November 4, 2015

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, November 4, 2015 at 2:00 p.m.

PRESENT

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Arlen Vernava from Old Steeple Church in Aquebogue.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen that the minutes of the October 20, 2015 Town Board meeting be accepted. Motion carried.

CORRESPONDENCE

- 29 letters supporting Luminati Aerospace for runway use agreement at EPCAL
- Esseks, Hefter & Angel – letter requesting revisions to the draft runway use agreement with Luminati Aerospace
- Town of Southampton Youth Advisory Committee – letter expressing concerns about the proposed medical marijuana dispensary at the old Blockbuster building on Rt. 58
- Oak Hills Association – letter concerning inclusion of Oak Hills Roads by Highway Law 189
- Petition from residents of Pye Lane, Jamesport – letter seeking reclassification of Pye Lane as a Section 189 Highway
- Sal Mastropaolo – letter with two separate points regarding EPCAL area
  1. Questioning soil removal from EPCAL
  2. Suggestion to change traffic light on Route 25 at the entrance to EPCAL to flashing red light

REPORTS

- Tax Receiver – Utility Collection Report, September 2015 - $634,628.83
- Town Clerk – Monthly report October 2015 - $11,386.40
- Sewer District – Discharge Monitoring Report – September 2015
- Police Department – Monthly Report, April 2015

FIRE DISTRICTS REPORTS

- Jamesport Fire District – Approved 2016 Budget Summary
- Riverhead Fire District – Adopted 2016 Budget Summary
- Wading River Fire District – Approved 2016 Budget Summary

COMMITTEE REPORTS

Councilman Dunleavy reminded everyone that on Sunday, December 6, one o'clock, Santa Claus will be coming to Riverhead. He will be greeting everyone in the parking lot behind the old theater building. Councilman Dunleavy also wanted to remind everyone about November 11th's Veterans Day celebration. The celebration honoring all veterans will be held at the monument by the library.

Councilman Gabrielsen wanted to remind all hunters that the lottery for shotgun hunting at EPCAL will be held on Tuesday evening, December 8th at six o'clock. He urged all hunters to come and sign up.

PUBLIC HEARINGS

Supervisor Walter: "Alright, we have five public hearings. We're going to open up the first public hearing, it was scheduled for 2:00 and it is now 2:10. It is a public hearing to Hear all Interested Persons to Consider the Adoption for the 2016 Annual Budget for the Town of Riverhead so I open that public hearing. Does anybody wish to be heard on this matter? Bill, you have the budget if we need it right?"

William Rothaar: "It's on the computer."

Laura Jens Smith: "Hi, Laura Jens Smith from Laurel. I just have two questions on the budget. The Water District, it was my understanding that's a fee for use service."

Supervisor Walter: "It's both. We have Water District taxes for Water District extensions so depending on your Water District extension, what part of the Water District you're in, you could have aver arum taxes, sometimes I confuse them. Aver arum taxes is based on the infrastructure that was put in and then you have fee for usage and we do use some of the fee for usage to actually pay some bonds off as well at this point."

Laura Jens Smith: "I'm just wondering if it's fairly mostly fee for service if it's a seven million dollar budget and the revenue is only four point five, the one point two is appropriated. That seems awful high for a fee for use service."

Supervisor Walter: 'I'll let Bill come up to the."

Laura Jens Smith: "And I have a similar question about the scavenger waste. I know you had talked about this because there's other towns using it and we're still appropriating three hundred thousand for that one why that's not covered in fees?"

Supervisor Walter: "No we don't; the scavenger waste there's no more aver arum taxes, it's all fees and we draw down fund balance to make up the difference if we're short and Bill I'm going to let you."

William Rothaar: "So we'll stick with the scavenger waste for now. There's a fund balance in scavenger waste. Anybody can go from any other town, ok and use; you go and hire someone else to take your waste away. You don't get a credit necessarily for it so a Riverhead taxpayer should not be paying into that so the funds that were there are being used. We're drawing them down to try and get the fees where it needs to be so self-sufficient, ok. We haven't had a tax rate in that district, I want to say three or four years; I can check the date for you.

As far as the Water District, and you'll see the same thing in the sewer to some extent, there's a number and this is really just going from, budget is a cash bases and in accounting we have to account for, they're called enterprise funds and we have depreciation so we appreciate all of the infrastructure and we're taking that out of fund balance so it's just an accounting number so that we know we can charge a depreciation and take that out of fund balance."

Laura Jens-Smith: "But why isn't that included in the fee for service? Why isn't the fee for service high enough to cover the depreciation?"

William Rothaar: "Because you don't need to. What happened, let's say this building was a Water District building and we built it, or the infrastructure is a Water District infrastructure. We're paying the debt off on that and that's our expense from the town but when we converted to it, it would be considered a for-profit company. The depreciation is just taking this building and depreciating over its life span so we also wind up, if you look at the financial statements you wind up with a net asset number in the Water District."

Laura Jens-Smith: "At the end of the year?"

William Rothaar: "Yeah, twenty-nine million dollars because all of the infrastructure lasts more than one year and the depreciation is just charging it back in the correct year."

Laura Jens-Smith: "Ok, alright, thank you."

Supervisor Walter: "Does anybody else wish to be heard on the budget? Not seeing anybody Ill close the public comment portion on the budget and leave it open until the 13th so if anybody has any comments written please have them in the Town Clerk's office by November 13th, thank you."

Public Hearing Closed at 2:15 p.m.
Left Open for Written Comment until November 13, 2015 at 4:30 p.m.

Supervisor Walter: "Ok, we have now a scheduled public hearing at 2:05 and we have a scheduled hearing for 2:10. How long is it going to take you to get ready? Ok, so you know what we're going to do? It is 2:15 now and the other 2:10 hearing is going to be a little bit longer. What we'll do is the 2:15 public hearing I'm going to open that 2:15 public hearing and it is now 2:15 and this is a Consideration of a Local Law to Amend Chapter 108 Entitled "Zoning" of the Riverhead Town Code, Article LVI, Village Center (VC) Zoning Use District (108-290. Uses) and I know, Jeff, well this comes out of Councilman Wooten, Councilman Wooten do you want to?"

Councilman Wooten: "Well basically what this does is it allows for special use permits to be issued for microbreweries or group pubs or microcideries or microwineries in the village center zoning use district which is a very limited district in the downtown area. It's the synergy between Main Street and Polish Town. There's a few parcels in there and it's limited only because this particular legislation falls and it has to be sewered, it has to belong to the town's sewer it can't be assessment so that limits where it can go and how far out it can go but the whole idea for this was to create that type of use in that area to get some structure and get some synergy between downtown and Polish Town. To me there's a gap there and I think that we can get this synergy and get the town to be all one and more inclusive with Polish Town. Polish Town has a building now, we have (inaudible) going into Doc's Tavern (inaudible) up and running so there's a revitalization going on in Polish Town as well and I think this will help to bridge that between Main Street and that. If you have any questions Jeff is here I believe."

Supervisor Walter: "Alright, does anybody wish to be heard on this public hearing? Alright, I'll close the public comment portion and I'll leave it open to written comment again November 13th, 4:30 in the Town Clerk's office."

Public Hearing Closed at 2:18 p.m.
Left Open for Written Comment until November 13, 2015 at 4:30 p.m.

Supervisor Walter: "How many people are here for the CDA Block Grant? Ok and we're not ready on the other one. You guys ready for the building or do you want a few more minutes? I'm going to open another public hearing. I'm going to open up the public hearing for 2:10 which allows citizens to express their views on local housing and Community Development needs to be met with funding from Community Development Block Grant. Chris, do we need to close the Town of Riverhead portion and open the CDA?"

Chris Kempner: "This is actually accepted by the Town so it's under the Town hearing."

Supervisor Walter: "Ok, so we open that public hearing to Allow Citizens to Express their Views on Local Housing and the Community Development Needs to be met with Funding from the Community Development Block Grant. It's open; Chris do you want to say a few words?"

Chris Kempner: "Sure, thank you. This is just a little bit of background on our Community Development Block Grant program which is funded through the federal government, through the HUD Agency, through the Suffolk County consortium and this public hearing is to solicit verbal and written comments and input as to the Town of Riverhead's 2016 CDBG application under the consortium.

In 2015 despite the poverty and extreme need in the Town of Riverhead the County drastically cut the Town of Riverhead Community Development Block Grant funds from expected one hundred and forty-three thousand, two hundred and sixty one by forty thousand which is twenty-eight percent down to a hundred and three thousand. This was despite the verified need and demographic in Riverhead. "

Supervisor Walter: "You had a conversation, you went to the County Executive's that meeting you spoke, what did they say about this reduction?"'

Chris Kempner: "So far we've had several conversations with the County. We attended the hearing and they said that this is just an estimate of the allocation for 2016 so nothing has been decided so we're trying to make a case to the County that a hundred thousand dollars out of a three million dollar county wide allocation is not adequate for the Town of Riverhead given the demographics that we have, the number of social services that we have in town."

Supervisor Walter: "That was their answer when you spoke at that meeting?"

Chris Kempner: "Their answer was they were just there to take comments on 2016 projects that we'd like to see."

Supervisor Walter: "Can you prepare a letter that we can formally submit from either my office or the Town Board and maybe boil it down into a resolution that we'd like them to reconsider giving us our fair share?"

Chris Kempner: "Absolutely and the new Director of the Community Development Department is Amy Keys and she has said that she would make herself available for a meeting; perhaps she'll be able to come out for work session."

Supervisor Walter: "Schedule that, I would love to have her come out."

Chris Kempner: "I'll ask her, I'll see if she can otherwise we can make more trips to them."

Supervisor Walter: "No, I'd rather have them come here and explain why they're short changing Riverhead."

Councilman Gabrielsen: "I don't think there's a shortage of funds; I think it's been redirected. Am I correct?"

Chris Kempner: "Well they do, every year they've been getting cuts because the CDGD program at the federal level has been cut back. For instance last year the Town of Brookhaven went from about one point seven million up to one point eight million (inaudible)."

Councilman Gabrielsen: "It got redirected so we have to fight for it, it's out there."

Councilwoman Giglio: "I think we should also have a discussion at work session about the CDBG program and how much it's costing our actual CDA Department to execute this Grant because there's a lot of dissatisfied people with the work that's being done on their houses. I mean we're spending hours and hours even after the fact trying to satisfy the people that were not being reimbursed by the County so I think that we need to look at that and maybe even budget a little bit more for each project that we approve so that when it does come down to the end and people are dissatisfied with the work that we have extra money to pay for it."

Chris Kempner: "It's a difficult program because of the properties that we go into are severely distressed. A lot of times the people who are living in some of the properties don't have the resources to maintain the home so sometimes the fix costs more than the real value of the home but what we're doing is maintaining one of the most affordable housing stocks which is the mobile homes. Riverhead has four hundred and ten mobile home units about there with thirteen mobile home parks. Half of those are senior so we have the most mobile home parks on Long Island and because they are so closely put together it's important to maintain the health and safety in each mobile home because if one goes up in flames."

Supervisor Walter: "Let's see if we can get that Director to come and we'll put this on for work session so are we ready to have the public speak?"

Chris Kempner: "If I can just go through the overview of what we put towards. In the past we've used the fund allocations for the Home Improvement Program, program administration, public services public facilities and public infrastructure projects so we can again allocate the project towards that. Public Service projects generally may not exceed fifteen thousand, fifteen percent which would be fifteen thousand. So in the past we've been giving twenty-five thousand, the County said they would work with us to continue funding five Social Service Agencies that you'll hear from but that may be one of the areas that are cut and then any other projects must be in low to moderate income areas or serve special populations such as seniors. So last year's allocation included thirty thousand towards the senior center and then there's a five percent of the Grant can go towards administration which should be about five thousand and the Town Board has to make a final determination by the November 17th meeting unless there's a special meeting because all project descriptions have to be submitted to the County by December 1st, thank you."

Supervisor Walter: "Alright, thank you Chris. Would anybody like to be heard on this public hearing? Come on up. Any of the community agencies want to speak? Come on up."

Jackie Tapley: "Good afternoon. My name is Jackie Tapley and I'm here from the Dominican Sisters Family Health Service. I'm here with my co-worker, Christine Alpert. Generally I would like to say thank you for supporting the Dominican Sisters Family Health Service Helping Hands over the years and we're here just to say please keep funding us because we're doing needed work in the community. The Helping Hands Program I think (inaudible)."

Supervisor Walter: "You can give us a little bit of an overview."

Jackie Tapley: "Sure, well we service the Town of Riverhead and the Town of Southhampton and we primarily serve homebound seniors and provide light housekeeping, shopping, laundry and we run errands for them. As a matter of fact when I leave here today I'm going to one of the mobile homes that were just spoken about. We have a seventy-seven year old who is homebound who depends on us for his grocery shopping and to pick up his prescriptions. He has no family in the area and without our service he would really be up a creek."

Supervisor Walter: "Well send him greetings from the Town Board and we're his family and Riverhead is his family."

Jackie Tapley: "I absolutely will, I will do that and so really that's the service in a nutshell. Many seniors in the area depend very greatly on this program so we'd like to keep it going as long as we can."

Supervisor Walter: "Thank you very much, next speaker."

Felicia Scocozza: "Good afternoon. I'm Felicia Scocozza from Riverhead Community Awareness Program and once again I'm here to thank you for your past support with Community Development Block Grant funding.

In the past it's been used to supplement the salary of our part-time social worker at Roanoke Avenue School which is the most improvished school in the Town of Riverhead. In fact the social worker Shannon Kutner did attend a public hearing in Hauppauge and advocated on behalf of increasing the Community Development funds for Riverhead and we did reach out to our legislator Al Krupski and also members of Suffolk County so hopefully maybe you'll see something on that, I don't know.

Our social worker is a licensed, clinical social worker and she provides individual and group counseling, crisis intervention, social skills and bullying prevention. As you're probably aware Roanoke Avenue School is a Title 1 school according to the US Department of Education meaning it has a high poverty rate.

In 2015 seventy-three percent of the students qualified for free or reduced lunch which was a significant increase from forty-two percent in 2010. These are the neediest students in the town who normally would not be able to access our services outside of school.

According to the New York State Education Department, seventy percent of the students there are classified as economically disadvantaged; thirty-two percent have limited English proficiency; seventy-two percent belong to minority groups and the Hispanic students represent fifty-six percent of the school now which is the fastest growing segment of our community. Many of these students come from families where the parents don't speak English so that's an additional barrier to them accessing services outside of the school.

In 2015 the funds we received from this Grant served students as follows: twenty-five percent each were identified as moderate income, low income, very low income and extremely low income. So this meets the requirements of the HUD requirements that the money should be used for moderate to low income families. And I've also attached an overview of what the projects we've done in that school in the past year have been. So thank you for your consideration."

Supervisor Walter: "Thank you, next speaker, hi Ms. Stroy."

Zona Stroy: "Good afternoon, I'm Zona Story and I've got copies for you. I'm with the Open Arms Care Center here in Riverhead and I'd like to thank you again for your support and for the opportunity to again request a Grant from the Community Development Fund. This funding will allow us to continue providing food to individuals and families in this community; individuals and families who might otherwise go hungry.

Most of us think about what we will eat rather than whether we will eat. Many of our less fortunate people, often working people, have to choose between buying food and paying for some other necessity. When budgets are stretched to the point where buying food is just not possible our emergency food pantry is there to provide food to individuals, families, children, seniors and anyone else who might need food. You might be surprised by how many of our neighbors, friends

and coworkers quietly stop by a food pantry for short-term assistance. For better than twenty years, Open Arms Emergency Food Pantry has been a lifeline preventing hunger for many people in our community.

We operate with an all-volunteer staff and a volunteer Board of Directors so the Community Development funds go solely for food purchases and shopping bags. The pantry serves approximately three hundred households every year on a regular bases and that represents about fifteen hundred individuals.

I've attached some pages with additional information that shows how the funds will be used and a couple of pages from a survey Long Island Cares did two years ago; one on the increased demand which points out that even though unemployment rates have dropped many of the new positions that people are taking are at lower salaries and aren't full-time so emergency food pantries sustain these households and we fall into that category. The last page speaks to dedication and the dedication of the volunteers who work in these pantries.

I always look back at Long Island Cares data just to make sure that we're consistent with other pantries that are our size and we fall in to the nineteen point two percent of the pantries that are open ten hours or less a week but these whole groups of pantries according to Long Island Cares sustains three hundred and twenty thousand people on Long Island who are what they call food insecure. These pantries operate as we do with budgets that are less than fifty thousand dollars a year so it took me a while to figure out my first year doing this that the money that comes from the Community Development Grant has to be paid out before we get it so we have worked hard over the last few years to establish some regular donors who will help us sustain what we need to have in terms of staffing or stocking the pantry with food so that we spend the money and we ask the Town to continue to provide reimbursement for us. So going forward we spend not much time on figuring out how to buy we spend more time on accommodating people who come and who need food. So, thanks again for your support."

Supervisor Walter: "Thank you Ms. Story, next."

Judy Barth: I'm Judy Barth and I'm here on behalf of Bread and More. Bread and More is our community soup kitchen serving dinner three nights a week at the First Congregation Church right in downtown Riverhead.

Over the course of the year we serve about ten thousand meals averaging from about eighty to a hundred thirty per night. We are indiscriminate and feed all those in need regardless of race, age or gender. Our guests are not necessarily homeless but those that may be in some need of help to get through their week, their month or just a down time in their lives in a safe, caring, nonjudgmental environment.

We are an organization that has been in operation since 1990, Jim Wooten can attest to that and is solely volunteer run. Even the steering committee that oversees all the dip, daily operations, is volunteered based. We rely on donations and grants such as these in order to sustain the kitchen.

In the past years we have seen our federal and state monies dwindle and have gotten to rely on the generosity of this Community Block Grant. Monies such as this make the difference as to whether we can continue to operate. This Grant covers twenty percent of our yearly income and this Grant helps to provide two thousand meals in a year.

That being said I once again on behalf of Bread and More ask you to award us this Grant monies so we can continue to serve those in need in our community. We are grateful for your support in the past years and hoping that you will see fit to do it again. We feel that we fit all of

the guidelines in helping all to get this grant awarded once again this year. Thank you for your past support and your (inaudible)."

Supervisor Walter: "Thank you Ms. Barth. Does anyone else wish to be heard today?"

Sandra Lee Mott: "Good afternoon, Sandra Lee Mott, Riverhead. For many years I was affiliated with various not-for-profit organizations. I am not now, I am disabled due to a brain tumor and thank God I am here.

I have been a recipient of some of these programs and I like to feel that I am a contributor to these programs if not voluntarily by my expertise and my compassion.

I had no intention on speaking on this issue today but as I sit here and I review the past years, these organizations who have given so much for your own neighbors and friends and possibly relatives who may not openly say anything to you who are in need, I feel this begging approach annually is really sort of offensive in my opinion. They're not going to say it, I will. I see it as begging and I feel it is offensive.

These people are trying to help the total community whoever they are, like these people said. I have a very strong suggestion to reduce their overhead. I think they should be consolidated so they can focus more on the surfaces. All of the different agencies, organizations are all spread throughout Riverhead. I think in order to reduce their overhead they should consolidate into a major vacant building in the town so that they can reduce utility, maintenance, etc., insurance for example.

I've always thought that. I went to a meeting when Mark (inaudible) was running as to suggestions as to help control the budget overhead and I stated it then a number of years ago and I'll state it again. I really feel in order for them to utilize their monies in the best way from whatever source that they need to consolidate their overhead expenses into a major building of which you have so many now in this town that are accessible so that they can split through the week whatever agency is there one day, two day, three days a percentage wise. That's a suggestion to reduce their overhead and then people will be going to one location and maybe be directed to another organization if the first couldn't assist them.

Secondly, did you say Jodi about people not being happy with their, with the work on their homes?"

Councilwoman Giglio: "Yes."

Sandra Lee Mott: "Ok. Housing was my specialty and expertise. I'm going to assume that they have to have a pre-inspection to make a determination as to what the need is for the home and that there's a post inspection on and it has to be preapproved."

Councilwoman Giglio: "It does and most of the time the homeowner signs off on it and then a month later something might come up like a bubble in the floor or something underneath the dish washer or something underneath that was never a part of the original construction or what was being proposed for the house so where a seventy thousand dollar renovation might turn into a ninety-five thousand dollar renovation. Those are the things I'm talking about."

Sandra Lee Mott: "Ok, because I didn't quite understand how that could happen if you have a pre-inspection to determine what was needed and a post-inspection in order for everyone to be paid and allow for things to happen."

Councilwoman Giglio: "(Inaudible) could probably explain that more."

Sandra Lee Mott: "That's sufficient. Also in general in regard to the improvements on homes I can tell you from personal experience very recently in the past six weeks my mother wanted to reseal, just reseal her single mobile home; the bid on that was four thousand dollars for one and a half hours' worth of work. Not to make a new roof, to reseal it with a silicone coat. So when you're making your decisions what your high point is as to offerings for taking care of homes, I know you have multi bids (inaudible) and multi builders and contractors and stuff, but that's just a small example as to the kinds of costs; a single mobile home, four thousand dollars. Needless to say we did not take that path."

Councilwoman Giglio: "You're a hundred percent right."

Sandra Lee Mott: "I try to be a hundred percent right. As you all know me over the years I try not to just come up here and spout."

Councilwoman Giglio: "It definitely costs us more to do it; there's administrative fees and we have inspectors in the town inspecting these things, getting them signed off."

Sandra Lee Mott: "Getting things done properly instead of the individual going out and guessing from the yellow pages. At least you are their protector."

Councilwoman Giglio: "That's right and that's why it costs more."

Sandra Lee Mott: "That's right but in that same category, there are people who, the lady who handles your Community Development unit indicated emergency services. I can tell you for a fact I know of a family, a mother and a daughter, the mother's now in a nursing home, they're spending four hundred and forty-five dollars per day for her care. Now she doesn't need to be there but her home needs some major work, in their eyes. That's thirty days per month that comes to thirteen thousand three hundred and fifty dollars per month. She's been there over ten months now."

Councilwoman Giglio: "And she wants to go home."

Sandra Lee Mott: "She wants to because she doesn't need to be in that nursing home."

Councilwoman Giglio: "You're right."

Sandra Lee Mott: "That's a hundred and thirty three thousand, five hundred dollars for one individual in a nursing home where she can go and buy three small older units and she can't get out of the nursing home because her daughter can't find any assistance to accommodate the repair of the bathroom, the roof or the number of other things but it's not like the house can't be

restored. But when you put nickels and dimes together and then the upshot is that's one person, one person."

Councilwoman Giglio: "A hundred percent. They won't let her go back into that home. They won't let her leave that nursing home to go back into her home unless it meets all of HUD requirements and it's going to cost a lot of money, more than the home is worth to get her back into that home because you can't retrofit that home to meet the current code. It's ridiculous, I agree with you."

Sandra Lee Mott: "Well, in this circumstance it's the bathrooms, the roof and some other things. Bottom line of the story is; that's just an example. Four thousand to reseal, a silicone coating for one and a half hours versus a hundred and three, thirty three thousand five hundred plus because I didn't multiply it out for the next six weeks for one person. Consideration needs to be made that these are not just fluff programs, that these people don't need it. These are people who paid their taxes, worked hard and for whatever reason got into a situation that they couldn't maintain their home.

I'm getting very excited and I haven't been in the field for years but it's very upsetting to know that nothing has changed. You're making the effort but when you go to the County and you say you need money you need to bring individuals who have suffered the consequences of not being able to do because you all, you're ok, you have your homes, your families have your homes. You need individuals to come and represent not every single person but some personal stories.

Many people are not going to come here. I'm not here for this topic but since it was brought up and it was my area of expertise I thought I'd put my two sense in and the irony of it is the lady sitting behind me said are you going to go up? It must have been my aura or my heat burning off knowing that this is very upsetting and there are too many people in this town and even those of you who didn't walk the town and knock on doors you can tell the needs in the different communities and I'm not talking about communities that are shaky. Right, you've knocked on many a door and you probably wondered what the hell is going on here. That's all I'm saying. Ask for more and get more because these people are deserving whether it's an agency or an individual. I thank you."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? Alright not seeing anybody we will close the public comment portion and leave it open to written comment to November 13, 2015 at 4:30 p.m. in the Town Clerk's office."

Public Hearing Closed at 2:46 p.m.
Left Open for Written Comment until November 4, 2015 at 4:30 p.m.

TOWN OF RIVERHEAD
COUNTY OF SUFFOLK STATE OF NEW YORK
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PUBLIC HEARING

ALLEGED UNSAFE BUILDING

307 GRIFFING AVENUE, RIVERHEAD

----------x

200 Howell Avenue
Riverhead, New York

November 4, 2015
2:46 p.m.

