

Minutes of a Town of Riverhead Town Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, June 2, 2010 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Walter: "Hello. Is this working? Oh, it is working. It's just because-- can you hear me now? All right.

I'm going to open up the June 2, 2010 town board meeting and let's see, Mr. Cuddy, would you lead us in the Pledge of Allegiance?"

(The Pledge of Allegiance was recited, led by Charles Cuddy, Esq.)

Supervisor Walter: "Okay. All right. Harriet Haas, I understand you have something special today. Would you like to come up to the-- we don't have the portable microphone, but would you like to come up-- that would work just fine."

Harriet Haas: "Well, we've got a good crowd today. Hello, everybody. Can you hear me? Is this on? Can you hear me? Well, it's Jodi's birthday today. I'm going to start with that."

(At this time, Harriet Haas sang Happy Birthday to Councilwoman Giglio)

Councilman Wooten: "Harriet, you can come sing for my

birthday, too. That's not 'til October though, I'll let you know."

Harriet Haas: "Okay, you'll let me know. Okay. And now we shall have God Bless America because we all need that."

(At this time, Harriet Haas sang God Bless America)

Supervisor Walter: "That was Harriet Haas everyone. Harriet, that was fantastic. Thank you."

Harriet Haas: "Thank you."

Councilwoman Giglio: "Thank you so much. You made my day."

Supervisor Walter: "Thank you very much, Harriet. Okay.

I'm going to take things slightly out of order. Denise, could you step up. We're going to do something a little bit different. We've done this for Joe Janoski and we're going to do this for Bob Pike as well."

Denise Civiletti: (Inaudible)

Supervisor Walter: "However you want to handle it. I'm okay."

Councilman Dunleavy: "You are going to need the mike."

Denise Civiletti: "I just wanted to say a couple words about my friend and colleague, Robert Pike, who passed away on May 8 after a very long battle with colon cancer. He fought a very valiant fight and eventually it just got the better of him.

He left behind a wife and two children.

But as I was sitting right in that seat, Jodi, Rob and I served on the town board together from '88 to I guess '88 and '89, he was two years before I got elected, and we got into a fair amount of trouble together on the town board. And in so many ways, Rob was kind of like ahead of his time in terms of the things that he thought up and dreamed up and tried to put into place, sometimes with success and other times not.

But funny how things that he thought of and envisioned

eventually came to pass even long after he was on the town board but (inaudible) no small part thanks to his efforts and his thinking.

I was just talking to Charlie Cuddy about some things that were not necessarily successful because sometimes in this business you have to kind of experiment and try things on for size and see if they work. Sometimes they don't but, you know, you do your best and with the best of intentions as I know Rob did. That's really what matters. It's what's in your heart.

So I just want to thank, you know, publicly, thank you, Rob, for all you did for the town and thank you, Sean, for this opportunity."

Supervisor Walter: "Thank you.

Okay. Can we have an approval for the- "

Councilman Dunleavy: "I'd like to move the minutes of the May 18, 2010 and the special town board meeting of May 24, 2010. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Supervisor Walter: "Reports."

REPORTS:

Receiver of Taxes	total tax collection dated May 20, 2010 - \$76,190,403.36
	total tax collection dated May 27, 2010 - \$100,469,676.12
Sewer department	discharge monitoring report April, 2010
Water department	2009 annual water supply statement/consumer confidence report

APPLICATIONS:

Chapter 90	Riverhead Fire Department 138 th annual motorized drill and parade - July 10, 2010
Chapter 90	Church of the Harvest Riverhead Community Appreciation Day - August 14, 2010
Special permit	New York SMSA Limited Partner- ship 100 foot concealment pole (Wireless communication) at 1488 North Country Road, Wading River
Fireworks	Riverhead Business Improvement District - Grangebelle Park - July 4, 2010
Fireworks	Riverhead Raceway - July 3, 2010 Riverhead Raceway - August 21, 2010

Diane Wilhelm: "And that's it under Reports and Applications.

And as a reminder, the next town board meeting will be June 15, Tuesday, 7:00 at town hall.

And that's it."

Supervisor Walter: "Okay, thank you. Does anybody have any reports, committee reports?"

Councilman Dunleavy: "No. I just want, while we're here, I want to ask Jodi. I know she was against us declaring town hall an emergency when our employees worked here when we had to go out and give the bid out to someone to clean up town hall from the mold.

She wanted us to bid out Jamesport Community Center which I would think we did bid that out but we didn't get any bids. So now-

"

Councilwoman Giglio: "Right. Well, when the town attorney made a recommendation by e-mail that it should be sent out for competitive bid dated April 16th, it should have gone out April 16th. We waited until May 18th to declare it an emergency when the flood was March 29th and March 30th.

So I'm glad that we did it the legal way. They had Friday, eight hours to come in and look at the bid package and they had half a day on Tuesday, not even half a day, from 8:30 until 11 on Tuesday which is why we did not get any bids. But it was done legally."

Supervisor Walter: "Okay. All right. Well, we got that done."

Councilman Dunleavy: "So anyway we're going to have to declare it an emergency in time now because Jamesport Community Center has to be open July 5th. We have 100 families that send their kids to day camp there so they can go to work so we're going to have to declare it an emergency and I hope, Jodi, you'll go along with us this time."

Councilman Gabrielsen: "Wait a second. I just want to back Jodi on this. It's not that she's not going along with anything. She goes along with the proper procedure. She felt it was honest to the public to go out to bid. We can't help whether or not anyone bids back but this is what we were doing. Procedure was proper.

If somebody did bid that didn't bid, then we had to take the next step which would be emergency whatever. But we did feel that it was, you know, done out for public response."

Supervisor Walter: "Okay. Well, actually we did follow the procedure in both instances. We did follow the town attorney's advice in both instances. And in this instance, we're going to have to declare it an emergency and award it. So let's move on to public hearings.

I'm recusing myself from this particular public hearing because the gentleman that's proposing this had called my office on several occasions to ask advice and so, Councilman Dunleavy is going to-

Public hearing opened: 2:14 p.m.

Councilman Dunleavy: "All right. We have a public hearing scheduled for 2:10. It is now 2:14 and I will open the public hearing in consideration of a change of zone petition of AAA Buffalo 2 Realty Corporation to impose the provisions of the hamlet center zoning use district upon real property located at New York State Route 25, Aquebogue, New York (SCTM#0600-66-2-13 and 14.1) (Aquebogue Mews).

Do you want to (inaudible)."

Dawn Thomas: "This is an application proposed by the property owner. I expected their attorney to be here present to make the presentation, there he is."

Councilman Dunleavy: "Mr. Cuddy."

Charles Cuddy: "Thank you. Good afternoon. This is an application- "

Diane Wilhelm: "Sir, could you just state your name for the record?"

Charles Cuddy: "Charles Cuddy, C-U-D-D-Y, 445 Griffing Avenue, Riverhead, New York.

I have handed in my affidavit of posting and mailing so it's already been received by the town clerk.

This is a site in Aquebogue that's opposite the light which is at the school corner Edgar Avenue. It's a six acre site. It's on the north side of the road. It's presently zoned as you indicated hamlet residential which allows a two acre use residentially only. So for these six acres, we could possibly get three lots residentially.

On our west is Aquebogue Square which is a professional office site. On our east is Warren's Tackle which is a commercial use. Across the street from us is the Meetinghouse Deli. To the southwest of us is the school.

It's a very difficult site to impose residential use on.

Up until the last zoning amendment it had been for more than 20 years a business zoned site as that whole area was.

We believe that it was improper to re-zone it as it is now and I have a planner who will speak on that in just a minute. But it's our belief that using this site on a relatively mild basis we propose so we put two retail facilities there of 3,700 square feet, two more offices of 3,700 square feet with apartments above them.

We would have no more than 15,000 square feet in the whole site. All the parking would be off street. We would preserve the northerly part of this area so three acres would be preserved. So there would be nothing in that area.

We would also preserve the historic house that's at the site. And we'll make a covenant with the town as to what to do with that house. If we can keep it there without a problem, we will. If not, we'll move it to some place that's appropriate.

But we believe, again, that this is proper re-zoning. I have here today Kyle Collins who is KPC Planning and he has done a report for us, how it fits in with the comprehensive plan itself.

So I would like to hand up to you before he speaks two documents, one from the Riverhead Town Planning Board which endorsed this proposal completely and, secondly, the report from Mr. Collins' firm on the change of zone application."

Councilman Dunleavy: "Thank you, Mr. Cuddy. Anybody else want to speak on this?"

Charles Cuddy: "I'd like Mr. Collins to speak about (inaudible)."

Kyle Collins: "Kyle Collins, KPC Planning Services, 108 Mill Road, Westhampton Beach. I'm here on behalf of the applicant.

I was retained by the applicant to do an analysis of the request change of zone particularly in relationship to the surrounding land uses, its location in the hamlet center of Aquebogue and, more importantly, in terms of both the general recommendations coming out of the November, 2003 comprehensive plan that the town board adopted, as well as some specific recommendations for the hamlet center of Aquebogue itself.

As you may know, the comprehensive plan is made up of several different elements. In the report that was handed out to you, we

did an analysis of the applicable recommendation as it relates to the change of zone.

And I'd like to go through some of those. Mr. Cuddy did describe the existing land uses that do surround the subject property. And just keep those in mind. I won't elaborate more on that. I think it's pretty clear that the entire site to the east, west and south are surrounded by non-residential uses and it's a key intersection.

It also has a traditional kind of historic pattern of development which is associated with traditional hamlet centers, that being a sidewalk, buildings closer to the street. You have a bus stop that is directly in front of the subject site.

And I'd just like to point out some of the relevant sections of the comp plan as it relates to the subject application.

Again, under the land use element of the comp plan, specifically has a vision statement and as it applies to this, it says to, number one, create a walkable hamlet center that serves as a center to the community life and provides day to day shopping and services for residents as well as specialty shops for tourists.

And number two attractive residential neighborhoods clustered around downtown hamlet centers and north of Sound Avenue.

As it relates to this site, the proposed zone change from a very low residential development that's contemplated under the current zoning would actually not achieve that objective but by permitting what is proposed in the HC designation would permit those types of uses and a mix of use that's contemplated under the current site plan that would promote a traditional hamlet center.

