

Minutes of the 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, February 19, 2014 at 7:00 p.m.

**PRESENT:**

Sean M. 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

The meeting was opened at 7:00 p.m. by Supervisor Walter who officially opened the meeting with the Pledge of Allegiance.

Supervisor Walter asked Mike Zaleski to come to the front of the room with his family and co-workers for a presentation.

Mike was presented with the Employee of the Year Award along with a gift card and additional vacation days.

Supervisor Walter said that Mike is a tremendous asset to the Town and that its employees like Mike who make the job look so easy.

George Woodson also spoke and congratulated Mike on his award and the outstanding work he does for the town.

Mike thanked George Woodson and Mark Kajowski for nominating him for this award and the Labor Management Committee for selecting him as the recipient.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the February 4, 2014 Town Board Meeting and the Special Town Board Meeting on February 6, 2014. Motion carried, minutes were accepted.

**CORRESPONDENCE**

- Peter Danowski, Esq. – letter regarding the February 4, 2014 Public Hearing of Special Permit Application for Mainstream House, LLC
- East End Group - Letter regarding the Proposed Zoning Changes regarding Swimming Pools

**APPLICATIONS**

(Pending Town Board Approval)

**Special Events (Chapter 90)**

- Chernoff Realty, LLC Construction of Medical Office Building at Main Road Aquebogue (SCTM #0600-85-3-8 &12.7)

**REPORTS**

- Town Clerk Monthly Report January 2014 - \$9,294.28
- Building Department Monthly Report January 2014 - \$239,446.50
- Tax Receiver Monthly Utility Collection Report – January 2014 - \$527,602.30
- Tax Receiver Total Tax Collection to date as of February 5, 2014 - \$71,307,111.74
- Tax Receiver Total Tax Collection to date as of February 12, 2014 - \$71,697,924.72
- Police Department Monthly Report December 2013 and 2013 Annual Report

**COMMITTEE REPORTS**

Bill Allen owner of Minute Man Press and the Vice President of the Business Improvement District approached the microphone. He asked that a motion be made that an Executive Director for the BID Board be placed with the Board. He then nominated Ray Pickersgill to the position. He was thanked by both Supervisor Walter and Councilman Dunleavy.

Councilwoman Giglio commented that the Bike Drive is in full swing and again asked that you bring gently used bicycles to Twin Forks Bikes. A child from fifth through ninth grade will win that bike by winning the essay contest.

Supervisor Walter announced that AARP Driver's Safety class will be given at the Senior Center in May and November. In honor of Veterans Day the course is free to Veterans who attend in November.

Councilman Dunleavy mentioned that March is Colon Cancer awareness month and everyone fifty or over should be screened for colon cancer. He continued by saying blue is the color of colon cancer awareness and anyone wanting blue lights to put outside should call Peconic Medical Center for a free set of lights.

**PUBLIC HEARING**

Supervisor Walter: "There are two Public Hearings tonight. The first is scheduled for 7:05 p.m. and it is now 7:17 p.m. and this is the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code, Entitled "Zoning" (108-3. Definitions: Word Usage, BREEZWAY) and I open that Public Hearing up for public comment. Does anybody wish to be heard about Breezeways? Goodness, even the public is tired of this.

We'll close this public hearing and leave it open until the 28<sup>th</sup> of February to make written comments to the Riverhead Town Clerk's office."

**Public Hearing Closed: 7:17 p.m.**

**Left Open for Written Comment Until: February 28, 2014 at 4:30 p.m.**

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Supervisor Walter: “The second Public Hearing is supposed to start at 7:10 p.m. and is a Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code, entitled “Zoning”, Article XIII, Supplementary Use Regulations (108-59. Swimming Pools) and it is now 7:19 p.m. and I open the Public Hearing. Does anybody wish to be heard on this matter? Councilman, how are you doing George?”

George Bartunek: “Pretty good. How is everybody doing tonight? George Bartunek, Calverton and I’m here representing the North Fork Environmental Council. Yes, the North Fork Environmental Council wants to come out in support of the recommendations for swimming pool dry wells near wetlands.