B E F O R E:

SEAN M. WALTER, Supervisor

JOHN DUNLEAVY, Councilman

GEORGE GABRIELSEN, Councilman

JAMES WOOTEN, Councilman

JODI GIGLIO, Councilwoman

ROBERT KOZAKIEWICZ - Town Attorney

DIANE WILHELM - Town Clerk

A P P E A R A N C E S:

DANIEL McCORMICK, ESQ.
Deputy Town Attorney
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

LYLE PIKE
134 Manor Drive
South Hampton, New York 11968

MR. McCORMICK: Let's mark the exhibits first.

(Whereupon, Structural Inspection Report - Zitek was marked as Town's Exhibit 1 for identification as of today's date.)

(Whereupon, Photos 1 through 75 were marked as Town's Exhibit 2 for identification as of today's date.)

(Whereupon, Recorded Deed, certified 11/25/14 was marked as Towns Exhibit 3 for identification as of today's date.)

(Whereupon, Recorded Deed, certified 11/2/15 was marked as Town's Exhibit 4 for identification as of today's date.)

(Whereupon, Certificate of Incorporation was marked as Town's Exhibit 5 for identification as of today's date.)

(Whereupon, NYS DOS Corporation entity form was marked as Town's Exhibit 6 for identification as of

today's date.)

(Whereupon, photo of building posting was marked as Town's Exhibit 7 for identification as of today's date.)

(Whereupon, Notice of Violation mailing 7/21/15 was marked as Town's Exhibit 8 for identification as of today's date.)

(Whereupon, Notice of Violation mailing return 7/28/15 was marked as Town's Exhibit 9 for identification as of today's date.)

(Whereupon, Notice of Violation personal service 8/12/15 was marked as Town's Exhibit 10 for identification as of today's date.)

(Whereupon, Hearing Notice mailing 10/31/15 was marked as Town's Exhibit 11 for identification as of today's date.)

(Whereupon, Hearing Notice e-mail notification was marked as Town's Exhibit 12 for identification as of today's date.)

(Whereupon, News Review publication hearing notice affidavit 10/20/15 was marked as Town's Exhibit 13 for identification as of today's date.)

(Whereupon, Testa Inspection Report was marked as Town's Exhibit 14 for identification as of today's date.)

(Whereupon, Photo log and photos 1 through 21 was marked as Town's Exhibit 15 for identification as of today's date.)

SUPERVISOR WALTER: It is now 2:46, and we'll open the public hearing to hear all interested persons regarding an unsafe building at 307 Griffing Avenue, Riverhead New York, Suffolk County Tax Map number 600-128-3-19.

The format of the hearing is similar to bringing a litigation, civil or otherwise. We will have the Town present the evidence. We will allow --

I guess the building owner is here.

MR. PIKE: That's correct.

SUPERVISOR WALTER: We will allow the building owner to present evidence, and ask questions of the Town witnesses and then we'll close it out today and allow for written comment until the 13th.

With that being said ,Dan McCormick if you could introduce yourself and introduce why we're here today.

MR. McCORMICK: Yes. Thank you, Mr. Supervisor and members of the Town Board, ladies and gentlemen of the public. My name is Daniel McCormick, Deputy Town Attorney for the Town of Riverhead.

Today's public hearing is to address a Chapter 54 matter, which is our code concerning allegations of an unsafe structure, in this case allegations regarding 307 Griffing Avenue here in the Town of Riverhead. It is a complex or building formerly known as the Courthouse Restaurant.

As an overview, I intend to call two witnesses on behalf of the Town. The

first will be Chief Fire Marshall Craig Zitic ,and the second will be Town Engineer Kenneth Testa.

I would also like to advise the Board that Richard Wines from the Landmark Preservation Committee is here as well, and he would like to address the Board today, and finally ,as referred to earlier, Lyle Pike, who, to my understanding, is a principal in the ownership interest for 307 Griffing Avenue would like the address the Town Board as well.

SUPERVISOR WALTER: Okay.

What we'll do is have the witnesses sit up here so they can be picked up by the microphone, and you can conduct the questioning from there.

MR. McCORMICK: Actually, Mr. Supervisor, I think if we could, if the witnesses could be at the podium. I have a lot of material which I need to address, .I could sit up there --

SUPERVISOR WALTER: That's fine.

MR. McCORMICK: -- so we can have a

dialogue as well as use of the screen which is going to be an integral part of the testimony.

SUPERVISOR WALTER: That is fine, sir.

MR. McCORMICK: Thank you very much.

SUPERVISOR WALTER: Mr. McCormick, if you would like to call your first witness.

MR. McCORMICK: Yes. Thank you.

At this time, I would like to call Chief Fire Marshal Craig Zitic to the stand.

C R A I G Z I T I C, having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. McCORMICK:

Q Please state your name for the record.

A Craig Zitic.

Q Where do you currently reside?

A 201 Howell Avenue, Riverhead, New York 11901.

Q Good afternoon, Chief Fire Marshal Zitic. How are you today?

A Good.

Q For the record, your title is chief

fire marshal; is that correct?

A Correct.

Q How long have you been a chief fire marshal for the Town of Riverhead?

A Four years.

Q Before that time, sir, what was your title?

A I was the fire marshal.

Q That was for the Town of Riverhead as well?

A Yes.

Q And what, if any, training have you received concerning that particular title, both as fire marshal and as chief fire marshal.

A I am a New York State code enforcement officer for the past eleven years. I have training n fire investigations, hazardous materials, peace officer and numerous others.

Q With regard to your required certification to maintain the title in good standing, have you participated in recertification classes through the New York State Department of State?

A That's correct. New York State

1 certified code enforcement officers are required
2 to get 24 hours of in-service training every
3 year, and I have done so.
4 Q That's with regard to enforcement, not
5 only of the New York State Building and Fire
6 Prevention Code, but as well as the codes of the
7 Town of Riverhead, specifically Chapter 54?
8 A Correct.
9 Q Are you familiar, sir, with the
10 location known as 307 Griffing Avenue right here
11 in the Town of Riverhead?
12 A Yes, sir.
13 That's the former Courthouse
14 Restaurant.
15 Q How did you become familiar with that
16 particular location?
17 A While doing a fire inspection of a
18 neighboring business, I received a complaint
19 concerning the condition of the building, as well
20 as complaints of odors emanating and vermin in
21 the area.
22 Q Can you tell us, what was the time
23 frame of that particular complaint?
24 A That was --
25

Q Approximately.

A That was October of 2014. Actually ,I believe it was October 29, 2014.

Q What, if anything, did you do with respect to that information at that time?

A I researched to find out who the property owner was.

Actually, prior to that, I went and walked around the exterior of the building to validate the complaint, and I went and researched who the property owners were and attempted to contact them.

Q Who did you identify that to be, sir?

A We actually identified four different corporations. There was Ebb Tide Bay Limited in Stony Brook. There was Libra 7 Limited (phonetic) also of Stony Brook, New York. There was 429 Riverly Avenue Corp, Water Mill, New York and Hampton Pines Hotel Incorporated of East Meadow, New York.

Q Were there any actual individuals associated to your knowledge, with that particular property by way of secondary sources?

A Yes.

During my investigation, I determined that Lyle Pike was a principal.

Q What, if any, attempt did you make at that particular time to contact Mr. Pike?

A I contacted him by phone on a number of occasions, or attempted to contact him, left voice mail messages.

I did, in fact, speak to him on two or three occasions. We did set up appointments to inspect the interior of the building; however, Mr. Pike would call back and leave a message saying that he was unable to meet me that particular day for one reason or another.

Q And through that time frame, did there ever come a time that you were able to meet Mr. Pike by way of arranging a meeting prior to June 4, 2015?

A No.

Q Did there come a time that you had cause to be present at the subject location on June 4, 2015?

A Yes.

Q What was the basis of being at that location?

A To execute an Administrative Search Warrant of the premises.

Q Who, if anyone, accompanied you at that particular time?

A There were two police officers from the Riverhead Town Police Department. There was Town Engineer Ken Testa, also the Assistant Town Engineer Drew Dillingham and Assistant Town Attorney Dan McCormick.

Q Do you know the approximate time that the search warrant was actually executed on June 4, 2015?

A I believe it was around 11:00 or 11:30 that morning.

Q Did there come a time when you entered the premises after it was secured by the police department?

A Yes.

Q At that time, did you conduct a search of the interior area regarding an inspection, regarding the structure and integrity of that particular structure?

A Yes.

Q And you were accompanied at that time

by Town Engineer Ken Testa as well as Assistant Town Engineer Drew Dillingham; is that correct?

A That is correct.

Q Subsequent to that particular investigation and inspection, did you have cause to draft an inspection report pursuant to the Riverhead Town Code Chapter 54?

A I did.

Q During your inspection of the interior premises, did you have occasion to take photographs of the interior of that particular location?

A I did.

Q I'm showing you what has been marked for identification as Town Exhibit number 1 (handing).

Can you identify this document?

A That would be my Structural Inspection Report.

Q What date was that drafted, sir?

A That was June 17, 2015.

Q With respect to this particular report prior to this moment in time, did you have occasion to facilitate the transfer of this

1 particular report and the contents therein into a
2 power-point presentation that you intend to
3 present to the Town Board at this particular
4 time?
5 A I did.
6 Q Is the information in the power-point
7 presentation one in the same with the information
8 in your report?
9 A It is.
10 Q Is the report that you prepared
11 regarding Town Exhibit number 1 prepared in the
12 course of your business and duties as a fire
13 marshal?
14 A It was.
15 Q Did you, in fact, complete this report
16 pursuant to those particular duties?
17 A I did.
18 MR. McCORMICK: I'd ask that this be
19 admitted into evidence at this particular
20 time.
21 SUPERVISOR WALTER: Yes.
22 Mr. McCormick, can you get a copy
23 for Mr. Pike?
24 MR. McCORMICK: Yes.
25

SUPERVISOR WALTER: I'm assuming that's Mr. Pike.

MR. PIKE: Yes.

I've actually been asking for a color copy since July.

SUPERVISOR WALTER: Do you have a copy for Mr. Pike?

MR. McCORMICK: Yes, I will provide that.

Let the record reflect that I am serving Mr. Pike with this document at this time (handing).

SUPERVISOR WALTER: So noted.

MR. McCORMICK: At this time with the permission of the Town Board, I would like to delve into the power-point presentation concerning that report.

SUPERVISOR WALTER: Please do.

COUNCILWOMAN GIGLIO: Do you have copies for us, Dan?

MR. McCORMICK: Yes. I'm handing it up right now (handing).

SUPERVISOR WALTER: Proceed.

Q Fire Marshal Zitic.

A This is my power-point presentation concerning my Structural Inspection Report of the former Courthouse Restaurant at 307 Griffing Avenue. The inspection was June 4, 2015.

My qualifications, as Mr. McCormick asked about earlier, I've been chief fire marshal for the Town of Riverhead for four years, fire marshal for eight years, New York State code enforcement officer for the past eleven years. I have 25 years active service in the fire service and 20 years of construction experience, which included building and renovating homes as well as commercial businesses.

My duties include inspection of commercial buildings and properties for compliance with Riverhead Town Codes, New York State Uniform Building and Fire Prevention Codes, New York State Property Maintenance Code. This also includes the construction, addition and maintenance of buildings.

We review building plans, site plan applications, as well as we conduct, or I conduct inspections during construction for compliance with the approved plans and with accepted

building practices.

This is the Courthouse Restaurant as seen from Railroad Avenue on April 29, 2015.

This is the rear of the Courthouse Restaurant.

This is the roof over the first floor, and you can see that the roofing material here, the rubber roofing, is hanging off and has been blown away and it's left to weather the plywood roof deck. You can see that the roof plywood is starting to delaminate with weather, and we have gaps. It's wavy. You can see that the soffits above in areas are decayed, deteriorated and are falling apart, as well as down below also where they've been exposed to the weather, as well as we have siding coming off of the exterior of the building.

All of this is going to allow water into the building which is going to be detrimental to the stability and the structure of the building over time.

The front of the building on the Railroad Avenue side, we have a large hole in the wood shingles to the first floor allowing animals

or vermin to enter and exit as well as, again, weather, snow, water and so forth to enter the building.

SUPERVISOR WALTER: Do we have reason to believe that people were inhabiting this building?

FIRE MARSHAL ZITIC: Yes, sir, we do.

We found -- during our inspection, we found evidence, mattresses, clothing, proves to us that people had been living in the building, as well as somebody has gone in and removed all the copper from the building.

SUPERVISOR WALTER: Thank you.

A To the rear of the building, we have a lot of debris. We have some sofas and chairs, garbage, rubbish all there.

The interior of the building. This the first-floor dining room, and you can see that the sheetrock and wall coverings have come off. We have paint coming off the walls here. We have lighting and the electrical wires hanging. We have -- the ceiling has been coming down, and you can see here the insulation.

The floor itself right here, the reason it appears so dark is because it is all wet and damp. It's also moldy and the floor is caving in.

This is the kitchen. What you see right here is part of the kitchen ceiling. It is coming down. Right now, you can still currently see that portions of it are actually being held up by the shelving as well as the appliances in the kitchen; but this is all, the ceiling, the wood from the ceiling, the roof above all coming down into the kitchen.

Another picture of the kitchen ceiling. You can see here the wood is wet, it's damp. We have mold. Again we're missing the wood running across the ceiling. The lathing and so forth has all come down. The ceiling beams are wet and damp. They are all starting to sag in, as well as the roofing above is all wet. Again, this is all from water intrusion coming in through the building.

This is where the stairs should be down to the basement. It's about a four-foot drop there. The stairs are completely decayed and

collapsed. You can still see the handrail on the side of the wall here; but where these stairs should be so you can go down into the basement are completely gone. You can also see the wall on this side. We can see how the sheetrock, the paint and all is coming away. There is a large hole here. Again, the wood in this area is decaying. It's all wet and moldy.

This the bar area. You can see the floor here --

Q Is this the first floor?

A This is first floor. I'm sorry, yes. This is still first floor.

This is in the bar area and the floor is all wet from water, water infiltration. It's moldy. When you walk on the floor here, you can feel it giving way underneath you as you step on it.

There is plywood across the window here, which has been pulled open so that people or animals can slip in and through that window and gain entry to the building. Again, it is also allowing water infiltration into the bar area.

This is the stairs leading to the basement. Again, all this debris that's down here on the stairs that we see is surrounding walls, surrounding ceiling that are all laying down there. You can see the walls here are delaminating. The material is coming off, falling away and ending up on those stairs. Again, everything is wet in here. There, the framing is all wet. All the wood is wet. It's also moldy.

This is the ceiling above that same area. This is actually a hole right through. You can see daylight out. The ceiling framing, as well as the roof decking is all wet and moldy. The wood on this wall to the right here is so moldy and deteriorated that it is just coming off, and what we're seeing behind it are framing and then the lath and plaster, again, this is allowing water to come into the building.

In the basement, when you get down to the bottom of the stairs, you can see here the ceiling is collapsed down, and it's actually these shelving, this shelving and some of the other units that are down there are still helping

to support it, but the ceiling in the first floor is collapsed down into the basement here. We can see wiring. We can see the pipe here, it's all rusted. There is rust on the ice machine that's right here.

This is one of the to crawl spaces. As you look down it, you see that there is a main girder that runs along here. This girder is broken right here. These floor joists tie into that main girder; and down here where it's broken, you see the joists starting to sag done, again where the floor is giving way and collapsing into the crawl space. Also you'll see that there is wiring hanging down and numerous other debris in the area.

Q Marshal Zitic, is there evidence of water intrusion even at this level?

A Yes. I'm sorry.

You can see -- along here and along this beam here, you can see that it's damp, that there is mold on it. There is also dampness and mold on these other beams further back, it's just difficult to see in this picture.

Q By way of clarification, what is the

source of the illumination with regard to these photos?

A The source of illumination would be my flash as well as a flashlight that we had to bring in. There is no power or any other utilities to the building at this time.

SUPERVISOR WALTER: That's the only positive thing.

A This is another crawl space on the north end of the building, and again, we have a main girder here, and you can see how it's getting black and moldy. These beams that are supports are also moldy. The floor, subfloor in between that you see here is all damp and wet, as well as moldy and it's deteriorating.

We have another main beam or girder here, and it's supported by a brick column; however, you can see right here that there is a large section of the brick that has broken and fallen away, deteriorated, and now this beam is only partially supported. All right. This main beam supports these floor joists for the first floor above. This needs to be properly supported, if this gives way, we may have a

collapse of a large portion of the building up above.

This is another main beam resting on a brick wall. You can see up here that the brick is eroding, the mortar between the joints, between the brick is missing. The bricks themselves have started to erode. You can see that there is an area here where the bricks have fallen out, and this is going to continue to happen due to the water infiltration.

Also, we have similar going on over on this side. Again, this brick wall is supposed to support this main beam which supports this girder which supports the ceiling joists or the floor joists above.

Q So just to be clear, Marshal Zitic, with regard to the basement area, you've identified water intrusion even in the basement area?

A That's correct.

Q Okay.

So just so I'm clear, with water intrusion in the basement area, are those girders compromised at this particular point as

weight-bearing components?

A Yes, they are.

Q And those components in the basement are supporting the first floor as well as the second floor; is that correct?

A That's correct.

Q Thank you.

Please continue.

A If these give, everything else is going to come down, or I should say, when these give.

This is another area of the basement where the brick foundation has been buttressed with cement most likely because it was starting the fail for one reason or another; however, we can see that there are many cracks down through this, through this cement, and this area right here, the outer layer, the outermost layer of concrete is actually falling off; and, therefore, you know, as this continues, as water gets in here and freezes in the wintertime, this condition is only going to get worse and do more damage and effect the structural stability of the foundation.

This is a second-floor room. You'll

notice the roof is completely gone here. You can look right through this lath and you can see the sky. The roofing is gone. The ceiling is gone in this room. The walls have no sheetrock or any other material on them anymore. Again, it's wide open, snow, water, animals, heat from the sun, the wind can all easily get in here through here.

All that material, the roofing, the wall coverings, the contents of the room is all this debris here on the floor of that room.

New York State Fire Code defines, Section 107.2 defines an unsafe structure as one that is found to be dangerous to the life, health, property or safety of the public, which are the occupants of the structure, by not providing minimum safeguards to protect or warn occupants in the event of fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated or structurally unsafe or is of such faulty construction or unstable foundation that partial or complete collapse is possible.

This is supported here by the holes that we have seen in the floor, by the collapsed

floors in the dining room and the kitchen, by stairs that have decayed and collapsed, by the collapsed ceiling in the basement, as well as the broken girders and hanging floor joists. Along with the other deficiencies that have been documented, this would qualify as an unsafe structure under section 107.2 of the New York State Fire Code.

Furthermore, Section 108.1 of the New York State Fire Code defines eminent danger as when there is eminent danger of a failure or collapse of the building or structure which endangers the life or when any structure or part of the structure has fallen and life is endangered by the occupation of the structure or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment, the occupant shall vacate the premises forthwith. There should be posted at each entrance of such structure a notice reading as follows, the structure is unsafe and

it's occupancy has been prohibited by the code enforcement official. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the structure.

This is supported in my report by what we found with parts of this structure having been already collapsed, the dining room, kitchen floors and ceilings, the stairs from the basement to the kitchen and the ceiling basement all having collapsed. Therefore, this building also meets Section 108.1 of the 2010 New York State Fire Code concerning danger of eminent collapse.

Additionally, this building was boarded up in order to keep people from entering the structure and getting hurt; however, we observed evidence inside of people having lived there, mattresses, food, clothing, et cetera. We also noticed that the copper piping has been removed from the building. Despite the fact that the building is unsafe and has been boarded up, people still find ways to gain access to this building.

Knowing this, police and fire department personnel will most likely enter the building and check for victims in the event of fire or other emergency. Such entry into this building will endanger the lives of those first responders.

This building would be considered an unsafe structure under the codes of the Town of Riverhead, Chapter 54 Unsafe Building Structures and Dangerous Conditions. Portions of the building have already collapsed. Many of the remaining structural components have been weakened compromised by exposure to the weather, the water infiltration and mold. The extent of deterioration of the building overall and the fact that sections of the building are open to the weather suggest that the building is going to continue the deteriorate in time; therefore, it is my recommendation that this building be repaired immediately or be demolished.

SUPERVISOR WALTER: If you could just -- you mentioned had 20 years of construction experience.

I'd like to see if we can quality

him as an expert in that 20 years of construction experience.

MR. PIKE: I have some questions, please.

SUPERVISOR WALTER: You'll have your turn, sir.

Do you think you could --

MR. PIKE: You would have to qualify him as an expert. I'd like to know what his expertise is. Obviously, he didn't do that --

SUPERVISOR WALTER: Sir, you'll have your opportunity.

MR. PIKE: -- well in --

SUPERVISOR WALTER: You'll have your opportunity. Sir, you'll have your opportunity.

Mr. McCormick --

COUNCILWOMAN GIGLIO: If I can just ask a question.

Fire Marshal, you indicated that this building would be considered an unsafe structure under the code of the Town of Riverhead, Chapter 54, would you also

declare this building an unsafe structure under New York State Fire Code of 107.2?

FIRE MARSHAL ZITIC: Absolutely.

MR. McCORMICK: May I proceed?

SUPERVISOR WALTER: Yes, please.

MR. McCORMICK: Thank you.

Q You have indicated that you have prior construction experience; is that correct, sir?

A Yes.

Q Can you tell us the time frame for that?

A Back in the mid '80s, I worked roofing for a few years; and then I got into construction, self-employed. I worked for a building contractor out east in East Hampton building mansions. I did framing. I did finish carpentry, ran jobs for him as well.

Q Okay.

During that time frame, approximately how many constructions projects were you involved with?

A Fifteen or twenty. We were building -- they were mansions we were building, it was not just a simple one- or two-family home. We were

building 82,000 square foot mansions.

Q With regard to that construction, did you have occasion to have be involved in the construction of load- and weight-bearing components of those particular units?

A Yes.

Q So you have an understanding of how those are to be assembled, correct?

A Yes.

Q Okay.

With regard to that experience, have you had occasion to continue in the construction business in any way, shape or form?

A Just through my inspection of buildings. I am no longer in the construction business.

Q Did you have any commercial experience as well by way of either rental homes or --

A When I was in construction, yes.

We renovated and built a few commercial establishments.

MR. PIKE: Can I have a time frame, please?

Q Roughly, did years in question as an

approximation?

A 1984 through 2003, or '83 or '84 through 2003.

MR. McCORMICK: I would ask that that --

SUPERVISOR WALTER: Thank you. That satisfies my concern.

Are there any other questions for the Town Board, from the Town Board?

MR. McCORMICK: I would note, I do have additional questions for him in terms of preservation of the record.

SUPERVISOR WALTER: That's fine.

Do you want to bring up your next witness?

MR. McCORMICK: No. I'm still with Fire Marshal Zitic.

SUPERVISOR WALTER: Oh, sorry.

MR. McCORMICK: Thank you very much.

May I continue?

SUPERVISOR WALTER: Yes.

MR. McCORMICK: Thank you.

Q With regard to the effects of water intrusion on this particular structure, you've

indicated in your testimony that you have water-intrusion evidence from the roof area all the way down to the basement.

A That's correct.

Q Based on your title, knowledge, training and experience, what is the long-term effect on a structure that is being exposed and subjected to unabated water intrusion over time?

A It's going to weaken the structural materials. It's gonna weaken the framing. It's going to weaken the foundation until it's stopped, until somebody -- until it's somehow stopped and -- it's going to continue to deteriorate until it's remediated or abated.

Q Would it be accurate to say and is it your opinion that that structure as presently constructed and presently exposed to the elements is in danger of eminent collapse?

A Yes.

Until something happens, it's going to continue to deteriorate and from what we saw, yes, I would -- my opinion is it is in danger of eminent collapse.

Q Marshal Zitic, you're being shown what

has been identified as Town Exhibit number 2 regarding photographs numbered 1 to 75.

Do you recognize that document?

A Yes.

These are the photos that I took during our administrative search of the property.

Q An that's in regard to this investigation; is that correct?

A That's correct.

Q Do those photos numbered 1 through 75 fairly and accurately represent the scene as depicted and as you were observing them at the time you took the photographs?

A They do.

Q Thank you.

MR. McCORMICK: I would ask that these be admitted into evidence as Town's 2.

SUPERVISOR WALTER: So admitted.

Do you have copies for the --

MR. McCORMICK: I do, and I will hand --

SUPERVISOR WALTER: -- property owner and for the Town Board.

Are these the photos you handed us

before or are these additional photos?

MR. McCORMICK: These are all of the photos regarding this investigation.

I will make a copy available to Mr. Pike.

SUPERVISOR WALTER: Do you have one now?

MR. McCORMICK: I have my own at this point, as well as the five I'm handing up (handing).

If the record could reflect, I'm handing Mr. Pike exhibit photos numbered 1 through 75 (handing).

For the record the photos encompassed in Town 2 are also related to the power-point presentation.