By just putting three houses, would actually be contrary to having a compact hamlet center.

Again, the natural resources and conservation element, the comp plan specifically states natural resources are integral to Riverhead's long term health, safety and well-being as well as its identity and economic vitality.

As such the ecological integrity of Riverhead's natural resources must be maintained.

Again, the current zoning actually proposes to do what is actually detrimental to the natural resources because it creates two acre lots which will now actually create a pattern of development that is sprawl on the site.

The subject site plan that is referenced in the change of zone actually preserves the northern 50% of the site and clusters everything along Route 25, again, by preserving the natural resources which are adjacent to existing farmland to the west and also open vacant land to the east.

I move onto historic- scenic and historic resources, preservation element of the comp plan. It says specifically Riverhead has a distinct scenic and historic character comprising of farmland, open space, historic hamlet centers including downtown Riverhead, historic structures and sites and unique natural resource areas such as the pine barrens.

The subject proposal aims to preserve the historic character of Aquebogue and indeed enhances it with traditional style development typically associated with the hamlet commercial centers which cannot be attained under the current zoning development.

In fact, the current zoning would result in suburban style residential development which is wholly inconsistent with Aquebogue's existing historic pattern of development.

Now onto the business district element of the comp plan. Specifically states commercial retail development should be well planned site basis instead of (inaudible) along Riverhead road.

And here's very important. A downtown hamlet center should be promoted as center for specialty shops, civic life, buildings on their historic and pedestrian character.

As stated earlier, again, there is an existing sidewalk on the site. The proposal does propose to preserve and restore the existing historic building associated with the site as well as shown on the site plan is consistent with the historic pattern of development- commercial pattern of development within the hamlet center.

Moving on to the economic development of the comp plan which specifically states, (inaudible) base to promote office and

industrial development, agriculture and retail development and entrepreneur small business activities in appropriate locations.

Economic development pursuits must be balanced with the conservation policy expressed in other sections of this plan, particularly with regard to historic, scenic and natural resources.

Again, the single use residential zoning designation under the current HR zoning district actually acts in contrary to that recommendation coming out of the comp plan.

The mixed land uses can convey a substantial financial and economic benefit as well as encourage further tax revenues associated with the redevelopment of the site.

Again, the housing element talks about supporting housing alternatives for seniors, young adults and first time home buyers. The 10 units of residential apartments that would be proposed as part of this project would serve that need.

Transportation, it specifically states downtown and hamlet centers should be oriented to transit. Pedestrian, bicycles, commercial sites through Riverhead should be accessible via bus, bike and by foot.

Again, as previously stated, this is an existing pedestrian environment. There is a bus stop that fronts the subject site right on 25. This proposed change of zone would assist in accomplishing that objective.

Utility and service element of the comp plan states utility infrastructure is critical to the health, safety and welfare of the community. Sewers, water, electric, natural gas, telecommunication facilities are relied upon by residents and business for day to day activities and contribute to the economic- the town's economic well-being.

Again, existing infrastructure exists in the subject site in terms of all those items that were referenced there.

This proposal would actually utilize those existing infrastructures efficiently to serve the proposed development, whereas if only developed with three residential houses would not be an efficient use of that existing infrastructure.

Again, lastly, is the general elements coming out is the community facility section of the comp plan which states new facilities should be conveniently sited in or near the residential neighborhoods and hamlet centers which can easily be accessed by residents and contribute to the community sense- or sense of community.

I specifically- proposed under this application, the adaptive re-use of the historic structure could be used as a community center and, therefore, could serve as a focal point for the community.

Now there is one specific recommendation coming out of the comp plan that talks about Aquebogue in general as it relates to the subject site.

And it states, the vision for Aquebogue hamlet center. A more countrified version of Jamesport, should be promoted as it's historic center with design guidelines to promote (inaudible), prevent sprawl and create traditional neighborhood with walking distance.

This site as previously mentioned is sandwiched between two non-residential uses, the bait and tackle shop to the east and the existing office complex to the west.

This proposal will actually do exactly what is recommended in this section, will promote the (inaudible) and prevent sprawl within the hamlet center of Aquebogue.

Based on those specific recommendations, I submit to the board that the subject request to change the zone from HR to HC is in direct- supported by the town's comprehensive plan.

If you have any questions, I'd be happy to answer them.

Thank you very much."

Councilman Dunleavy: "No questions. Thank you. Do we have anybody else that would like to speak on this? Please come up."

Mark Haubner: "Thank you for your time. My name is Mark Haubner, H-A-U-B-N-E-R. I'm a member of the Aquebogue civic association and although not in opposition of this proposal in any sense of the word for the sake of opposing it at all, we'd just like

some more information to discuss with the association and I ask that we postpone this decision until two weeks where we would be more prepared to have questions."

Councilman Dunleavy: "We'll keep it open for 10 days after today."

Mark Habuner: "Thank you so much."

Councilman Dunleavy: "Anybody else who would like to talk on this, please come up. Mr. Dennis, how are you?"

Donald Dennis: "I'm well. Good afternoon. My name is Donald Dennis. I'm an architect, retired. I live at 47 McGregor Drive in Southampton, New York.

I'm very familiar with this property. I spent a good part of my life there, 38 years as an architect in those structures just to the east- west of this property.

I'm very concerned about this. I think it's contrary to the master plan which the town has invested quite a bit of money and spent a great deal studying.

My strong feeling about it is that the town of Riverhead has a very strong commercial development east of- west of 105 all the way down to the expressway. We've got box stores; we've got food stores; we've got fast food places; we have about everything you could possibly think of in the way of need to satisfy the population.

Once you drive from the west to the east and you hit 105 going across, you see a major change in the character of the area. I think it's one of the few Main Streets left in Riverhead that's still rural as an entrance to the east end of the north fork.

You have the North Road, Sound Avenue and you have Main Road, Route 58, so as you approach you leave all this commercial stuff behind you, you are immediately going into a change of character.

Now you have farmstands, you have wineries, you have small churches, you have garden centers. You do have some commercial buildings which have been there for years but I think the general character is that the place is a change from what we just left.

I'm concerned about the fact that this proposal is directly across the street from the elementary school. I haven't spent so much time there, I know about the buses going onto Edgar Avenue. They unload on the west side of Edgar Avenue. There's quite a bit of bus traffic leaving Edgar Avenue to go onto the main highway, making left and right turns at the light. There are crosswalks there. Admittedly there are sidewalks there but I don't see that as a pedestrian way really. I see it great for the people walking on the road.

The other problem with the property is that the traffic light, although it's a very necessary thing to have, does stop traffic in both directions obviously. I find when I'm pulling out of my property that I can get out if I turn to the west because the traffic light stops all the traffic going west in the westerly lane.

If I'm going to go east, usually traffic that slows down for the light will let me get into the lane and continue on my way.

So you do have that problem. And I think what's going to happen there is you are going to have-- you can see yourself, you go down there, there's cars backed up at the light continuously closing that whole part of the road to that property. So if-- I can get out because I'm west of that light but I think if you're east of it you can't get in and out of that property.

I just think further development along that road is not necessary.

Another thing I would like to mention is I think that I don't know whether the school board has given it any consideration, this proposal, but I think it definitely bears on the operation of that school.

My wife and I have talked about this. I think with the development of our property we tried to maintain as much as possible by developing the property residential and rural nature of the land. I've heard now here proposals for different size buildings. I'm interested to see whether there's going to be something that's going to a limitation on the zoning to a certain size building, a certain type of use. If it's just a general re-zoning of the property, they can do anything that zoning says.

The other thing having this-- it's a minor point, but just

having this zone, the fact that the town and I don't know whether it still exists, but they want gravel parking. Gravel parking with a commercial development doesn't work too well so you're going to have this applicant to the zoning board asking for a variance.

The other correction I have there is to my knowledge there's no sewers on that property. There is public water, I know about that because I was-- one day I drove into my place of business there and I couldn't get in because the road was all dug up and there was no provision to get across the ditch.

There was a drainage problem further west across the street adjacent to the school property and they had decided to dig up the whole property before the water main was put in.

I don't think three houses on six acres of property is a sprawl in my mind. I kind of call it a high class sprawl. It's a very low development of the property and I think houses are probably there as a use are probably better than commercial buildings.

That house, I think the house you're talking about as being a community center, I-- that house has probably been abandoned for over 20 years. It was the house of a college professor-- retired professor from Columbia and was kept very well until he passed away and it's been falling apart. So I doubt if it's of much value.

I do hope that the board gives this serious consideration because I think an upzoning is really not necessary.

I thank you for your time."

Councilman Dunleavy: "Thank you, Mr. Dennis."

Councilwoman Giglio: "Thank you."

Councilman Dunleavy: "Would anybody else like to speak on this subject? Okay. I have just one question.

Mr. Dennis said that-- sparked a question. How far from the traffic light will the entrance, supposedly entrance be? Will it be east of the traffic light?"

Charles Cuddy: "No. The entrance is to be right at the traffic light."

Councilman Dunleavy: "Right at the traffic light?"

Charles Cuddy: "Yeah. I think their application. But it should be noted that we're going to use the traffic light to get in and out. That was the whole purpose of doing that. Because we're right at that point, we can use that; so we won't have the problem that was spoken of."

Councilman Dunleavy: "Okay. Thank you very much."

Councilwoman Giglio: "I have a question also. Is the property conducive to residential zoning where it would be desirable for people to actually live in the houses if there were houses to be placed on this property and what is the percentage of homes within the immediate vicinity that are currently being used as residential?"

Charles Cuddy: "I think in the vicinity to the west of us, there is one or two sites that are used as actually homes."

Councilwoman Giglio: "If you could just give me a percentage of the parcels at a later date, because we're not going to be making a decision on this obviously until the next town board meeting. But if you could put that information together for me."

Charles Cuddy: "Absolutely, as to the number. Yes."

Councilwoman Giglio: "Thank you."

Councilman Dunleavy: "Mr. Dennis, would you like to speak again?"

Donald Dennis: "I wanted to--"

Councilman Dunleavy: "Come up the microphone, please."

