz: "I was not asked to determine the status of the employee. While I have reason to believe that you're absolutely correct, it is an at will employee and I'm not sure if you spoke to someone else legal-wise to determine whether there's any other provision that may complicate that.

So I am unable to give you a thoroughly researched and detailed legal opinion. But if what you're saying is correct and I'm hearing from Councilman Dunleavy that if it's done in the procedures and methodology that it's typically done with, he would cede the will of the board and allow it to move forward.

But we're unable to get past this will of wars between the board members which doesn't seem to benefit anybody at this point in time. So I--"

Supervisor Walter: "I agree with Councilman Dunleavy.

The problem here is that this was handled probably in- this is the worst example of the Riverhead town board in the 10 years that I've been with and following the town. This right here- I don't think in my 10 year history here, I've ever seen anything- 12 year history anything worse than this.

And all I'm asking if to take a time out, table the resolution, sort this out, maybe we can stipulate it out with Linda so that everybody is covered so that we don't have to worry.

But to do this in this fashion, to me especially when we don't know all the facts. I don't know all the facts and circumstances, John doesn't know all the facts and circumstances. We want to find out the facts and circumstances."

Councilman Dunleavy: "I think it's unprofessional."

Robert Kozakiewicz: "Well, I mean- "

Supervisor Walter: "This is being handled in- I'm trying to- I don't want to look like I'm being a kindergartner here. I'm just saying take a time out, let's look at this and let's determine what the appropriate- obviously Linda Hulse is going to lose her job- "

Councilman Dunleavy: "Regardless."

Supervisor Walter: "-- but it has to be done in a way that protects the town."

Councilwoman Giglio: "And you know what? If she knows that she's going to be terminated because you just said it's inevitable that she's going to be terminated, how do we know that her next actions over the next few weeks, before the next town board meeting, before she's terminated, don't affect the taxpayers of the town and the liability of the taxpayers of this town.

As of right now, we have no filed complaints, no complaints that we know about. John and you seem to be the only ones that know about a complaint so the rest of the town board was left out of the process and I feel- "

Supervisor Walter: "That's the whole reason to table the resolution."

Councilwoman Giglio: "-- I feel very comfortable with my-- with calling the vote this evening and moving forward. Moving forward in a different direction.

This is a confidential employee. This is an employee that all the board members have to feel comfortable with and trust. And as long as that's intact everything's fine. The board is moving in a different direction."

Councilman Dunleavy: "And you know if we're doing this to hire a family member to take her spot, that's shameful. If it is. I don't know if it is. If it is, it's shameful."

Councilwoman Giglio: "That's under consideration. That's under consideration."

Supervisor Walter: "What's under consideration? That you're hiring a family member?"

Councilwoman Giglio: "No. Who we would replace her with. That would be under consideration. What are you talking about?"

Supervisor Walter: "You said it was under consideration."

Councilman Gabrielsen: "No, the position."

Councilwoman Giglio: "Who we replace her with will be under consideration."

Councilman Gabrielsen: "That's not-- this isn't in discussion now. I think-- "

Supervisor Walter: "But what names are there?"

Councilman Dunleavy: "-- discussion. We should have had this in executive session. It is for discussion."

Councilman Gabrielsen: "I think-- to me this employee, it's a confidential issue, a trust issue otherwise this board

can't work tomorrow correctly. And I think this isn't no particular incident. I'm just being observing. And I'm not saying I was in the loop or whoever was, I can see going back- I'm easily saying six, eight months ago where some of the board members lost that confidential trust for whatever reason.

So to move forward and you get two or three board members, you can't operate properly because if you have the trust, no matter what you do moving forward, it's just not there. And there's no incident.

I think it's an accumulation of things that I've even watched trying to be objective. It goes back six, eight months. You know this, John, I've spoken with you- "

Councilman Dunleavy: "I'm not arguing with you. I'm agreeing with you."

Councilman Gabrielsen: "-- and why should one or two of us- it's not- just say- say if the four, if it was only two, only three, you know, it can't be, not when you have a confidential employee that you are losing- and you agree- "

Councilman Dunleavy: "I'm not arguing a point. You want to let her go, that's perfectly okay, that's a three-four member vote. That's perfectly- I'm not arguing that point. And this could have been thought about six months ago.

My point is let's do it professionally and let's have a discussion where we have discussion all the time in executive session and then let's have a vote instead of having this discussion out in the open.

That's all I'm asking. Let's do it professionally. That's all."

Councilwoman Giglio: "It's all out on the table. There's nothing more that has to be discussed in executive session."

Supervisor Walter: "Table the resolution so I can sit down and speak to Linda Hulse like a human being.

George, I don't know how you conduct your business but I

would never do this to an employee, would never do this, to fire an employee like this without- "

Councilwoman Giglio: "If you had an employee that you did not trust- "

Councilman Gabrielsen: "This can't move- this environment is not- it's hostile, it's got to be friendly, and you can't move forward. I can't waste days- "

Supervisor Walter: "Absolutely it is very hostile."

Councilman Gabrielsen: "No, the environment over there. It can't go another day, another week- "

Supervisor Walter: "The environment right here is very hostile."

Councilman Gabrielsen: "Oh, of course, it's going to be hostile. How many hostile- we've had a lot of hostile things come off the floor from this and this and pulled it off."

Supervisor Walter: "Never took anything off the floor as controversial as this and never did we once do anything that wasn't done on a personnel (inaudible), never, not once."

Now there's nothing that's ever come off the floor that all five board members didn't know about ahead of the meeting. I don't think there has been. We've always just passed it out before the meeting."

Councilman Dunleavy: "That's right."

Supervisor Walter: "I mean you guys, the- I mean, you know, for what it's worth, we're all Republicans but that's irrelevant because you know all we're asking, table the resolution so we can sort the facts out to make sure the town taxpayers is protected. That's all."

Councilman Gabrielsen: "At this point, for confidential- it's obviously plain that it's not working."

Supervisor Walter: "But why can't you table- "

Councilman Gabrielsen: "There's nothing to work out. This goes back six, eight- I've observed things for other people. Because you voted not to table it, we voted not to table it, that's why."

Supervisor Walter: "Why can't we table the resolution?"

Councilwoman Giglio: "We already voted to table and there's three people that don't want to table the resolution. They want to vote on it tonight."

Councilman Gabrielsen: "Right."

Supervisor Walter: "And my opinion is that the town attorney has said the best thing to do is to table this resolution, sort through the facts and try to come out with some sort of reasonable conclusion."

I didn't cause this, guys. I'm just looking at it- maybe I should take my attorney's hat off. I'm just looking at it, oh, I caused it?"

Councilman Gabrielsen: "I didn't say you caused it."

Supervisor Walter: "I'm just looking at it from an attorney's standpoint. To protect the taxpayers, you need to sort the facts out. And the facts are not- have not been sorted out because I apparently know things you don't know. John knows things that I don't know and you don't know and all Bob is saying, let's table the resolution- "

Councilman Gabrielsen: "It's an at will employee. At will, what does that mean?"