There’s a letter also submitted from the Group for the East End that I would suggest that some of their recommendations are very good if you would read that and maybe take some of their recommendations into consideration.

I think that, I was kind of concerned about the fluid coming from swimming pools in other areas which are not necessarily near wetlands and so was the President of the North Fork Environmental Council, Bill Todder. He couldn’t be here tonight so he asked me to attend and I thought that maybe some of those concerns were addressed in Chapter 109 which relates to the MS4 situation and I looked through this and if you’re familiar with this it defines vast pollutants.

MS4 for your information is Municipal Separate Sewerage Storm Water Sewerage Systems. That’s where the four comes from and the gist of this is so that you don’t have any pollutants going directly from storm sewers or even on the roads directly into like the estuary Long Island Sound or even tributaries going into the Peconic estuary. So it defines pollutants and then what happens; if you’ve taken a look at this, and I don’t know exactly where all of this came from maybe it’s just a template from the State, but then it lists the following discharges are exempt from discharge prohibitions and I’ll just name a couple that I’m concerned about; uncontaminated landscape irrigation or lawn watering, uncontaminated irrigation water, water from individual residential car washing or de-chlorinated swimming pool discharges. The problem here is how do you know that this is not contaminated water? The only way to really address this would be if somebody was overwatering a lawn and I don’t think there is probably any lawns any longer that you don’t have pesticides and herbicides that are applied

The truth of the matter is I don’t know how this should be addressed. I suppose the recommendations should come from the Conservation Advisory Council through the Code Revision Committee to take a look at this and see if there’s something, some wording to be changed here so that you do take into consideration that there is probable pollution in all of these other runoffs from yard waste, washing cars, etc. So I will submit, at least try to have a meeting with the Conservation Advisory Council and maybe from them they will ask you, the Code Revision Committee, to take a look at this and see if this can be tightened up a little bit.”

Supervisor Walter: “Anybody else wish to be heard? Not seeing anybody else we will close the public comment and leave it open for written comment until February 28, 2014.

**Public Hearing Closed: 7:24 p.m.  
Left Open for Written Comment Until: February 28, 2014 at 4:30 p.m.**

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Councilman Dunleavy: “I would like to make a motion that we close the Town Board meeting and open the Community Development Agency meeting, 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. This opens the CDA meeting.”

### **Town Board Meeting Is Closed**

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### **Town Board Meeting is Reopened**

#### **RESOLUTIONS**

##### **Resolution #102**

Councilman Wooten: “2014 Commercial Efficiency Program Pulaski Street Building Budget Adoption, 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. Resolution adopted.”

##### **Resolution #103**

Councilman Gabrielsen: “2014 Commercial Efficiency Program Town Hall Budget Adoption, so moved.”

Councilwoman Giglio: “And seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

##### **Resolution #104**

Councilwoman Giglio: “Police Athletic League 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. Resolution adopted.”

### **Resolution #105**

CouncilmanDunleavy: “Authorizes Publication of a Help Wanted Advertisement Reference: Attendance at Suffolk County Police Academy. This is for part-time police officers, 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. Resolution adopted.”

### **Resolution #106**

Supervisor Walter: “Before we take this Resolution up everybody understands that we gave her six months but the regular resolution only gave her five.”

Councilman Wooten : “Amends Resolution 680 from 2013, 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. Resolution adopted.”

### **Resolution #107**

Councilman Gabrielsen: “Classifies Action on Special Permit of 626 West Main Realty, LLC (West Main Street Atlantis Mart) and Calls for a Public Hearing, so moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “This is an improvement to West Main Street, yes.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #108**

Councilwoman Giglio: “Ratifies the Appointment of a Call-In Recreation Staff 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. Resolution adopted.”

**Resolution #109**

Councilman Dunleavy: “Riverhead Scavenger Waste District Rate Adjustment for Tipping Fees at Scavenger Waste Plant, somoved.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

**Resolution #110**

Councilman Wooten: “Riverhead Sewer Treatment Plant Upgrade 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. Resolution adopted.”