I would also note at this time, I intend to produce a certified copy of a deed concerning 307 Griffing Avenue. This deed was obtained and certified by the Suffolk County Clerk's office on November 25, 2014 indicating that the owner as of that date was, in fact, Hampton Pines Hotel Incorporated.

I'd ask that that be admitted as a certified document as Exhibit Number 3 for the Town.

Likewise, I also have a companion deed. This one was certified on November 2, 2015, this past Monday, to show, in fact, that the property still remains in the ownership of Hampton Pines Hotel Incorporated at least during roughly the last year in question, likewise, that's certified by the Suffolk County Clerk's office.

I'd ask that that be admitted as Town Exhibit Number 4.

SUPERVISOR WALTER: So admitted.

Do you have copies for Mr. Pike?

MR. McCORMICK: I will also give him a copy.

Likewise, regarding Town Exhibit number 5 marked for identification, this is a document entitled State of New York Department of State, Certificate of Incorporation for Hampton Pines Hotel Certified by the Department of State and

indicating that on October 12, 2001, Hampton Pines Hotel, Incorporated was incorporated as an entity within the State of New York and most importantly, the Secretary of State pursuant to Article 5 is designated as the agent of the corporation on whom process against the corporation may be served and the post office address within the State of New York to which the Secretary of State shall mail a copy of any process against the corporation shall be served at 1900 Hempstead Turnpike, Suite 401, East Meadow, New York 11554.

SUPERVISOR WALTER: Is that a law office address to your knowledge or is that an address of the actual corporation for service of process?

MR. McCORMICK: The certificate of incorporation filing forwarding address is a company called Bernhardi Coghill & Associate LLC with the same address I indicated earlier at that particular time.

SUPERVISOR WALTER: Did you serve the Chapter 54 upon the Secretary of State?

MR. McCORMICK: I did. I served it upon them, but they indicated to me in the document I received the other day that that, in their opinion, it was not process of service because it did not involve an actual court action, it involved only a town action; and they did accept that pursuant to that particular issue.

SUPERVISOR WALTER: Did we serve Mr. Pike personally?

MR. McCORMICK: We did not serve him personally. We could not obtain him in terms of personal --

SUPERVISOR WALTER: Well, we apparently obtained him.

MR. McCORMICK: Yes.

SUPERVISOR WALTER: Now it appears that he's leaving.

MR. McCORMICK: Well, I have additional documents that will speak to that in terms of service by e-mail which is the basis of his appearance here today.

SUPERVISOR WALTER: Okay.

MR. McCORMICK: If the record could

kindly reflect at 3:26 p.m. Mr. Pike did leave the room at this particular time.

Thank you.

In reference to the Supervisor's question, Town Exhibit number 6, marked for identification is a document from the New York State Department of State, Division of Corporations indicating that as of October 30, 2015 Hampton Pines Hotel Incorporated was still an entity with New York State and still utilizing the address of 1900 Hempstead Turnpike, Suite 401 in East Meadow, New York 11554 as the address for service.

SUPERVISOR WALTER: Joanna is here to make copies for Mr. Pike should he chose to return.

All those documents we could admit into the record.

Q Marshal Zitic, I'm handing you what has been marked for identification as Town ID number 7 (handing).

Can you identify that document?

A Yes.

This is a photograph of the Chapter 54 posting on Courthouse Restaurant.

Q Are you required under Riverhead Town Code Section 54-5 to actually post on the building in question when you are going to initiate a Chapter 54 procedure?

A We're required to post as well as mail a copy.

Q Did you do that in this particular case?

A I did.

Q And is that photo evidence of the actual posting?

A It is.

SUPERVISOR WALTER: Welcome back Mr. Pike.

MR. PIKE: Thank you.

MR. McCORMICK: Let the record reflect that Mr. Pike returned at approximately 3:27 p.m.

Q Does this photo fairly and accurately represent the posting regarding 307 Griffing Avenue concerning this Chapter 54 matter?

A Yes.

Q This is the notice of the unsafe structure, correct?

A Chapter 54, yes.

Q What was the date that you actually posted it?

A Posted on July 20, 2015.

MR. McCORMICK: I'd ask that this be admitted into evidence, and I will provide a copy to Mr. Pike.

SUPERVISOR WALTER: So admitted.

MR. McCORMICK: Thank you.

(Handing) Fire Marshal Zitic, you were shown, being shown at this time what has been marked for identification as Town's Exhibit number 8.

Can you identify that document?

A Yes.

This would be a copy of the Chapter 54 notice that was sent to Hampton Pines Hotel at their 1900 Hempstead Turnpike address.

Q That would be Suite 401, East Meadow, New York; is that correct?

A That's correct.

Q What was the date that that was sent?

A This is postmarked on July 21, 2015.

Q And was that returned back to the Town?

A It was.

Q Was it returned unopened?

A It was.

Q Thank you.

MR. McCORMICK: I'd ask that this be marked into evidence as admitted.

SUPERVISOR WALTER: And it is still unopened?

MR. McCORMICK: And it's still -- let the record reflect, it's still unopened, it has not been opened at all. Simply returned back to the Town, return to sender.

That's Exhibit number 8 now being admitted into evidence.

Q Marshal Zitic, you are being shown a document marked as identification item Town number 9; can you identify that document?

A Yes.

This would be the Chapter 54 notice that was mailed to Hampton Pines Hotel at 134 Marlea Drive in South Hampton.

Q That was another potential source of

address regarding Mr. Pike, correct?

A That's correct.

Q That's why it was sent to that location?

A That is correct.

Q Apparently, somebody saw him at that location?

A Correct.

Q It appears to be delivered by?

A Jim, and I can't make out the last name.

Q Thank you.

MR. McCORMICK: This could be admitted into Town Evidence as Town Exhibit 9.

SUPERVISOR WALTER: So admitted.

Just we'll make copies for Mr. Pike.

MR. McCORMICK: Yes. He will have a copy of all the documents today.

Q Fire Marshal Zitic, you are being shown Exhibit number 10 for identification; can you identify that document?

A Yes.

This is a copy of the Notice of Unsafe

Structure pursuant to Chapter 54 that was mailed to Hampton Pines Hotel at the 1900 Hempstead Turnpike address.

Q With regard to this document, did you have occasion to meet Mr. Pike personally on August 12, 2015?

A I did.

Q Was that at the South Hampton Town Attorney's office?

A It was.

Q Was I present with you at that time?

A You were.

Q Did you physically and personally hand this document to Mr. Pike at the particular time?

A Yes.

Q Mr. Pike is one in the same as the in the Town Board meeting here today; is that correct?

A That's correct.

Q Thank you.

Did you file an Affidavit of Service regarding --

A I did.

Q Is that the document in question that

you're holding in your hand right now?

A It is.

MR. McCORMICK: I'd ask that this also be admitted, and we can have a copy available for Mr. Pike; although, he did receive it on August 12.

SUPERVISOR WALTER: So admitted.

And let the record reflect that Mr. Pike did raise his hand when Mr. Zitic identified him.

Q Marshal Zitic, I'm handing you item number 11 for identification by the Town (handing); can you identify that document?

A Yes.

This the a copy of the town resolution authorizing the clerk to publish and post public record for the hearing regarding 307 Griffing Avenue as well as a copy of the public notice that was posted and this was mailed to Hampton Pines Hotel at their 1900 Hempstead Turnpike address on October 13, 2015.

Q Was that returned to you, sir?

A It was.

Q Was it opened?

A No, it was unopened.

MR. McCORMICK: Thank you.

I'd ask that this likewise be admitted into evidence as Town Exhibit number 11.

SUPERVISOR WALTER: So admitted.

Copies to Mr. Pike.

MR. McCORMICK: Shall be done.

Members of the Town Board, I have marked Exhibit number 12 for the Town for identification. This is an e-mail from myself dated October 9, 2015, it was sent to Mr. Pike as well as Brian DeSesa, an attorney for Mr. Pike who was present in the room on August 12 when I met with him in the South Hampton Town Attorney's office to discuss this particular matter.

SUPERVISOR WALTER: Was anybody else on that e-mail chain?

MR. McCORMICK: Yes.

Town attorney Robert Kozakiewicz.

SUPERVISOR WALTER: Mr. Kozakiewicz could you just question Mr. McCormick about this e-mail, so he can lay the foundation?

MR. KOZAKIEWICZ: Mr. McCormick, was this e-mail prepared by yourself?

MR. McCORMICK: Yes, it was.

MR. KOZAKIEWICZ: Was it prepared on or about October 9, 2015 at about 12:27 p.m.?

MR. McCORMICK: Yes, it was.

MR. KOZAKIEWICZ: And this was prepared the course of your duties as deputy town attorney?

MR. McCORMICK: Yes, it was.

MR. KOZAKIEWICZ: And it was prepared at about the time you sent this e-mail?

MR. McCORMICK: Yes, it was.

MR. KOZAKIEWICZ: And you did send this email?

MR. McCORMICK: I did.

MR. KOZAKIEWICZ: You sent it as part of your duties as deputy town attorney?

MR. McCORMICK: Yes, in regard to this particular investigation, I did.

MR. KOZAKIEWICZ: Thank you.

SUPERVISOR WALTER: So admitted. Provide copies to Mr. Pike.

MR. McCORMICK: Thank you.

Most importantly, I want to note, and I believe that's the basis of why Mr. Pike may be here today, I'll read verbatim the applicable section as attached herein: This matter has been scheduled for a public hearing on Wednesday, November 4, 2015 at 2:05 p.m., Riverhead Town Hall Town Board Meeting Room, 200 Howell Avenue, Riverhead pursuant to Riverhead Town Code Section 54, regarding an allegation of an unsafe structure. You and/or your attorney are entitled to be present and provide evidence regarding the subject allegations at such time and place.

It's a copy of the Town Board resolution as well regarding authorization for the public notice and hearing and it's publication as well.

I'd ask that that be admitted, if it hasn't been already at this particular time?

SUPERVISOR WALTER: So admitted.

That's Exhibit number 12.

MR. McCORMICK: Likewise, Exhibit 13

marked for Town identification, this is an affidavit ostensively from Karen Pine of Mattituck concerning publication of today's particular hearing date regarding this matter as published in the News Review. It's marked as Exhibit number 13, it is an affidavit and I'd ask that that be admitted as Town Exhibit number 13.

SUPERVISOR WALTER: So admitted.

Copies to Mr. Pike.

MR. McCORMICK: Mr. Supervisor, if the record can reflect I'm handing Mr. Pike personally Exhibits Town for identification and admission, numbers 3 through 6 as handed.

SUPERVISOR WALTER: Let the record reflect Mr. Pike received those exhibits.

MR. McCORMICK: Mr. Supervisor, I have no further questions of Mr. Zitic at this time.

SUPERVISOR WALTER: Okay.

You have one more witness?

MR. McCORMICK: I have one more witness.

SUPERVISOR WALTER: Put your entire case on.

COUNCILMAN DUNLEAVY: Can I ask --

SUPERVISOR WALTER: Yes. I'm sorry. Go ahead.

Does the Board have any other questions?

Councilman Dunleavy.

COUNCILMAN DUNLEAVY: Mr. Fire Inspector, in your professional opinion, and you inspected the condition of this building, I got two things.

With the condition with the rot, with the mold, with the deterioration of the building, with the building inside falling down, this is a unsafe structure, can this structure be repaired in a timely manner to make it safe or does it have to be removed and replaced in your professional opinion?

FIRE MARSHAL ZITIC: Theoretically, any building repaired or remediated if you're willing to spend the money to do it and the time. Comes down to a question, really, of economics or how badly you want to save the

building.

In this case, I believe this building is probably beyond what most people would want to spend to try and renovate it and do it quickly and efficiently.

With winter coming on, with snows and rain, the fact that the building is unheated, when we get more water infiltration in there and it freezes, that is going to cause more decay, more structural damage, and it's going to increase the likelihood that that building is going to come down. It's not going to help the matter at all.

I believe at this point, most people would probably prefer to knock it down, but that is not my decision.

COUNCILMAN DUNLEAVY: Thank you.

COUNCILMAN GABRIELSEN: I'd like to ask a question.

SUPERVISOR WALTER: George.

COUNCILMAN GABRIELSEN: It appears to me, I may be right, I may be wrong, but numerous additions have been put on this

thorough the years, it looks like pieces --

FIRE MARSHAL ZITIC: Yes. It looks as though the building has been added to a few times.

COUNCILMAN GABRIELSEN: Because I know one of the photos shows an extra window facing inside, so obviously the second floor was added in that area. So I'm just wondering if the main frame, the original main frame of the building is structurally solid. I mean, you looked in the basement, are there numerous crawl spaces in the basement?

FIRE MARSHAL ZITIC: There's numerous crawl spaces. You got water intrusion down there and on the walls and columns that are supporting a number of the main girders --

COUNCILMAN GABRIELSEN: In the main section of the building.

FIRE MARSHAL ZITIC: -- and those, that brick is crumbling. That brick is deteriorating and as it does so, those columns may shift, they may give way, and that is going to lead to the building

collapsing or a larger portion of the building collapsing.

There's already portions of it that have collapsed. It's not a total collapse yet, but given the time and without any type of, anyone interceding, it is going to continue to come down and collapse.

COUNCILMAN GABRIELSEN: So those are photos of the main section of the house, those basement photos you have?

FIRE MARSHAL ZITIC: Yes.

COUNCILMAN GABRIELSEN: It was under the crawl space?

FIRE MARSHAL ZITIC: There was crawl spaces in, you know, yes, there is -- there is a number of different areas to the basement. It's not one big wide open area, it's a number of other areas, number of different rooms.

SUPERVISOR WALTER: Does the Board have any other question for Mr. Zitic?

COUNCILMAN DUNLEAVY: I just have one question, one more question.

FIRE MARSHAL ZITIC: Yes.

COUNCILMAN DUNLEAVY: Looking at the, some of these pictures, was the foundation extended? It looks like there is a block wall in one of the crawl spaces and then brick on the other side.

FIRE MARSHAL ZITIC: Yes. There is brick as well as there is block, so it would appear that they added on, and there is a block foundation or block walls in some of the areas.

COUNCILMAN DUNLEAVY: So the crawl spaces would be where the additions were put on?

FIRE MARSHAL ZITIC: Some of the crawl spaces not all of them.

COUNCILMAN DUNLEAVY: Okay. Thank you.

SUPERVISOR WALTER: If there are no other questions, Mr. McCormick, would you bring up your next witness.

MR. McCORMICK: Yes. Thank you.

Just two quick follow-ups though.

SUPERVISOR WALTER: Okay.

Q Just to reiterate though, at this present time, this building is in danger of

eminent collapse; is that correct?

A Absolutely.

Q And at this particular time, you are not in a position with regard to whether or not it would be cost prohibitive for someone to renovate this building; is that correct?

A Yes. That was -- somebody would have to determine that on their own.

MR. McCORMICK: Thank you.

No further questions.

SUPERVISOR WALTER: Next witness.

MR. McCORMICK: My next witness --

Thank you, Fire Marshal Zitic.

My next witness is Town Engineer Kenneth Testa.

Just one moment, he has to switch out the inspection reports.

SUPERVISOR WALTER: I will let the record reflect that I called Mr. Pike three times, and he has now left the building and I saw him physically go out the door. It doesn't appear that he is going to be returning, but we will keep you posted.

MR. McCORMICK: Mr. Supervisor, if we

could note the time as being approximately 3:43 p.m.

SUPERVISOR WALTER: Absolutely.

MR. McCORMICK: Thank you.

SUPERVISOR WALTER: So noted.

K E N N E T H T E S T A, having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. McCORMICK:

Q Please state your name for the record.

A Kenneth Testa.

Q Where do you currently reside?

A 1295 Pulaski Street, Riverhead, New York 11901.

SUPERVISOR WALTER: Mr. Testa, can talk into the microphone?

Q Good afternoon, Mr. Testa.

On June 4, 2015, did you have occasion, for the record, to accompany Fire Marshal Zitic regarding the execution of an Administrative Search Warrant at 307 Griffing Avenue here in the Town of Riverhead?

A I did.

Q And, likewise, you know that location to be the former Courthouse Restaurant; is that correct?

A That's correct.

Q What was your purpose in accompanying Mister or Fire Marshal Zitic regarding this particular matter?

A As town engineer, I was really backing him up in the area of structural engineering to give my engineering opinion on the stability of the building.

Q Did you, in fact, on June 4, 2015 have occasion to enter the interior of that particular location?

A I did.

Q Subsequent to entering the interior, did you have occasion to draft an Inspection Report pursuant to Riverhead Town Code Chapter 54?

A I did.

Q Did you do so pursuant to your duties as the Town's engineer?

A Yes.

Q Likewise, you are a certified code

enforcement official for the State of New York; is that correct?

A That's correct, and a licensed professional engineer.

Q One moment, sir.

MR. McCORMICK: If the record could kindly reflect that --

SUPERVISOR WALTER: Mr. Pike is back in the building, in the room.

Welcome back, Mr. Pike.

MR. PIKE: Thank you.

MR. McCORMICK: For the record, it's approximately 4:45 p.m., Mr. Supervisor.

SUPERVISOR WALTER: 4:45 p.m. so noted.

Q Mr. Testa, continue with your testimony at this particular point.

Upon entering the interior of 307 Griffing Avenue, you did, in fact, likewise conduct your own inspection of the premises at that particular time; is that correct?

A That's correct.

Q And you did so pursuant to your duties as a town engineer for the Town of Riverhead?

A Yes.

Q How long have you been the town engineer her in the Town of Riverhead?

A Twenty-five years.

Q You are also a New York State code enforcement official; is that correct?

A That's correct.

Q What are your duties regarding town engineer?

A I'm responsible for the planning, design, construction, operation and maintenance of all town facility's infrastructure and for providing professional engineering assistance to all town departments, including the fire marshal.

Q Likewise, you also wear the hat of a New York State code enforcement official; is that correct?

A That's correct.

Q What are your additional duties concerning that particular title?

A That allows me to assure that all town buildings and facilities meet the code, whether they are newly constructed buildings or existing buildings. I perform periodic inspections to make sure that we we're in compliance, and I also

use that certification to back up the building department, the planning department and fire marshal in assuring that if there are public buildings, I should say private buildings that appear to have issues, I can give a fair analysis of the building space under current code.

Q Likewise, for the record, as testified to by Fire Marshal Zitic, you are also required to be periodically certified as a code enforcement official through the State of New York; correct?

A That's correct, yes.

Q Is that through the New York State Department of State?

A Yes.

Q Are you currently certified and a member in good standing regarding your code enforcement official status?

A Yes.

Q How long have you been a code enforcement official?

A Twelve years.

Q Now, with respect to your inspection of that location, you indicated that you prepared an

Inspection Report; is that correct?

A Correct.

Q And in preparation of that Inspection Report, was that pursuant to your duties, normal course of duties as the town engineer and town code enforcement official?

A Yes.

Q Did you, in fact, complete that report pursuant to those particular duties?

A Yes.

Q I'm showing you what has been previously marked for identification, it's Town Exhibit number 14; can you identify that document?

A Yes.

That would be the report I prepared.

Q In regard to this investigation; is that correct?

A That's correct.

MR. McCORMICK: I'd ask that this be formally admitted into evidence at this time.

We have copies for the Board as well as Mr. Pike.

SUPERVISOR WALTER: So admitted.

With a copy with Pike.

Q Also, sir, with respect to this report, did you have occasion to transfer the data in this particular report into a power-point presentation pursuant to the laptop computer?

A Yes, I did.

Q Are you prepared to show that to the Town Board at this particular time?

A Yes.

MR. McCORMICK: Okay.

May we proceed with regard to that?

SUPERVISOR WALTER: Absolutely.

Q Mr. Testa.

A Okay.

MR. PIKE: Excuse me. Can I have a copy of that?

MR. McCORMICK: I'm retrieving that now, absolutely.

A Just to reiterate my qualifications, I have bachelors and masters degrees in mechanical engineering, New York State certified code enforcement official. I'm a registered

professional engineer in the State of New York. I've been town engineer since 1990, and I was project engineer for Brookhaven National Lab prior to that. I also was formally adjunct professor in SUNY Stony Brook in mechanical engineering, and I had a side business performing pre-purchase inspections and structural inspections for buildings and houses outside of the Town of Riverhead.

What I'm going to do, a lot of my photographs and analysis is redundant to the fire marshal. I concentrated mainly on the structural issues as to whether the building was in danger of collapse or any other potential danger to the public; so I will go through these photos. A lot of them are the same as Greg's, but I will emphasize the structural nature of my findings.

This is the entry into the building where the police department gained access. It is boarded up. And this a shot showing the boarded up windows in the building. They have been, you can see in the bottom one, they have been broached. There has been a couple of occasions where they had to be re-supported, probably

because people got into the building and similar to Fire Marshal Zitic's testimony, there was evidence that I saw as well that people had gotten into building, stole some of the internal material, such as copper and wiring, did some vandalism and looked like they were possibly living in the structure.

I bring that up because, as I go forward, you will see the potential danger inside the structure. Anybody being in the building is at risk of injury as well as anybody who needs to go in after them, such as emergency services or police.

This picture shows, it's another picture of the front of the building, which primarily what I wanted to point out here and what I pointed out in my report, is that the roof is breached in a couple of different locations; and really the root of the problem of the structural deficiencies of the building all really stem from the fact that the building's integrity, the roofing integrity and the ability of the building to keep the rain and snow out have been breached and that the roof has failed

in several places and once that water was allowed to get into the building, as I progress, all the photos you'll see will show damage as a result of that water entering the building.

Another picture showing another place where water is getting into the building, and this is the second-floor area of the building. You can see the roof is missing, and what was there has fallen to the floor on the second floor; and the water now obviously is being allowed to enter the building and it makes it all the way to the basement, and on its way to the basement, it's saturating structural lumber, allowing that lumber to rot and to soften.

Lumber loses its yield strength, or it's yield strength begins to reduce as it becomes wet. It becomes more flexible and it does not have the ability to withstand the loading that it was specifically designed for.

COUNCILMAN GABRIELSEN: Ken, can I ask one question if you go back to that last photo?

MR. TESTA: Sure.

COUNCILMAN GABRIELSEN: Does that look

like the exterior of the main frame of the building?

MR. TESTA: Yes.

This looks like it was an add on. There's a couple different places --

COUNCILMAN GABRIELSEN: So that's the main frame, right?

MR. TESTA: Yes. There is a couple of different places you'll see as we go through, it obviously was added onto.

There was an original brick foundation, which is really the root of the structural concerns that I have for the building, and there are some areas of concrete block, hollow block as well; so it looks like the building has been added onto over the years, but really the water damage has effected both the original older areas and the newer areas as well, probably well over a year of water intrusion, and this wet material that's laying on the floor here is, you know, it's become saturated and it becomes heavier than normally expected, puts additional loads. When it snows, of course,

the snow is gonna can get inside. There could be snow -- two, three feet probably last winter -- in that area, and that adds more load than the floor was designed for and then you add on top of that the lumber is all saturated, soaking wet, has experienced some rot and you have potential for collapse at any time.

This is the first-floor kitchen area showing that there is a hole directly through to the exterior of the building allowing rain and water in, and these pictures are no --

SUPERVISOR WALTER: Craig, can you possibly lower the lights on that said?

MR. TESTA: My pictures are not -- Craig has a better camera than I do, so some of these pictures are a little more difficult to see.

But up here in the roof area, it's the same picture pretty much that Craig had shown, but there's roof joists. What I wanted to show here is that these roof joists have become wet. They have failed.

This is a joist hanging down right here --

SUPERVISOR WALTER: Hold on for a second.

Craig, there are numerous switches on the right wall that turn things on and off.

A The point of this photo is, I wanted to show that the ceiling structure here which holds up the second floor is failing, and some of the ceiling materials have fallen into the kitchen as you can see here. That adds additional weight to the first floor, also allows, of course, water to come into the building and create further damage.

Now, this the on the main entrance, and the lighting is not so great because, you know, we're using flashes and we're using flashlights. Being that the building is boarded up, not a lot of natural light gets in, and there is no electricity so there's no artificial light, but what this photo shows is a hole in the floor right after you enter the building that goes all the way down to the basement; so any unsuspecting person that might come into this building, whether it be police, fire or vagrant, the first

thing they're going to encounter in the dark is a hole in the floor, and they're gonna have a trip to the basement. As you'll see when I go forward to the additional photos, you'll see that once you're in the basement, it's not very easy to get back out.

So we have holes in the floor, and we have areas on the floor which were clearly soft and sagging which we had to avoid and walk on stiffer areas to prevent potential -- we were concerned about falling through, so that poses a serious potential threat that somebody can fall into the basement.

This is looking up from the -- this is also in the kitchen area. This is stainless steel pots and pans you can see on the right.