Supervisor Walter: "You're going to get sued. There are ways to protect us. We're not protecting the taxpayer- "

Councilman Dunleavy: "We would have saved a half hour by just having this in executive session and just coming out here and voting on this. I don't understand why it wasn't done that way instead of wasting a half hour in this discussion that we're having now. You know."

Councilman Gabrielsen: "Take a vote and see how it

falls."

Councilman Dunleavy: "I know how it's going to fall but I'm just saying that it's not professional and the courtesy that you're not giving the rest of the town board members. That's all I'm saying."

Supervisor Walter: "Who wrote this resolution?"

Councilman Dunleavy: "It probably came from the attorney's office."

Supervisor Walter: "Who wrote the resolution? How can it be top secret? Who wrote the resolution? Was it written by an attorney?"

Councilman Dunleavy: "It had to be done by an attorney."

Supervisor Walter: "Well, that's what I'm trying to find out- my staff is asking- who wrote the resolution?"

Councilman Dunleavy: "Somebody on the staff had to do it."

Councilwoman Giglio: "I fear for retaliation of that employee- if we tell who drafted the resolution."

Councilman Dunleavy: "See, everything is this big secret. I don't understand this. I really don't understand it. We're out for discussion now, we might as well have a discussion."

Supervisor Walter: "Who wrote the resolution? It's like a shadow government going on here. They're discussing- I mean Denise Civiletti brought it up, you know, you're having secret discussions about the budget- the whole shadow town government."

Councilwoman Giglio: "This isn't like the budget."

Councilman Dunleavy: "Huh?"

Supervisor Walter: "Well you don't have to quote me on that."

But I mean who wrote the resolution? You know, do we even have confidence that this resolution is done properly? Any?"

Councilwoman Giglio: "Yes."

Supervisor Walter: "Then who wrote it?"

Councilman Gabrielsen: "(inaudible) town attorney, so here we go."

Councilman Dunleavy: "It came out of your office."

Supervisor Walter: "Bob, one of your attorneys wrote this resolution?"

Councilman Gabrielsen: "It serves as an- "

Robert Kozakiewicz: "I don't want to respond on the record."

Supervisor Walter: "Bob, your attorneys wrote this?"

Councilman Dunleavy: "You don't want to respond on the record."

Robert Kozakiewicz: "I will neither admit nor deny."

Councilman Dunleavy: "See, well, this should have been in executive session, I agree. This should have been in executive session. We're bantering back and forth here."

Councilwoman Giglio: "Would you please- if Councilman Gabrielsen will please read the resolution, what we're discussing."

Supervisor Walter: "Why? You haven't even read it?"

Councilwoman Giglio: "No, we read it. Read it into the record."

Councilman Gabrielsen: "Okay, let me just read- "

Councilman Dunleavy: "We don't read it into the record."

Councilman Gabrielsen: "But what I'm saying is we all have got to get it clear. It's an at will employee and serves at the pleasure of the town board."

Councilman Dunleavy: "We understand that. There's no problem with that."

Councilman Gabrielsen: "That's why we want to move the vote tonight."

Supervisor Walter: "And all I'm asking is to have the common decency. I mean this woman, she's the president of Rotary."

Councilwoman Giglio: "Do you think she's going to want to come back to work tomorrow knowing that three of the people— do you think— "

Supervisor Walter: "The woman is a respected business leader in the community."

Councilwoman Giglio: "-- that she's going to want to come back to work tomorrow or for the next two weeks knowing that three board members that she works for is— are not happy and want to move in a different direction?

Do you think that she's going to want to come back— "

Supervisor Walter: "No. I think it's appropriate to sit down and try to resolve this issue in some sort of agreement with her and the board."

Councilwoman Giglio: "I want to call for a vote."

Supervisor Walter: "And this is a respected member of this community. I cannot believe the way you are dealing with this."

All I want to do is table it so that we can sit down and talk and try to resolve it."

Councilwoman Giglio: "We already voted no to table. We already voted no to table. I would like to call the vote and we have the town attorney telling us that we have to discuss

before we can call the vote- "

Councilman Dunleavy: "Now Jimmy says it's politics. I don't understand this. He says it's politics. He talks under his breath all the time. He says it's politics. Speak into the microphone."

Supervisor Walter: "We're all Republicans. How is this politics?"

Councilwoman Giglio: "Bob, how do we move to vote?"

Supervisor Walter: "Are we still having discussion?"

Robert Kozakiewicz: "If the supervisor would call the vote."

Supervisor Walter: "I'm not calling the vote."

Councilwoman Giglio: "So you're telling us that we can't adopt a resolution without the supervisor calling the vote?"

Supervisor Walter: "I think that- "

Councilman Gabrielsen: "Everything you disagreed with- we've disagreed with things, never call a vote. Come on, that's silly."

Councilwoman Giglio: "Bob, is that what you just said?"

Robert Kozakiewicz: "The answer is I was anticipating this, I don't- I've had a chance to- I mean the supervisor controls the conduct of the meeting. I guess you can call the vote. Have a second and then we're going to have a question as to whether it was a legal vote.

If we want to have a questionable vote, move forward."

Councilman Dunleavy: "Bob, you're our town attorney. This came out of your office and you- "

Robert Kozakiewicz: "We're not going anywhere. If you want to call it over the objection of the supervisor- the supervisor I know is going to ask whether it's a legal vote and

the vote (inaudible)."

Councilman Dunleavy: "I'm going to ask the town attorney a question. You're the town attorney. You're in charge of your office and you did not know this came out of your office?"

Robert Kozakiewicz: "I really don't think it's appropriate (inaudible)."

Councilman Dunleavy: "We're supposed to have this discussion in executive session. I agree with you."

Robert Kozakiewicz: "First and foremost I don't know if it was drafted by anyone in my office. It's been conjecture, speculation it was. If it was, then the answer is no, I did not know about it.

Again, this is not getting us anywhere. At this point, we either move forward or we're going to be here all night which is-

Councilman Dunleavy: "And I agree with you. This is not a discussion to have here. It should have been done in executive session. I agree with you. But it wasn't and it's brought up here so we're having a discussion here."

Robert Kozakiewicz: "Again, this is- I was asked can we move forward? The supervisor controls the conduct of the meeting."

Supervisor Walter: "And I'm asking for executive session or table the resolution until we can get legal advice in executive session."

Councilman Dunleavy: "And I second that."

Robert Kozakiewicz: "We're going nowhere."

Councilman Dunleavy: "And I second that."

Robert Kozakiewicz: "That's been moved and seconded."

Councilman Dunleavy: "I mean we've got to discuss this. We just got to. You know, I don't understand what we're doing

here."

Supervisor Walter: "Just table it and I will sit down--"

Councilman Gabrielsen: "We voted no to table it."

Supervisor Walter: "You can vote again."

Councilman Gabrielsen: "Well, I don't want to vote again. We did that. Let's vote on the issue and see where the chips fall.

If we're liable; we're liable. If it's illegal, it's illegal. But let's move-- "

Supervisor Walter: "But you're not protecting the taxpayers. That-- "

Councilman Gabrielsen: "Oh, please."

Councilman Dunleavy: "Rex, this is worse than your meetings. You don't have these discussions. You don't have these discussions."