Donald Dennis: "I want to address the traffic light situation. (Inaudible) and go across, you're right at the property line. My property line with the adjacent property, so I don't see how you can bring a driveway (inaudible)."

Councilwoman Giglio: "Have you seen the zoning map to--"

Donald Dennis: "Yes (inaudible)."

Councilman Dunleavy: "Mr. Dennis, come up to the microphone."

Donald Dennis: "I'll repeat myself."

Councilman Dunleavy: "Go ahead."

Donald Dennis: "When you go across from the deli going west across the street of Edgar, you come to a corner. There's a push button for the light so you could control it. When you go across, you're probably lining up more with my property than you are with the property to the west— to the east rather. So I think if you're coming out there with the driveway, it's probably about the worse place in the world to bring a driveway. You bring it right when cars are stopping unless you intend to put another traffic light further east to stop the cars."

But I really would say that you— on a busy day, you're not going to be able to get out of that property. It's unfortunate but that's the way it is. I can't change that."

Councilman Dunleavy: "Thank you, Mr. Dennis."

Donald Dennis: "And the other thing— I have one other comment. It was talked about the fact that we had this buffer zone that's going to be left vacant. Well it's all in the back of the property and no one driving down that road is going to see it. So I don't see the point of even emphasizing that as a feature of the proposal."

It's not along the road. If you want a buffer, put it along the road and put the buildings way in the back. Those properties go back very deep and they're very narrow and they're very long and, in fact, there is the sinkhole that you could probably put a part of this building in."

And right behind my office is another depression. There was a beautiful house on that property that burnt down quite a few years ago. It was a Victorian house and it's never been rebuilt obviously. But the land has remained vacant."

Any other questions?"

Councilman Dunleavy: "Thank you, Mr. Dennis. If we have no other speakers we will keep the hearing open for written comment"

until the 12th day of June for any written comment you'd like to give us.

Thank you very much. The hearing is closed."

Public hearing closed: 2:40 p.m.
Left open for 10 days for written
comment until June 12, 2010 at
4:30 p.m.

Supervisor Walter: "Thank you, John. I appreciate it. I never had a break during a town board meeting. Next we'll have comments on the resolutions. Sal, you want to step up?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton. CDA Resolution #12. It says in the form and content as annexed hereto. But there's nothing with the resolution, so there's no way of knowing, you know, what the second amendment is going to do."

Supervisor Walter: "There's a town board resolution that mirrors this one, Sal, where it is exactly in the packet. We have to find it."

Councilman Dunleavy: "It's attached to the town board resolution, Sal."

Supervisor Walter: "463, let's make sure we attach it to this one and make sure it's attached to 463."

Sal Mastropaolo: "Resolution 421."

Supervisor Walter: "Hold on. It is attached to 463, so you're going to eventually attach it to this one. Did you want us to look at this 463?"

Sal Mastropaolo: "No, I saw it."

Supervisor Walter: "Okay. Next."

Sal Mastropaolo: "421. It says simultaneously appoints her to the position of confidential secretary to the town attorney's office. Is this a new hire?"

Supervisor Walter: "No. This is a replacement of somebody that left, actually left--"

Sal Mastropaolo: "So it's a new hire?"

Councilman Wooten: "No, she works for us."

Supervisor Walter: "It's a partial replacement. It's twofold. One of- there is an employee that is not employed with the town attorney's office anymore. So instead of hiring a new person back, the Justice Court ran up \$38,000 in overtime last year that we can't seem to control, so instead of replacing the town attorney's confidential employee we are splitting the time between the town attorney's office for the person that left and Justice Court to try to rein in and the town justices have confirmed or have assured us that if we give them somebody two and a half days a week, that they will not run up the \$38,000 and they're well on their way to running up the overtime."

Sal Mastropaolo: "So the individual is currently on the books of the town of Riverhead as an employee?"

Supervisor Walter: "Yes, she is. Yes."

Sal Mastropaolo: "Okay. Thank you. 422, there's no mention of the fee being paid and deposited and there's no mention that it's a non profit, so-- "

Supervisor Walter: "Dawn, can you-- this is a--"

Dawn Thomas: (Inaudible)

Supervisor Walter: "Laura's form is- she probably overwrites the resolution and I think the- "

Dawn Thomas: (Inaudible)

Supervisor Walter: "We'll make sure the fee was paid."

Councilman Dunleavy: "This is a fundraiser. This is a fundraiser on Northville Turnpike for the people that were flooded. This is the old homestead on- I'm trying to think of the last name. Homestead of Northville- Booker homestead."

Sal Mastropaolo: "There's nothing in the resolution that mentions it's a fundraiser. All it says is it's a jazz concert."

Councilman Dunleavy: "But that's- okay."

Supervisor Walter: "We know it's a fundraiser."

Sal Mastropaolo: "Well, I guess the question is, is there a formal non-profit organization that's sponsoring it and if there's not, then you've got to collect the fee."

Councilman Dunleavy: "Yeah. I don't know if that's the case, Sal."

Sal Mastropaolo: "433."

Supervisor Walter: "Hold on a second. Let's, Dawn, what do we want to do with this? This is- "

Dawn Thomas: (Inaudible)

Supervisor Walter: "Okay. We'll take care of it, Sal. What's the next one?"

Sal Mastropaolo: "433. The first whereas, I think it should be received from the developer not received by the developer."

Supervisor Walter: "First whereas. Yes."

Sal Mastropaolo: "Okay."

Supervisor Walter: "Do you have that?"

Diane Wilhelm: "I do."

Supervisor Walter: "All right. Next."

Sal Mastropaolo: "435. It's the Old Steeple Church, so I guess there's no fee but there's no mention of the fee being waived in the resolution and usually the resolutions say that the fee is being waived."

Supervisor Walter: "All right, we'll take care of that. It seems to be a systemic problem now. We'll take care of it. Glad

you mentioned that. Thank you."

Sal Mastropaolo: "Okay, 457. You said you're tabling it, right?"

Supervisor Walter: "I'll make sure."

Councilman Wooten: "That is correct."

Supervisor Walter: "Yes."

Sal Mastropaolo: "464, page two. The now, therefore, be it resolved, it says that the application seeking a chapter 90 permit to cater an event for 175 people utilizing a tent structure is hereby denied."

Supervisor Walter: "Right."

Sal Mastropaolo: "However. Based upon the facts presented by the applicant, the town board grants relief. Why are we opening up this can of worms?"

Supervisor Walter: "This is a- this is no different than you coming- if you had a big piece of property. It's a little different but not much- coming to us and say we want a tent to have a wedding for our daughter. This is their daughter or son and they're the owners of the property."

Sal Mastropaolo: "Okay. So they're not a member of the golf club. They're the- "

Supervisor Walter: "They're the owner of the golf club."

Sal Mastropaolo: "-- deeded owner of the golf club?"

Supervisor Walter: "Yes."

Sal Mastropaolo: "Okay. I just don't want to start another Blackwells here."

Supervisor Walter: "No, this is the owner of the golf club."

Councilman Wooten: "We don't want to either."

Sal Mastropaolo: "Thank you."

Supervisor Walter: "Thank you, Sal. Okay, would anybody else like to comment on the resolutions? Good afternoon."

Dominique Mendez: "Hi. Dominique Mendez, Wading River, Riverhead Neighborhood Preservation Coalition."

Councilman Wooten: "What? What is it called?"

Dominique Mendez: "R&PC."

Councilman Wooten: "There you go."

Dominique Mendez: "Much easier. I just also wanted to comment on the same last one and I wanted to ask for an assurance that this is a family member and that there wouldn't be exceptions for other reasons. If it was, for example, the member of- it was a member's family member, would the same exception be given?"

Councilman Dunleavy: "No. This is the only exception we're giving to him because it's his son."

Dawn Thomas: "There's a special permit that was granted to establish the golf club and the special permit that was granted specifically limited and precluded these types of events for the reasons that you're well aware of."

And so they had applied for the Chapter 90- normally we wouldn't grant a Chapter 90 for a wedding in any event because it's not a public event. A Chapter 90 is a carnival or, you know, some kind of public event.

And this isn't. But they were able to establish to our satisfaction that they were indeed having the wedding of a child of one of the property owners and so the resolution is designed to limit it to that event only and no others and the conditions and restrictions on the special permit that was adopted in '07 still are in full force and effect."

Dominique Mendez: "Okay. That's it. Thank you very much."

Supervisor Walter: "Thank you. Anybody else like to be heard on the resolutions? Okay. Then, Diane, start calling the

resolutions.

Oh, Chris, we're going to close the town board meeting."

Meeting adjourned

Meeting reconvened

Supervisor Walter: "And reopen the town board meeting and, Diane, you're up."

Resolution #409

Councilman Dunleavy: "Adopts a local law to repeal Article XXXIII Business E Highway Commercial/Service Zone of Chapter 108 entitled zoning, Section 108-59 thru Section 108-166 of the Riverhead town code. So moved."

Councilman Wooten: "I will second."

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

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

Resolution #410

Councilman Wooten: "Adopts a local law to amend Chapter 108 entitled Zoning, Article III, Residence A-40 zoning use district (Section 108-8 Uses) and Article IV, Residence B-40 (RB-40) zoning use district (Section 108-8 Uses) of the Riverhead town code (home occupation in accessory buildings). So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #411

Councilman Gabrielsen: "2010 budget reduction. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Dunleavy: "I vote yes because we're taking 5% out of everybody's budget for this year for a budget reduction. So we're starting to reduce our expenditures. So I vote yes."

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

Supervisor Walter: "Yes. This is a \$376,000 savings to the general fund budget that we've taken out. We're getting there, folks. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #412

Councilwoman Giglio: "Council of Unity grant budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #413

Councilman Dunleavy: "Appoints call in park attendants to the recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #414

Councilman Wooten: "This authorizes the Neutral Power Group LLC to perform Phase 1B study - Riverhead sewer district. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #415

Councilman Gabrielsen: "Authorizing the supervisor to sign settlement consent order with New York State Department of Environmental Conservation. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #416

Supervisor Walter: "We're going to table this resolution. Jodi, can you make a motion to table this?"