A little bit better picture, the lighting was a little bit better, it show all of these are support structures. There are floor joists. There is floor, ceiling material hanging down here. There are floor joists that are water damaged, they're split. This white material that you can see is mold. If you look carefully at the end of this beam right here, and even here,

that's rot. If you have ever picked up a piece of rotted lumber and it has that jagged kind of a look and it's soft to the touch, that's what you're seeing here, which took most, if not all of the structural ability of that lumber to hold up a load, it has taken it away.

COUNCILWOMAN GIGLIO: Is that an addition? Is that the main structure, the original main structure or is that an addition?

MR. TESTA: I believe so. That's the kitchen, and I think the kitchen was over the main area. When I get to the basement, I can point that out.

MR. PIKE: Excuse me.

Aren't those boards just flat boards on top of the joists?

MR. TESTA: These?

MR. PIKE: Yeah. They're just flat, they're not structural.

MR. TESTA: These are above that --

MR. PIKE: You're saying --

SUPERVISOR WALTER: Mr. Pike --

MR. PIKE: -- structure, and it's not

--

SUPERVISOR WALTER: Mr. Pike.

MR. TESTA: Well, it does. It provides support --

SUPERVISOR WALTER: Mr. Pike will have his opportunity.

A This is just another view in the second-floor area where the roof is gone and water is allowed to come into the building. This just shows the debris remnants of the ceiling that has collapsed into the interior of that area of the building.

Now, in the basement, which is where I concentrated most of my efforts because that's where all the loads from the forces of the two stories plus the attic of the building are being supported and dissipated down to the foundation.

This is the stairway down into the basement. It was not easy to get into the basement. This, what you see here, was the ceiling above the stairway. It has fallen and is laying on the stairs.

So we basically had to climb over that and squeeze through to get into the basement.

It's the only way out of the basement, so if somebody takes that trip through the hole in the floor upstairs or through any other soft area and finds themselves in the basement, it would be very difficult to get out through this in the dark, especially if they were injured, which would probably be the case should they fall through the floor, whether that be a fireman or a vagrant that gets into the building. So those are the stairs going to the basement.

Now, these are my primary areas of concern. These are floor joists that carry the load. This is the basement looking up to the ceiling or the floor of the first floor, the ceiling in the basement, the first-floor floor area is what you'd walk on, which is this plywood in between the joists, and these joists are carrying that load, and they end up on a girder like this; so all the weight from the span of this joist is sitting on that girder, and that girder is sitting on a brick column which then transfers the load down to a footing that's at the base of that column. Well, just look at the brick column. What has happened is, water has

gotten into the grout in between the brick and into the cement, the brick itself; and what happens with masonry materials is there is a freeze thaw effect. Most people probably know that when water freezes, it expands. If you have ever frozen a can of soda or beer, I've done that once or twice myself, you notice that they may pop and the glass will break. The same thing happens with masonry, water gets into the brick, water gets into the grout. What happened here was in one of the winters in the recent past, that froze and all that brick popped out, and now you have a main girder sitting on half of the brick column. I don't know what the condition is of the rest of that brick column, it certainly is not the area that was designed to take that load, and could potentially be in danger at any moment of failing, and if the building is to go through another winter, it's going to be even worse. We may lose that entire column.

COUNCILWOMAN GIGLIO: That girder was installed when the original building was built?

MR. TESTA: It would appear so, yes.

Just the brick column, and you'll see when I go forward, there are hollow concrete blocks, more modern types of construction in the basement, and that would indicate that those areas are newer. The older brick, you don't see this done a lot anymore, using brick for support, so that tells me it's probably the original construction.

COUNCILWOMAN GIGLIO: I'm talking about the girder, not the bricks because they might have just relied on the brick to run the girder as a support.

MR. TESTA: Yeah. That, the end of that girder is sitting on that concrete, on that brick column.

COUNCILWOMAN GIGLIO: I'm talking about the girder, the girder is original with the construction of the original building, correct?

MR. TESTA: It would appear so to me, yes.

MR. PIKE: How big is the girder?

SUPERVISOR WALTER: Ken, just respond to the Board, please.

Thank you.

A So that is a primary concern to me. If is that girder was to fail and the rest of this brick column can push out; and the things that are going to cause that to happen are going to be the winter winds. A strong wind gets into the building. The roof the missing in areas, the wind's gonna get inside and put loads on the building, twist the building, and if that column were to just shift a little bit, it could cause the rest of that column to fail; or if we go through another winter and there is still moisture in that column, we can get another freeze thaw, and that brick could, the rest of that column could let go. Once that girder comes down, it becomes a domino effect because the second floor and the attic are all set up on bearing walls which ultimately transfer the load of the attic and the second floor down onto these floor joists and down onto this girder. If that girder fails, there is the potential that the entire structure can cave in, and there's more than one location that has this kind of damage.

I'll show you another. This is another

girder in the building sitting on a brick wall, and you can see clearly here that that brick wall has failed. Pieces of it have popped out from the freeze-thaw effect and are missing, and if you look very carefully, you can see that this brick right here is a little higher on this end than it is on this end, it tells me that the grout or mortar between those bricks has become water saturated and is failing and that beam, that girder is putting a lot of force on those two bricks right there, which is why they're concave like that, and if we go through another winter and we get a little more failure and the freeze-thaw effect, that girder, as well, could fall off that support or this brick wall could collapse and it would be a domino effect.

COUNCILWOMAN GIGLIO: So the second floor and the attic that this girder is supporting, was that the original structure?

MR. TESTA: It's hard to tell exactly which pieces were, on the second floor were original.

I can tell in the basement by the block and the brick, but I really didn't --

COUNCILWOMAN GIGLIO: Yeah because it looks like the brick right there might have been the original basement and then the girder might have been an addition, but I'm not sure.

MR. TESTA: I can't really tell you.

The other side of this room, when I go forward you'll see it becomes masonry block, so this may have been an exterior mason wall, as you say, at one point and then the addition was put on here; but this older girder from the nature of looking at the girder the way it was, it was sawn torn (phonetic) and the dimensions of it looks like it's an older type of beam or girder, so that would tell me, I believe this girder is probably of the original construction.

Q For the record, Mr. Testa, are you referring to photos 11 and 12 in your Inspection Report regarding your testimony just now, correct?

A That's correct. The numbers on these slides and the narratives are taken right from the report, so if you have the report, you can

1 follow along.
2 Q Thank you.
3 Please continue.
4 A This is an area, it's a crawl-space
5 area that is littered with debris and falling
6 wires and pipes, and this wall is suffering. You
7 can see the white, that's an effect of moisture
8 on the brick. If you look closely here, you can
9 see that there is some shifting going on in the
10 brick in that wall. I don't have a tremendous
11 amount of confidence in that wall as it stands
12 now without any re-support or any additional work
13 on it; so again we have, you know, beams across,
14 sitting on that wall. If that wall fails, those
15 beams come down and so probably will the rest of
16 building.
17 COUNCILMAN DUNLEAVY: Mr. Testa, is
18 that the original foundation that was all --
19 MR. TESTA: The brick -- I believe the
20 brick, it appears to me, given the type of
21 construction that that was in the original
22 structure.
23 COUNCILMAN DUNLEAVY: Those are
24 original --
25

MR. TESTA: Yeah.

I think somewhere in here, let me just shoot across --

I don't have it right here, but I think a couple of Craig's photos show that there was also hollow concrete block in the building, in the rear area of the building, so I believe that would be the newer construction.

COUNCILMAN DUNLEAVY: To the right there, it looks like it's gone.

MR. TESTA: This is, yeah, I believe --

COUNCILWOMAN GIGLIO: Yeah.

COUNCILMAN DUNLEAVY: That's probably newer --

MR. TESTA: -- that's the masonry block which is indicative of a newer type of construction.

MR. McCORMICK: I've got to stop everybody for a second. The court reporter can only do one person at a time, so you have to wait. I know it's difficult, but please wait for Mr. Testa to finish before anybody says anything or we won't have a

record.

How are you doing, do you need a break yet?

COURT REPORTER: No. I'm okay.

COUNCILWOMAN GIGLIO: Were there building permits taken out for the addition, so we can depict where the additions are versus where the original structure was?

MR. TESTA: I did not check.

A This is another girder in the basement. There is the -- that's the photo that I -- I knew I had one with the concrete block. There is a concrete block which would be the newer portion of the basement, but what I wanted to show you in this photograph is the water damage on these beams. You can see the white and the mold and the fungus. If you can walk up to these beams, what I typically do is, I take an awl or a screwdriver and I poke the beam, and if it's a good healthy dry beam, the screwdriver won't penetrate far. If I stick it with a screwdriver and it goes in three inches, it tells me that that beam has begun to corrode and deteriorate, and I got some of that as I walked around the

basement, and this is one of the areas that I saw water saturated beams.

The water is continuing to come into the building, so the, you know, condition is deteriorating rapidly, and I'm concerned about another winter because again, these masonry supports like this, once they get wet and we have another freeze-thaw event, they're just gonna break off more.

I referenced the same sections of the New York State Building Code. I'll spare you reading them again, but they are the exact copy out of the New York State Building Code that Craig had read indicating that, you know, a structure in eminent danger of collapse is a public, public hazard.

I'll read my conclusion into the record: In conclusion, it is my official opinion as a licensed professional engineer and certified New York State code enforcement official that this structure is a danger to the health and welfare of the public in that it is a potential fire hazard and presents a danger to anyone entering the building, including police and fire

personnel.

The structure has experienced partial collapse due to exposure to the elements and there is a clear and present danger of a total collapse of the structure due to the structural issues present above.

The building also presents a public health hazard due to the potential of rodents and vagrants to enter and occupy the building as well as possible injury to emergency service workers should a fire or other emergency arise.

It is my recommendation that this structure be demolished as soon as possible.

I just want to reiterate that it was, you know, it was said earlier that there is no electricity in the building, there's no utilities, so right away you think, well, the risk of fire is diminished, but it's not necessarily true because a lot of structures go on fire from lightning strikes, and a lot of structures, we have had experience where structures have gone on fire because vagrants have, in the winter tried to keep warm and started a fire.

I say that because if the building does catch fire, whether it be by lightning, by vandalism, arson or a vagrant inside the building, the fire service is going to respond and more than likely, they're going to enter the structure to make sure that there is nobody squatting in the building, I've seen that before, and if they enter the building unsuspectingly and they encounter the holes in the floor or the sagging soft floor and they find their way into the basement, you saw the basement stairs, they're not going to be able to get back out in the dark, so I'm concerned for the emergency services as well as anybody else that might unofficially or illegally enter the building.

SUPERVISOR WALTER: Mr. McCormick, do you have anything further for Mr. Testa?

MR. McCORMICK: Yes. Thank you Mr. Supervisor, I have one last exhibit. It's marked as Town Exhibit number 15.

Q Mr. Testa, can you identify that document regarding that photo and log?

A Yes.

This is a set of the photographs that I

took during my inspection. Some of them appear in the report, some of them do not; so this is actually all the photos I took with a log of what the photos indicate.

Q And that was on June 4, 2015 at 307 Griffing Avenue, correct?

A Yes. Correct. Yes.

Q Regarding this investigation?

A Correct.

Q Do the photos fairy and accurately depict the scene as you observed them at the time you took the photographs?

A Yes.

Q Thank you.

MR. McCORMICK: I'd ask that these be admitted as Town Exhibit number 15.

SUPERVISOR WALTER: So admitted with copies to Mr. Pike.

MR. McCORMICK: Yes, we'll have those made forthwith, Mr. Supervisor.

I have no further questions of Mr. Testa.

COUNCILMAN DUNLEAVY: Can I ask some questions?

SUPERVISOR WALTER: Hold on one second.

I'm going to ask, Joann, again to make the copies.

Councilman Dunleavy.

COUNCILMAN DUNLEAVY: I'm going to ask you, seeing we now understand that this has two foundations, the main foundation and the exterior foundation for the adds ons; in your opinion can someone go into that building and repair it enough to make it a safe structure? I know you said it has to be torn down or removed, but can someone go in there and make that a safe structure?

MR. TESTA: Yes, anything is possible.

I mean, it would require some serious engineering or architectural work because they'd have to temporally support a lot of beams, a lot of the timber and limber would have to be replaced with new timber and lumber. It would be labor intensive, it would be expensive, but there is always a way to do that; and we would want to see, the Town would want to see a well-engineered plan on how that was going to be done to the

satisfaction of the building code and to the safety of the workers that would be performing the work.

COUNCILMAN DUNLEAVY: Okay.

I just want to make one comment for Councilman Giglio.

I have been living here for over 40 years, I was on patrol with my first 20 years here, and I've never seen any work on that building add on, so I think it's well over 40 years that anything has been done to add on to that building. I don't think we had building codes at that time.

MR. TESTA: I've been here 25 years, and I don't recall any modifications, so it probably pre-exists.

The concrete block would indicate -- if it was newer, it would probably be poured concrete. It went from the brick construction that we saw to the hollow concrete block and then the industry kind of tended to go towards poured concrete, so I'd have to agree with you.

COUNCILMAN DUNLEAVY: And pursuant to

your building code, if anyone did anything, the basement would have to have two exits, one primary exit and one secondary exit; is that correct?

MR. TESTA: That's correct, yes.

COUNCILWOMAN GIGLIO: If I can ask a question.

If all the additions were peeled back and the original structure were to remain, do you think that it would be a safe structure with improvements?

MR. TESTA: If the, I'm sorry, the older portions were removed?

COUNCILWOMAN GIGLIO: If the, if the later portions that were added on were to be removed, the second story, the attic, the basement that's falling down, you can see that the original structure, the window and entrance into the original basement, if all the additions and everything were to be peeled back and removed off of the original structure.

MR. TESTA: Well, a lot of the damage is on the original structure.

COUNCILWOMAN GIGLIO: Okay.

MR. TESTA: The brick walls is where I really have my primary concern and a lot of the lumber that's affiliated with the original construction, so I think that would be the first thing that should go, that section.

COUNCILWOMAN GIGLIO: Thank you.

SUPERVISOR WALTER: Any other questions?

Okay.

So what we're going to do. Mr. Pike, you can come up to the table, take a chair and you can, because there's microphones here and you can question Mr. Testa or Mr. Zitic.

MR. PIKE: I'd like to ask for a continuance.

SUPERVISOR WALTER: No. I'm sorry.

MR. PIKE: I just want this on the record.

SUPERVISOR WALTER: Okay.

MR. PIKE: Most of this evidence I've just seen today. When I finally met --

SUPERVISOR WALTER: Speak into the microphone.

MR. PIKE: I finally met with the deputy town attorney and I asked him for the pictures in color, which were refused. There is lot of evidence.

I haven't had access to this building for four years. The Town of Riverhead is the one who boarded it up.

There are several e-mails between myself and Mr. McCormick which he, you know, sadly didn't present, where I've asked for a key to the building.

MR. McCORMICK: I'm going to be presenting them, as long as you hang around.

MR. PIKE: Presenting what?

Okay, sir, your case is over.

SUPERVISOR WALTER: Okay. Sir, we're not going to -- there is not gonna be a continuance, you have had --

MR. PIKE: Okay. That's fine. It's on the record.

SUPERVISOR WALTER: -- you've had adequate notification.

Please proceed with your case. Your cross examination, whatever it is you want to do.

MR. PIKE: From up here?

SUPERVISOR WALTER: You have another witness?

MR. McCORMICK: No. That's Mr. Wines to address the landmark aspect.

Mr. Supervisor, before we continue, I would like the record to reflect I am handing Mr. Pike Exhibits 7 through 12, as well as 15 in total.

MR. PIKE: Thank you.

Isn't this one in color?

MR. McCORMICK: We don't photocopy in color.

MR. PIKE: I can't really even read this.

MR. McCORMICK: I'll tell you what, for you testimony, sir, I will give you the original.

MR. PIKE: Wow, that's night and day.

SUPERVISOR WALTER: Mr. Pike, proceed.

Who would you like us to recall?

MR. PIKE: I thought the town engineer was going to stay there. I don't know his name. I'm sorry.

SUPERVISOR WALTER: Mr. Testa. Where did Mr. Testa go?

MR. McCORMICK: He's in the back.

SUPERVISOR WALTER: Oh, there you are. I don't have my glasses on.

Mr. Testa, if you can come back up to the podium.

MR. McCORMICK: As we do this, Mr. Pike, I would ask you, as you heard before, if you can kindly speak very clearly and slowly so the reporter can capture everything that you're saying because the most important thing is that you have a very complete record.

MR. PIKE: Okay. Thank you.

MR. McCORMICK: You're very welcome, sir.

EXAMINATION BY

MR. PIKE:

Q You had testified that if the owner wanted to rebuild something, you'd like to see

well-engineered plans of what was to be done.

A Correct.

Q So you testified everything here, there was a pier, I think exhibit photo 8, there was a pier there, that you say is collapsing; how big is that pier?

A Let me just get to it for you. Right here?

Q Yes.

How big is that pier?

A It's about 24 by 24.

Q A beam like that, how much, how much, how, how much structural integrity is still left in the 24 by 24?

A I couldn't tell. I would, you would have to have an analysis done on it, and I can't estimate even what the structural stability is of that because it's so water saturated, I don't know. I would have to really jack that beam up, take it apart, would be the right way to do it, and then rebuild it.

Q You're aware that there is tests for brick, for concrete --

A Yes.

Q -- to determine the PSI?

A Yes.

Q When you tested it, what was the PSI?

A We did not test it.

Q So well-engineered --

A I was basing my --

Q That was it.

SUPERVISOR WALTER: One person speaks at a time.

MR. PIKE: I asked a question, I didn't need --

SUPERVISOR WALTER: One person speaks at a time.

MR. PIKE: I didn't need a open-ended question.

Thank you.

SUPERVISOR WALTER: One person speaks at a time.

A It was not my concern of what the individual bricks could withstand as far as force. My concern is the fact that a significant portion of them are missing, so if you look at that support, that beam is no longer sitting on the number of bricks that it was originally

designed for --

A It's at least 24 by 12 --

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: Yes.

SUPERVISOR WALTER: Mr. Testa has to finish his testimony, then you can speak.

MR. PIKE: Excuse me, if --

SUPERVISOR WALTER: You can't speak --

MR. PIKE: -- I'm asking --

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: I'm not asking open-ended questions --

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: Yes.

SUPERVISOR WALTER: The court reporter can only can only type one conversation at a time, so when he stops, you can speak. You can't speak when he's speaking --

MR. PIKE: So I can ask any question, he can say whatever he wants and that's it?

SUPERVISOR WALTER: That's correct.

MR. PIKE: So this is --

COUNCILWOMAN GIGLIO: You can respond.

MR. PIKE: -- open-ended.

That's not responsive. Thank you.

Q How big is the joist, the wood joist?

A It's approximately 6 by 8. I don't know the exact dimension.

Q How -- what's the structural integrity of a 6 by 8 beam; how much could it --

A Well, obviously, that beam is, has withheld the force of the building, so it's obviously adequate. It's not the beam that I'm concerned about, it's the supports for that beam, which obviously has been damaged by freeze-thaw effect, and I don't know that the other side of this is not ready to pop out as well.

Q Wouldn't have you went around to the other side to take a picture?

A Excuse me.

Q Wouldn't you have went around the other side and taken a picture?

A I'm talking about this piece that's visible in the picture. This column --

Q How far does the beam go beyond the pier?

A It doesn't matter to me. The column is partially failed under the freeze-thaw effect and

that could happen again this year.

Q So you didn't do any -- you said that there was no poured concrete, but in the one picture, there was definitely poured concrete.

A No. It's concrete block.

Q There's poured concrete.

A I didn't see that in the basement. I saw hollow mason block.

Again, I put my attention on the areas that appeared to be failing.

Q Do you know when the property was boarded up and by who?

A I do not.

Q Are you aware that the Town of Riverhead boarded the property up approximately four years ago --

A No, I'm not.

Q -- sent the owners a bill?

A I'm not aware if the Town did it or --

Q Are you aware if the owners ever got a key to access the property?

A I would not know that, no. I was asked to appear on the day of the issuance of the warrant.

Q Who -- did they cut the lock or did they open the lock with a key?

A They cut the chain.

Q Okay.

So you didn't do any tests for the concrete, test the bricks, you didn't access, you didn't go to the town and access the plans that would be on file for this house?

A That was not really a concern of mine. My concern was that the structures in the building are water damaged.

Q But then you could have shown what the structural integrity would have been, you would have been able to tell where the point loads are, what was the new building, what was old building, so, in other words, again, we'll go back to if the owners want to do an updated plan, they have to have a good and thorough report, but you took a couple of pictures and that was it?

A Yeah. Because I'm --

Q Thank you.

SUPERVISOR WALTER: Mr. Pike, do you have detailed building plans of this building as constructed you would like to

submit into evidence?

MR. PIKE: I have nothing. I haven't even been allowed on the property in four years.

SUPERVISOR WALTER: Okay.

MR. PIKE: I've been lobbying the town attorney, the deputy town attorney to get a key to get access since August.

I had a meeting with the town attorney after August which I was denied. I didn't know I needed e-mails today, tons of e-mails with Deputy Attorney McCormick where I asked for a key to have my own people go in there to make a legitimate, you know, access of the property.

I haven't been on the property in four years, probably longer so.

SUPERVISOR WALTER: Okay.

MR. PIKE: Sorry I'm just trying to see what's here.

Q Like we had looked at the one picture, a lot of the stuff that's falling down is just lath or sheathing --

A Yes, it's --

Q -- structural are the ones going --

A This way.

Q -- left to right --

A Yes.

Q -- so everything that's fallen there, which was misrepresented, the stuff falling is not anything structural.

A Well, it's a danger to anybody in the building --

Q It's not structural?

A -- that it would fall on them. And these beams are structural and you can see similar damage --

Q But I don't see any of them moved.

SUPERVISOR WALTER: Mr. Pike, you have to let him finish.

MR. PIKE: Sorry. I don't do this often.

Q So again, your opinion is this building could be fixed using, like, sistering the beams -- to take care of something very quickly to make something safe, you can sister beams with an a-frame at the pier if it was determined that that's what you need to do while you actually

build the new pier. That's done today all the time.

A It's possible. It's possible --

Q It's not that big a deal.

A Well, it's, you know --

Q I'm in construction, and I actually have done concrete my whole life, it's not that big of a deal.

A Part of the problem is some of this lumber is water damaged --

Q Sistering beams --

A Anything is possible but it's gonna be, you know, that's a costly venture, and we would want to make sure it's done in a safe manner, code-compliant manner?

Q Like your report here with couple of pictures and that's it --

A Well, that's all it takes --

Q -- but when I give a plan, it would have to be much more detailed than this, right?

A Well, I'm emphasizing in those pictures --

Q Okay.

A I don't need to show much to show that

the building is structurally unstable.

Q But you have no tests of the concrete, you have no test of --

A I don't need any.

Q You don't know how big that pier is, what the point load is.

Do you know that most beams in parking garages sit on four inches of concrete?

A That not my concern. My concern here is that this brick column is failing, it's obvious.

Q But it's 24 by 24 and we don't know if it goes past the wall because the picture is not there, and I haven't been afforded a professional to look at it.

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: Yes.

SUPERVISOR WALTER: I'm going to make an observation.

If your defense is that you didn't have access to your building, I think I and the Town Board find that hard to believe, but I'll do this for you.

MR. PIKE: Okay.

SUPERVISOR WALTER: We will give you time to submit fully engineered plans tothe rebuild this building. I'll give you 30 days to do it.

MR. PIKE: Thirty days, we both know that no one can get --

SUPERVISOR WALTER: 30 days.

MR. PIKE: -- fully engineered plans --

SUPERVISOR WALTER: Sir, you had this building in this state of repair for a long period of time, so --

MR. PIKE: But if you would let me present my case, I'm going to call Deputy Attorney McCormick, he's gonna tell you he wouldn't afford me a key.

It's very sad that this picture --

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: -- doesn't show the picture that said, it doesn't show the picture that says nobody can enter the building or they'll be arrested.

It's sad that they don't show that.

SUPERVISOR WALTER: Okay.

MR. PIKE: Would you like to go there now?

SUPERVISOR WALTER: Continue with your questioning.

We will give you 30 days at the close of this hearing today to submit --

MR. PIKE: I'll take 30 days right now, but --

SUPERVISOR WALTER: -- fully engineered --

MR. PIKE: -- I can only --

MR. McCORMICK: Sir, let the Supervisor finish please, so we can move on. Please, allow him to address what he is --

MR. PIKE: Thank you.

MR. McCORMICK: Okay.

SUPERVISOR WALTER: We're going to give you 30 days at the close of the hearing today to submit fully engineered plans for the building.

MR. PIKE: Fully engineered to make it safe.

SUPERVISOR WALTER: Fully engineered plans for the building.

MR. McCORMICK: Do you have any other questions of Mr. Testa, sir, at this time?

MR. PIKE: I'm looking. Thank you.

COUNCILWOMAN GIGLIO: If I can just say something, Mr. Pike.