Supervisor Walter: "George, you're not protecting the taxpayers."

Councilman Gabrielsen: "You're not either with some of your actions."

Councilman Dunleavy: "I thought this was going to be a fast meeting."

Supervisor Walter: "If there's a lawsuit here, you are not protecting the taxpayers and there's a mechanism to protect the taxpayers."

Councilman Gabrielsen: "Well, I don't act out of fear. We could say (inaudible). I mean you've got something-- I don't want to go there."

Supervisor Walter: "What? Councilwoman Giglio? I've got something?"

Councilman Gabrielsen: "No, no. (Inaudible)."

Supervisor Walter: "There's a difference between laying somebody off for financial reasons and firing them. That's a different thing."

Councilman Gabrielsen: "But I think somewhere in the last couple things that Bob said that we can (inaudible)."

Councilwoman Giglio: "And this is an (inaudible) wage that serves at the pleasure of the town board and this is not pleasurable. It's not pleasurable."

Councilman Gabrielsen: "Bob has made that clear."

Supervisor Walter: "(Inaudible) is that we move to executive session or table this so we can sort out all the issues associated with this."

It's not- I'm fairly certain, Jodi, you're right, that Linda is not going to return to work tomorrow but at least we can sit down and try to sort this out and come up with some sort of stipulated settlement.

Because to pull this off the floor like this, to blind side two board members like this, is irresponsible from a legal standpoint. Absolutely irresponsible. I'm sure- "

Councilwoman Giglio: "I think John knew it was coming."

Councilman Dunleavy: "No, I did not know this was coming."

Supervisor Walter: "I am sure that- well, I'm 20% of the board and I didn't know."

Councilman Dunleavy: "I didn't know."

Councilwoman Giglio: "Yeah, but you know what? When we went to hire her, you said if she's not going to be working for me, she serves at the pleasure of the town board. I have my staff, you guys hire who you want. I don't care. I'll vote along with you. And we did the same thing with your office."

Councilman Dunleavy: "And I agree with you."

Supervisor Walter: "We discussed it in executive session. Every one of these we discussed in executive session."

Councilwoman Giglio: "No, we did not."

Supervisor Walter: "Oh yes, of course we did."

Councilwoman Giglio: "No, we did not. Did we, George?"

Supervisor Walter: "We discussed it in caucus because it was before I was hired- before I was- "

Councilman Dunleavy: "I agree. I agree 100% with what you're saying. But we should do this professionally and let all the board members have their discussion. That's all. That's all I'm saying, is be professional about this, not cowardly."

Councilwoman Giglio: "I think there are three members of the board that want to move the vote forward so how do we do that, Bob, just call it?"

Robert Kozakiewicz: "Well, our procedure is the supervisor is in control but each and every resolution is offered by a council person, seconded by a council person, so I would say that our procedure allows you to move forward if the discussion is over.

I don't know if- "

Supervisor Walter: "Can you filibuster?"

Robert Kozakiewicz: "I have never had one."

Supervisor Walter: "Why can't we filibuster? I don't know. Is there any reason we can't?"

Robert Kozakiewicz: "I don't think it's- "

Supervisor Walter: "I think it does, Jim, because you're setting us up for a lawsuit and- "

Councilman Wooten: "I think you're wrong. I think the at will thing- I think this open discussion dialogue is probably not productive. I think that might be conducive to maybe some sort of (inaudible) lawsuit, but the vote by itself is not."

Supervisor Walter: "No. But- "

(Some inaudible comment by Councilman Wooten)

Councilman Dunleavy: "Shouldn't we have this discussion in executive session?"

Councilman Gabrielsen: "You asked for discussion."

Supervisor Walter: "I asked for discussion to go into executive session because this is inappropriate to be dealing with- "

Councilman Dunleavy: "Yeah, we should have. And all our answers would have been answered."

Robert Kozakiewicz: "We're past that point."

Councilman Dunleavy: "Right? Instead of having to bring this up in open session."

Robert Kozakiewicz: "We have three board members who don't even want to consider tabling it or even going into executive session."

Supervisor Walter: "I don't understand why we don't table it."

Councilwoman Giglio: "George, do you think that we should break and go into executive session for five minutes and then come back and call the vote."

Councilman Gabrielsen: "If we have the vote, after five minutes? That's going to be longer than five minutes."

Supervisor Walter: "I think it's going to be longer than five minutes."

Councilman Gabrielsen: "And it will go on and we won't come back with a vote. So- "

Robert Kozakiewicz: "If there is no desire to do that, we've already had a motion to- "

Supervisor Walter: "What does it hurt- what does it hurt? Nobody has given me an answer.

If Linda, she knows she's not going to work here anymore, that's obvious. You've made that clear."

Councilman Dunleavy: "I don't know. Does she know? Up until- did she know before that?"

Supervisor Walter: "Yes. Because I had my staff bring the resolution to her because I think it's insane the way this was done."

Councilman Dunleavy: "Okay."

Supervisor Walter: "So what does it hurt if we table this resolution. I go to Linda's house tomorrow because I doubt she's coming to town hall and I sit and talk to her like a human being and try to sort this thing out and come up with a humane settlement of it and bring it back to the board and settle it? What does that hurt?"

Councilwoman Giglio: "Well, you can still do that after we adopt the resolution."

Supervisor Walter: "No, you can't. No, you can't. Because November 7th is- I'm not talking about consoling her. I'm talking about consulting with her and try to work out some sort of resolution.

That's the humane way to do this."

Councilwoman Giglio: "It's an at will employee. We have had the employee for a year at the pleasure of the board."

Supervisor Walter: "I'm part of that board."

Councilwoman Giglio: "The board is moving in a different

direction and there is a majority of the board that would like to see this resolution adopted today."

Councilman Dunleavy: "Well, you know here's what you're talking about. The board is moving in a different direction. I don't know about what we've moving in. What different direction are we moving in?"

Councilwoman Giglio: "We're moving in to having a confidential employee that you can trust. That's what an at will confidential employee is. Is somebody that you can work with and- "

Councilman Dunleavy: "So you don't trust her. She's been going to the paper?"

(Inaudible comments)

Supervisor Walter: "Oh, wait a minute. (Inaudible)."

Councilman Dunleavy: "She just said you can't trust."

Supervisor Walter: "You're not going to have one person- if you guys are moving in a different direction and John Dunleavy and I are moving in a different direction, we can't have one person."

Councilman Gabrielsen: "Well I think the board is- I don't think there's a positive environment. You've seen things going on. I don't want to go into no detail."

Councilman Dunleavy: "Well you have to because we're letting an employee go. And I want my questions answered."

Councilman Gabrielsen: "The board is (inaudible). They don't feel comfortable about it."

Councilman Dunleavy: "So we should have discussed this in executive session."

Supervisor Walter: "So what you're going to do is hire a town board coordinator that the three of you control to the (inaudible)."

Councilwoman Giglio: "No absolutely not. John, of course, would be brought into those discussions and would determine who the new town board coordinator is. Absolutely."

Supervisor Walter: "But John doesn't have a problem. Hire another town board coordinator for yourself."