Councilwoman Giglio: "Sure, I make a motion to table Resolution 416. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #417

Councilman Dunleavy: "Authorization to publish advertisement

of a request for proposals for placement of cellular towers on property owned by the Town of Riverhead. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #418

Councilman Wooten: "418 awards the bid for food items. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #419

Councilman Gabrielsen: "Booster pump station at Dogwood budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #420

Councilwoman Giglio: "Ratifies the appointment of a seasonal beach attendant to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #421

Councilman Dunleavy: "Changes the status of a contingent employee. So moved."

Councilman Wooten: "I'll second."

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

The Vote: "Giglio."

Councilwoman Giglio: "I would just like to say that we lost an employee in the law department so this employee that we are changing the status of will be filling that position. So, yes."

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

Councilman Wooten: "Actually she'll be wearing two hats, serving two positions. Yes."

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

Councilman Dunleavy: "I vote yes. She'll be working part time at Justice Court to save us overtime and she'll be working in the town attorney's office part time. I vote yes."

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

Resolution #422

Councilman Wooten: "It approves the Chapter 90 application of Carol Joynes jazz concert. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #423

Councilman Gabrielsen: "Authorizes the release of site plan security for River City Enterprises, Inc. So moved."

Councilwoman Giglio: "And seconded."

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

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

Supervisor Walter: "Abstain, it's a client of mine."

Diane Wilhelm: "The resolution is adopted."

Resolution #424

Councilwoman Giglio: "Resolution of support and concurrence with the Suffolk County/Town of Riverhead Empire Zone (formerly Economic Development Zone) regionally significant project application (Gemini Pharmaceuticals). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #425

Councilman Dunleavy: "Resolution of support and concurrence with the Suffolk County/Town of Riverhead Empire Zone (formerly Economic Development Zone) regionally significant project application (Miteq Inc.). So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #426

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice to consider a local law for the offer and support of the Town of Riverhead early retirement incentive program. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Councilman Dunleavy: "Yeah, I'm going to vote yes for this. This is, again, to try to save the town of Riverhead money on some of our employees who are ready to retire. We're going to give them a little incentive so to see if we can get them to retire and so I vote yes."

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

Resolution #427

Councilman Wooten: "Approves request for leave of absence. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Wooten: "This is passed, right? Yes."

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

Resolution #428

Councilman Wooten: "Offers support to the New York State Legislature to amend the General Municipal Law in relation to the creation of the Peconic Bay Regional Transportation Council and provide for the repeal of such provisions upon expiration thereof (Senate Bill #S.3181B/Assembly Bill #A.6743B. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #429

Councilman Dunleavy: "Ratifies the appointment of an intern to the police department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #430

Councilman Wooten: "This approves the application for fireworks permit of Jamesport Fire Department. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #431

Councilman Gabrielsen: "Ratifies the appointment of seasonal lifeguards to the recreation department. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #432

Councilwoman Giglio: "Awards bid for removal and disposal of liquid sludge. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Walter: "Five cents a gallon. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #433

Councilman Dunleavy: "Meadowcrest Corp. Development water extension capital project budget adoption. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #434

Councilman Wooten: "This ratifies the appointment of a seasonal beach manager to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #435

Councilman Gabrielsen: "Approves Chapter 90 application of Old Steeple Community Church for their annual antique show. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #436

Councilwoman Giglio: "Approves Chapter 90 application of Peconic Bay Medical Center for a family festival - July 1st thru 4th, 2010. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Walter: "A five star rated hospital in New York State. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #437

Councilman Dunleavy: "Authorizes the supervisor to execute a stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852. So moved."

Councilman Wooten: "And I'll second."

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

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

Resolution #438

Councilman Wooten: "This approves the application for fireworks permit of Riverhead Raceway (August 21, 2010). So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #439

Councilman Gabrielsen: "Approves the application for fireworks permit of Riverhead Raceway (July 3, 2010). So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #440

Councilwoman Giglio: "Order establishing lateral extension within Riverhead sewer district - Best Western Hotel complex. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #441

Councilman Dunleavy: "Ratifies the appointment of seasonal groundskeepers. So moved."

Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "Yes. This is going to save us on overtime. So I vote yes."

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

Resolution #442

Councilman Wooten: "This ratifies the appointment of a seasonal pump out boat operator. 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 is adopted."

Resolution #443

Councilman Gabrielsen: "Authorization to discard fixed assets. 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 is adopted."

Resolution #444

Councilwoman Giglio: "Ratifies the reappointment of seasonal pump out boat operators. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "You want some debate? You want this job? Moved and seconded. Vote please."

Councilman Dunleavy: "No."

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

Resolution #445

Councilman Dunleavy: "Accepts the retirement of a driver messenger. And I want to— I'm going to miss Judy. She's worked for this town for many years. I worked with her when I was a police officer, she worked for the town. And when I was in charge of the teen center, she used to work for me when I worked for the town.

So I wish her well in her retirement years. I vote yes. I move it."

Councilman Wooten: "I'll second. I concur with John. When John was a police officer, I was just about barely born and she was working here then. So I second it."

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

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

Supervisor Walter: "Yes. Ditto, except for the when you were born part."

Diane Wilhelm: "The resolution is adopted."

Resolution #446

Councilman Wooten: "It reappoints a temporary student intern. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #447

Councilman Gabrielsen: "Ratifies the reappointment of seasonal traffic control officers. So moved."

Councilwoman Giglio: "And seconded."

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

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

Resolution #448

Councilwoman Giglio: "Ratifies the attendance of two police department employees to the annual New York Statewide TraCS lead agency users meeting. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #449

Councilman Dunleavy: "I'm going to move in the matter of the increase and improvements of the facilities of the Riverhead water district in the town of Riverhead, Suffolk County, New York. So moved."

Councilman Wooten: "I'll second it."

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

Councilman Dunleavy: "This is calling for a public hearing."

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

Resolution #450

Councilman Wooten: "Appoints a call in recreation leader to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #451

Councilman Gabrielsen: "Scavenger waste budget transfer for unanticipated repairs to bar screen. So moved."

Supervisor Walter: "I visited the bar screen. Not a pretty place to visit."

Councilwoman Giglio: "No, I guess not. And seconded."

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

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

Resolution #452

Councilwoman Giglio: "Appoints an assistant recreation leader to the Riverhead Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #453

Councilman Dunleavy: "Sets the salary for seasonal assistant beach manager for the Recreation Department. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #454

Councilman Wooten: "Appoints a temporary town board coordinator. So moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "And this is because Donna Zlatniski who is the secretary for the four town board members is going on a leave of absence, maternity leave. So we wish her the best of luck and this person will be temporarily filling in for her while she's away.

So I vote yes."

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

Councilman Gabrielsen: "I want to welcome Linda Hulse. Yes."

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

Supervisor Walter: "Welcome aboard, Linda. Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #455

Councilman Wooten: "Supports the establishment of a new truck route from Long Island Expressway to EPCAL. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Wooten: "Yes. Thank you, John."

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

Resolution #456

Councilwoman Giglio: "Authorizes the release of letter of credit for Vertical Line Apparel, 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. The resolution is adopted."

Resolution #457

Councilman Dunleavy: "I move to table Resolution 457."

Councilman Wooten: "I will second to table."

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

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

Resolution #458

Councilman Wooten: "Extends bid contract for well and pump emergency service for the Riverhead water district. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #459

Councilman Gabrielsen: "Approves departmental status of the personnel department. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I'd like to welcome or acknowledge Nate Ferris (phonetic) as being a department head. Yes."

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

Councilman Dunleavy: "Yes. I want to (inaudible). This is not costing the town any money and welcome to the department head status. Yes."

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

Supervisor Walter: "Yes. But I'm questioning the win comment."

(Inaudible comment)

Diane Wilhelm: "The resolution is adopted."

Resolution #460

Councilwoman Giglio: "Authorizes Riverhead Planning Board and the Riverhead Zoning Board of Appeals to attend a conference. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "This is \$25.00 per member and it's important that they get this training so that they can- it's a legal obligation for them to get this training to sit on the board.

So I vote yes."

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

Resolution #461

Councilman Dunleavy: "Approves Chapter 90 application of the American Cancer Society, dog walk to fight cancer - June 12, 2010. So moved."

Councilman Wooten: "I'll second it."

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

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

Councilman Wooten: "Yes. It's called Bark for Life. It's at Stotsky Park. It's a great time. Yes."

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

Resolution #462

Councilman Wooten: "Authorizes the supervisor to execute an agreement with Len Rempe, Inc. to provide oil burner maintenance service. So moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "I requested information on this and I haven't received it yet. Therefore I'll abstain."

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

Councilman Wooten: "I'll vote yes. I got an e-mail from engineering. Yes."

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

Resolution #463

Councilman Gabrielsen: "Authorize the supervisor to execute second amendment to agreement of sale dated January 15, 2008 and first amendment dated December 15, 2009 with Riverhead Resorts LLC. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Dunleavy: "I vote yes. All we're doing is moving it back now until the 15th of June at which time we will get \$1.5 million dollars. So I vote yes."

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

Resolution #464

Councilwoman Giglio: "Denies application seeking a Chapter 90 permit to host wedding at Baiting Hollow Club and grants an exception to special permit terms and restrictions limited to an event to be held on June 26, 2010 subject to conditions set forth below. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "I sold the steel for this building so I will abstain."

Councilman Wooten: "Stole the steel?"

Councilwoman Giglio: "Sold. Sold. I sold."

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

Councilman Dunleavy: "Yes. And one of the conditions of this was that Giorgio's Restaurant who when we gave them the site plan gets all the catering.

And one of the questions was I went to ask George, Sr., the owner of Giorgio's and he gave them permission to have this affair because it's the owner's son. So I vote yes."

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

Resolution #465

Councilman Dunleavy: "Pay the bills."

Councilman Wooten: "Seconded."

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

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

Councilman Wooten: "We have a couple coming off the floor. I'd like to- "

Supervisor Walter: "You want to move them all- "

Councilman Wooten: "Well, there's one to untable to withdraw first and then I can.

I'd like to make a motion to untable Resolution 358 in order to have it withdrawn."

Councilman Dunleavy: "I second it."

Supervisor Walter: "Motion, okay, moved and seconded as to take Resolution 358 off the floor. Oh, I'm sorry, to take it off, yes, untable it."