The whole reason for the proceeding is because we have blighted buildings through our town that have not been maintained and taken care of, where there are squatters living inside of these buildings where a fire could start and emergency services may have to go in to rescue them and putting their lives at risk, so what we'd like to see is buildings like this either fixed up and brought up to code to where our volunteer fire fighters and emergency services people are not putting themselves at risk going into a building that's been let go for far too long, and that's the mission of this Board.

So if you need time because you have not, you're saying, you have not been afforded access to the building for four years to go in and assess damage and to come

up with a plan as to how to make it better, then I think the Board, I know I would entertain it.

MR. PIKE: 30 days is unreasonable in this economy --

SUPERVISOR WALTER: Mr. Pike.

MR. PIKE: -- so that's -- I asked to go in there, which I do construction and I would take care of anything immediately that looks like it's falling down while I can assess the situation.

I've been denied repeatedly, you can ask the town attorney --

MR. KOZAKIEWICZ: Let me ask you a question.

MR. PIKE: I'm the one asking the questions.

MR. KOZAKIEWICZ: When did you buy the property?

MR. PIKE: I don't even know.

MR. KOZAKIEWICZ: When did you buy the property?

MR. PIKE: I couldn't tell you.

MR. KOZAKIEWICZ: Have you had it more

than ten years?

MR. PIKE: I couldn't tell you.

MR. KOZAKIEWICZ: When did you acquire it back from Suffolk County National Bank?

MR. PIKE: I have not a clue.

MR. KOZAKIEWICZ: Was it during 2005?

MR. PIKE: Did I ask you in September for a key to my property, yes or no?

MR. KOZAKIEWICZ: Did you ever --

MR. PIKE: Yes or no?

MR. KOZAKIEWICZ: -- prior to September?

MR. PIKE: Yes or no?

SUPERVISOR WALTER: Mr. Pike. We're ending this.

It is ludicrous for you to think that this Board is gonna believe that you couldn't cut the padlock.

Continue your questioning.

MR. PIKE: I actually --

SUPERVISOR WALTER: Continue your questioning.

MR. PIKE: I was there a month ago to --

SUPERVISOR WALTER: Continue --

MR. PIKE: -- to cut the padlock and there's signs there that say do not enter the property --

SUPERVISOR WALTER: Continue --

MR. PIKE: -- which I'll take pictures of --

SUPERVISOR WALTER: Continue your questioning, please.

MR. PIKE: Thank you.

No more questions for you, please.

Fire Marshal Zitic.

SUPERVISOR WALTER: We're going to have to take a break. 15 minutes.

(Whereupon, a recess was taken at this time.)

SUPERVISOR WALTER: We're back on.

We had the brief meeting with Mr. Pike and the town attorney in hallway, and I think we've come to an agreement.

Mr. Pike, I'm going to put this on the record and let me know if this is what we agreed to.

We're going to hold this hearing

opened, we didn't really talk about that, just so that we can continue this if it doesn't work out in the stipulation.

The stipulation would be or the agreement would be, we'll give you 30 days from today's date to get an engineer to do an analysis of the building for you to determine whether you want to go forward with renovating the building or raising the building and then if you chose to go forward with renovating the building, you'll have 30 additional days to get fully engineered plans to put a roof on and do the things.

Is that acceptable to you, Mr. Pike?

MR. PIKE: Yes.

But I need access immediately.

SUPERVISOR WALTER: You'll have all the access you went. You just be safe in your building.

MR. PIKE: Okay.

SUPERVISOR WALTER: And we'll leave this hearing open. We won't -- we'll leave it open each Town Board Meeting. You won't

have to appear unless we call you or -- we'll have communications, correct?

MR. PIKE: (Nods head.)

So we will leave this hearing open during this period of time.

So 30 days, let's put a date on this. What is 30 days? December, we'll give you to December 4, we'll give you to December 7, it's Friday. December 7 to have an engineer's report as to whether you're going to tear the building down or move forward.

From there we'll give you to January 7 to come up with, submit to the Building Department fully engineered plans to repair the building.

Is that acceptable, Mr. Pike?

MR. PIKE: Yes, it is.

MR. McCORMICK: Mr. Supervisor, just so I'm clear, if I do not get a report within 30 days, am I correct, we'll put this matter back on --

SUPERVISOR WALTER: We will reopen the public hearing and proceed as if there were

no stipulation.

Is that acceptable?

MR. PIKE: That's fine. Thank you.

SUPERVISOR WALTER: So thank you everyone, and we will adjourn this matter until such time as the reports are presented and/or no reports are presented and then we'll move forward at that time on notice to Mr. Pike.

COUNCILMAN DUNLEAVY: Can we put on the record what the address would be for giving notice?

SUPERVISOR WALTER: Where do you want notice?

MR. PIKE: 134 Manor Drive in South Hampton, New York 11968, I'm available by e-mail also LGPPIKE@yahoo.com.

SUPERVISOR WALTER: We have the contact information.

Mr. Wines, would you like to speak on the record or just --

MR. WINES: Yes.

SUPERVISOR WALTER: Okay. I'm going to let Mr. Wines from Landmark Preservation

Committee speak.

Mr. Wines if you want to come up to the podium.

MR. McCORMICK: Mr. Supervisor, are Fire Marshal Zitic and Engineer Testa --

SUPERVISOR WALTER: Hold on for a minute, just in case.

Mr. Wines, if you could --

(Whereupon, Mr. Wines was sworn in.)

MR. WINES: I'm Richard Wines of 73 Winds Way in Jamesport and I'm chair of the Riverhead Landmarks Preservation Commission.

Thank you for giving me a little bit of time.

I just want to point out that I'm here at the behest of the Landmark Preservation Commission. We do consider this building a historic resource.

It's actually somewhat older than the Town's records indicate. We think it was built by William Fisher who was a friend and colleague and fellow immigrant with Henry Perkins, one of Riverhead's leading

mill owners.

Fisher was a weaver, he used a process called jacquard looms which is basically the predecessor of the IBM punch cards and his product can be found in museums all over Long Island. There were books about his works, so he was a somewhat significant figure.

The building itself is architecturally significant, so we do consider this a significant historic resource.

I'm obviously not going to second guess the expertise of either Mr. Testa or Mr. Zitic, but I do want to point out to Mr. Pike since he's here, that because this is a historic resource, it is most likely eligible to be listed on the National Register of Historic Places, which would give him 20 percent federal tax credit and 20 percent state tax credits that could assist with the restoration work that he's talking about doing in this building.

Should he chose to go in that

direction. I would also like to point out that listing on the national register would not impede the possibility of subsequent demolition if that should prove necessary.

And the last point I want to make is because this is in the Riverhead Historic District designated by the Town Board, the process for approval for demolition should also include consulting an approval by the Landmark Preservation Commission.

I want to thank Mr. McCormick for reaching out to us at this time. I just thought that should be on the record.

SUPERVISOR WALTER: Thank you, Mr. Wines.

So Mr. Pike, that's actually good for you.

So I think we're going to adjourn the hearing pending receipt of the report on December 7.

COUNCILWOMAN GIGLIO: Richard, do you want to give him your information, so that he can get in touch with you about the credits?

MR. WINES: Sure, I'd be happy to.

SUPERVISOR WALTER: All right, you can do that afterwards.

All right hearing is adjourned. We'll hold it in abeyance until such time as the report is received or no report is received and then we will move forward.

Mr. Pike, thank you very much.

MR. PIKE: Thank you.

I N D E X

INDEX TO WITNESSES

WITNESS	EXAMINATION BY	PAGE
Fire Marshal Craig Zitic	Mr. McCormick	8
Mr. Ken Testa	Mr. McCormick	58
	Mr. Pike	93

INDEX TO EXHIBITS

TOWN'S	DESCRIPTION	ID	Admit
1	Zitic Structural Inspection Report	3	15
2	Photos 1 through 75	3	36
3	Recorded Deed, certified 11/25/14	3	37
4	Recorded Deed, certified 11/2/15	3	38
5	Certificate of Incorporation	3	41
6	NYS DOS Corporate entity form	3	41
7	Photo of building posting	4	43
8	Notice of Violation mailing 7/21/15	4	44
9	Notice of Violation mailing 7/28/15	4	45
10	Notice of violation Personal service 8/12/15	4	47
11	Hearing Notice mailing 10/31/15	4	48
12	Hearing Notice E-mail Notification	4	49

I N D E X

INDEX TO EXHIBITS (continued)

13	News Review publication Hearing Notice Affidavit 10/12/15	5	51
14	Testa Inspection Report	5	63
15	Photo log and photos 1 to 21	5	86

1

2 C E R T I F I C A T E

3 STATE OF NEW YORK)
) ss:
4 COUNTY OF NEW YORK)

5 I, STEPHANIE O'KEEFFE, a Reporter and Notary
6 Public within and for the State of New York, do
7 hereby certify that the within is a true and
8 accurate transcript of the proceedings taken on
9 November 4, 2015.

10 I further certify that I am not related to any
11 of the parties to this action by blood or marriage,
12 and that I am in no way interested in the outcome of
13 this matter.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 4th day of November, 2015.

16

17 Stephanie O'Keeffe

18 STEPHANIE O'KEEFFE

19

20

21

22

23

24

25

A

-frame 900:24
abated 834:15
abeyance 915:6
ability 865:23 866:19 871:6
able 811:16 884:13 898:15
absolutely 831:4 856:3 857:4 863:15,21
accept 839:8
acceptable 909:15 910:18 911:3
accepted 816:25
access 828:24 864:20 890:8 897:22 898:7,8 899:9,16 902:22 905:24 909:18,20
accompanied 812:4 812:25
accompany 857:21
accompanying 858:6
accurate 834:16 918:8
accurately 835:12 841:22 885:11
acquire 907:4
action 839:7,8 918:11
active 816:11
actual 810:22 827:17 838:17 839:6 841:14
add 867:5 868:6 887:11,13
added 853:4,9 855:9 867:11,17 888:16
addition 816:20 871:9,11 878:5,12 881:7
additional 833:12 836:2 839:20 860:19 867:25 869:12 870:5 879:13 909:13
Additionally 828:16
additions 852:25 855:13 881:8 888:9,21
address 805:17 806:8,12,22 838:9 838:16,17,20,22 840:12,14 842:21 844:2 845:4 846:22 891:9 904:15 911:12
adds 868:4 869:12 886:9
adequate 890:25 896:10
adjourn 911:6 914:19
adjourned 915:5
adjunct 864:5
administrative 812:2 835:7 857:22
admission 850:15
admit 840:19 916:8
admitted 814:20 835:18,19 837:2 837:14,16 842:9 842:11 843:9,17 844:14,16 846:5,8 847:5,7 848:23 849:20,23 850:8 850:10 862:22 863:2 885:17,18
advise 806:5
affidavit 804:3 845:22 850:3,8 917:4
affiliated 889:5
afford 903:16
afforded 902:15 905:24
afternoon 807:22 857:19
agent 838:7
ago 897:17 907:24
agree 887:24
agreed 908:24
agreement 908:21 909:6
ahead 851:6
allegation 849:11
allegations 805:18 805:19 849:14
ALLEGED 800:5
allow 804:23 805:3 805:6 817:19 904:15
allowed 866:2,12 872:10 899:4
allowing 817:25 820:24 821:20 866:15 868:13
allows 860:21 869:13
amount 879:12
analysis 861:6 864:12 893:17 909:8
and/or 849:12 911:8
animals 817:25 820:22 826:7
anybody 847:19 865:11,12 880:25 884:15 900:9
anymore 826:6 875:7
apart 817:15 893:21
apparently 839:15 844:7
appear 855:9 856:23 861:6 874:25 875:21 885:2 897:24 910:2
appearance 839:23
appeared 897:11
appears 819:3 839:18 844:10 852:23 879:21
appliances 819:10
applicable 849:5
applications 816:23
appointments 811:10
approval 914:9,10
approved 816:25
approximate 812:11
approximately 810:2 831:20 841:20 857:2 859:14 896:4 897:16
approximation 833:2
April 817:4
architectural 886:17
architecturally 913:11
area 809:22 812:21 820:8,10,15,25 821:13 822:16 824:9,18,20,24 825:12,17 834:3 853:9 854:18 858:10 866:8 868:4,11,21 870:16 871:14 872:9,12 873:4,17 874:17 879:5,6 880:8
areas 817:14 854:17,19 855:11 867:15,19,20 870:9,11 873:12 875:6 876:8 882:2 897:10
arranging 811:17
arrested 903:22
arson 884:4
Article 838:6
artificial 869:20
asked 816:7 890:5 890:13 894:11 897:23 899:14 906:8
asking 815:5 895:10,12 906:17
aspect 891:9
assembled 832:9
assess 905:25 906:12
assist 913:23
assistance 860:13
Assistant 812:8,9 813:2
Associate 838:21
associated 810:23
assuming 815:2
assure 860:21
assuring 861:4
attached 849:5
attempt 811:4
attempted 810:12 811:7
attention 897:10
attic 872:17 876:18 876:20 877:19 888:17
attorney 800:18 801:3 805:15 812:10 847:15,22 848:10,19 849:12 890:5 899:8,8,11 899:13 903:15 906:14 908:20
Attorney's 845:10 847:17
August 845:7 846:7 847:16 899:9,11
authorization 849:17
authorizing 846:17
available 836:5 846:6 911:17
Avenue 800:6,7 801:4 804:17 805:20 806:12 807:20 809:11 810:19 816:5 817:4,24 836:20 841:24 846:19 849:9 857:23 859:19 885:7
avoid 870:10
aware 893:23 897:15,20,21
awl 881:19

B

B 800:11

bachelors 863:23
back 811:12 822:23 831:13 841:16 843:3,15 859:9,11 861:2 866:22 870:7 884:13 888:10,22 892:7 892:10 898:17 907:5 908:18 910:23
backing 858:9
badly 851:25
Bank 907:5
bar 820:10,15,24
base 873:24
Based 834:6
basement 819:24 820:4 821:3,21 822:3 824:18,19 824:24 825:4,12 827:4 828:11,12 834:4 853:12,14 854:11,18 866:13 866:14 869:23 870:4,6,14 871:14 872:14,20,21,25 873:2,5,11,14,16 875:5 877:24 878:4 881:11,15 882:2 884:12,12 888:3,18,20 897:8
basically 872:24 913:5
basing 894:7
basis 811:24 839:22 849:3
Bay 810:16
beam 822:21 823:17,21,23 824:4,14 870:25 877:10 878:16 881:20,21,24 893:13,20 894:24 896:7,8,10,11,22
beams 819:18 822:23 823:13 879:14,16 881:17 881:18 882:3 886:19 900:13,22 900:23 901:12 902:8
bearing 876:19
beer 874:7
begins 866:17
begun 881:24
behalf 805:25
behest 912:18
believe 810:4 812:14 818:6 849:3 852:3,16 871:12 878:17 879:20 880:9,13 902:23 907:18
Bernhardi 838:21
better 868:18 870:18,19 906:2
beyond 852:4 896:22
big 854:18 875:23 893:6,11 896:3 901:5,9 902:6
bill 897:19
bit 870:18,19 876:11 912:16
black 823:13
blighted 905:8
block 855:4,8,10,10 867:16,16 877:25 878:10 880:7,17 881:13,14 887:18 887:22 897:6,9
blocks 875:4
blood 918:11
blown 817:10
Board 805:13 806:6,8,13 814:4 815:16 833:10,10 835:24 845:18 847:10 849:9,16 851:7 854:21 862:24 863:10 875:25 902:23 905:21 906:3 907:18 909:25 914:8
boarded 828:16,23 864:21,21 869:18 890:10 897:13,16
boards 871:17,18
books 913:8
bottom 821:22 864:23
breached 865:19 865:25
break 874:9 881:4 882:10 908:15
Brian 847:14
brick 823:18,20 824:5,5,7,13 825:13 853:22,22 855:6,8 867:12 873:22,25 874:2,3 874:10,13,15,16 875:2,6,8,12,16 876:5,15 877:2,3 877:7,16,25 878:3 879:9,11,20,21 887:21 889:3 893:24 902:11
bricks 824:7,9 875:11 877:9,12 894:21,25 898:7
brief 908:19
bring 823:6 833:15 855:20 865:9
bringing 804:21
broached 864:24
broken 822:10,12 823:20 827:5
Brook 810:17,18 864:6
Brookhaven 864:4
brought 905:16
build 901:2
building 800:5 803:3 804:17,24 805:4,22 809:6,20 810:10 811:11 816:13,18,22 817:2,18,20,22,23 818:4,7,12,14,16 818:19 819:22 820:23 821:20 823:7,11 824:2 827:13,18 828:13 828:16,22,23,25 829:4,6,8,10,12 829:16,17,18,20 830:23 831:2,16 831:17,23,24 832:2 841:6 851:13,16,16,22 852:2,4,8,13 853:4,11,20,25 854:3 855:25 856:7,21 858:12 859:10 861:2,7 864:14,19,22 865:2,5,11,16,21 865:24 866:3,5,7 866:8,12 867:3,15 867:17 868:12 869:14,18,22,24 872:10,13,17 873:10 874:19,23 875:19 876:8,10 876:10 877:2 879:17 880:8,8 881:7 882:5,12,14 882:25 883:8,10 883:17 884:2,5,8 884:9,16 886:11 887:2,11,13,14 888:2 890:9,14 896:9 898:12,16 898:16,24,25 900:10,20 902:2 902:22 903:4,11 903:21 904:21,25 905:19,24 909:8 909:10,11,12,21 910:12,16,17 912:20 913:10,24 916:16
building's 865:22
buildings 816:16 816:21 832:16 860:22,23,24 861:5,5 864:9 905:9,12,15
built 832:21 874:24 912:23
business 809:19 814:13 832:14,17 864:7
businesses 816:14
buttressed 825:13
buy 906:19,22

C

C 801:2 807:12,12 918:2,2
call 805:24 807:8 807:10 811:12 903:14 910:2
called 838:21 856:20 913:4
camera 868:18
capture 892:15
cards 913:6
care 900:22 905:10 906:10
carefully 870:24 877:6
carpentry 831:18
carry 873:13
carrying 873:19
case 805:19 841:11 851:3 852:3 873:8 890:18 891:2 903:14 912:8
catch 884:3
cause 811:21 813:6 852:11 876:6,11
cave 876:23
caving 819:4
ceiling 818:24 819:7,11,12,14,17 819:18 821:5,12 821:14,23 822:2 824:15 826:4 827:4 828:12 869:9,11 870:21 872:11,22 873:15 873:16
ceilings 828:11
cement 825:14,17 874:3
certainly 874:16
certificate 802:19 837:23 838:19 916:14
certification 808:21 861:2
certified 802:12,16

809:2 836:19,21 837:3,6,12,25 858:25 861:10,17 863:24 882:20 916:12,13
certify 918:7,10
cetera 828:20
chain 847:20 898:4
chair 889:15 912:13
chairs 818:17
Chapter 805:17 809:8 813:8 829:10 830:25 838:25 841:2,7,24 842:4,19 843:22 845:2 858:19
check 829:4 881:10
chief 806:2 807:11 807:22,25 808:4 808:15 816:7
chose 840:17 909:11 913:25
civil 804:21
clarification 822:25
classes 808:23
clear 824:17,23 883:5 910:21
clearly 870:9 877:3 892:14
clerk 800:19 846:17
Clerk's 836:22 837:12
climb 872:24
close 805:6 904:7 904:19
closely 879:9
clothing 818:10 828:20
clue 907:6
code 805:18 808:16 809:2,7 813:8 816:9,19 826:12 827:9,11 828:2,15 830:24 831:3 841:5 849:10 858:19,25 860:5 860:16,22 861:7 861:10,18,21 862:7 863:24 882:12,14,21 887:2 888:2 905:16
code-compliant 901:16
codes 809:7 816:17 816:18 829:9 887:14
Coghill 838:21
collapse 824:2 826:23 827:13 828:15 834:19,24 854:6,8 856:2 864:15 868:9 877:17 882:16 883:4,6
collapsed 820:2 821:23 822:3 826:25 827:3,4 828:10,13 829:12 854:5 872:12
collapsing 822:14 854:2,3 893:6
colleague 912:24
color 815:6 890:6 891:15,17
column 823:18 873:22,24,25 874:15,16,21 875:2,16 876:5,10 876:12,14,16 896:21,24 902:11
columns 853:17,24
come 811:16,20 812:16 818:21 819:18 821:20 825:11 852:14 854:8 869:14,24 872:10 879:16 882:4 889:14 892:10 905:25 908:21 910:15 912:3
comes 851:24 876:16
coming 817:17 818:22,24 819:8 819:12,21 820:7 821:7,17 852:7
comment 805:7 887:6
commercial 816:14 816:16 832:18,21
Commission 912:14,19 914:11
Committee 806:7 912:2
communications 910:3
companion 837:5
company 838:21
complaint 809:19 809:24 810:11
complaints 809:21
complete 814:16 826:22 862:9 892:18
completely 819:25 820:5 826:2
complex 805:21
compliance 816:17 816:24 860:25
components 825:2 825:4 829:13 832:6
compromised 824:25 829:14
computer 863:7
concave 877:13
concentrated 864:13 872:15
concern 833:8 873:13 876:3 889:4 894:20,22 898:10,11 902:10 902:10
concerned 870:12 882:6 884:14 896:11
concerning 805:18 808:14 809:20 815:18 816:3 828:15 836:20 841:24 850:4 860:20
concerns 867:14
conclusion 882:18 882:19
concrete 825:19 867:16 875:3,15 880:7 881:13,14 887:18,20,22,24 893:24 897:4,5,6 897:7 898:7 901:8 902:3,9
condition 809:20 825:22 828:7 851:12,14 874:15 882:5
Conditions 829:11
conduct 806:17 812:20 816:23,23 859:20
confidence 879:12
consider 912:19 913:12
considered 829:8 830:23
constructed 834:18 860:23 898:25
construction 816:12,20,24 826:21 829:24 830:3 831:9,15 832:3,5,13,16,20 860:11 875:4,9,19 878:18 879:22 880:10,19 887:21 889:6 901:7 906:9
constructions 831:21
consulting 914:10
contact 810:13 811:5,7 911:19
contacted 811:6
contains 826:19
contents 814:2 826:10
continuance 889:19 890:21
continue 824:10 825:9 829:19 832:13 833:21 834:14,22 854:8 859:16 879:4 891:11 904:4 907:20,22 908:2,6 908:9 909:3
continued 917:2
continues 825:20
continuing 882:4
contractor 831:16
conversation 895:17
copies 815:21 835:20 837:17 840:17 844:17 847:8 848:24 850:11 862:24 885:19 886:4
copper 818:13 828:21 865:6
copy 814:23 815:6 815:7 836:5,19 837:19 838:11 841:9 842:10,19 844:20,25 846:5 846:16,19 849:16 863:3,19 882:13
Corp 810:19
Corporate 916:15
corporation 802:23 838:7,8,12,17
corporations 810:16 840:9
correct 805:2 808:2 808:3,25 809:9 813:3,4 824:21 825:6,7 831:9 832:9 834:5 835:9 835:10 842:3,23 842:24 844:2,3,6 844:9 845:19,20 856:2,7 858:4,5 859:3,4,21,22 860:6,7,17,18 861:12,13 862:2,3 862:19,20 875:20 878:22,23 885:7,8 885:10 888:5,6 893:3 895:22 910:3,22
corrode 881:24

cost 856:6
costly 901:14
Councilman 800:13,14,15 851:4,9,10 852:19 852:20,23 853:6 853:19 854:9,13 854:23 855:2,12 855:17 866:21,25 867:7 879:18,24 880:11,15 885:24 886:5,6 887:5,7 887:25 911:11
Councilwoman 800:16 815:20 830:20 871:8 874:22 875:10,17 877:18 878:2 880:14 881:6 888:7,15 889:2,9 895:24 905:5 914:22
County 800:2 804:18 836:22 837:12 907:5 918:4
couple 864:24 865:19 867:6,9 880:6 898:20 901:17
course 814:13 848:9 862:6 867:25 869:13
court 839:7 880:21 881:5 895:16
Courthouse 805:22 809:14 816:4 817:3,5 841:3 858:3
coverings 818:21 826:10
cracks 825:16
Craig 806:2 807:11 807:18 868:15,18 868:22 869:5 882:15 916:4
Craig's 880:6
crawl 822:7,14 823:10 853:13,16 854:14,15 855:5 855:12,15
crawl-space 879:5
create 869:14
credit 913:21
credits 913:22 914:25
cross 891:3
crumbling 853:22
current 861:7
currently 807:19 819:8 857:14 861:17
cut 898:2,4 907:19 908:3