Councilman Dunleavy: "My point as you say we're moving in a different direction. I don't know what direction that we're moving in to change. That's my questions. What direction are we moving in to change?"

Supervisor Walter: "And we're not part of that direction."

Councilwoman Giglio: "I would like to- "

Councilman Dunleavy: "We must not be part, you know, I just don't know it. I don't know what it is."

Councilman Gabrielsen: "You can't have two or three board members who are very uncomfortable with a coordinator. You can't. And it's nothing- it's going on- "

Councilman Dunleavy: "Okay. So we're not moving in a different direction. All we want to do is fire one coordinator and hire another one. That's basically what we're doing. We're not moving in any other direction- "

Councilwoman Giglio: "Yeah, we are."

Councilman Dunleavy: "-- because we're governing the town of Riverhead. That's the direction, we're governing the town of Riverhead."

Councilman Gabrielsen: "A positive environment."

Councilman Dunleavy: "What?"

Councilman Gabrielsen: "I think it would be much easier for some of the board members, they feel it's more positive--"

Supervisor Walter: "What about John Dunleavy? He likes Linda Hulse."

Councilman Gabrielsen: "Well, we've done everything for the majority. You have executive board wherever you go. You can't have three guys totally disgruntled- and one saying yeah that doesn't work- we have that right. I respect- "

Councilman Dunleavy: "If we have an executive session you could tell me why you're disgruntled. I don't know why you're disgruntled."

Councilwoman Giglio: "It's a matter of a confidential employee and a trust with a confidential employee. That's what a confidential employee is."

Supervisor Walter: "John has that trust with that employee."

Councilwoman Giglio: "Okay, well- "

Councilman Dunleavy: "A confidential employee is- "

Councilwoman Giglio: "-- three of us don't."

Councilman Dunleavy: "-- one that doesn't go around telling people. Is she going around telling people things? I don't know."

Councilman Gabrielsen: "You've got to- like I look at- objective. You- maybe you think she's the best, maybe I do, maybe you don't."

Councilman Dunleavy: "A three to two vote- I'm just saying I want my questions answered."

Councilman Gabrielsen: "You've really got to respect their position."

Councilman Dunleavy: "I do respect it."

Councilman Gabrielsen: "If they can't work comfortable, I mean, you've got to respect that, whether it's one, two or three. I think at some point- "

Councilwoman Giglio: "The majority of the board wants to adopt this resolution and it is ridiculous that we are carrying

on like this."

Councilman Dunleavy: "But you're saying she's not a confidential employee. What information has she given out, in confidence, that you are against? I don't understand."

Councilman Gabrielsen: "It's- "

Councilman Dunleavy: "I don't understand."

Councilman Wooten: (Inaudible)

Councilman Dunleavy: "I don't understand."

Robert Kozakiewicz: "I would- it's obvious that my recommendation- "

Councilman Dunleavy: "This should have been in executive session. That's what I'm saying."

Robert Kozakiewicz: "We're past that point. We know it."

Supervisor Walter: "We're not treating the employee with the respect she deserves."

Robert Kozakiewicz: "We've had a motion to table. I don't know if the board wants to consider it. Vote to table, I don't know what that accomplishes. I don't see us going anywhere unless one side or the other side is willing to concede something here, we're going to be like this for the rest of the night because I think crazy. I don't know how else to paraphrase it. I can't even fathom where we are."

Councilman Gabrielsen: "Can a town board member call it?"

Robert Kozakiewicz: "At this point she could move it. Again, I know where it's going to go. I'm going to ask to research it, ask for a legal research so I guess the answer is you could move it, she could second it, have a vote and then we'll have a question as to whether it's legal."

Supervisor Walter: "And I'm still in discussion so I

object to the vote. I'm still in discussion on this."

Councilwoman Giglio: "So discuss."

Supervisor Walter: "I am- I want to table the resolution. I haven't heard a real reason. If the town board coordinator- she's not coming back. I'm sure she is not showing up tomorrow so if the town board coordinator is not coming back, what does it hurt if I go and sit, talk to her like a human being, and sort this out in some sort of stipulation of settlement. What does that hurt?"

It hurts your egos because you want this done right now."

Councilwoman Giglio: "No. No. It has nothing to do with that, Sean."

What are you offering our secretary? That you're going to go and offer our secretary? And for a stipulation of settlement."

Supervisor Walter: "Excuse me. You keep forgetting and I don't know why, there are five board members. I'm 20% of this."

Councilwoman Giglio: "She's paid out of the town board budget."

Councilman Gabrielsen: "You have made it clear- "

Councilman Wooten: "She works for the council people."

Councilman Gabrielsen: "-- you have made it clear you stay out of our council issues. You have made that clear so I don't know why are you changing your- "

Supervisor Walter: "And if you brought this thing for one of my staff members, you could have done the same thing. But she works for me- just- "

Councilman Wooten: (Inaudible)

Councilman Gabrielsen: "You can't have- you've got to respect Jim and his feelings. I respect John's, I respect

all- "

Supervisor Walter: "You're not respecting John's feelings."

Councilman Gabrielsen: "Well, you've got to look at the majority. Why should one sit there and be uncomfortable? Because that's his business."

Why should two, three, four- I mean the majority wants to make the change."

Supervisor Walter: "John- why should John feel uncomfortable potentially with your new hire?"

Councilman Gabrielsen: "Well we don't know. John is going to be part of that. Whatever. But I'm just saying, at this point without getting- "

Councilman Dunleavy: "Well I assume I'm not. Probably you three people know who you are going to hire."

Councilwoman Giglio: "No."

Councilman Dunleavy: "And you guys are going to hire him. So I mean that's besides the point."

Supervisor Walter: "All I want to know is what does it hurt besides a bruised ego to move this- to table this so that we can- "

Councilwoman Giglio: "We already voted no to table."

Councilman Gabrielsen: "So why do we keep going back to that?"

Councilwoman Giglio: "You keep saying the same thing over and over again, Sean. It's not really discussion."

Supervisor Walter: "It's absolutely discussion because the town attorney has recommended that we table it so he- "

Councilwoman Giglio: "No. It's not-- the town attorney- "

Councilman Gabrielsen: "He said we could take a vote and if it's legal or not legal, that's another story. He said we could take the vote."

Councilwoman Giglio: "-- the town attorney in his opinion-- is an at will employee that serves at the pleasure of the board."

Supervisor Walter: "You are twisting his words."

Robert Kozakiewicz: "I said I, once again let me rephrase my-- just to be clear."

Professor Siegal in his infinite wisdom always said don't render advice when you don't know all the facts and circumstances. And that's clearly where I am right now. I can't with any semblance of reality say that I have a full handle on all the facts and circumstances."

Councilman Dunleavy: "And I agree with you."

Robert Kozakiewicz: "I was never consulted, I was never asked, I was never brought into a room and said what do you think, what can we do, what can't we do."

On its face if she's an at will employee, I concur. She serves at the will of the town board, you can vote to terminate her, fire her, dispense with her, ask her to leave, show her the door, whatever you want to call it. So you can do that.

I don't know if there's any caveats or twists. I've heard about the potential for her being a whistle blower, I don't know-- "

Councilwoman Giglio: "I haven't heard that before either."