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

Councilman Wooten: "Now I'd like to make a motion to withdraw it, to withdraw Resolution 358."

Supervisor Walter: "And do we have a second to withdraw Resolution 358?"

Councilman Dunleavy: "I second that."

Supervisor Walter: "Moved and seconded as to withdraw Resolution 358."

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

Councilman Wooten: "Now we can make a motion to take two resolutions off the floor, Resolution 466 which is the replacement for what we asked withdrawn, and Resolution 467 which has to deal with the remediation of the flood damage at the George M. Young Community Center. And I make a motion to bring 466 and 467 off the floor."

Councilman Dunleavy: "Seconded."

Supervisor Walter: "Moved and seconded as to take them off the floor. Vote please."

Diane Wilhelm: "This is for both of them, 466 and 467?"

Supervisor Walter: "Both resolutions."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 466 and 467 are taken off the floor."

Resolution #466

Councilman Wooten: "All right, one more time. Resolution 466 authorizes the supervisor to execute an agreement with the Riverhead Business Improvement District Management Association Inc. So moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "You're doing a fine job. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 466 is adopted."

Supervisor Walter: "Thank you, BID."

Resolution #467

Councilman Gabrielsen: "Declares public emergency regarding flooding at George Young Community Center and authorizes the

supervisor to execute an agreement with Dura-Clean (phonetic) for emergency flood damage remediation at George Young Community Center. So moved."

Councilwoman Giglio: "And seconded."

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

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

Councilman Dunleavy: "Yes. We have to get this thing cleaned up."

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

Supervisor Walter: "Okay. Now we open up the town board meeting to public comment on anything the public would like to address the board on. I really have to put my glasses on. Come on up, Sandra. I just saw a hand, Sandra. I'm sorry."

Sandra Mott: "That's okay. Sandra Mott, Riverhead. One, I want to compliment the fact that Mr. Wooten and Mr. Walter were both in attendance at the Calverton National Cemetery memorial services at which my mother and I were in attendance. Your words were very kind and thorough and historic in nature so I compliment you on that."

And on that premise, I'm going to go back to what we spoke to a few weeks ago about the possibility of placing a tree annually at that location— somewhere on the grounds, maybe at that location, that area where they have their ceremony annually on behalf of all veterans in the town of Riverhead."

Supervisor Walter: "Let's do this. How much does a tree cost?"

Sandra Mott: "They range between 200 and 400 but since you know everybody in this town, I can guarantee it's not going to cost you that kind of money."

Councilman Wooten: "Actually, you know what? I did reach out to the director, (inaudible) because we're starting to remove trees

from Riverhead and replacing them so I'm - "

Sandra Mott: "But they have to come- "

Supervisor Waltre: "We've got to give them a better tree than the ones- "

Councilman Wooten: "There's some beautiful oaks."

Sandra Mott: "No, they have certain criteria."

Supervisor Walter: "Maybe the board should do it themselves. I mean what's it going to cost us, \$50.00? But I mean \$50.00 as a board- "

Sandra Mott: "If something can be rescued and transplanted, they have their particular criteria. There's certain types for certain reasons."

Supervisor Walter: "Well maybe the town board would like to do it themselves as a \$50.00 donation per year."

Councilwoman Giglio: "Yeah, it's a great idea."

Sandra Mott: "Thank you."

Supervisor Walter: "Is that something that we're interested- can you find us a tree?"

Councilman Wooten: "Yeah, I'll get (inaudible)."

Supervisor Walter: "All right. So I think the board will do it out of our own pockets."

Sandra Mott: "That would be appreciated greatly."

Councilwoman Giglio: "And we were there Saturday planting- or putting the flags along the gravestones and this Saturday at 8:30 they'll be removing the flags. So if anybody would like to join us to help remove the flags this Saturday."

Sandra Mott: "And in between if anyone feels that they need a little inspiration, you do not have to go far into the cemetery to have a very strong, sound feeling. You just can go right into the

entry, pass the administration on the left to the right or to the left, every single grave, there's 217,000 plus has an individual flag whether a flat stone or a raised stone."

Councilwoman Giglio: "It's really a beautiful sight."

Sandra Mott: "It will move you and I recommend it whether you have feelings pro or con what's going on in the world."

Councilman Wooten: "I think most of us have family up there. I know I do. We all have family."

Sandra Mott: "So that's the first statement I wanted to make and I thank you that you are going to pursue that and I know that they have their criteria and I'm sure you'll work it out and I would appreciate it very much. In memory of my father also. He was not from Riverhead originally but he's been there since April 10 of 2006. I thank you very much."

Councilman Wooten: "Thank you, Sandra."

Sandra Mott: "And as does my mother. My second concern as you know is the animal shelter. I know that the RFP went out. I called about a week ago and I understand that no responses were made to your request."

Councilman Wooten: "That's not true. We had one response to it. So it's- "

Sandra Mott: "Well, this is what I was told."

Councilman Wooten: "Okay. I'll bring you- I'll give you the inside skinny."

Sandra Mott: "Very good."

Councilman Wooten: "What had happened, we had one response. It was from RSVP in Riverhead, well actually from Eastport. But historically when we get one bid- "

Sandra Mott: "Can I say something before we proceed? I just want to say one thing. You need to speak into your microphone because people have said to me, do you ever go to those meetings? I said once in a while. We can't hear people. They need to either

lean into your microphone a bit or move it forward."

Supervisor Walter: "Does it make a difference like this?"

Sandra Mott: "Well, a little bit. You know, you don't want to get blurred out."

Councilman Wooten: "Historically when you get one bid-- every Council person got a copy of the response to the RFP, but the town pretty much made a policy a few years ago that when you get only one response, that you want to re-post it and maybe go to a broader brush to maybe get it in more papers, more advertisements. Because you really want more than one to choose from.

So right now, Eastport (inaudible) has it on their computer and they're pursuing what services they will give us. But probably it will be rejected and re-posted at this point."

Sandra Mott: "And people just need to know. The media-- and I know that Tim had an article in regard to the fact that it was made available to the public and maybe even a broader-- "

Supervisor Walter: "I think we're going to do that, advertise in Newsday."

Councilman Wooten: "It's just (inaudible) way to go."

Sandra Mott: "There are organizations out there who are extremely well qualified. I'm not saying RSVP is not, but what I'm saying there are other-- "

Councilman Wooten: "I understand. I wish I had more than one to choose from. That's why we normally (inaudible)."

Sandra Mott: "Okay. That was one concern I had, the second as a matter of fact. And I was wondering about the Country Kitchen parking. It's actually getting worse now because I believe that a number of people who live in the house adjacent to the Country Kitchen on-- by the library.

There's a house there. My understanding is the number of the people who live in that house which is not occupied, I don't think year round, actually work at Splish Splash so the amount of traffic that's going past that restaurant-- I have not been to it, but-- "

Supervisor Walter: "Sandra, let's- I don't want to cut you off but let's send code enforcement over there and we'll proceed from there."

Sandra Mott: "Okay. That would be appreciated just for the safety because- "

Supervisor Walter: "And feel free to touch base on it with us and- "

Councilman Dunleavy: "Are we in litigation?"

Sandra Mott: "I know you can't discuss certain things. But that's about it in a nutshell. That's very good to hear your concerns on the matters and I look forward to seeing this through."

Councilman Wooten: "Thank you, Sandra."

Supervisor Walter: "Thank you. Mr. Sclofani."

Charles Sclofani: "Charles Sclofani, Wading River. I'm a little confused. About three, four weeks ago this board or the majority of this board declared an emergency in this building because of black mold, pregnant women and the public in general being here.

Tonight because of a bidding process that failed, you're going to declare an emergency in the Jamesport Community Center that is vacant. Why isn't that going out to another bid? Is it because of politics, Miss Giglio, Mr. Gabrielsen?

Excuse me, I'm not finished speaking."

Councilwoman Giglio: "You asked a question, I was answering."

Charles Sclofani: "Excuse me. I will let you speak. Okay? My family was vilified because of your actions and Mr. Gabrielsen and today, tonight, you go and you declare an emergency in a vacant building. There is no excuse for that. Because of your inexperience, you caused it. And now it's going to cost these taxpayers in this town a lot more money. Thank you."

Councilwoman Giglio: "Actually, no, this has nothing to do with politics, Mr. Sclofani. The storm was on March 29th and March

30th. Buildings and Grounds could have gone in there and sprayed bleach on the wall and put ammonia there. They've been doing it for years.

It's because the mold was neglected and continues to grow day after day that it is going to cost us money. Had it been addressed at the time of the flood, we would not have this problem."

Charles Sclofani: "I dispute that and I think you should review all your files. Thank you."

Councilwoman Giglio: "We did. And you know what? I reviewed the report from H2M, too, and the mold levels in the H2M report are so few that they said that the average of the mold that was in the basement, there wasn't any mold in the Jamesport Community Center or was it Jamesport Community Center or town hall on—"

Councilman Gabrielsen: "On the first floor."

Councilwoman Giglio: "Go ahead, George."

Councilman Gabrielsen: "No. I don't want to get into this part of it."

Councilwoman Giglio: "No, we're going to answer the question."

Councilman Gabrielsen: "To answer the question, I think— but I get what you're saying. I think eight of the 11 rooms tested in town hall had below average mold spore count which was taken outside, eight of the 10. Three— on the first floor, there was no— the counts were low. Okay. The other three were in the basement, unused rooms in the basement.

Now that's— I'm just backing what she said. My comment to you is it's the process. We declared an emergency today because we— I felt in both incidents we should have went out to public bid. In this incident we did. So we followed the process. I'm comfortable.

All five board members are sitting right here, had the opportunity right now to vote for this emergency. And we did because we followed procedure."

Charles Sclofani: "And they did. And they voted an emergency

last time too if I'm not mistaken."

Councilman Gabrielsen: "In the first- excuse me."

Charles Sclofani: "And they voted for an emergency last time too. And my question- "

Councilman Gabrielsen: "I'm not finished."

Charles Sclofani: "Go ahead."

Councilman Gabrielsen: "I'm not finished with my reply, Mr. Sclofani. Have respect for the office."

In the first incident, okay, it didn't go out to bid after it had like six weeks. It didn't go out to bid. I didn't like the process.