D

D 916:1 917:1
damage 825:23 852:12 866:4 867:18 869:14 876:24 881:16 888:24 900:14 905:25
damaged 826:20 870:23 896:12 898:12 901:11
damp 819:4,15,19 822:21 823:15
dampness 822:22
Dan 805:8 812:10 815:21
danger 827:11,12 827:17 828:15 834:19,23 855:25 864:14,15 865:10 874:18 882:16,22 882:24 883:5 900:9
dangerous 826:14 827:22 829:11
Daniel 801:3 805:14
dark 819:3 870:2 873:7 884:14
data 863:5
date 802:7,10,14,18 802:22 803:2,5,9 803:13,17,21,25 804:6,9,13 813:21 836:23 842:5,25 850:5 909:7 910:7
dated 847:13
day 811:14 839:4 891:23 897:24 918:15
daylight 821:14
days 903:5,6,8 904:6,8,19 906:5 909:6,13 910:7,8 910:22
deal 901:5,9
debris 818:17 821:3 822:16 826:11 872:11 879:6
decay 852:11
decayed 817:14 819:25 826:20 827:3
decaying 820:9
December 910:8,9 910:10,10 914:21
decision 852:18
deck 817:11
decking 821:15
declare 831:2
deed 802:11,15 836:19,20 837:6 916:12,13
defective 827:21
defense 902:21
deficiencies 827:6 865:21
defines 826:12,13 827:11
definitely 897:5
degrees 863:23
delaminate 817:12
delaminating 821:7
delivered 844:10
delve 815:17
demolished 829:21 883:14
demolishing 828:7
demolition 914:5,9
denied 899:11 906:13
department 808:24 812:7,18 829:3 837:23,25 840:8 861:3,3,15 864:20 910:16
departments 860:14
depict 881:8 885:12
depicted 835:13
deputy 801:3 805:14 848:9,19 890:5 899:8,13 903:14
DESCRIPTION 916:8
DeSesa 847:14
design 860:11
designated 838:6 914:8
designed 866:20 868:5 874:17 895:2
Despite 828:22
detailed 898:24 901:21
deteriorate 829:19 834:15,22 881:24
deteriorated 817:14 821:17 823:21
deteriorating 823:16 853:23 882:6
deterioration 829:16 851:15
determine 856:9 894:2 909:9
determined 811:2 900:24
detrimental 817:21
dialogue 807:2
DIANE 800:19
different 810:15 854:17,20 865:19 867:6,10
difficult 822:24 868:20 873:6 880:23
dilapidated 826:20
Dillingham 812:9 813:3
dimension 896:5
dimensions 878:15
diminished 883:19
dining 818:20 827:2 828:10
direction 914:2
directly 868:11
discuss 847:18
dissipated 872:18
District 914:8
Division 840:8
document 813:18 815:12 835:4 837:3,22 839:4 840:7,24 842:17 843:19,20 844:23 845:5,15,25 846:14 862:15 884:23
documented 827:7
documents 839:21 840:19 844:20
doing 809:18 881:3 913:24
domino 876:17 877:17
door 856:22
DOS 802:23 916:15
draft 813:7 858:18
drafted 813:21
Drew 812:9 813:3
Drive 801:7 843:24 911:16
drop 819:24
dry 881:21
due 824:11 883:4,6 883:9
duly 807:12 857:7
Dunleavy 800:13 851:4,9,10 852:19 854:23 855:2,12 855:17 879:18,24 880:11,15 885:24 886:5,6 887:5,25 911:11
duties 814:13,17 816:15 848:9,19

858:22 859:23 860:8,19 862:5,6 862:10

E

E 800:11,11 801:2 801:2 857:7,7,7 916:1 917:1 918:2 918:2
e-mail 803:22 839:22 847:12,20 847:25 848:3,13 911:18 916:25
e-mails 890:11 899:12,13
earlier 806:9 816:7 838:23 883:16
easily 826:8
east 810:20 831:16 831:16 838:13 840:13 842:22
easy 870:6 872:20
Ebb 810:16
economics 851:25
economy 906:6
effect 825:23 834:8 874:5 876:17 877:5,15,17 879:8 896:13,25
effected 867:19
effects 833:24
efficiently 852:6
efforts 872:15
eight 816:9
either 832:19 905:16 913:15
electrical 818:23
electricity 869:20 883:17
elements 834:18 883:4
eleven 808:17 816:10
eligible 913:19
email 848:16
emanating 809:21
emergency 829:5 865:13 883:11,12 884:14 905:13,18
eminent 827:11,12 828:15 834:19,24 856:2 882:16
emphasize 864:18
emphasizing 901:22
encompassed 836:16
encounter 870:2 884:10
endanger 829:6
endangered 827:16
endangers 827:14
enforcement 808:16 809:2,5 816:10 828:3 859:2 860:6,16 861:11,19,22 862:7 863:25 882:21
engineer 806:3 812:8,9 813:2,3 856:15 858:9,23 859:5,24 860:3,9 862:6 864:2,3,4 882:20 892:2 909:7 912:6
engineer's 910:11
engineered 903:3,9 904:11,20,22,24 909:13 910:16
engineering 858:10 858:11 860:13 863:24 864:7 886:17
enter 818:2,3 828:4 829:3 858:14 866:12 869:22 883:10 884:6,9,16 903:21 908:4
entered 812:16
entering 828:17 858:17 859:18 866:5 882:25
entertain 906:4
entire 851:2 874:21 876:23
entitled 837:22 849:13
entity 802:24 838:4 840:11 916:15
entrance 827:24 869:15 888:20
entry 820:23 829:5 864:19
equipment 826:19 827:22
erode 824:8
eroding 824:6
especially 873:7
ESQ 801:3
establishments 832:22
estimate 893:18
et 828:20
event 826:18 829:4 882:9
everybody 880:21
evidence 804:23 805:4 814:20 818:10 822:17 828:19 834:3 835:18 841:13 842:9 843:9,17 844:15 847:5 849:14 862:22 865:4 889:24 890:7 899:2
exact 882:13 896:5
exactly 877:21
examination 807:15 857:10 891:3 892:22 916:3
examined 807:14 857:9
Excuse 863:18 871:16 895:8 896:17
execute 812:2
executed 812:12
execution 857:22
exhibit 802:6,9,13 802:17,21,25 803:4,8,12,16,19 803:24 804:4,8,11 813:16 814:12 835:2 836:13 837:3,15,20 840:6 842:16 843:16 844:15,22 847:5 847:11 849:24,25 850:7,9 862:14 884:20,21 885:17 893:5
exhibits 802:2 850:14,18 891:12 916:7 917:2
existing 860:23
exit 818:2 888:4,4
exits 888:3
expands 874:6
expected 867:24
expensive 886:22
experience 816:12 829:24 830:3 831:9 832:12,18 834:7 883:22
experienced 868:8 883:3
expert 830:2,10
expertise 830:11 913:15
explosive 827:19
explosives 827:19
exposed 817:16 834:8,18
exposure 829:14 883:4
extended 855:4
extent 829:15
exterior 810:10 817:17 867:2 868:12 878:10 886:9
extra 853:7

F

F 800:11 918:2
facilitate 813:25
facilities 860:22
facility's 860:12
facing 853:8
fact 811:9 814:16 828:22 829:17 836:24 837:7 852:8 858:13 859:19 862:9 865:22 894:22
fail 825:15 876:4 876:12
failed 865:25 868:25 877:4 896:25
failing 869:10 874:19 877:10 897:11 902:11
fails 876:22 879:15
failure 827:12 877:14
fair 861:6
fairly 835:12 841:22
fairy 885:11
fall 870:13 873:8 877:16 900:12
fallen 823:21 824:10 827:15 866:10 869:11 872:22 900:6
falling 817:15 821:8 825:19 851:16 870:12 879:6 888:18 899:23 900:7 906:11
familiar 809:10,16
far 881:22 894:21 896:22 905:20
faulty 826:21
federal 913:21
feel 820:18
feet 868:3
fellow 912:24
Fifteen 831:23
fighters 905:17
figure 913:9
file 845:22 898:9
filing 838:20
finally 806:9 889:25 890:4
find 810:7 828:24 884:11 902:23
findings 864:18
finds 873:5
fine 806:24 807:5

833:14 890:22 911:4
finish 831:17 880:24 895:7 900:17 904:14
fire 806:2 807:11 807:22 808:2,4,9 808:15,15,18 809:6,18 814:13 815:25 816:7,8,11 816:18 818:8 826:12,18 827:9 827:11 828:15 829:2,5 830:22 831:3,4 833:18 842:13 844:21 851:10,21 853:3 853:15,21 854:12 854:15,25 855:7 855:15 856:14 857:21 858:7 860:14 861:3,9 864:12 865:3 869:25 882:24,25 883:12,19,21,23 883:25 884:3,5 905:12,17 908:13 912:6 916:4
fireman 873:9
first 802:3 806:2 807:8,12 817:7,25 820:12,13,14 822:2 823:23 825:5 829:6 857:7 869:13,25 873:15 887:9 889:7
first-floor 818:20 868:10 873:16
Fisher 912:23 913:3
five 836:10
fixed 900:21 905:16
flash 823:5
flashes 869:17
flashlight 823:5
flashlights 869:17
flat 871:17,20
flexible 866:18
floor 817:7,25 819:2,4 820:11,12 820:13,14,15,17 822:2,10,13 823:14,23,24 824:15 825:5,6 826:11,25 827:5 853:8 866:10,11 867:22 868:5 869:10,13,21 870:3,8,9,20,21 870:22 873:4,9,13 873:15,15,16 876:18,20,21 877:19,22 884:10 884:11
floors 827:2 828:11
follow 879:2
follow-ups 855:22
follows 807:14 827:25 857:9
food 828:20
foot 832:2
footing 873:23
force 877:11 894:22 896:9
forces 872:16
form 802:24 832:14 916:15
formally 862:22 864:5
format 804:20
former 809:14 816:4 858:3
formerly 805:22
forth 818:3 819:17
forthwith 827:23 885:21
forward 865:10 870:4 875:3 878:9 909:9,11 910:13 911:9 915:8
forwarding 838:20
found 818:9,10 826:14 828:9 913:6
foundation 825:13 825:24 826:22 834:12 847:25 855:3,10 867:13 872:18 879:19 886:8,9
foundations 886:8
four 808:6 810:15 816:8 890:9 897:17 899:4,18 902:9 905:24
four-foot 819:24
frame 809:24 811:15 831:11,20 832:23 853:10,11 867:2,8
framing 821:10,14 821:18 831:17 834:11
freeze 874:5 876:15
freeze-thaw 877:5 877:15 882:9 896:12,25
freezes 825:21 852:10 874:6
Friday 910:10
friend 912:23
front 817:23 865:16
froze 874:13
frozen 874:7
fully 903:3,9 904:10,20,22,24 909:13 910:16
fumes 827:20,20
fungus 881:18
further 822:23 850:20 856:11 869:14 884:18 885:22 918:10
Furthermore 827:10

G

G 807:12
GABRIELSEN 800:14 852:20,23 853:6,19 854:9,13 866:21,25 867:7
gain 820:23 828:24
gained 864:20
gaps 817:13
garages 902:9
garbage 818:18
gases 827:21
gentlemen 805:13
George 800:14 852:22
getting 823:13 828:18 866:7
Giglio 800:16 815:20 830:20 871:8 874:22 875:10,17 877:18 878:2 880:14 881:6 887:7 888:7 888:15 889:2,9 895:24 905:5 914:22
girder 822:9,9,11 823:12,17 824:14 873:19,21,22 874:14,22 875:11 875:13,15,18,18 875:23 876:4,16 876:21,22 877:2 877:11,15,19 878:5,13,14,16,17 881:11
girders 824:24 827:5 853:18
give 825:10,11 837:18 853:24 858:11 861:6 891:21 901:20 903:2,4 904:6,18 909:6 910:9,9,14 913:21 914:23
given 854:6 879:21
gives 823:25
giving 820:18 822:13 911:12 912:15
glass 874:9
glasses 892:9
go 820:4 851:6 856:22 864:16 865:9,13 866:22 867:10 870:4 874:19 875:3 876:12,16 877:13 878:9 883:20 886:10,13 887:23 889:7 892:6 896:22 898:8,17 899:14 904:2 905:13,20,25 906:9 909:9,11 913:25
goes 869:22 881:23 902:14
going 807:3 817:19 817:20 824:10,12 825:10,22 829:18 834:10,12,14,21 841:6 852:11,12 852:14,14 853:25 854:7 856:23 864:11 870:2 873:11 874:20 876:6,6 879:10 884:5,6,13 886:3 886:6,25 889:13 890:15,20 892:3 900:2 902:19 903:14 904:18 905:19 908:14,22 908:25 910:12 911:24 913:14 914:19
gonna 834:11 868:2 870:3 876:9 882:9 890:20 901:13 903:15 907:18
good 807:22,24 808:21 857:19 861:18 881:21 898:19 914:17
gotten 865:5 874:2
great 869:16
Greg's 864:17
Griffing 800:6 804:17 805:20 806:12 809:11 816:4 836:20 841:23 846:18 857:23 859:19 885:7
grout 874:2,11 877:9
guess 804:24

913:15

H

H 857:7
half 874:14
Hall 849:8
hallway 908:20
Hampton 801:8 810:20 831:16 836:24 837:9,24 838:2 840:10 842:20 843:23,24 845:3,9 846:20 847:17 911:17
hand 835:22 845:14 846:2,10 918:14
handed 835:25 850:16
handing 813:17 815:13,22,23 836:10,11,13,14 840:21,23 842:13 846:12,14 850:13 891:12
handrail 820:2
hang 890:16
hanging 817:9 818:23 822:15 827:5 869:2 870:21
happen 824:11 876:6 897:2
happened 873:25 874:11
happens 834:21 874:4,10
happy 915:2
hard 877:21 902:23
hat 860:15
hazard 882:17,24 883:9
hazardous 808:18 828:6
head 910:4
health 826:15 882:22 883:9
healthy 881:21
hear 804:15
heard 892:13
hearing 800:4 803:18,22 804:3 804:15,20 805:16 846:18 849:7,18 850:5 904:7,19 908:25 909:24 910:5,25 914:20 915:5 916:23,24 917:3
heat 826:7
heavier 867:24
held 819:9
help 852:15
helping 821:25
Hempstead 838:13 840:13 842:21 845:3 846:21
Henry 912:25
hereunto 918:14
higher 877:7
historic 912:20 913:12,18,20 914:7
hold 869:3 871:6 886:2 908:25 912:7 915:6
holding 846:2
holds 869:9
hole 817:24 820:8 821:13 868:11 869:21 870:3 873:3
holes 826:24 870:8 884:10
hollow 867:16 875:3 880:7 887:22 897:9
home 831:25
homes 816:13 832:19
Hotel 810:20 836:24 837:9,24 838:3 840:10 842:20 843:23 845:3 846:21
hours 809:3
house 854:10 898:9
houses 864:9
Howell 800:7 801:4 807:20 849:9
hurt 828:18

I

IBM 913:5
ice 822:5
ID 840:22 916:8
identification 802:6,10,13,17,21 802:25 803:5,8,12 803:16,20,24 804:5,9,12 813:16 837:21 840:7,22 842:15 843:19 844:22 846:13 847:12 850:2,14 862:13
identified 810:15 824:19 835:2 846:11
identify 810:14 813:18 840:24 842:17 843:20 844:23 846:14 862:14 884:22
illegally 884:16
illumination 823:2 823:4
immediately 829:21 906:10 909:18
immigrant 912:24
impede 914:4
important 892:17
importantly 838:5 849:2
improvements 888:12
in-service 809:3
inches 881:23 902:9
include 816:15 914:10
included 816:13
includes 816:20
including 860:14 882:25
incorporated 810:20 836:25 837:10 838:3,3 840:10
incorporation 802:20 837:24 838:20 916:14
increase 852:13
INDEX 916:2,7 917:2
indicate 875:5 885:5 887:19 912:22
indicated 830:22 831:8 834:2 838:22 839:3 861:25
indicating 836:23 838:2 840:9 882:15
indicative 880:18
individual 894:21
individuals 810:22
industry 887:22
infiltration 820:16 820:24 824:11 829:15 852:10
information 810:6 814:7,8 911:20 914:23
infrastructure 860:12
inhabiting 818:6
initiate 841:7
injured 873:7
injury 865:12 883:11
inside 828:19 851:16 853:8 865:10 868:2 876:9 884:4 905:11
inspect 811:11
inspected 851:12
inspection 802:4 804:7 809:18 812:21 813:6,7,10 813:19 816:3,5,15 818:9 832:15 856:18 858:18 859:20 861:24 862:2,4 878:20 885:2 916:9 917:5
inspections 816:24 860:24 864:8,9
Inspector 851:11
installed 874:23
insulation 818:25
integral 807:3
integrity 812:22 865:23,23 893:14 896:6 898:14
intend 805:24 814:3 836:19
intensive 886:21
interceding 854:7
interest 806:11
interested 804:16 918:12
interior 811:11 812:21 813:10,12 818:19 858:14,17 859:18 872:12
internal 865:5
introduce 805:9,10
intrusion 819:21 822:18 824:19,24 833:25 834:9 853:16 867:21
investigation 811:2 813:6 835:9 836:4 848:21 862:18 885:9
investigations 808:18
involve 839:6
involved 831:21 832:4 839:7
Island 913:7
issuance 897:24
issue 839:9
issues 861:6 864:14 883:7
item 843:19 846:12

J

jack 893:20
jacquard 913:4
jagged 871:3

JAMES 800:15
Jamesport 912:13
January 910:15
Jim 844:11
Joann 886:3
Joanna 840:16
jobs 831:18
JODI 800:16
JOHN 800:13
joints 824:6
joist 869:2 873:21 896:3,3
joists 822:10,12 823:23 824:15,16 827:5 868:23,25 870:21,22 871:18 873:13,18,18 876:21
July 815:6 842:7 843:2
June 811:18,22 812:13 813:22 816:5 857:20 858:13 885:6

K

K 857:7
Karen 850:3
keep 828:17 856:24 865:24 883:24
Ken 812:8 813:2 866:21 875:24 916:5
Kenneth 806:4 856:16 857:13
key 890:14 897:22 898:3 899:9,14 903:16 907:9
kind 871:3 876:24 887:23
kindly 840:2 859:8 892:14
kitchen 819:6,7,11 819:13,14 827:2 828:10,12 868:10 869:11 870:16 871:13,13
knew 881:12
knock 852:17
know 812:11 825:20 830:10 853:6 854:16 858:2 867:23 869:16 874:5,15 879:14 880:23 882:5,15 883:16 886:12 890:12 892:3 893:20 896:5,13 897:12 897:23 899:12,15 901:6,14 902:6,8 902:13 903:6 906:3,21 908:23
Knowing 829:2
knowledge 810:23 834:6 838:16
known 805:22 809:11
Kozakiewicz 800:18 847:22,23 848:2,5,8,12,15 848:18,22 906:15 906:19,22,25 907:4,7,10,12

L

Lab 864:4
labor 886:21
ladies 805:13
landmark 806:6 891:9 911:25 912:18 914:11
Landmarks 912:14
laptop 863:7
large 817:24 820:7 823:20 824:2
larger 854:2
lath 821:19 826:3 899:24
lathing 819:17
law 838:15
lay 847:25
layer 825:18,18
laying 821:5 867:22 872:23
lead 853:25
leading 821:2 912:25
leave 811:12 840:3 909:23,24 910:5
leaving 839:19
left 811:7 817:10 856:21 893:14 900:4
legitimate 899:15
let's 802:2 910:7
level 822:18
LGPPIKE@yah... 911:18
Libra 810:17
licensed 859:4 882:20
life 826:14 827:14 827:15 901:8
light 869:19,20
lighting 818:23 869:16 870:19
lightning 883:21 884:3
lights 868:16
likelihood 852:13
likewise 837:5,11 837:20 847:4 849:25 858:2,25 859:19 860:15 861:8
limber 886:19
Limited 810:16,17
listed 913:19
listing 914:3
litigation 804:21
littered 879:6
little 868:19 870:18 870:19 876:11 877:7,14 912:15
lived 828:19
lives 829:6 905:14
living 818:11 865:8 887:8 905:11
LLC 838:22
load 868:5 871:7 873:14,19,23 874:17 876:19 902:7
load- 832:5
loading 866:20
loads 867:25 872:16 876:9 898:15
lobbying 899:7
location 809:11,17 811:21,25 813:13 844:5,8 858:2,15 861:25 876:24
locations 865:19
lock 898:2,3
log 804:10 884:23 885:4 917:6
long 808:4 860:2 861:21 890:16 903:11 905:20 913:7
long-term 834:7
longer 832:16 894:24 899:18
look 822:8 826:3 866:25 870:24 871:4 873:24 877:6 879:9 894:23 902:16
looked 853:12 865:7 899:22
looking 855:2 870:15 873:14 878:13 905:4
looks 853:2,3 855:4 867:5,17 878:3,15 880:12 906:11
looms 913:4
lose 874:21
loses 866:16
lot 806:22 818:17 864:11,16 869:18 875:7 877:11 883:20,21 886:19 886:19 888:24 889:4 890:7 899:23
lower 868:16
ludicrous 907:17
lumber 866:14,15 866:16 868:6 871:3,6 886:21 889:5 901:11
Lyle 801:7 806:9 811:3

M

M 800:12
machine 822:5
mail 811:8 838:11 841:8
mailed 843:23 845:2 846:20
mailing 803:7,11 803:18 916:18,20 916:23
main 822:8,11 823:12,17,22 824:4,14 853:10 853:11,18,19 854:10 867:2,8 869:15 871:9,10 871:14 874:14 886:8
maintain 808:21
maintained 905:10
maintenance 816:19,21 860:11
making 828:5
manner 851:18 901:15,16
Manor 801:7 911:16
mansions 831:17 831:24 832:2
Map 804:18
mark 802:2
marked 802:5,9,12 802:16,20,24 803:4,7,11,15,19 803:23 804:4,8,11 813:15 837:21 840:6,22 842:15 843:9,19 847:11 850:2,7 862:13 884:21
Marlea 843:24
marriage 918:11
marshal 807:11,22 808:2,5,9,15,15 814:14 815:25 816:7,9 818:8 822:17 824:17 830:22 831:4 833:18 834:25

840:21 842:13 843:18 844:21 846:12 851:21 853:3,15,21 854:12,15,25 855:7,15 856:14 857:21 858:7 860:14 861:4,9 864:13 865:3 908:13 912:6 916:4
Marshall 806:2
mason 878:11 897:9
masonry 874:4,10 878:9 880:17 882:7
masters 863:23
material 806:22 817:8 821:7 826:6 826:9 865:6 867:22 870:21,23
materials 808:19 827:21 834:11 869:11 874:4
matter 805:17 841:24 847:18 849:6 850:6 852:15 858:8 896:24 910:22 911:6 918:13
Mattituck 850:4
mattresses 818:10 828:20
McCORMICK 801:3 802:2 805:9 805:11,14 806:19 806:25 807:6,7,9 807:16 812:10 814:19,23,25 815:9,15,22 816:6 830:19 831:5,7 833:5,11,17,20,23 835:17,21 836:3,9 837:18 838:19 839:2,12,17,20,25 841:19 842:8,12 843:8,12 844:14 844:19 846:4 847:3,9,21,24 848:2,4,7,11,14 848:17,20,25 849:25 850:12,19 850:24 855:19,21 856:10,13,25 857:5,11 859:7,13 862:21 863:12,20 880:20 884:17,19 885:16,20 890:12 890:15 891:8,16 891:20 892:7,12 892:20 899:13 903:15 904:13,17 905:2 910:20 912:5 914:12 916:4,5
Meadow 810:21 838:13 840:14 842:22
mean 853:12 886:16
mechanical 863:23 864:6
meet 811:13,16 845:6 860:22
meeting 811:17 845:18 849:9 899:10 908:19 909:25
meets 828:14
member 861:18
members 805:12 847:10
mentioned 829:23
message 811:12
messages 811:8
met 847:16 889:25 890:4
microphone 806:17 857:18 890:3
microphones 889:16
mid 831:13
mill 810:19 913:2
mine 898:10
minimum 826:17
minute 912:8
minutes 908:15
misrepresented 900:7
missing 819:16 824:7 866:9 876:8 877:5 894:23
mission 905:21
Mister 858:7
modern 875:4
modifications 887:16
moisture 876:14 879:8
mold 819:16 822:22,23 829:15 851:15 870:24 881:17
moldy 819:4 820:9 820:17 821:11,15 821:17 823:13,14 823:16
moment 813:24 856:17 859:6 874:18
Monday 837:7
money 851:23
month 907:24
morning 812:15
mortar 824:6 877:9
move 904:14 910:12 911:9 915:8
moved 900:15
museums 913:7