Robert Kozakiewicz: "I don't know if it's true or not. Again-- "

Councilwoman Giglio: "Well, again, I've never heard that and that's not the reason for my vote."

Councilman Dunleavy: "That's immaterial to me."

Robert Kozakiewicz: "I know but it's been brought up. Again, the question is what do you think, Mister Town Attorney? The answer is I don't know."

Supervisor Walter: "What would you say at this point in time?"

Robert Kozakiewicz: "The most prudent course-- I have already stated my position. Not knowing all the facts and circumstances, not having been consulted, if, in fact, it's an at will, what harm would there be to-- two weeks.

I don't think there's going to be any movement. So that being said, let the board vote and-- "

Supervisor Walter: "Table it for two weeks."

Councilwoman Giglio: "We're not tabling it."

Robert Kozakiewicz: "The will is here, not giving in."

Councilwoman Giglio: "No, we're not. And I want to call the vote, so-- "

Supervisor Walter: "And I would like to table it so we can-- "

Councilman Gabrielsen: "We voted no to table. Your motion is done. So Councilwoman Giglio made a motion-- "

Supervisor Walter: "My motion can come back and we can make another motion."

Councilwoman Giglio: "I make a motion we adopt Resolution #870, terminates employee from position of town board coordinator. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "I'm trying to get a legal opinion and go into executive session so we are-- "

Councilman Gabrielsen: "We should do the vote. And seconded."

Councilwoman Giglio: "Moved and seconded. Diane, please call the vote."

Supervisor Walter: "We are looking for a legal opinion as to what we should do and to go into executive session."

Councilwoman Giglio: "You can call the vote, Diane."

Supervisor Walter: "Jodi, you don't control the meeting."

Councilwoman Giglio: "You know what, Sean, you're going to look into that as to whether or not the town board when the supervisor is disgruntled and doesn't want to adopt a resolution but the majority of the board does-- "

Supervisor Walter: "The supervisor is not disgruntled."

Councilwoman Giglio: "-- then we should be able to adopt."

Councilman Gabrielsen: "We made the motion to call the vote. The question is now we call the vote."

Supervisor Walter: "I am not disgruntled, Jodi. What I am saying is follow the roll call vote-- I mean follow the advice of your town attorney which is table it for two weeks, figure out all the facts and see what happens."

Councilman Dunleavy: "And have a discussion."

Supervisor Walter: "And have a discussion. That's all his advice is from a legal standpoint. My-- if I had a client here, I would probably say the same thing. You don't know all the facts.

I don't know the facts, Councilman Dunleavy doesn't know the facts. You may not know all the facts and that is why you discuss these things in executive session. You don't spring a resolution off the floor that only three people know about. That's why we do things in an ordered way."

Councilman Dunleavy: "Your facts may make me vote-- "

Councilwoman Giglio: "And you seconded it."

Councilman Dunleavy: "Yes. I don't know the facts. I really don't know them."

Councilman Wooten: "I think that's really the-- the facts are we don't need facts. It's an at will employee so I think Bob-- we don't need facts."

(Inaudible discussion among Supervisor, Councilman Gabrielsen and Councilman Wooten)

Councilman Wooten: "Trying to throw conjecture out there and-- "

Councilwoman Giglio: "There's no discussion."

Supervisor Walter: "What discussion? I'm still having discussion."

Councilwoman Giglio: "There's no productive discussion as far as I'm concerned. It's the same thing being said over and over again. There's a definition for that."

Supervisor Walter: "All I'm trying to do is protect the taxpayers."

Councilman Gabrielsen: "That's all I'm asking."

Supervisor Walter: "All I'm asking is to protect the taxpayers from a lawsuit and try to stipulate this thing in a way that is humane to Linda Hulse.

I'm stunned, I wouldn't treat my enemy this way. I really wouldn't."

Councilwoman Giglio: "Well you said you'd get rid of me in a minute."

Councilman Dunleavy: "I want to-- "

Supervisor Walter: "-- next year, Jodi."

Councilwoman Giglio: "Yeah, I know you said that too."

Councilman Dunleavy: "-- treat- but I also want to do this proper. That's all I want."

Councilman Gabrielsen: "There's a motion on the floor now- and a second."

Robert Kozakiewicz: "You all talk at once. There is a motion, there is a second. Did the supervisor- "

Supervisor Walter: "I'm not recognizing the motion because I'm looking for a motion to table the resolution and I can move it into executive session."

Robert Kozakiewicz: "I think under Robert's Rules there's been a motion made and seconded, Mr. Supervisor."

Councilman Dunleavy: "I think- "

Supervisor Walter: "We don't follow Robert's Rules."

Councilman Dunleavy: "-- but I think under town law--"

Robert Kozakiewicz: "It's obvious based upon what's going on."

Councilman Dunleavy: "Town attorney, I think under town law it states the supervisor will move the motion."

Robert Kozakiewicz: "I don't mean any disrespect, what I'm suggesting is one side or the other do the right thing, check your ego and concede. Move forward. That's all I'm suggesting at this point. It's not a legal advice, it's practical advice. We're probably past the point where we can check our egos now."

Supervisor Walter: "I personally- all I'm looking to do is protect the taxpayers and sit down with Linda Hulse and discuss this."

Councilwoman Giglio: "When can we call the vote, Bob?"

Supervisor Walter: "That's all I'm looking for. I'm worried- "

Robert Kozakiewicz: "We're already past that point already or not at the point."

Councilwoman Giglio: "We made a motion and seconded it and now what?"

Supervisor Walter: "I'm not calling the vote."

Robert Kozakiewicz: "That's been our practice."

Supervisor Walter: "I think you guys are stuck- I think that you are stuck in doing something that is- to me it's incomprehensible- "

Councilman Gabrielsen: "Moved and seconded. Vote please."

Supervisor Walter: "Especially all being from the same political party. That's weird. It's clear that the Democrats are going to be making inroads."

(Inaudible comments)

Robert Kozakiewicz: "On what?"

Councilman Wooten: "On who calls the vote?"

Robert Kozakiewicz: "It's the town law is clear that the town board can adopt and follow their own rules and procedures. It's not defined process by which it happens, the way it always occurs."

Our past practice, our practice for as long as I can remember has always been the same. There's a motion, typically a motion made by anybody other than the town supervisor, second by one of the other board members other than the town supervisor, and then the supervisor says moved and seconded, take a vote. That's our process."

Councilwoman Giglio: "Right. And when the supervisor can't be here, it's the deputy supervisor and that's John. So there is no police procedure."

Councilman Gabrielsen: "Moved and seconded."

Councilman Dunleavy: "And we don't follow town law."

Councilwoman Giglio: "And there have been several occasions where Councilman Dunleavy has moved, said it's been moved and seconded and has called the vote and we have voted. And that is the same thing that we're asking for in this instance where a board member said moved and seconded. Take the vote."

Councilman Gabrielsen: "We're requesting moved and seconded. Vote please."

Supervisor Walter: "It's a little different because I asked- "

Councilman Gabrielsen: "Now we put you on the spot."