**Resolution #111**

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement with the Riverhead Business Improvement District Management Association, Inc. Regarding 2014 Calendar Year Events and Services, so moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “I’m hoping that this budget will come back amended if the BID Board decides that they’re going to appoint an Executive Director and pay him a salary because one of these events would have to be adjusted in order to accommodate that salary so I’ll vote yes for now because they haven’t appointed an Executive Director and they haven’t assigned a salary.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #112**

Councilwoman Giglio: “Amends Resolution 75 and Ratifies License Agreement with Pictometry International Corporation for One Year Term, 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 adopted.”

### **Resolution #113**

Councilman Dunleavy: “Appoints the Law Firm Smith, Finkelstein Lundberg, Isler and Yakaboski Special Counsel in the Matter of Harriman Estates at Aquebogue LLC and Harriman Estates Development Corp. v. Town of Riverhead, Et. Al. and Authorizes the Supervisor to Execute a Retainer Agreement Regarding Same Supreme Court Index No. 10-44846, so moved.

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #114**

Councilman Wooten: “Approves Extension of Performance Security of Riverhead Reeves Associates, LLC A/K/A North Fork Golf Resorts (Road and Drainage Improvements), so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “I know that they’re working on a resolution and the drainage plants are working very diligently on it so I will vote yes otherwise from 2008 till now to get the improvements done is not acceptable.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Supervisor Walter: “Before we take 115 Bob, is this subject to (inaudible) referendum?”

Robert Kozakiewicz: “If we’re going to be using it for parking purposes that’s one of the ones once enumerated (inaudible).”

### **Resolution #115**

Councilman Gabrielsen: “Resolution Authorizing the Purchase of Property Located at 406-414 Roanoke Avenue, Riverhead, for Parking Purposes Subject to Permissive Referendum, so moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “We’re paying less than the appraised value, yes.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #116**

Councilwoman Giglio: “Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of Premises Located at 58 River Road, Manorville, New York, 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 adopted.”

**Resolution #117**

Councilman Dunleavy: “Authorizes the Release of Site Plan Security of Steplin Construction Corp. (Delalio Sod Farm Nextel Cell Site), 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. Resolution adopted.”

**Resolution #118**

Councilman Wooten: “Authorizes the Release of Site Plan Security of Paraco Gas Corporation, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “We’re closing out our books. This money has been on our books for years and these people never got this money back after their projects were finished so we’re giving it back to them now, yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

**Resolution #119**

Councilman Gabrielsen: “Authorizes the Release of Site Plan Security of Suffolk County National Bank, 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. Resolution adopted.”

**Resolution #120**

Councilwoman Giglio: “Authorizes the Release of Site Plan Security of Traditional Links LLC (Golf Training Building), 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 adopted.”

### **Resolution #121**

Councilman Dunleavy: “Authorizes the Release of Site Plan Security of Traditional Links LLC (Irrigation Pump House & Installation of Fuel Tanks), so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #122**

Councilman Wooten: “Authorizes the Release of Site Plan Security of New York SMA Limited Partnership D/B/A Verizon Wireless (Cherry Creek Golf Course), 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. Resolution adopted.”

### **Resolution #123**

Councilman Gabrielsen: “Authorizes the Release of Site Plan Security of First Pioneer Farm Credit (a/k/a Southern New England Federal), 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. Resolution adopted.”

**Resolution #124**

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Notice to Bidders for Dry Hydrated Lime (Calcium Hydroxide), 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 adopted.”

**Resolution #125**

Councilman Dunleavy: “Approves W.H.M. Plumbing & Heating Contractors, Inc. as Drainlayer for Riverhead Sewer District, so moved.”