All five members of this board were not included in the emergency declaration. Two of them were approached, myself and Miss Giglio. The first two that were approached. We asked a question. Before we sign, we'd like to see the contract. A simple question. I think that should have been followed up. We did not get a response. Okay?

They went on to get three other replies from three board members and pass the emergency declaration."

Charles Sclofani: "You've said all this in the newspaper. The question is why is Jamesport an emergency when it's a vacant- you said all this in the paper. You are just reiterating your political stance."

Councilman Gabrielsen: "Mr. Sclofani have the respect. I'm not finished- Mr. Sclofani, have respect. Hey, now, Mr. Sclofani have respect for the office."

Charles Sclofani: "Why does Jamesport have the emergency when it's a vacant building and yet when you had black mold in this building with pregnant women coming in here, the public coming in here, that's not an emergency? It gives one to wonder. I've got nothing- "

Councilman Gabrielsen: "Thank you, Mr. Sclofani. Miss

Giglio, myself, backed the mold report. Okay. To finish what I was going to say earlier- "

Councilwoman Giglio: "He's walking out, he doesn't even want to hear."

Councilman Gabrielsen: "Two members were not brought in on the process. They went and got three other votes to go ahead. Now I would think an emergency is a very important thing. I would think you'd get all five to agree on it, not three, especially when the first two asked a simple question. Can we see the contract before we sign it?"

I think it's- "

Supervisor Walter: "All right. Let's just- "

Councilman Wooten: "We're not going to re-hash it because (inaudible). I can tell you I can certainly live with the procurement policy that we put in place 10 weeks ago and after reading that procurement policy, I can absolutely live with the fact after the H2M report came out. This was something that had to be addressed immediately, at least in town hall. Why it was separated from the Dura-Clean one I- so I can live- "

Councilwoman Giglio: "But the H2M report- "

Councilman Wooten: "I was more privy to it because I was briefed on it a couple of days before."

Councilwoman Giglio: "The H2M report didn't come out until May 5th. The H2M report should have been ordered right after the storm which was March 30th."

Councilman Wooten: "Well, mold doesn't grow immediately."

Councilwoman Giglio: Well, we wouldn't have had mold if we had acted on it."

Supervisor Walter: "We followed the procedures in both instances. Regardless of the fact that the board seems not in harmony on this issue, we followed the procedure of the resolution that we adopted for procurement in both instances. We saved the taxpayers probably \$40,000 or \$50,000 by the way we did it over the

way it was done when the basement flooded back in I think 2002 or 2003. So we did save the taxpayers money and it was done and it's over and let's move on."

Councilwoman Giglio: "With all due respect, that was a different situation."

Councilman Gabrielsen: "Okay. I just want to— for the record, respectfully disagree with you because you're saying you saved money. It's a possibility it went out to a bid and we got five bids we may not have saved money."

Councilwoman Giglio: "Or Buildings and Grounds could have done it immediately after the flood."

Councilman Gabrielsen: "And I am offended that I was left out of, you know, part one scenario (inaudible)."

Supervisor Walter: "We're not going to go down the road and have a conversation. Let's move onto the next."

Councilman Dunleavy: "I just want to say one thing. All five board members were approached for their vote for the emergency declaration for town hall. Two of the members were undecided, that they wanted more information. He contacted the rest of the town board. We did ask our questions and we got answers to our questions and three of the town board members said yes. But all five members of this town board were contacted for that emergency proclamation. So don't say that you were not included, you were."

Councilman Gabrielsen: "We were not included in the decision making. We just requested to see the contract before it was signed. We were bypassed."

Now you would think that in an emergency all five should have been consulted."

Supervisor Walter: "All right. Let's move forward, not back— let's move forward, not backwards. This issue is over. We have to focus on cleaning up the Jamesport Community Center to get it open because I have it on good authority that the garden club is hanging— what, it's an effigy of me or something like that if I don't get this open and there's a lot of kids that are going to be relying on this in July."

So let's move forward not backwards.

Can you give us something more positive to talk about? I saw you picking up trash on whatever day it was, Monday or Saturday. This man goes out with plastic bags and picks up trash as he walks. Every resident should be doing what Sal Mastropaolo does."

Councilman Dunleavy: "It had to be along Sound Avenue."

Sal Mastropaolo: "I walk certain routes, Fresh Pond, 25, 25A, Sound Avenue, that's it. If I'm not playing golf that day, I'm walking picking up trash."

Councilman Dunleavy: "Thank you."

Sal Mastropaolo: "You're welcome. Is there any reason why they closed the entrance to EPCAL from Route 25? I went there last night and the barrier is up."

Supervisor Walter: "We're going to try- we're going to try with the state DOT to push the approval of the design plans forward. The design was submitted by Berman through (inaudible). I understand they submitted the design to the DOT over a year ago according to (inaudible), and the DOT keeps making comments and sending it back and then they don't- basically it's taking a long time for the DOT to make their final approval."

We will try to push that in our office. I think that the deputy supervisor is looking into that.

The problem for them is it's a liability issue. They- every time they lock the fence, the guys come with the tractor trailers, cut the locks so they put the jersey barriers up. I can't fault them for that because it is a liability issue the way that is set up.

So we will do what we can to get it opened. We'll do what we can to get the DOT to approve it quickly to get it opened."

Sal Mastropaolo: "Okay. It's now June 2nd, what's the status of the ballfield? Do they still sit in the same condition?"

Supervisor Walter: "No. That's not true. We are, again, waiting for the DOT to give us the final approval which they said

they had. We'll check on both of these. They told us they were going to give us an approval to re-stripe the road, not do any curb cuts or anything like that.

We have an EPCAL task force coming up meeting. They haven't-- they told us verbally that they were approving it at the last meeting and, again, they haven't given us the approval. And I know Marty Sendlewski is working on the design."

(Inaudible comment)

Supervisor Walter: "Oh, we, me, town attorney, deputy supervisor and deputy town engineer have a meeting next Tuesday with DOT to put the wood on them. Am I allowed to say that?"

Sal Mastropaolo: "If the DOT-- if you got the DOT approval, are the fields complete? Because I think I still see some hoses coming out of the grounds in certain places where the sprinkler heads aren't in."

Supervisor Walter: "We will get that-- we will get that completed. That needs to be completed and there's a couple, probably need a little more fencing but they are as complete as-- they're playable. The mounds, the clay is there for the pitching mounds. It's just not installed.

It's something that can be done and part of the reasons we hired the four seasonal groundskeepers was to give the building department-- buildings and grounds people rather some relief since we cut their staff by three so far. So we gave them some seasonal people."

Sal Mastropaolo: "Okay. The project up-- the project up at the square that was going to have the movie theater. Is that still in the process?"

Councilman Wooten: "Yeah, that's still."

Councilwoman Giglio: "Even more so."

Sal Mastropaolo: "Okay. Because I haven't-- we haven't heard anything about it and nothing's come up at town board meetings."

Councilman Wooten: "Yeah, no, these two have, the Q&E is

still good for another couple weeks. I think they might look to extend that yet again. It's just a matter of, you know, the way the economy is, it's kind of hard to get the big banks to fund it. That's really it in a nutshell."

Sal Mastropaolo: "Okay. Have you heard anything else about the bowling alley? I asked the guy down at (inaudible) Lanes who runs the pro shop because he was going to run the pro shop in Riverhead and he said that the lanes went in and they got warped because they had no heat and that there are liens on the building from the original contractor. So everybody keeps asking are they ever going to open?"

Councilman Gabrielsen: "Well, last week I seen- they finished the asphalt work. They went back, you know, and put all the turnoffs and they've been doing that work again on the parking lot now into Route 25. So I don't know what that was."

Supervisor Walter: "Actually it was the state DOT- "

(Some inaudible comments)

Councilman Gabrielsen: "So it's very questionable."

Sal Mastropaolo: "Thank you."

Supervisor Walter: "Sal, the answer is it's a private dispute between two owners and we may or may not know things but it's all hearsay."

Sal Mastropaolo: "Well, I go on the website and the website says they're coming but- "

Supervisor Walter: "Well, let's hope. From your lips to the bowlers' ears.

Miss Mendez."

Dominique Mendez: "Dominique Mendez, Wading River. Just something quick, a follow up. This is an idea I brought up in January and the town board seemed to have received it well. But I don't think anything has happened so I just wanted to bring it up again.

It was the idea of including- changing the code to have something in there for developers of cell towers to bond for removal of maintenance of the cell tower. And I was wondering- "

Councilwoman Giglio: "We've actually done that through policy and through a covenant through the building department. When they apply for the building permit, they'll be signing a covenant saying that- Dawn, do you want to touch base on this?"

Dawn Thomas: "We- the board sent the idea to code revision. Code revision took it up and discussed it, agreed that the easiest way to implement it was through policy so an owner of a cell tower property would be required to execute a covenant which would require the removal of the equipment upon cessation of use and/or allow the town to come and do that same work without their permission should they fail to do so."

Councilwoman Giglio: "Right. And then the expense that the town would incur would be assessed to the property or a levy to the property."

Dominique Mendez: "How long do they have to remove it?"

Councilwoman Giglio: "I think it was 90 days, right?"

Dawn Thomas: "I think we gave them a few months (inaudible)."

Dominique Mendez: "Okay. Thank you very much."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Yes."

Councilman Wooten: "Mr. Densieski."

Supervisor Walter: "You never can tell how they pronounce that last name."

Ken Densieski: "He's got it right. Hi, my name is Ken Densieski. I'm the president of the East End Surf Fishing Club located here in Riverhead."

I, too, clean up the beaches every time I go to the beach and so do our members. A few issues. I went to the New York State Park

Jamesport, hopefully, soon to be changed to Hallockville State Park meeting which was the same night as your town board hearing. And I'm a little concerned about the 4 by 4 access issue.

I believe Councilman Wooten sent a letter on our behalf to question because they want no ATV use in the park. However, we're not considered ATV's. We are a licensed, registered and insured vehicle and I just want to make sure we don't lose that right in the town of Riverhead to drive on that beach because the state is taking it over because I believe CPF funds were used to acquire properties and it was a joint county, town and state effort.