Supervisor Walter: "-- you do that in my stead in one or two instances in the three years that I've- "

Councilman Gabrielsen: (Inaudible)

Supervisor Walter: "I think I missed one board meeting in three years."

Councilman Dunleavy: "Rex, I apologize for the audience for this discussion."

Supervisor Walter: "I'm at a loss with this. Completely at a loss."

Councilwoman Giglio: "He gets up. Diane, call the vote, please."

Robert Kozakiewicz: "Mr. Supervisor, I know that your position has been made- "

Supervisor Walter: "I'm not calling the vote. If you choose to vote then I'll be asking for a legal opinion- "

Councilman Gabrielsen: "Okay. I'm just going to officially make it. Moved and seconded. Vote please. And at that point you can do what you want to do."

Robert Kozakiewicz: "I've rendered my advice on the record as to due process so I guess I will be asked to investigate it whether it's a legal vote. So proceed with the vote."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, no; Walter, no. The resolution is adopted."

Supervisor Walter: "Bob, I'd like you to prepare a memorandum for Councilman Dunleavy and I if that's possible whether this was a legal vote taken under the circumstances."

Do you have any other resolutions you want to take off the floor that you don't want to tell anybody about?"

Councilman Gabrielsen: "Do you?"

Supervisor Walter: "No, I would never do that to you."

Councilman Gabrielsen: "Okay- "

Supervisor Walter: "I would never do that to you because I have common decency. Some town board members don't. That's why- that's the difference between you and I, George."

Councilman Gabrielsen: "Well, that's your opinion. Please, let's not go- let's not go about character assassination, Sean, because I could let it rip."

Supervisor Walter: "Can we go to public comment, please? Dominique Mendez."

Dominique Mendez: "I think we should get some sort of award for sitting through this whole thing and being patient."

So I'm here to completely change the subject and talk to you about a matter concerning the application of Calverton Manor LLC.

It's our understanding that this board is considering a possible settlement of litigation that would rescind the zoning applicable to this property associated with the adoption of the comprehensive plan.

As you are aware, the comprehensive plan modified the zoning of the subject property from Business CR, Residence A and Agricultural A districts to agricultural protection zone and rural corridor.

First, we believe the adoption of the comprehensive plan and the associated zoning changes which implemented its recommendations was appropriate and properly addressed many of the concerns about destruction of our community's rural character and the impacts of over development and sprawl that have afflicted much of Long Island.

We further believe that any concerns associated with the adoption of the comprehensive plan have either been corrected or can easily be corrected by subsequent action of the town board.

The previous administration had done so several times and we urge you to do the same instead of settling this lawsuit.

It has also come to light that the applicant's environmental consultant is a woman who represents the town in connection with other zoning matters before the town board.

The representation of an applicant involved in litigation with the town while at the same time engaging as a consultant for the town represents a clear conflict of interest.

As a result, we urge the town to seek to removal the applicant from representation against the town. And that would be, you know, removing Ms. Elkowitz (phonetic).

Doing this will weaken their case if you move to strike her affidavit and that's all the more reason we believe there's no imminent risk that should compel this board to settle this case.

One more reason not to sign a stipulation of agreement on the Calverton Manor suit is because there is a lawsuit making similar arguments on a 179 acre parcel a few miles west on 25 in Calverton.

If you agree to settle this lawsuit, then by your own actions you will almost definitely compel this town to

similarly settle that lawsuit and further subvert the zoning that was put in place as a result of the adopted comprehensive plan.

I realize that this may not be an angle that this board has considered and thus we believe it is essential that you take a serious look at the precedent you would be setting for a case that in our opinion is not a strong case, especially if you take the two aforementioned actions.

Still if having fully considered all we have to say today, this board still wants to move forward towards a settlement, I must make note that amendments to the town zoning shall not become effective according to town law Sections 264 and 265, it's New York State Town Law, after- until after a public hearing in relation thereto at which the public shall have an opportunity to be heard. At least 10 days notice of the time and place of such hearing shall be published in a paper of general circulation in such town.

Thus it is our opinion that any proposed settlement on a pending litigation that considers the amendment of the existing zoning to the property must be considered through a public hearing process as mandated by town law.

Finally it's our understand that the draft settlement states that agreement will- the agreement will immediately and automatically dissolve in the event of any SEQRA positive declaration is issued for the execution of a settlement and/or for any other aspect or component of the proposed development.

It is our opinion that the town board may not enter into a contract that violates state environmental law. The proposed action is a Type I action based upon the size of the development as well as the planned amount of clearing. The circumvention of the SEQRA process is both unwarranted and improper.

In summary we urge the town board not to settle this litigation and not to rescind the benefits associated with the adoption of the comprehensive plan and zoning changes tied to its recommendations.

Nonetheless, if the town board decides to continue to move

towards a settlement, the consideration of either the adoption of the draft stipulation and/or zoning changes considered by it must be first considered through a public hearing process as mandated by New York State town law.

I thought it was important to bring up these issues before you move forward any further."

Supervisor Walter: "Thank you. Does anybody else wish to be heard to night?"

Councilman Wooten: "Dominique, you sent that letter too, didn't you?"

Dominique Mendez: "No. Yes, that will make it easy, right?"

Diane Wilhelm: "Okay."

Councilwoman Giglio: "So, Dominique, just so you know. SEQRA is being done on this development as it's proposed."

Dominique Mendez: "SEQRA, yeah, but it's basically a foregone conclusion as to you're agreeing to this and making it a foregone conclusion as to what- "

Councilwoman Giglio: "Yes. But it's an environmental impact study with a supplemental F, you said, Bob- "

Dominique Mendez: "Right. Why is that going forward now when it would violate the zoning? That's confusing to most people."

Councilwoman Giglio: "I thought that the judge had reverted the zoning back to what it was prior to- "

Dominique Mendez: "Of course not. No. There has been no judgment."

Robert Kozakiewicz: "I don't believe there has been a judgment on the Calverton Manor suit."

Dominique Mendez: "Right. We're asking not to settle and not to sign a stipulation of agreement."

Councilwoman Giglio: "Right. Getting confused with- "

Dominique Mendez: "Yeah, you might be getting confused with another one."

Councilwoman Giglio: "Yes."

Robert Kozakiewicz: "I think there was some question about possible conflict with the firm and with respect to that issue, I'd just like to address it briefly."

When the firm was retained VHB in order to do the Calverton study one of the things they were asked to do was appear before the ethics board to vet those projects that were in the hopper for lack of a better way of describing it. And this was one of those that was disclosed.

The agreement was that any work that would be done on anything that was again using the word in the hopper, would be done by other people in that there would be a Chinese wall for lack of a better way of describing it, so that Terry Elkowitz would not have any involvement with it so that there would be an inability for her or a purposeful distraction or attempt or process by which she would not be part and parcel of anything that involves the litigation."

Dominique Mendez: "Right."

Robert Kozakiewicz: "She was vetted for that and determined that those projects could go forward to VHB without her involvement, without her having any role to play in them and that she would all simultaneously work with VHB so there was a vetting if you will."

Dominique Mendez: "I guess it seems like it did. Yeah, kind of bending over backwards to make sure that she could pursue that case against you. Interesting."