N

n 801:2 808:18 857:7,7 916:1 917:1
name 805:14 807:17 844:12 857:12 892:4
narratives 878:24
national 864:4 907:5 913:19 914:3
natural 869:19
nature 864:18 878:13
necessarily 883:20
necessary 914:5
need 806:22 881:3 894:12,15 900:25 901:25 902:5 905:22 909:18
needed 899:12
needs 823:24 865:12
neighboring 809:19
never 887:10
new 800:2,8 801:5 801:8 804:18 807:13,20 808:16 808:23,25 809:6 810:18,19,21 816:9,17,19 826:12 827:8,10 828:14 831:3 837:22 838:4,10 838:14 840:7,11 840:14 842:23 857:8,15 859:2 860:5,16 861:11 861:14 863:24 864:2 882:12,14 882:21 886:20 898:16 901:2 911:17 918:3,4,6
newer 867:20 875:6 880:9,16,18 881:14 887:19
newly 860:23
News 804:2 850:6 917:3
night 891:23
Nods 910:4
normal 862:5
normally 867:24
north 823:11
Notary 807:13 857:8 918:5
note 833:11 836:18 849:2 857:2
noted 815:14 857:6 859:15
notice 803:6,10,14 803:18,22 804:3 826:2 827:24 842:2,20 843:22 844:25 846:19 849:18 874:8 911:9,13,15 916:17,19,21,23 916:24 917:4
noticed 828:21
notification 803:23 890:25 916:25
November 800:9 836:22 837:6 849:7 918:9,15
number 804:18 811:6 813:16 814:12 835:2 837:3,15,21 840:6 840:22 842:16 843:16,20 844:22 846:13 847:6,11 849:24 850:7,9 853:18 854:17,19 854:19 862:14 884:21 885:17 894:25
numbered 835:3,11 836:13
numbers 850:15 878:23
numerous 808:19 822:15 852:25 853:13,15 869:5
NYS 802:23 916:15

O

O 800:11
O'KEEFFE 918:5 918:18
observation 902:20
observed 828:18 885:12
observing 835:13
obtain 839:13
obtained 836:21 839:16
obvious 902:12
obviously 830:11 853:8 866:11 867:11 896:8,10 896:12 913:14

occasion 813:11,25 832:4,13 845:6 857:20 858:14,18 863:5
occasions 811:7,10 864:24
occupancy 828:2
occupant 827:22
occupants 826:16 826:18 827:18
occupation 827:16
occupy 883:10
October 810:3,4 838:2 840:9 846:22 847:13 848:6
odors 809:21
office 836:22 837:13 838:9,16 845:10 847:17
officer 808:17,19 816:10
officers 809:2 812:6
official 828:3 859:2 860:6,16 861:11 861:19,22 862:7 863:25 882:19,21
Oh 833:19 892:8
okay 806:14 824:22 831:19 832:11 839:24 850:22 855:17,23 863:12 863:17 881:5 887:5 889:2,12,23 890:18,19,22 892:19 898:5 899:6,19 901:24 902:25 903:25 904:17 909:22 911:24
old 898:16
older 867:19 875:6 878:13,16 888:14 912:21
once 866:2 870:5 874:8 876:16 882:8
one- 831:25
ones 900:2
ons 886:9
open 804:15 820:21 826:7 829:17 854:18 898:3 909:24,25 910:5
open-ended 894:15 895:12,25
opened 843:14 846:25 909:2
operation 827:21 860:11
opinion 834:17,23 839:5 851:11,20 858:11 882:19 886:10 900:20
opportunity 830:14 830:17,18 872:7
order 828:17
original 853:10 867:12,19 871:10 874:23 875:9,18 875:19 877:20,23 878:4,18 879:19 879:22,25 881:9 888:10,19,20,22 888:25 889:6 891:22
originally 894:25
ostensively 850:3
outcome 918:12
outer 825:18
outermost 825:18
outside 864:9
overall 829:16
overview 805:24
owner 804:24 805:4 810:8 835:23 836:23 892:24
owners 810:12 897:19,21 898:18 913:2
ownership 806:11 837:9

P

P 801:2,2
p.m 800:9 840:2 841:21 848:6 849:8 857:3 859:14,15
padlock 907:19 908:3
PAGE 916:3
paint 818:22 820:7
pans 870:17
parking 902:8
part 807:3 819:7 827:14 848:18 901:10
partial 826:22 883:3
partially 823:22 896:25
participated 808:22
particular 808:14 809:17,24 810:24 811:5,14 812:5,23 813:5,12,23 814:2 814:4,17,20 824:25 832:6 833:25 838:23 839:9 840:3 841:10 845:15 847:18 848:21 849:21 850:5 856:4 858:8,14 859:17,21 860:20 862:10 863:6,10
parties 918:11
parts 828:9
patrol 887:9
peace 808:19
peeled 888:9,22
pending 914:20
penetrate 881:22
people 818:6,11 820:21 828:17,19 828:24 852:4,17 865:2,4 874:5 899:14 905:18
percent 913:21,22
perform 860:24
performing 864:7 887:4
period 903:12 910:6
periodic 860:24
periodically 861:10
Perkins 912:25
permission 815:16
permits 881:7
person 828:4 869:24 880:22 894:9,13,18
personal 803:15 839:14 916:22
personally 839:11 839:13 845:6,14 850:14
personnel 829:3 883:2
persons 804:16
phone 811:6
phonetic 810:18 878:15
photo 803:3 804:10 841:13,22 866:23 869:8,21 881:12 884:23 893:5 916:16 917:6
photocopy 891:16
photograph 841:2 881:16
photographs 813:12 835:3,14 864:12 884:25 885:13
photos 802:8 804:10 823:3 835:6,11,25 836:2 836:4,13,15 853:7 854:10,11 864:16 866:4 870:5 878:20 880:6 885:4,5,11 916:11 917:6
physically 845:14 856:22
picked 806:16 871:2
picture 819:14 822:24 865:15,16 866:6 868:22 870:18 896:16,19 896:21 897:5 899:22 902:14 903:17,19,20
pictures 855:3 868:14,17,19 890:6 898:20 901:18,23 908:7
piece 871:2 896:20
pieces 853:2 877:4 877:22
pier 893:5,6,7,11 896:23 900:24 901:2 902:6
Pike 801:7 805:2 806:10 811:3,5,12 811:17 814:24 815:3,4,8,12 830:4,9,15 832:23 836:6,13 837:17 839:11 840:2,17 841:17,18,20 842:10 844:2,18 845:6,15,17 846:6 846:10 847:8,14 847:15 848:24 849:4 850:11,13 850:18 856:20 859:9,11,12 862:25 863:3,18 871:16,20,23,24 871:25 872:3,6 875:23 885:19 889:14,18,21,24 890:4,17,22 891:5 891:12,14,18,23 891:24 892:2,13 892:19,23 894:11 894:15 895:4,5,8 895:10,11,12,14 895:15,20,23,25 898:23 899:3,7,20 900:16,18 902:17 902:18,25 903:6,9 903:13,18,19 904:2,8,12,16,22 905:4,6 906:5,7,8 906:17,21,24 907:3,6,8,11,14 907:15,21,24

908:3,7,11,20,22 909:16,17,22 910:4,18,19 911:4 911:10,16 913:17 914:17 915:9,10 916:6
Pine 850:3
Pines 810:20 836:24 837:9,24 838:3 840:10 842:20 843:23 845:3 846:21
pipe 822:4
pipes 879:7
piping 828:21
place 849:15 866:6
places 866:2 867:6 867:10 913:20
plan 816:22 886:25 898:18 901:20 906:2
planning 860:10 861:3
plans 816:22,25 893:2 898:8,24 903:3,9 904:20,25 909:14 910:16
plaster 821:19
please 807:17 815:19 825:9 830:5 831:6 832:24 857:12 875:25 879:4 880:24 891:2 904:14,14 908:10 908:12
plus 872:17
plywood 817:10,11 820:20 873:17
podium 806:21 892:11 912:4
point 824:25 836:10 852:16 859:17 865:17 869:8 871:15 878:11 898:15 902:7 912:17 913:16 914:2,6
pointed 865:18
poke 881:20
police 812:6,7,17 829:2 864:20 865:14 869:25 882:25
pop 874:9 896:14
popped 874:13 877:4
portion 824:2 854:2 881:14 894:23
portions 819:9 829:11 854:4 888:14,16
poses 870:12
position 856:5
positive 823:9
possibility 914:4
possible 826:23 883:11,14 886:15 901:4,4,13
possibly 865:7 868:16
post 838:9 841:5,8 846:17
posted 827:23 842:6,7 846:20 856:24
posting 803:4 841:3 841:14,23 916:16
postmarked 843:2
potential 827:17 843:25 864:15 865:10 868:8 870:11,13 876:22 882:23 883:9
potentially 874:18
pots 870:17
poured 887:20,23 897:4,5,7
power 823:6
power-point 814:3 814:7 815:17 816:2 836:17 863:6
practices 817:2
pre-exists 887:17
pre-purchase 864:8
predecessor 913:5
prefer 852:17
premises 812:3,17 813:11 827:23 859:20
preparation 862:4
prepared 814:11 814:12 848:3,5,8 848:12 861:25 862:17 863:9
presence 827:20
present 804:22 805:4 811:21 814:4 845:12 847:15 849:13 855:25 883:5,7 890:13 903:14
presentation 814:3 814:8 815:17 816:2 836:17 863:7
presented 911:7,8
presenting 890:16 890:17
presently 834:17 834:18
presents 882:24 883:8
preservation 806:7 833:13 911:25 912:14,19 914:11
pretty 868:22
prevent 870:11
Prevention 809:7 816:18
previously 862:13
primarily 865:17
primary 873:12 876:3 888:4 889:4
principal 806:11 811:3
prior 810:9 811:17 813:24 831:8 864:5 907:12
private 861:5
probably 852:4,17 864:25 867:20 868:3 873:8 874:5 875:9 878:18 879:16 880:15 887:17,20 899:18
problem 865:20 901:10
procedure 841:7
proceed 815:24 831:5 863:13 891:2,24 910:25
proceeding 905:8
proceedings 802:1 803:1 804:1 805:1 806:1 807:1 808:1 809:1 810:1 811:1 812:1 813:1 814:1 815:1 816:1 817:1 818:1 819:1 820:1 821:1 822:1 823:1 824:1 825:1 826:1 827:1 828:1 829:1 830:1 831:1 832:1 833:1 834:1 835:1 836:1 837:1 838:1 839:1 840:1 841:1 842:1 843:1 844:1 845:1 846:1 847:1 848:1 849:1 850:1 851:1 852:1 853:1 854:1 855:1 856:1 857:1 858:1 859:1 860:1 861:1 862:1 863:1 864:1 865:1 866:1 867:1 868:1 869:1 870:1 871:1 872:1 873:1 874:1 875:1 876:1 877:1 878:1 879:1 880:1 881:1 882:1 883:1 884:1 885:1 886:1 887:1 888:1 889:1 890:1 891:1 892:1 893:1 894:1 895:1 896:1 897:1 898:1 899:1 900:1 901:1 902:1 903:1 904:1 905:1 906:1 907:1 908:1 909:1 910:1 911:1 912:1 913:1 914:1 915:1 918:8
process 838:7,11 838:18 839:5 913:4 914:9
produce 836:19
product 913:6
professional 851:11,20 859:5 860:13 864:2 882:20 902:15
professor 864:6
progress 866:3
prohibited 828:2
prohibitive 856:6
project 864:4
projects 831:21
properly 823:24
properties 816:16
property 810:8,12 810:24 816:19 826:15 835:7,23 837:8 897:12,16 897:22 899:4,16 899:17 906:20,23 907:9 908:5
protect 826:17
prove 914:5
proves 818:11
provide 815:9 842:9 848:24 849:13
provides 872:4
providing 826:17 860:13
proximity 827:18
PSI 894:2,4
public 800:4 804:15 805:13,16 807:13 826:15 846:17,19 849:7 849:18 857:8 861:4 864:16 882:17,17,23 883:8 910:25 918:6
publication 804:3 849:19 850:4 917:3
publish 846:17
published 850:6
Pulaski 857:15

pulled 820:21
punch 913:5
purpose 828:5 858:6
pursuant 813:7 814:17 838:6 839:8 845:2 849:10 858:19,22 859:23 862:5,10 863:7 887:25
push 876:5
put 851:2 852:25 855:13 876:9 878:12 897:10 908:22 909:14 910:7,22 911:11
puts 867:24
putting 877:11 905:14,18

Q

qualifications 816:6 863:22
qualify 827:7 830:9
quality 829:25
question 830:21 832:25 837:11 840:6 841:6 845:25 847:24 851:24 852:21 854:22,24,24 866:22 888:8 889:16 894:11,16 895:20 906:16
questioning 806:18 904:5 907:20,23 908:10
questions 805:5 830:4 833:9,12 850:20 851:8 855:19 856:11 885:22,25 889:11 895:13 905:3 906:18 908:12
quick 855:22
quickly 852:6 900:22

R

R 800:11 801:2 807:12 918:2
Railroad 817:4,24
rain 852:8 865:24 868:13
raise 846:10
raising 909:10
ran 831:18
rapidly 882:6
re-support 879:13
re-supported 864:25
reaching 914:13
read 849:4 882:15 882:18 891:18
reading 827:25 882:13
ready 896:14
really 851:24 858:9 865:20,22 867:13 867:18 877:25 878:7 889:4 891:18 893:20 898:10 909:2
rear 817:5 818:16 880:8
reason 811:14 818:5 819:2 825:15 905:7
rebuild 892:25 893:22 903:4
recall 887:16 891:25
receipt 914:20
receive 846:7
received 808:14 809:19 839:4 850:18 915:7,8
recertification 808:23
recess 908:16
recognize 835:4
recommendation 829:20 883:13
record 807:17,25 815:11 833:13 836:12,15 839:25 840:20 841:19 843:13 846:9,18 850:13,17 856:20 857:12,21 859:7 859:13 861:8 878:19 881:2 882:19 889:22 890:23 891:11 892:18 908:23 911:12,22 914:14
Recorded 802:11 802:15 916:12,13
records 912:22
reduce 866:17
redundant 864:12
reference 840:5
referenced 882:11
referred 806:9
referring 878:20
reflect 815:11 836:12 840:2 841:19 843:13 846:9 850:13,18 856:20 859:8 891:11
refused 890:6
regard 808:20 809:5 823:2 824:18 832:3,12 833:24 835:8 845:5 848:20 856:5 862:18 863:13
regarding 804:16 805:20 812:21,22 814:12 835:3 836:4 837:20 841:23 844:2 845:23 846:18 849:11,14,17 850:5 857:22 858:7 860:8 861:18 878:21 884:23 885:9
register 913:20 914:3
registered 863:25
reiterate 855:24 863:22 883:15
related 836:16 918:10
relied 875:12
remain 888:11
remaining 829:13
remains 837:8
remediated 834:15 851:22
remnants 872:11
removed 818:13 828:21 851:19 886:13 888:14,17 888:22
removing 828:6
renovate 852:5 856:7
renovated 832:21
renovating 816:13 909:10,12
rental 832:19
reopen 910:24
repair 886:11 903:11 910:17
repaired 829:21 851:18,22
repairs 828:6
repeatedly 906:13
replaced 851:20 886:20
report 802:5 804:8 813:7,20,23 814:2 814:9,11,16 815:18 816:3 828:8 858:19 862:2,5,9,17 863:4,6 865:18 878:21,25,25 885:3 898:19 901:17 910:11,21 914:20 915:7,7 916:10 917:5
reporter 880:21 881:5 892:15 895:16 918:5
reports 856:18 911:7,8
represent 835:12 841:23
require 886:16
required 808:20 809:2 828:6 841:4 841:8 861:9
rescue 905:14
researched 810:7 810:11
reside 807:19 857:14
resolution 846:16 849:17
resource 912:20 913:13,18
respect 810:6 813:23 861:24 863:4
respond 875:24 884:5 895:24
responders 829:7
responsible 860:10
responsive 896:2
rest 874:16 876:4 876:12,15 879:16
Restaurant 805:23 809:15 816:4 817:3,6 841:3 858:3
resting 824:4
restoration 913:23
result 866:4
retrieving 863:20
return 803:11 840:18 843:15
returned 841:20 843:3,5,14 846:23
returning 856:24
review 804:2 816:22 850:6 917:3
Richard 806:6 912:12 914:22
right 809:11 815:23 819:2,7,8 821:13 821:16 822:6,10 823:19,22 825:17 826:3 846:2 852:24 867:8 869:2,6,22 870:17 870:25 877:7,12 878:3,24 880:5,11 883:18 893:8,21 900:4 901:21 904:8 915:3,5

risk 865:12 883:19 905:14,19
Riverhead 800:2,6 800:8 801:4,5 804:17 805:15,21 807:20 808:5,10 809:8,12 812:7 813:8 816:8,17 829:10 830:25 841:4 849:8,10,10 857:15,24 858:19 859:24 860:3 864:10 890:10 897:16 912:14 914:7
Riverhead's 912:25
Riverly 810:19
Robert 800:18 847:22
rodents 883:9
roof 817:7,11,11 819:12 821:15 826:2 834:3 865:18,25 866:9 868:21,23,24 872:9 876:8 909:14
roofing 817:8,9 819:20 826:4,9 831:13 865:23
room 818:20 825:25 826:5,10 826:11 827:2 828:10 840:3 847:16 849:9 859:10 878:8
rooms 854:20
root 865:20 867:13
rot 851:14 866:15 868:8 871:2
rotted 871:3
roughly 832:25 837:10
rubber 817:9
rubbish 818:18
run 875:12
running 819:16
runs 822:9
rust 822:5
rusted 822:5

S

S 801:2 857:7
sad 903:17,23
sadly 890:13
safe 851:19 886:12 886:14 888:11 900:23 901:15 904:23 909:20
safeguards 826:17
safety 826:15 887:3
sag 819:19 822:12
sagging 870:10 884:11
satisfaction 887:2
satisfies 833:8
saturated 867:23 868:7 877:10 882:3 893:19
saturating 866:14
save 851:25
saw 834:22 844:7 856:22 865:4 882:2 884:12 887:21 897:9
sawn 878:14
saying 811:13 871:23 892:16 905:23
says 880:25 903:21
scene 835:12 885:12
scheduled 849:6
screen 807:2
screwdriver 881:20 881:21,22
SEAN 800:12
search 812:2,12,20 835:7 857:23
second 806:3 825:6 853:8 866:10 869:4,10 876:18 876:20 877:18,22 880:21 886:2 888:17 913:14
second-floor 825:25 866:8 872:9
secondary 810:24 888:4
Secretary 838:5,10 838:25
section 823:20 826:13 827:8,10 828:14 841:5 849:5,11 853:20 854:10 889:8
sections 829:17 882:11
secured 812:17
securing 828:5
see 817:8,11,13 818:20,25 819:6,9 819:15 820:2,5,6 820:10 821:4,6,14 821:22 822:4,4,8 822:12,14,20,21 822:24 823:12,15 823:19 824:5,8 825:16 826:3 829:25 864:23 865:10 866:4,9 867:10 868:20 869:12 870:4,5,17 870:24 872:21 875:2,7 877:3,6 878:9 879:8,10 881:17 886:23,24 888:18 892:25 897:8 899:20 900:13,15 905:15
seeing 821:18 871:5 886:7
seen 817:4 826:25 884:8 887:10 889:25
self-employed 831:15
send 848:15
sender 843:15
sent 842:20,25 844:4 847:13 848:13,18 897:19
September 907:8 907:13
serious 870:13 886:17
serve 838:24 839:10,12
served 838:8,12 839:2
service 803:15 816:11,11 838:18 839:6,22 840:15 845:22 883:11 884:5 916:22
services 865:13 884:15 905:13,18
serving 815:12
set 811:10 876:18 884:25 918:14
shape 832:14
sheathing 899:24
sheetrock 818:21 820:6 826:5
shelving 819:10 821:24,24
shift 853:24 876:11
shifting 879:10
shingles 817:25
shoot 880:4
shot 864:21
show 837:7 863:9 866:4 868:24 869:9 870:19 876:25 880:6 881:15 901:25,25 903:19,20,23
showing 813:15 862:12 864:21 866:6 868:11
shown 834:25 842:14,14 843:18 844:21 868:23 898:13
shows 853:7 865:15 869:21 872:11
side 817:24 820:3,6 824:13 855:6 864:7 878:8 896:13,16,19
siding 817:17
significant 894:22 913:9,11,12
signs 908:4
similar 804:21 824:12 865:2 900:14
simple 831:25
Simply 843:14
sir 807:5 808:7 809:10,13 810:14 813:21 818:8 830:7,13,17 831:9 846:23 859:6 863:4 890:18,19 891:21 892:21 903:10 904:13 905:3
sister 900:23
sistering 900:21 901:12
sit 806:16,23 902:9
site 816:22
sitting 873:21,22 874:14 875:15 877:2 879:15 894:24
situation 906:12
sky 826:4
slides 878:24
slip 820:22
slowly 892:15
snow 818:3 826:7 865:24 868:2,3
snows 852:7 867:25
soaking 868:7
soda 874:7
sofas 818:17
soffits 817:13
soft 870:9 871:4 873:4 884:11
soften 866:15
solid 853:12
somebody 818:12 834:13 844:7 856:8 870:13 873:3
somewhat 912:21 913:8
soon 883:14
sorry 820:13 822:19 833:19 851:5 888:13 889:20 892:4

899:20 900:18
ource 823:2,4 843:25
sources 810:24
South 801:8 843:24 845:9 847:17 911:16
space 822:14 823:10 854:14 861:7
spaces 822:7 853:13,16 854:16 855:5,13,16
span 873:20
spare 882:12
speak 811:9 839:21 890:2 892:14 895:7,9,18,19 911:21 912:2
speaking 895:19
speaks 894:9,13,18
specifically 809:8 866:20
spend 851:23 852:5
split 870:23
square 832:2
squatters 905:11
squatting 884:8
squeeze 872:25
ss 918:3
stability 817:21 825:23 858:11 893:18
stainless 870:16
stairs 819:23,25 820:3 821:2,4,8 821:22 827:3 828:11 872:23 873:11 884:12
stairway 872:19,22
stand 807:11
standing 808:22 861:18
stands 879:12
start 905:12
started 824:8 883:25
starting 817:12 819:19 822:12 825:14
state 800:2 807:13 807:17 808:16,24 808:24,25 809:6 816:9,18,19 826:12 827:9,11 828:14 831:3 837:22,23,25 838:4,5,9,10,25 840:8,8,11 857:8 857:12 859:2 860:5,16 861:11 861:14,15 863:24 864:2 882:12,14 882:21 903:11 913:22 918:3,6
status 861:19
stay 892:3
steel 870:17
stem 865:22
step 820:18
STEPHANIE 918:5,18
stick 881:22
stiffer 870:11
stipulation 909:4,5 911:2
stole 865:5
Stony 810:17,18 864:6
stop 880:20
stopped 834:13,14
stops 895:18
stories 872:17
story 888:17
Street 857:15
strength 866:16,17
strikes 883:21
strong 876:7
structural 802:4 813:19 816:3 825:23 829:13 834:10 852:12 858:10 864:8,13 864:18 865:21 866:14 867:14 871:6,21 883:6 893:14,18 896:6 898:14 900:2,8,11 900:13 916:9
structurally 826:20 853:11 902:2
structure 805:19 812:22,23 817:21 826:13,16,19 827:8,13,14,15,16 827:19,24,25 828:4,5,7,9,18 829:9 830:24 831:2 833:25 834:8,17 842:3 845:2 849:12 851:17,18 865:8 865:11 869:9 871:9,10,25 876:23 877:20 879:23 881:9 882:16,22 883:3,6 883:14 884:7 886:12,14 888:10 888:12,19,23,25
structures 829:10 870:20 883:20,22 883:23 898:11
stuff 899:23 900:7
subfloor 823:14
subject 811:21 849:14
subjected 834:9
submit 899:2 903:3 904:7,20 910:15
subsequent 813:5 858:17 914:4
suffering 879:7
Suffolk 800:2 804:18 836:21 837:12 907:5
suggest 829:18
Suite 838:13 840:13 842:22
sun 826:7
SUNY 864:6
Supervisor 800:12 804:14 805:3,12 806:14,20,24 807:5,7 814:22 815:2,7,14,19,24 818:5,15 823:8 829:22 830:6,13 830:16 831:6 833:7,14,19,22 835:19,23 836:7 837:16 838:15,24 839:10,15,18,24 840:16 841:16 842:11 843:10 844:16 846:8 847:7,19,23 848:23 849:23 850:10,12,17,19 850:22 851:2,5 852:22 854:21 855:18,23 856:12 856:19,25 857:4,6 857:17 859:9,14 859:15 863:2,15 868:15 869:3 871:24 872:3,6 875:24 884:17,20 885:18,21 886:2 889:10,20,23 890:2,19,24 891:6 891:10,24 892:5,8 894:9,13,18 895:4 895:6,9,11,14,16 895:22 898:23 899:6,19 900:16 902:17,19 903:2,8 903:10,18,25 904:4,10,13,18,24 906:7 907:15,22 908:2,6,9,14,18 909:19,23 910:20 910:24 911:5,14 911:19,24 912:5,7 914:15 915:3
Supervisor's 840:5
support 822:2 824:14 870:20 872:5 875:8,13 877:16 886:18 894:24
supported 823:18 823:22,25 826:24 828:8 872:18
supporting 825:5 853:18 877:20
supports 823:14,23 824:14,15 882:8 896:11
supposed 824:13
sure 860:25 866:24 878:6 884:7 901:15 915:2
surrounding 821:4 821:5
switch 856:17
switches 869:5
sworn 807:12 857:8 912:10