So I just want to know if any inroads have been made along that or if the state has contacted anyone here in the town."

Councilman Wooten: "The state has not but I did send a member of the open space committee to that particular state hearing as well as, well, yourself went, and Richard Wines from landmarks preservation.

I've touched base with them again since I wrote the letter to the commission and they're not worried. They're not but they haven't committed. But they said it doesn't look like it really prohibits what you need down on the beach.

It does go up to the bluff area. It does take into account that, but it doesn't really take into account the lower part of the sand where the water is.

So they're not concerned. They think it's not going to affect you at all but I'd like to have something in writing which they haven't given me yet. But they know what I'm looking for."

Supervisor Walter: "Jim, give me a copy of that letter, too. I'll send one (inaudible)."

Councilman Dunleavy: "Can I just say something? You travel on the public portion of the beach. That is not going to be hampered. What the state doesn't want and what they do have now is these vehicles coming off the bluffs. They're coming off from high, they're driving on the bluff and they're tearing the bluffs off. They're eroding the bluffs. That's what the state does not want. They don't want these ATV vehicles on the bluffs and damaging the bluffs.

The public portion of the beach will always stay public for your guys."

Ken Densieski: "Okay. That's what the question seems to come up. What is the public portion of the beach? Is it between the high and low tide mark? Is it the mean high tide mark? Or is it where the vegetation ceases to exist? And no one can seem to "

Councilman Dunleavy: "It's the main high tide but that is disputable because it changes twice a year."

Ken Densieski: "Twice a day."

Councilman Dunleavy: "And nobody will take measurements to say this is it permanently. So that will always stay in dispute and that's a dispute we have in Wading River is what's public and what's private on the Sound. And that's always going to be that because no one will give a definite answer on which is public and which is private."

Ken Densieski: "Okay. And number two, I just wanted to make the board aware that Representative Sheldon Silver has proposed repealing the salt water fishing license and I was wondering if the board could respond to that to see if we can get that passed because we feel it's an unnecessary burden.

You know, most of us are hard working people. We just want to go to the beach and enjoy and do some fishing and now they want, you know, in addition to all the permits I mean me, myself, I probably spend \$400 just for permits to be able to go to the beach to go fishing and now this just seems like another tax, another burden that's affecting a lot of people.

I mean it affects anyone who wants to go fishing in salt water."

Supervisor Walter: "I think you have 100% support of the board and I didn't know that Shelly Silver was supporting this."

Ken Densieski: "Yeah, I just got the e-mail today."

Supervisor Walter: "If-- just forward something to my office. We'll draft a letter and send it up to Shelly Silver-- Sheldon Silver voicing support for that."

Councilman Dunleavy: "That's a Long Island tax."

Ken Densieski: "It's a New York State tax."

Councilman Dunleavy: "Well, it's a Long Island tax, we have the salt water on both sides of us. We have 2.4 million people living on Long Island. If one-third of those people get these \$10.00 every year, Patterson's budget will be helped out terrific. So that's why I call it the Long Island tax because upstate New York doesn't have salt water so it's not a New York State tax per se but it's a tax on the people living on Long Island that want to use our saltwater to fish.

And it's surprising. If I want to take my grandkids out for one day and I get caught without a fishing license, I could get a hundred dollar fine and that's irresponsible for New York State to do that."

Ken Densieski: "Okay, good, you're aware of that. This is the third and final item. I have copies of this for all the members of the board. You brought up about the Wading River situation. These pictures were taken on Memorial Day. Clearly it says it's posted that there's no fishing. Since when can't we fish on the beach in Wading River?"

Supervisor Walter: "Who posted this?"

Councilman Wooten: "Violators will be prosecuted- "

Supervisor Walter: "I'm going to give you my opinion about this."

Ken Densieski: "I mean I don't think the town posted these."

Supervisor Walter: "Listen, the town- the public has a right to use this beach. We have a right to drive our trucks on the beach, we have a right to fish on the beach, and the fact that we've been driving- even if that is private property, we have been driving over this person's property for more than 10 years. The public has a (inaudible) of easement.

I'm not going to send somebody down there to take signs down because I don't want to get into a confrontation, but this drives me nuts. This is not this person's right to do this. If you chose to

fish there, fish there. This is ridiculous."

Ken Densieski: "Yes, I agree with the Supervisor. On that note then, a little history lesson.

I know the town had seceded from the town of Southold and if you probably go back in your rights, in your deeded rights, you will probably find something about the Dongen (phonetic) patent which gives the town the exclusive rights to use that beach and make their own judgments on those beaches, much like the surrounding towns, Southampton, East Hampton, Southold, Brookhaven, Huntington. The list goes on and on.

They are now also in the lawsuit over the saltwater fishing license. Those towns that originally joined the suit are now- we don't need a salt- you don't need a saltwater fishing license to fish in those towns provided that they were in on the suit.

So basically they got a stop order on that suit- exactly they got a stay order."

Councilman Wooten: "They got a stay on it, right. Riverhead wasn't part of that."

Ken Densieski: "Unfortunately Riverhead did not go on board. I don't know why."

Councilman Dunleavy: "I thought we were supposed to get on board. We voted to get on board that suit."

Supervisor Walter: "Did we vote to get on board on that?"

Ken Densieski: "I do have one copy of this if you'd like. It gives a little history."

Supervisor Walter: "All right. We'll look into it. I- this was done in 2009 so three of us were not here and if you voted on it, well let's see if we can find the resolution. Maybe we'll join the litigation, maybe we'll send somebody to address this issue."

Ken Densieski: "Okay. Because obviously like I said if Mr. Silver is pushing a resolution, there is enough people to try to get this defeated. Like you said, it is a Long Island tax; it is not a New York State tax."

Councilman Gabrielsen: "I have just one question. All these signs and (inaudible), is there any way- are they in the way of any kind of impeding the emergency access for us?"

Ken Densieski: "Well, that was my- this was the next part of my presentation. We have two groins. One is right there by the town beach in Wading River."

Councilman Wooten: "Two what?"

Ken Densieski: "Groins. They're not jetties. They're groins when they stick out into the water. They're jetties if they are abutting a canal or an inlet. Okay. So that's the correct terminology."

Councilman Wooten: "Thank you for that."

Ken Densieski: "The groin at Edwards Avenue just east of Edwards Avenue, the groin at Wading River and also at the bottom of Herod Point Road, they have become all exposed and the bluestone rocks are all jagged where no vehicles can get over it so, yes, this is an emergency issue.

We've had problems in the past down at Edwards Avenue. There unfortunately when someone had a heart attack, he was very heavy, he was working on a set of stairs on the cliff, they couldn't get him up the hill. The bay constable I believe went down there to get on the beach at Edwards, he couldn't get to him. He could see him, he couldn't get to him. He had to drive all the way around to Reeves to get on the beach to get to him. By the time he got around from Reeves to Edwards to pick the gentleman up to get him to an ambulance, the man had expired.

So it is a life and death situation.

The same thing with the Wading River Fire Department. They have a beautiful boat that they can't use because they can't get it in the water."

Supervisor Walter: "We're working on that. I mean, the groins, that's a seasonal thing and I don't want to say it's not quite seasonal, but you understand, you know, it depends on the year. Sometimes those groins are completely covered."

Ken Densieski: "Absolutely."

Supervisor Walter: "The town is not going to be in a position to go in and cover them with sand- "

Ken Densieski: "I believe they are county owned jetties."

Supervisor Walter: "But I don't think that anybody's going to go in and fill them with sand so you can get over them. That's just something that we have to deal with as people that drive on the beach."

Ken Densieski: "Okay. Unfortunately it's- if you have an emergency situation, again, if it costs another life. One life is too many."

Supervisor Walter: "I understand what you're saying but I don't think that the town- that the DEC is going to give us permission to backfill these groins. We had enough trouble getting a DEC permit just to open the access points to the beach that washed out."

Ken Densieski: "Even if it's a public safety issue?"

Supervisor Walter: "even if it's a public safety issue. We're trying to get the DEC to give us a dredging permit to dredge Wading River Creek this year and it's a life safety issue and we'll let you know whether we have it. We still don't have it at this point."

Ken Densieski: "I can understand the issue with the launching ramp because of the piping plovers, federally endangered species and what have you. A simple load of clean sand so we can get up and over these groins- "

Supervisor Walter: "It's not simple. It's not simple."

Ken Densieski: "I understand."

Supervisor Walter: "You have to get a DEC permit to do it."

Ken Densieski: "I understand that. So if the DEC is weighing the plovers versus clean sand, I mean it's a no brainer."

Supervisor Walter: "For you and I it's a no brainer."

Councilman Dunleavy: "Down in Louisiana they can't get permits to protect their marshes from the oil from the federal government. Do you think it's easy to get permits from state or federal people? It is outrageous how long they take."

Ken Densieski: "Unfortunately the federal government does not have jurisdiction within three miles of the shoreline. That is the local and the town and the state's responsibility."

Councilman Dunleavy: "The Army Corps of Engineers comes in and gets involved."

Ken Densieski: "They do get involved but the final say comes down on a local level. The federal government picks up three miles offshore and beyond."

Councilman Wooten: "You're doing a good job there Kenny. Keep up the good work."

Ken Densieski: "Thank you for listening."

Councilwoman Giglio: "Thank you."

Supervisor Walter: "Yes, sir. Step up, please."

John Schneider: "Good afternoon. My name is John Schneider, Riverhead. Jodi, happy birthday."

Councilwoman Giglio: "Thank you."

John Schneider: "All right. I'm here on Resolution 326 that was passed. I hadn't received any notification from my community group but they are absolutely 100% against it and that would be Sound Park Heights. They did send a letter."

(Inaudible comments)

John Schneider: "All right. I'll explain 326. It's changing the parking permits, the beach permits. So instead of December to December, it's Memorial Day to Labor Day. The rest of the time it's opened up to everybody and anybody, non-taxpayers, non-residents. I think it's wrong.

All right. Now the president of my association, Sound Park

Heights, sent me pictures of the parking lot with trash all over the place. People must have been partying down there and throwing everything all over the place.

There was a truck parked there that had a Laurelton address. There was no parking permit on his bumper and there was no parking permit on his window and he was just down there, I guess, fishing. You know. He doesn't belong there.