Robert Kozakiewicz: "Well, no I think there was, again, a process by which the VHB proposal came to the town and there was a determination made that they were the best suited to bring that particular project forward. Then once that VHB process was brought forward, they then disclosed to the town board what projects they had ongoing."

They can't take new projects. They can't work on anything additional. They can only work on that which was disclosed and was already in the wings.

So that's what I understand the case to be."

Dominique Mendez: "Right. So they're working- there could be in effect the master plan- update to the master plan as related to EPCAL although someone in the same firm is charging that basically the whole master plan should be thrown out as garbage."

Robert Kozakiewicz: "It was reviewed. I just wanted to make sure that was you know not brought forward. Okay."

Dominique Mendez: "Okay. Thank you."

Supervisor Walter: "Thanks. Rex."

Rex Farr: "Rex Farr, Greater- President Greater Calverton Civic Association.

We are also members of the RNPC coalition.

Sean, you and I have met along with George Bartunek a couple occasions. We also have met with town attorneys on the Calverton Manor project.

From day one we have highly recommended that you pursue the legal road. In all of the challenges to the master plan, no one, you or Cardinale, those boards, have never gone the full nine yards.

What we've always been concerned about in Calverton is let's start with the extension of 58 going into Wading River. All of our objections over the last 15 years to whatever project that you want to point to in Calverton, whether it was the gas station, whether it was the jitney, whether it was F-1, all of our letters to town hall have simply said you are setting precedents.

In this case, this setting of precedent, okay, by settling opens up that whole corridor right into Wading River.

We strongly urge you to follow the legal road.

Now, Sean, you have said the reason you do not want to follow that legal road is that this is going to be the last lawsuit. You told me that in January. And then furthermore in our second meeting, you said in March that you would take on the challenge of another suit having admitted you thought that the Manors was going to be the last of these lawsuits.

Well, you're living you know in a non-real world, if you think that if you don't stand up to any of these settlements, they're not going- they're going to stop. They're not going to stop. That master plan is going to continue to be challenged.

How many more suits do we have to face before someone stands up and says, okay, let's go boys. Let's just see what we're made of. So- "

Supervisor Walter: "Well, the master plan has been adopted correctly or we wouldn't be here."

Rex Farr: "Well you also said, Sean, listen I thank you for taking the meetings. Wait a second- "

Supervisor Walter: "Rex, I am going to- "

Rex Farr: "No."

Supervisor Walter: "-- sit with the staff and I have not done it yet which is why the town board is hearing this for the first time and I am going to be asking the staff what is it going to take to re-adopt the entire master plan for the entire town and all of the zoning. How quickly can we do it. Because that's what has to be done."

Rex Farr: "That's right. You said that back in January. Here we are back in November."

Supervisor Walter: "Rex, do you know how much- how difficult it is to subdivide the largest- "

Rex Farr: "Well, judged upon your behavior this afternoon, my guess is it's going to take you a decade."

Supervisor Walter: "-- do you know how difficult it is to subdivide the largest commercial industrial subdivision in the northeast? It's take a little bit of time and I've been a little distracted."

Rex Farr: "Like I said I'm basing the behavior of the board this afternoon, I can see it's going to take one hell of a long time. So what I suggest is that you at least have the guts, right, to stand up and say no. We'll stand behind the master plan and if that's not the case, then at least solve the problem."

You said you would do that in January. Don't tell me this afternoon that this is the first time the board has heard about Calverton Manors."

Supervisor Walter: "No, I didn't tell you that. I said-- what I said was that I have to sit down with Jeff Murphree and determine what course of action we have to take to re-adopt, do the SEQRA, re-adopt the master plan and all of the zoning."

Councilman Dunleavy: "This is the first time we are hearing about it."

Supervisor Walter: "And I haven't because-- "

Rex Farr: "John, I told you-- well, at any rate-- "

Supervisor Walter: "Just because I haven't sat down with Jeff and haven't talked about it-- "

Rex Farr: "We've had three meetings, two with you, one with Duffy and now George Bartunek and myself."

Supervisor Walter: "When I spend all my time doing things that don't-- aren't productive, sometimes-- "

Rex Farr: "You mean like this afternoon? Okay. Well the bottom line is the Calverton Civic Association strongly urges you to continue the legal path."

Supervisor Walter: "And I don't disagree with your legal analysis of getting the master plan right and defending the master plan. I don't. I just-- our attorneys are telling us

that the- "

Rex Farr: "And what are your attorneys telling you about the subsequent lawsuits, I mean the lawsuits that are coming up, the challenges?"

Supervisor Walter: "We have to re-adopt the master plan and all the zoning. That's what our attorneys are telling us."

Phil Barbato: "Phil Barbato, Manor Lane, Jamesport. In the interests of improving communication among the members of the town board, I'd just like to review a couple of points on this case. I think you need it.

You have no idea what it was like to sit here and watch you folks argue with one another over the silliest thing I've ever heard in my life. I'm embarrassed for the town of Riverhead.

But I'd like to ask some specific questions and I'd really like to get some specific answers.

What specifically is wrong with the comprehensive plan or the zoning that the town adopted that you haven't already corrected? And why has it taken this long?"

Supervisor Walter: "Phil, I'm not getting into specifics."

Phil Barbato: "I can see that you're not getting into specifics. You haven't yet. You keep saying that it is wrong and we have to re-adopt the entire thing. Who in their right mind is going to believe that?"

Supervisor Walter: "Make your comments, Phil. I'm responding to legal difficulties with the master plan. Just make your comments, please."

Phil Barbato: "I agree with you. I agree with you, sir. You have been totally non-responsive on this and it's not good.

What is wrong with the comprehensive plan and what is wrong with the zoning that requires you to re-do the entire thing? Do you realize what you are saying? The entire thing.

It can't be that bad. No one is going to believe that.

The town does not need and must not settle this case. You need to fight it. If you do settle it, it would mean that generations of residents and competing commercial interests are the ones who are going to have to pay the price. They'll be sold out by you.

The plaintiff in this case, Calverton Manor, has a weak case otherwise they would have vigorously pursued their advantage in court and won by now. This case is years old. It's seven or eight years old.

If they had such a strong case, it would be history by now. So why are we trying to settle it now?

As far as we know, all the developers have— any developer has ever done, is try to settle old suits and not litigate. It's the typical strategy. I'm sure you're aware of it. Every one of you.

File a suit, make some threatening claims and keep talking to and pressuring and donating to the officials until they agree that— to which you want in the first place.

There's no real intent to pursue what is almost inevitably a weak court case. It's simply a back door tactic that many developers use and I beg you not to let them succeed in this case because of the precedent it's going to set for other cases and the extension of Route 58 west from where it is now to the other end of town.

The other point that's already been raised is the proposed settlement doesn't stand alone. There's an 180 acre parcel to the west, same lawyer, same law firm, same contention. What do you think they're going to do if we settle this one?

The fact that the courts are very reluctant to overturn the actions-- the land use decisions made by local municipalities also has to be kept in mind. No court— almost no court will overrule a legitimate decision made by a town board concerning zoning. You know that. Stand up and fight for our future here in town.