Councilman Wooten: “Seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “I’ve spoken with the Superintendent of the Sewer District who says that this entity that we had problems with before will be Supervised on a regular basis and we shouldn’t have the same problems so hopefully I’ll vote yes.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “And if anybody doesn’t know what a drainlayer is, it’s someone who connects the house or business up to our sewer line. So, that’s what they’re called. I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

**Resolution #126**

Councilman Wooten: “Authorizes the Showcase of Type III Ambulance at the Long Island Fire, Rescue & EMS Mega Show Scheduled for February 22<sup>nd</sup> and 23<sup>rd</sup> at Nassau Coliseum, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “They’re taking it to a show and what they did for us was they put a; so we can keep the engine running with no one in the cab and the cab is locked so they installed this switch that if everyone has to get out of the ambulance they can keep it running and it will be locked so no one will be able to steal it. So that’s what they’re giving us for letting them take it to Nassau Coliseum. I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

### **Resolution #127**

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code ( In Addition of Article X Snow Events), so moved.”

Councilwoman Giglio: “And seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “I’ve spoken with the Highway Superintendent who apparently supports this Resolution so I’ll vote yes.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “The two key components to this was that the Town Supervisor’s designee shall declare a snow emergency or winter storm emergency in a sign written notice to the Town Clerk, Deputy Town Clerk, within twenty-four hours of said and the declaration and then what it’s basically saying any vehicles, all the vehicles in town on any highway in the Town of Riverhead during any snowstorm or winter storm emergency shall be off the roads from eight p.m. until 6 a.m.”

Supervisor Walter: “No parking.”

Councilman Gabrielsen: “No parking right which will give the Town Highway a chance to clean roads. So, I vote yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “I’ve been a part of this so I’ll save my comments for the public hearing, yes.”

Councilman Dunleavy: “I just have one question. Is this to clear in a snow emergency or is this any snowfall?”

Supervisor Walter: “Snow emergency.”

Councilman Gabrielsen: “Or winter storm emergency, ice storm, whatever. He has the ability or his designee to make that designation which would kick in; no parking.”

Councilman Wooten: “When is the Public Hearing?”

Vote Continued: “Walter, yes. Resolution adopted.”

### **Resolution #128**

Councilwoman Giglio: “Rescinds Award and Authorizes Re-Publish of Advertisement for Ford Replacement Parts, 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 adopted.”

### **Resolution #129**

Councilman Dunleavy: “Petitions the Riverhead Business Improvement District Management Association, Inc. (BIDMA) to Employ Raymond Pickersgill as Executive Director of BIDMA for Calendar Year 2014 and Provide Monetary Compensation, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio”

Councilwoman Giglio: “I know that the BID Board met about this tonight, I know that there are discussions that will continue and again I say that if they are going to compensate him, he does a wonderful job for the downtown district, that they must go back and revise their budget but I’ll vote yes for this because Ray does a great job.”

Vote Continued: “Gabrielsen, yes; Wooten.”

Councilman Wooten: “I see this more as a sense resolution. This is just the Town Board recognizing Ray for not only what he does as a BID but what he does as a business owner and it goes far beyond what he does as President of the BID so this really puts this in the BID’s bowl and we just want to let them know that we recognize him; so, yes.”

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “I agree with Councilman Wooten. This is only a petition to the Riverhead Business Improvement District that we recommend that they employ him. I vote yes.”

Vote Continued: “Walter, yes. Resolution adopted.”

### **Resolution #130**

Councilman Wooten: “Authorization to Publish Advertisement for 2” X 4” Led Troffer Recessed Light Fixtures for the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote please.”

Councilman Dunleavy: “These are the LED lights that you were talking about. They priced it and it’s over twenty thousand dollars to purchase them so we have to put it out to the bidders.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

### **Resolution #131**

Councilman Gabrielsen: “Pays Bills, so moved.”

Councilwoman Giglio: “Seconded”

Supervisor Walter: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted

Supervisor Walter: “Does anyone wish to be heard on any other matter before the Town or might be before the Town? Not seeing anybody can I have a motion to adjourn?” All in favor of adjourning?”

Collective ayes.

**Meeting Adjourned 7:41p.m.**