All right. Now we're totally against it and I think you probably got notification from Northville Beach Association. They're 100% against it too. A letter was in the mail this weekend because of the holiday, you should have gotten it today. All right.

I haven't contacted anybody on the south side yet but I haven't found anybody that is for this.

Now I watched all the resolutions pass today and everything was yes, yes, yes, yes, yes with the exception of a few where it was four to one. All right. Abstentions or whatever.

This vote was three to two. Now Mr. Wooten, Mr. Dunleavy both voted against it for obvious, good reasons. The police are not going to go up there and enforce the parking if there's nothing to enforce. All right.

It's going to drive problems from within the town up to our neck of the woods and we don't want it. All right. So I'd like you to re-visit this. I would hope possibly somebody will change their mind on it. James and John, I'm not talking to you. But somebody on the board, I'd like to see this changed. This is putting it in the wrong direction. All right.

I'm going to be talking to the civic association on the south fork probably in Jamesport, I would imagine they would be hardly hit by this but-

Councilman Wooten: "As of now nothing's changed other than- I mean the change would come in September. But as of now, all the rules apply."

John Schneider: "Correct. But I want to change that before-

Councilman Wooten: "Okay. You want to talk about this during the summer. Okay."

Councilwoman Giglio: "And- "

John Schneider: "Because before Memorial Day there were some beautiful days to be on the beach, to be fishing, to do whatever, you know. And I think it's wrong, you know. You're asking the residents to buy the permits for three months basically and change and then let everybody else use it for free in the off season. And I think it's wrong and I think you should re-visit it."

Councilman Dunleavy: "I was here the last onslaught- well, we had all these phone calls about these people on the beaches, they weren't taking care of the beaches, they were littering the beaches, from our residents and these out of towners that come here.

I really think that the new board members if they get these phone calls we got, might change their mind. Instead of one or two people getting summonses who do not want to buy a \$15.00 sticker or if you're over 65 a \$5.00 sticker to support the beaches.

Everybody- now it's going to rely on the taxpayers of the town. Even if you don't use the beaches, the taxpayer is going to have to pay for the maintenance of these beaches instead of the people who use the beaches. They're the ones who should be paying for the maintenance of- so I know what it is.

My son came here the other day, he lives in New York City, he was surprised he had to pay \$35.00 to go to South Jamesport for a day pass and I said well, you're from the city."

Councilman Wooten: "It's not \$35.00 for a day though?"

Councilman Dunleavy: "For a day pass. It was \$35.00 for him to park there to go to South Jamesport."

Supervisor Walter: "He got the special town councilman's son rate."

Councilman Dunleavy: "And he was outraged and I said the town of Riverhead taxpayers are paying for the maintenance of this. If you want to use it, you have to pay your share. So I agree 100% with you."

Councilwoman Giglio: "And if I can just say Mr. Schneider because we've been e-mailing each other back and forth for quite some time and those pictures that you showed me of the garbage spilling out of the garbage cans, those pictures were taken prior to the legislation coming into effect.

So it has been an ongoing problem and I think that part of the problem is that the garbage is not getting picked up on a weekly basis, that the residents if they have a complaint as Mr. Dunleavy said in the past he's been getting phone calls from the residents that people are down there and it can be enforced.

It can be enforced if people are down at the beach and they're abusing the beach or they're abusing the privileges of using the beach, it can be enforced and they can be asked to leave.

I believe also Mr. Wooten has made- or a statement at the hearing with the number of tickets that were actually issued off season versus the number of tickets that were issued during the season and there were very few off season that were issued."

Councilman Wooten: "It was 29 tickets issued off season. But I was just trying to prove a point. Twenty-nine tickets is whatever that is, it's \$500.00 bucks whatever that is."

Councilwoman Giglio: "Versus \$7,000."

Councilman Wooten: "But there was 692- "

Councilwoman Giglio: "\$700, I'm sorry."

Councilman Wooten: "In any event, I was trying to prove a point that it's still a tool. Just because there was 29 tickets issued, there was probably a hundred warnings get off the beach or you're going to get a ticket.

So believe me from a guy that worked that sector car and worked that sector in the summer as well as off season at Halloween time, I mean it's a nice tool to use for law enforcement. I just- I'd like to keep- I mean our beaches are pristine and our recreation and our beaches mean a lot to me but I mean- I realize we all come to different conclusions in what's important to the people that live here and I think the people who pay the taxes here deserve a better right to the beach than those who don't."

Councilwoman Giglio: "And I did send those pictures over too."

Councilman Dunleavy: "(inaudible) bothering the wrong person and changing it from one or two people, I think is wrong."

Supervisor Walter: "All right. I just wanted to let you know, Mr. Schneider, we— they pick up and it's been the same way since I was in the town attorney's office back in 2000, we don't have the financial ability to pay people to pick up trash at the beaches on Saturdays and Sundays and overtime."

And I'm sure you know this, they come Monday morning and they pick up the trash. I can't help it that people are slob. If we need more cans down there, we can put more cans down there, but that wasn't the case of more cans. People were slob. But we do come every Monday morning and it's been that way that I know for 10 years.

So, understand, you took the picture on Sunday, they were there on Monday and cleaned it up and that was the normal— "

John Schneider: "I didn't take the pictures. The president of the association handed them to me."

Supervisor Walter: "It's a normal thing that I know for 10 years."

John Schneider: "I have no problem with it. Once you open it up to people who don't have any skin in the game, they can dump anything and everything down there. There can be— the police won't go up there."

Unless they're called on an emergency, there's no reason for them to go up there. They have no tool of enforcement like Mr. Wooten said.

I think it's a mistake that this is even— was even thought."

Councilman Wooten: "We always knew that in September, October at 10:00 you headed to the beaches no matter who's there and what they're doing (inaudible)."

Councilman Gabrielsen: "And I don't think the police are

going to stop patrolling any road because of a permit. They're still going to go by on a schedule, they're going to go in a parking lot and turn around, year round. That's not taken off their schedules is what I'm saying."

John Schneider: "Let me go to by second point, all right. The property owners of Sound Park Heights own 800 feet of beachfront to the west of the public beach. There's a boat ramp that's been there for many, many years. It was put in, it was wrong to start off with. Mr. Stark said oh, no, it's going to go straight down and then he said no, it's going to go to the east where actually Reeves Park, the park that's within the park, goes down— the public park. It's going that way.

And then the next thing we know, it's not. And this ramp goes right into our property, right across the top. Now I have no problem letting four wheel drivers go through or whatever. I'm a fisherman myself. I've been on that beach with mine, you know, I have no problem.

But I have a problem with something being aimed directly at our beach. It's a boat ramp. A boat ramp by definition goes to the water. This one goes to private property."

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

John Schneider: "Yes, absolutely."

Councilman Dunleavy: "It faces your property."

John Schneider: "Right."

Councilman Dunleavy: "It's a ramp for boats and cars. Okay. Off road vehicles. We're going to be talking about this at our work session at 9:30 tomorrow. It's coming up for discussion."

John Schneider: "Okay. (Inaudible)."

Councilman Dunleavy: "It's— they're not going on your property. It's pointed to your property so it like directs the boats to your property. So we're going to have a discussion tomorrow morning at 9:30."

John Schneider: "In order to put a boat in there and I've

done it, I have to go across our property to put the boat in."

Supervisor Walter: "So what's the solution? You want us to take the boat ramp out?"

John Schneider: "I want it moved."

Councilwoman Giglio: "Well, I discussed this with the engineering department and when the ramp was originally that way, if the ramp was facing the other way then it would be affected by the northeasterly storms that were coming in from that direction. So the ramp would deteriorate very quickly if it was faced the other way. That's why the engineering department turned it to face towards the Reeves Beach private property. However, the ramp is not on the Reeves Beach property. But I understand what you're saying is that that's the only way to go."

John Schneider: "If you look at the tire tracks going across the beach, it runs right across and when the water line gets high, four wheel drivers do have a tendency to go and hug the cliff and there's an erosion problem there."

Councilwoman Giglio: "Yeah, that's a problem."

Councilman Dunleavy: "It forces people to go that way if it's pointed in that direction. Like I say, tomorrow morning at 9:30 at our work session we're going to discuss this and see what we- it's on the agenda."

Supervisor Walter: "I know there's not going to be any money to move the ramps so I'm not quite sure what- "

John Schneider: "Well, this has gone over- I guess this is probably close to 20 years now and it's been brought up to you every town board- "

Supervisor Walter: "Mr. Schneider, I don't think we're going to have the money to move the ramps, so we'll discuss it tomorrow."

John Schneider: "I'm not asking you to move it right now. There are certain things that you can do to stop it. You can put a demarcation point where the end of the town property is and let them actually go down towards the water line."

Councilwoman Giglio: "Or open up the end of the ramp to where they have more- it's not going directly- "

John Schneider: "The ramp- the engineering on that ramp was ridiculous to start off with. First off- "

Supervisor Walter: "How many boats actually- people actually use it?"

John Schneider: "How many? You can only put a small boat in, all right, you know, 14 footer."

Supervisor Walter: "All right. We'll discuss it tomorrow."

John Schneider: "That was put in. It's built out of cobblestone and with the sand on the beach and a little wetness on the beach, it's really slick. It's really- it's amazing that anybody would think about using cobblestone."

Supervisor Walter: "All right, well, I'm not- we're going to discuss it tomorrow. If you'd like to come to the work session that's fine- "

John Schneider: "I'll be there. What time is it?"

Councilman Dunleavy: "Nine-thirty."

Supervisor Walter: "I don't know if that's going to be exactly- "

John Schneider: "I can be here at any time."

Supervisor Walter: "Okay, thank you. Does anybody else- "

John Schneider: "Nine-thirty, and that will be here?"

Supervisor Walter: "Yes."

John Schneider: "Okay, thank you."

Supervisor Walter: "Does anybody else wish to be heard today? There being no hands, can I have a motion to adjourn the meeting?"

Councilman: "So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Everyone in favor? All in favor."

Collective response: "Aye."

Supervisor Walter: "There you go. Meeting closed. Thank you."

Meeting adjourned: 4:02 p.m.

Alicia M. Wilhelm
Town Clerk