The affidavit on the land use issues submitted by the applicants can easily be thrown out. Stipulating that they'll close their eyes when they talk about this even though they're working on town board matters, that's not realistic. It's not the real world.

I think you have to move to have that stricken from the record in the case that's been brought by the applicants and that will further weaken an already weak case.

The benefits of development in accordance with the current zoning far outweigh the benefits of the Calverton Manor application which will lead to further urban sprawl and undermine Riverhead's most valuable assets, those being open space, agriculture, lower property taxes and the rural character of our town.

If you want the town to be just like everywhere else, go ahead, do things like this and approve them and tourists will start going elsewhere. They'll go to New Jersey and Connecticut or the south fork.

This is an asset to our town and you are playing with it.

Keep in mind too that the lowest impact on local government cost, if you're worried about the tax base, the lowest impact on local government cost is open space and agriculture. Other land uses within the APZ which it's currently zoned this property that we're talking about and rural corridor, will increase the demand on services, raise our property taxes and chip away at our real economic base which is the rural character- agricultural character of our town. Don't let it happen.

You don't have to cave into this threat by a developer who's been sitting around for seven or eight years on this weak case.

I also unfortunately feel compelled to also note that it's a matter of public record that our supervisor has accepted campaign contributions from the applicant, the law firm representing the applicant, and the environment consultant representing the applicant- "

Supervisor Walter: "Do you have any idea of how people get elected or are you clueless on that point? Do you have any idea how campaigns are funded?"

Phil Barbato: "I'm making a point here that- "

Supervisor Walter: "Do you have any idea of how campaigns are funded from the president's right on down to town board members? Any idea?"

Phil Barbato: "If you would allow me to say what I have to say, I'd be happy to sit down afterwards."

Supervisor Walter: "I'm just asking you a question. Do you have any idea how campaigns- "

Phil Barbato: "Yes, I do."

Supervisor Walter: "Okay. Then if you did, you wouldn't make that point. People donate to campaigns. People donate to campaigns."

Phil Barbato: "How do you know what point I'm going to make? I haven't even made my point. How do you have any idea what it is?"

Supervisor Walter: "Well, please wrap it up."

Phil Barbato: "I will if you'll let me."

Supervisor Walter: "It's been five minutes. Please- "

Phil Barbato: "The donations to you from those people totaled over \$5,000. That's a significant portion of your total campaign contributions."

It is essential for the members of the town board to avoid conflicts of interest in administering zoning regulations as well as the appearance of a conflict which undermines the credibility of the town's actions.

In light of the appearance that these generous contributions may influence the outcome of this action and in light of the limitations set forth in the town's code of

ethics, I think it's imperative that you, sir, along with any other board member that accepted substantial contributions from the applicant or their representatives while litigation is pending should recuse yourself from these matters and remove yourselves from all future discussions on the Manor."

Supervisor Walter: "You would be wrong on the law, Phil. And- "

Phil Barbato: "I'm talking about, sir, the appearance of conflicts. I'm not talking about- I'm not a lawyer."

Supervisor Walter: "Sir, from President Barach Obama down, campaigns are financed by individuals, by corporations. It's the way the country is. I didn't make it that way, sir. That's the way the country is.

I can't- everything is governed. It's- there's full disclosure, the limits, the amounts. What you're doing is you're trying to say that because I receive campaign contributions that I'm going to do something unethical. And I think, Phil, that's pretty brazen of you to say that."

Phil Barbato: "You may have heard something other than what I said. I did not say what you just paraphrased."

Supervisor Walter: "Why would I have to recuse myself?"

Phil Barbato: "I said that the appearance of conflict of interest is what's important here."

Supervisor Walter: "No. I think what you're doing is accusing me because I took contributions from corporations that I could never make or other board members could never pass judgment on those applications.

That, you know, from every supervisor probably since they started financing campaigns on down, has had that same appearance of conflict. If you were to take your standard, then no supervisor, either one, you couldn't run and win because you didn't have- you don't have the funds to do it. Or the supervisor would be rendered inept because he or she could never pass judgment on anything. It doesn't make sense, sir."

Councilman Dunleavy: "Can I say something?"

Phil Barbato: "I think I really struck a nerve."

Councilman Dunleavy: "I'm going to get off that subject. I just- I think you're heading in the wrong direction.

These negotiations were started seven years ago in the Cardinale administration. That's when these negotiations were started, in the Cardinale administration seven years ago.

We are an open government here. That's why you know about it now. This just didn't start. This started seven years ago. When I was on the town board, we were negotiating it seven years ago. So I mean this is something that just didn't come up. It's been ongoing."

(Inaudible comment from Rex Farr)

Councilman Dunleavy: "Now we have a lot of- no, no, I just heard about it with the master plan, with the master plan. I just heard about this what he wants to do with the master plan. Not this here. No. You're taking it out of context, Rex.

Now I know you do these things but you- "

Supervisor Walter: "Please wrap up."

Councilman Dunleavy: "Please, don't take my remarks out of context. The first time I heard about the master plan was tonight when he said he was going to go to the planning board. That's what I said.

Now- we are an open government here that's why everybody knows about this now. But we did not start this. The supervisor did not start this. The Cardinale administration started this. If you want to know how long this has been in negotiations, this has been going for a long time. And you said it's an old suit, eight years old.

It's been in negotiations ever since then. Now we have a lot of people that are suing this town. We do not know about every suit unless the attorneys come to us and bring up what

they are doing and what they have to report back to court. So this is why you guys know about this now because we said this is what's happening. Okay.

But don't blame- if you want you can blame me because I was in the Cardinale administration but you can't blame the rest of these board members for this because it's been- we can't listen to 100 lawsuits every single week.

So when they have something they have to do they come in and talk to us. And that's how you guys found out about this now is because I said we're an open government now."

Phil Barbato: "Thank you, John. That's my point. We're here to raise your awareness, all five of you, about this case."

Councilman Dunleavy: "That's all right. But don't blame this board here- "

Phil Barbato: "I'm sorry. I'm not blaming anyone for anything."

Councilman Dunleavy: "Well you're blaming the supervisor for having negotiations."

Phil Barbato: "No, I wasn't. Don't put words in my mouth. I didn't blame anybody."

Supervisor Walter: "Phil, can you wrap it up please? It's been five minutes. Can you wrap it up please?"

Phil Barbato: "Not my five minutes."

Supervisor Walter: "Phil, can you wrap it up please?"

Phil Barbato: "I think that what I'm trying to say here is I would hope that communications between the five of you improve after today's display and that one of the things you do discuss is this particular stipulation.

It has many, many far reaching implications for the town. It is a weak case. There's no reason why it should have been hanging around for seven years other than the fact that it is

weak. Otherwise it would have been resolved.

So I'm asking you, please resolve it in favor of upholding the zoning."

Supervisor Walter: "Thank you, Phil. Next. Can I have a motion we adjourn?"

Councilman Dunleavy: "I make a motion to adjourn."

Supervisor Walter: "All in favor."

Collective response: "Aye."

Supervisor Walter: "Thank you."

Meeting adjourned: 5:20 p.m.