T

T 807:12 857:7,7,7 918:2,2
table 889:14
take 813:11 874:17 881:19 889:14 893:21 896:16 900:22 904:8 906:10 908:7,15
taken 871:7 878:24 881:7 896:19 905:10 908:16 918:8
takes 873:3 901:19
talk 857:17 909:2
talking 875:10,17 896:20 913:24
tax 804:18 913:21 913:22
tear 910:12
tell 809:23 831:11 877:21,24 878:7 878:17 891:20 893:16 898:15 903:15 906:24 907:3
tells 875:8 877:8 881:23
temporally 886:18
ten 907:2
tended 887:23
terms 833:12 839:14,21
test 894:5 898:7 902:4

Testa 804:7 806:4 812:8 813:2 856:16 857:13,17 857:19 859:16 863:16 866:24 867:4,9 868:17 871:12,19,22 872:4 874:25 875:14,21 877:21 878:7,19 879:18 879:20 880:2,13 880:17,24 881:10 884:18,22 885:23 886:15 887:15 888:6,13,24 889:3 889:17 892:5,6,10 895:6 905:3 912:6 913:15 916:5 917:5
tested 894:4
testified 807:14 857:9 861:8 892:24 893:4
testimony 807:4 834:2 859:16 865:3 878:21 891:21 895:7
tests 893:23 898:6 902:3
thank 805:11 807:6 807:9 818:15 825:8 831:7 833:7 833:20,23 835:16 840:4 841:18 842:12 843:7 844:13 845:21 847:3 848:22,25 852:19 855:17,21 856:10,14 857:5 859:12 876:2 879:3 884:19 885:15 889:9 891:14 892:19 894:17 896:2 898:22 904:16 905:4 908:11 911:4,5 912:15 914:12,15 915:9 915:10
thaw 874:5 876:15
Theoretically 851:21
they'd 886:18
thing 823:9 870:2 874:9 889:7 892:17
things 851:13 869:6 876:5 909:14
think 806:20 830:8 871:13 880:3,6 883:18 887:11,13 888:11 889:6 893:5 902:22 906:3 907:17 908:21 912:22 914:19
Thirty 903:6
thorough 853:2 898:19
thought 892:2 914:14
threat 870:13
three 811:10 856:20 868:3 881:23
Tide 810:16
tie 822:10
timber 886:19,20
time 807:10 808:7 809:23 810:6 811:5,15,16,20 812:5,11,16,20,25 813:24 814:5,21 815:13,15 817:22 823:7 829:19 831:11,20 832:23 834:9 835:14 836:18 838:23 840:3 842:14 845:12,15 848:13 849:15,22 850:21 851:24 854:6 855:25 856:4 857:2 859:21 862:23 863:10 868:9 880:22 885:12 887:14 894:10,14,19 895:18 901:3 903:3,12 905:3,22 908:17 910:6 911:7,9 912:16 914:13 915:6
timely 851:18
times 853:5 856:21
title 807:25 808:8 808:14,21 834:6 860:20
today 805:6,10 806:8 807:23 839:23 844:20 845:18 849:4 889:25 899:12 901:2 904:7,20
today's 802:7,10,14 802:18,22 803:2,5 803:9,13,17,20,25 804:5,9,12 805:16 850:4 909:7
tons 899:12
top 868:6 871:18
torn 878:14 886:13
total 854:5 883:5 891:13
tothe 903:3
touch 871:4 914:24
town 800:2,18,19 801:3,4 804:22 805:5,12,14,15,21 805:25 806:3,13 808:5,10 809:8,12 812:7,7,8,9 813:2 813:3,8,16 814:4 814:12 815:16 816:8,17 829:9 830:24 833:10,10 835:2,24 836:16 837:4,15,20 839:7 840:6,22 841:4 843:3,15,19 844:15,15 845:9 845:18 846:13,16 847:5,10,11,17,22 848:9,19 849:8,8 849:10,16 850:2,9 850:14 856:15 857:24 858:9,19 859:24,24 860:2,3 860:8,12,14,21 862:6,6,13 863:10 864:3,10 884:21 885:17 886:24 890:5,9 892:2 897:15,20 898:8 899:7,8,10 902:23 905:9 906:14 908:20 909:25 914:8
Town's 802:5,9,16 802:20,24 803:4,7 803:12,16,19,23 804:4,8,11 835:18 842:15 858:23 912:22 916:8
Towns 802:12
toxic 827:20
training 808:13,18 809:3 834:7
transcript 918:8
transfer 813:25 863:5 876:19
transfers 873:23
tremendous 879:11
tried 883:24
trip 870:3 873:3
true 883:20 918:7
try 852:5
trying 899:20
turn 830:7 869:6
Turnpike 838:13 840:13 842:21 845:4 846:21
Twelve 861:23
twenty 831:23
Twenty-five 860:4
twice 874:8
twist 876:10
two 805:25 811:9 812:6 851:13 855:22 868:3 872:16 877:12 886:8 888:3
two-family 831:25
type 854:7 878:16 879:21 880:18 895:17
types 875:4
typically 881:19

U

ultimately 876:19
unabated 834:9
unable 811:13
underneath 820:18
understand 886:7
understanding 806:10 832:8
unheated 852:9
Uniform 816:18
units 821:25 832:6
unlawful 828:3
unofficially 884:16
unopened 843:5,11 843:13 847:2
unreasonable 906:5
unsafe 800:5 804:16 805:18 826:13,19,21 827:7,25 828:23 829:9,10 830:23 831:2 842:2 844:25 849:12 851:17
unstable 826:22 902:2
unsuspecting 869:23
unsuspectingly 884:9
updated 898:18
upstairs 873:4
use 807:2 861:2
utilities 823:7 883:18
utilizing 840:12

V

vacate 827:22
vagrant 869:25 873:10 884:4
vagrants 883:10,23
validate 810:11
vandalism 865:7 884:4
vapors 827:20

venture 901:14
verbatim 849:5
vermin 809:21 818:2
versus 881:9
victims 829:4
view 872:8
violation 803:6,10 803:14 916:17,19 916:21
visible 896:21
voice 811:8
volunteer 905:17

W

wait 880:23,24
walk 820:17 870:10 873:17 881:18
walked 810:10 881:25
wall 818:21 820:3,5 821:16 824:5,13 826:10 855:5 869:6 877:2,3,16 878:11 879:7,11 879:12,15,15 902:14
walls 818:22 821:5 821:6 826:5 853:17 855:10 876:19 889:3
WALTER 800:12 804:14 805:3 806:14,24 807:5,7 814:22 815:2,7,14 815:19,24 818:5 818:15 823:8 829:22 830:6,13 830:16 831:6 833:7,14,19,22 835:19,23 836:7 837:16 838:15,24 839:10,15,18,24 840:16 841:16 842:11 843:10 844:16 846:8 847:7,19,23 848:23 849:23 850:10,17,22 851:2,5 852:22 854:21 855:18,23 856:12,19 857:4,6 857:17 859:9,15 863:2,15 868:15 869:3 871:24 872:3,6 875:24 884:17 885:18 886:2 889:10,20 889:23 890:2,19 890:24 891:6,24 892:5,8 894:9,13 894:18 895:4,6,9 895:11,14,16,22 898:23 899:6,19 900:16 902:17,19 903:2,8,10,18,25 904:4,10,18,24 906:7 907:15,22 908:2,6,9,14,18 909:19,23 910:24 911:5,14,19,24 912:7 914:15 915:3
want 833:15 849:2 851:25 852:5 883:15 886:23,24 887:6 889:21 891:4 898:18 901:15 909:9 911:14 912:3,17 913:16 914:6,12 914:23
wanted 865:17 868:24 869:8 881:15 892:25
wants 895:21
warm 883:24
warn 826:17
warrant 812:3,12 857:23 897:25
water 810:19 817:19 818:3 819:21 820:16,16 820:24 821:20 822:18 824:11,19 824:23 825:20 826:7 829:15 833:24 834:9 852:9 853:16 866:2,5,7,11 867:18,21 868:13 869:13 870:22 872:10 873:25 874:6,10,11 877:10 881:16 882:3,4 893:19 898:12 901:11
water-intrusion 834:3
wavy 817:13
way 810:24 811:17 820:18 822:13,25 823:25 832:14,19 834:4 853:24 866:13,13 869:23 873:2 878:14 884:11 886:23 893:21 900:3 912:13 918:12
ways 828:24
we'll 804:15 805:6 806:15 844:17 885:20 898:17 909:6,23,24 910:3 910:8,9,14,22 911:9 915:6
we're 805:10 819:16 821:18 841:8 860:25 869:17,17 889:13 890:19 904:18 907:15 908:14,18 908:25 914:19
we've 908:21
weaken 834:10,11 834:12
weakened 829:14
wear 860:15
weather 817:10,12 817:16 818:3 829:14,18
weaver 913:3
Wednesday 849:7
weight 869:12 873:20
weight-bearing 825:2 832:5
welcome 841:16 859:11 892:20
welfare 882:23
well-engineered 886:24 893:2 894:6
went 810:9,11 887:20 896:15,18 909:20
wet 819:3,15,18,20 820:9,16 821:9,10 821:10,15 823:15 866:18 867:21 868:7,25 882:8
WHEREOF 918:14
white 870:23 879:8 881:17
wide 826:6 854:18
WILHELM 800:19
William 912:23
willing 851:23
wind 826:8 876:7
wind's 876:9
window 820:20,22 853:7 888:19
windows 864:22
winds 876:7 912:13
Wines 806:6 891:8 911:21,23,25 912:3,9,10,12,12 914:16 915:2
winter 852:7 868:4 874:20 876:7,13 877:14 882:7 883:24
winters 874:12
wintertime 825:21
wires 818:23 879:7
wiring 822:4,15 865:6
withheld 896:9
withstand 866:19 894:21
witness 807:8 833:16 850:23,25 855:20 856:12,13 856:15 891:7 916:3 918:14
witnesses 805:5,25 806:16,21 916:2
wondering 853:10
wood 817:25 819:12,15,16 820:8 821:10,16 896:3
WOOTEN 800:15
words 898:17
work 879:13 886:17 887:4,10 909:4 913:23
worked 831:13,15
workers 883:11 887:3
works 913:8
worse 825:22 874:20
wouldn't 896:15,18 903:16
Wow 891:23
written 805:7
wrong 852:24

X

x 800:3,7 916:1 917:1

Y

yeah 871:20 875:14 878:2 880:2,13,14 898:21
year 809:4 837:11 867:21 897:2
years 808:6,17 816:8,9,10,11,12 829:23 830:2 831:14 832:25 853:2 860:4 861:23 867:18 887:9,10,12,15 890:9 897:17 899:5,18 905:25 907:2
yield 866:16,17
York 800:2,8 801:5 801:8 804:18 807:13,20 808:16 808:23,25 809:6 810:18,19,21

816:9,17,19 826:12 827:8,11 828:14 831:3 837:22 838:4,10 838:14 840:8,11 840:14 842:23 857:9,16 859:2 860:5,16 861:12 861:14 863:24 864:2 882:12,14 882:21 911:17 918:3,4,6

Z

Z 807:12
Zitek 802:5
Zitic 806:3 807:11 807:18,23 815:25 818:8 822:17 824:17 831:4 833:18 834:25 840:21 842:13 843:18 844:21 846:10,12 850:20 851:21 853:3,15 853:21 854:12,15 854:22,25 855:7 855:15 856:14 857:21 858:7 861:9 889:17 908:13 912:6 913:16 916:4,9
Zitic's 865:3

0

1

1 802:6,8 804:10 813:16 814:12 835:3,11 836:13 916:9,11 917:6
10 803:16 844:22 916:21
10/12/15 917:4
10/20/15 804:4
10/31/15 803:19 916:23
107.2 826:13 827:8 831:3
108.1 827:10 828:14
11 803:20 846:13 847:6 878:20 916:23
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Supervisor Walter: "We actually have one more public hearing. This is the fifth public hearing was scheduled for 2:20 and it is now 4:50. This is a Consideration of a Local Law to Amend Chapter 93 Entitled "Sunday Activities" of the Riverhead Town Code. Does anybody wish to be heard on this matter? Not seeing anybody we will close the public comment portion and leave it open to written comment until November 13th in the Town Clerk's office, 4:30 p.m."

Public Hearing Closed at 4:51 p.m.
Left Open for Written Comment until November 4, 2015 at 4:30 p.m.

COMMENTS ON RESOLUTIONS

Supervisor Walter: "Ok, does anybody wish to be heard on resolutions?

Sal Mastropaolo: "Sal Mastropaolo, Calverton. On Resolution 14 I just have a question. It says a resolution designating Luminati Aerospace, LLC and 400 David Court LLC as a qualified and eligible sponsor to enter into a runway use agreement. Which LLC is getting the runway agreement?"

Supervisor Walter: "Both, both of them."

Sal Mastropaolo: "Well then why doesn't it say eligible sponsors?"

Supervisor Walter: "It should say that."

Sal Mastropaolo: "Ok, because they both have the right?"

Supervisor Walter: "That's correct."

Sal Mastropaolo: "Ok, Resolution 757, the third line down. Is it 1760 Old County Road or Old Country Road?"

Councilman Wooten: "Old Country."

Sal Mastropaolo: "Ok, thank you. No more comments."

Supervisor Walter: "That actually was pretty good. Ok, yes Sir; how are you doing?

Kyle Salvato: Hi my name is Kyle Salvato. I'm an engineer and a small business owner with future plans to operate and buy at EPCAL and I have something I would like to address the Board with. I just wanted to address the Board and I had some questions based on your verdict this evening. I did not come here originally with the intent to speak only to congratulate Luminati with hopes on collaboration on the future of aviation at EPCAL.

As a career engineer that has to travel around the world to show up for work I applaud Mr. Preston and Luminati for bringing engineering jobs back on Long Island. I'm tired of the naysayers and pessimists from peanut galleries that are shooting down and doubting those who have the

courage to create something from nothing in a society that is driven by the buying and selling of intangible things.

I wish Luminati great success in their endeavors of creation but I chose to come up here to inform the Board that Luminati is not the only business interested in runway rights and airport management at EPCAL and I hope they take that into account when they're weighing their decision and I just had some questions based on the decision on how to proceed."

Supervisor Walter: "We did amend the agreement; it's not an exclusive agreement. It's sort of, Luminati, somebody has to be the master, have sort of the control to maintain the safe operation of the runway. Other companies will be eligible for runway use agreements through the Town of Riverhead."

Kyle Salvato: "So it's going to be going through the Town of Riverhead as defined in the future as well as not solely going through them?"

Supervisor Walter: "Not solely going through but it will go through them too because everything's got to work correctly there."

Kyle Salvato: "Ok so to continue with the afore mentioned guidelines provided by Mr. Kozakiewicz and same type of proposal that Luminati has."

Supervisor Walter: "If you have an aerospace company we'd love to talk to you."

Kyle Salvato: "No I don't."

Councilwoman Giglio: "Or if you have any company that wants to use the runway Luminati said that they would work with other people that were interested in buying property at EPCAL as a gentleman's business which I guess is how it works when they have picked time periods as to when they can take off and land."

Kyle Salvato: "Very good, that basically was my question."

Supervisor Walter: "You waited all those hours for that, I apologize."

Kyle Salvato: "It's important to me so. Well I hope I leave a lasting impression and I look forward to working with the Town of Riverhead in the future."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Ok, does anybody else wish to be heard on resolutions? Not seeing anybody, Diane let's take up resolutions."

Councilman Dunleavy: "I make a motion we close the Town Board meeting and open the Community Development Agency meeting, so moved."

Councilman Wooten: "I will second that motion."

Supervisor Walter: "Moved and seconded. Vote please.

The Vote: "Giglio, yes; Gabrielsen, yes, Wooten, yes; Dunleavy, yes; Walter, yes. The CDA meeting is now open."

Town Board Meeting is now closed

Town Board Meeting is now reopened

RESOLUTIONS

Resolution # 753

Councilman Wooten: "Riverhead Water District Insurance Recovery 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 #754

Councilman Gabrielsen: "Riverhead Sewer District Budget Adjustment, so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #755

Councilwoman Giglio: "Riverhead Highway District Budget Adjustment, so moved."

Councilman Dunleavy: "And second."

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

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

Resolution #756

Councilman Dunleavy: "2014 Warner Drive Road Repair and Improvement Capital Project Closure, so moved."

Councilman Wooten: "Second."

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

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

Resolution #757

Councilman Wooten: "Riverhead Dodge Water Capital Project Budget Adoption, so moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio, as amended to read Old Country Road, yes; Gabrielsen, as amended, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.

Resolution #758

Councilman Gabrielsen: "Adopts a Local Law to Amend Chapter 62 entitled "Excavations" 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. Resolution adopted."

Resolution #759

Councilwoman Giglio: "Approved Agricultural Worker Housing for Harbes Farm Jamesport East LLC Pursuant to 108-64.4, 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 #760

Councilman Dunleavy: "Adopts a Local Law to Amend Chapter 96 Entitled "Rubbish, Refuse, Weeds and Other Rank Vegetation" of the Riverhead Town Code, so moved."

Councilman Wooten: "Second."

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

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

Resolution #761

Councilman Wooten: "Authorizes Town Clerk to Reject Bids and Re-post and Re-publish the Attached Notice to Bidders for Highway Department Exterior Office Improvements, 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 #762

Councilman Gabrielsen: "Appoints a Part-time Police Officer (Robert J. Stevens), so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #763

Councilwoman Giglio: "Ratifies the Appointment of Part-time Police Officers and Places them on a Leave of Absence, 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 #764

Councilman Dunleavy: "Appoints a Recreation Aide to the Recreation Department (David Troiano), so moved."

Councilman Wooten: "Second."

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

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

Resolution #765

Councilman Wooten: "Appoints a Recreation Aide to the Recreation Department (Kaitlyn Brown), 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 #766

Councilman Gabrielsen: "Appoints a Recreation Aide to the Recreation Department (Jordan Harden), so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #767

Councilwoman Giglio: "Authorization to Publish Advertisement for a Request for Proposals for Medical Transportation Billing and Reimbursement Services on Behalf of the Town of Riverhead Ambulance District, so moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #768

Councilman Dunleavy: "Authorizes the Supervisor to Execute Stipulation of Agreement with Civil Service Employees Association, Inc. (CSEA), Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, 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 #769

Councilman Wooten: "Ratifies Authorization for Co-sponsorship of Weekly Saturday Farmer's Market from November 14, 2015 to April 30, 2016, with the Riverhead Business Improvement District Management Association, Inc. (BIDMA) at 117 East Main Street, Riverhead; Authorizes BIDMA to execute a Lease Agreement with Riverhead Enterprises, LP, 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 #770

Councilman Gabrielsen: "Ratifies Rescission of Award for Collection and Recycling of Electronic Waste and Re-awarding Bid to Second Lowest Bidder, so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #771

Councilwoman Giglio: "Authorizes Shop Gun Hunting for Deer on Town Property at Enterprise Park at Calverton (SCTM No. 600-135-1-7.33. et at.) and 1751 Sound Avenue, Calverton (SCTM #600-60-1-2) from January 4, 2016 to January 29, 2016, Excluding Weekend Days, Sunrise to Sunset, 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 #772

Councilman Dunleavy: "Approves the Application Fireworks Permit of Riverhead Business Improvement District Management Association (Riverhead BID Bonfire – Saturday, December 12, 2015), so moved."

Councilman Wooten: "I'll second but it's the Riverhead Town bonfire not a BID fire."

Supervisor Walter: "Do we need to amend it?"

Councilman Dunleavy: "Do you want to amend it?"

Councilman Wooten: "It's not a BID sponsored event, it's a Town sponsored event."

(Inaudible)

Supervisor Walter: "Let's just leave it as it is."

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

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

Resolution #773

Councilman Wooten: "Appoints Interpreter for Police Department and Justice Court (David Burton Olson), 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 #774

Councilman Gabrielsen: "Approves Chapter 90 Application of Lions Club of Riverhead, Inc. (Annual Santa Parade and Assembly – Sunday, December 6, 2015), so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #775

Councilwoman Giglio: "Authorizes the Superior to Execute an Agreement between Mailfinance Inc. and the Town of Riverhead (Mail System Machine), 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 #776

Councilman Dunleavy: "Authorizes Supervisor to Execute an Agreement with Riverhead Soccer Club for Training and Referee Services for Town of Riverhead Police Athletic League Girls and Boys Soccer Program for 2015 Calendar Year, so moved."

Councilman Wooten: "Second."

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

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

Resolution #777

Councilman Wooten: "Ratifies Authorization of Parking Lot Lease Among Riverhead Business Improvement District, The Riverhead Business Improvement District Management Association, Inc. (BIDMA) and Riverhead Enterprises, LP regarding Parking Lots Contiguous with 127 East Main Street, 203-207 East Main Street, 209 East Main Street, 211 East Main Street, 213 East Main Street, 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 #778

Councilman Gabrielsen: "Authorizes Application to New York State Department of Environmental Conservation for Additional Improvements to the Non-motorized Recreation Trail at EPCAL, so moved."

Councilwoman Giglio: "Second."

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

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

Resolution #779

Councilwoman Giglio: "Authorizes Execution of a Construction Staging Agreement with Verizon, New York, Inc., 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 #780

Councilman Dunleavy: "Authorizes the Supervisor to Execute a Retainer Agreement with Mary C. Hartill, Esq. for Legal Services for the Year 2015/2016 (Riverhead Youth Court), 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 #781

Councilman Wooten: "Awards Bid – Installation of Water Mains and Appurtenances – Stoneleigh Woods, Phase 4 Riverhead Water District, so moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #782

Councilman Gabrielsen: "Pays Bills, so moved."

Councilwoman Giglio: "Second."

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

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

PUBLIC COMMENT

Supervisor Walter: "Ok, now we open the public comment period to anyone who wants to comment on matters that may be before the Town of Riverhead. We ask that you limit your comments to five minutes, Sal."

Sal Mastropaolo came forward to speak about the traffic circle at Osbourne Avenue which he stated is becoming a used car lot and he which he believes may become a safety issue. He said there are now three cars for sale parked there.

Both Supervisor Walter and Councilwoman Giglio agreed with him with the Supervisor adding this was a Traffic Enforcement issue and he noted that he would speak to them about this.

Kelly McClinchy came to speak today about certain matters still going on in Manorville. She continued by saying that most everyone knows what's going on in Manorville but awareness is not progress. She stated that for the last two years she's made numerous phone calls and spoke at Board meetings and cannot understand the lack of action on the Town's part in handling these matters. She also said that she knows the issues she is referring to is a police and code enforcement matter and that she has been in contact with the Riverhead town police numerous times. Ms. McClinchy said she has great concerns with the illegal actives; illegal renters, taxi's coming and going, etc. that are continuing in Manorville and she is requesting that the infrequent police patrols that are being made be increased.

Ms. McClinchy continued by saying she's had four conversations in the month of September alone with Code Enforcement and three with Mr. Kozakiewicz all of which were initiated by her even though she's made numerous calls to both. She said she is frustrated by the lack of response she is receiving from Town Hall, Code Enforcement and the Police Department.

Supervisor Walter interrupted her by saying he wants this matter taken care of and does not want this matter back again.

Ms. McClinchy said she has another concern. She said she feels the Town Code as written does not protect the citizens that are doing the right thing, the code protects the neighbors that are doing all of the wrong things and that this is not acceptable. She said she is urging the Town Board to review the town code and to look at how it affects the people who are doing the right thing. Ms. McClinchy said she feels she has done the correct thing regarding this matter and feels that when she calls to get some answers as to why nothing is being done by the Town she gets a run around,

Supervisor Walter said she could call him any time and he will have some answers for her. He continued by saying that he and Councilwoman Giglio were discussing the possibility of having a liaison between Code Enforcement and a councilperson who will work directly with Code Enforcement. He apologized to her for not following through with the matter she is discussing.

Supervisor Walter: "Does anybody else wish to be heard tonight? Not seeing anybody can I get a motion to close?"

Councilman Dunleavy: "I make a motion that we close the Town Board meeting, so moved."

Councilman Wooten: "Second."

Supervisor Walter: All in favor aye, opposite, abstentions. Motion carried, we stand adjourned."

Meeting Adjourned at 5:15 p.m.