

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, February 3, 2015 at 2:00 p.m.

PRESENT:

Sean M. Walter	Supervisor
James Wooten	Councilman
George Gabrielsen	Councilman
Jodi Giglio	Councilwoman

ABSENT:

John Dunleavy	Councilman
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ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter followed by the Pledge of Allegiance.

Councilman Wooten made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the January 21, 2015 Town Board meeting. Motion carried.

CORRESPONDENCE

- Bob Johnson - letter expressing concerns as to the obstruction of snow banks to bus shelters on Route 58

REPORTS

- Building Department – Monthly report January 2015 - \$42,029.25
- Sanitation – 2014 Recycle Fund Report - \$6,917.53
- Tax Receiver Total Taxes Collection to date as of 1/22/15 - \$72,234,288.24
- Tax Receiver Total Tax Collection to date as of 1/29/15 - \$72,523,933.61
- Sewer District – Discharge Monitoring Report December 2014
- Town Clerk – Monthly Report January 2015 - \$8,636.20
- Landmarks Preservation Commission – 2014 Annual Report

APPLICATIONS

Pending Town Board Approval

- Multi-Sport Soldier LLC – Crossfit Athletic Competition, May 16, 2015, Lincoln Street, Riverhead

COMMITTEE REPORTS

Councilwoman Giglio thanked the Landmarks Preservation Commission and all of the volunteers for helping to preserve many structures throughout the Town.

PUBLIC HEARINGS

Supervisor Walter: “We have two public hearings. The first one is scheduled for 2:05 and this is a Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning”, Article X, Wind Energy Conversion Systems. Jodi I know you worked on this. Do you want to present this?”

Councilwoman Giglio: “Yeah. The Suffolk County Planning Commission asked all the townships to meet once a month for a couple of years to put together this Code to allow wind energy systems on private and on commercial properties or residential and commercial properties so after several deliberations with the Board I think that this is the final version that everybody seems to be happy with and hopefully we can move forward with it.”

Supervisor Walter: “Alright, does anybody else wish to be heard on the matter? Not seeing anybody.”

Councilman Gabrielsen: “I think last, we had commented the last time on commercial applications that the height, we were going to make a change on the height; a hundred and ten percent I think it was.”

Supervisor Walter: “The fall zone.”

Councilman Gabrielsen: “The fall zone has that the change?”

Councilman Wooten: “A hundred twenty percent.”

Councilman Gabrielsen: “Which Section is it?”

Councilman Wooten: “Eight.”

Supervisor Walter: “That says residential.”

Councilman Wooten: “And an agricultural district, a hundred and twenty.”

Councilman Gabrielsen: “Yep, they put it in, a hundred and twenty. Perfect”

Supervisor Walter: “Anybody else want to be heard? Not seeing anybody we’ll close the public comment portion and leave it open for written comments until Friday the 13th in the Riverhead Town Clerk’s office.”

**Public Hearing Closed at 2:09 p.m.
Left Open for Written Comment Until February 13, 2015, 4:00 p.m.**

Supervisor Walter: “Ok, the second public hearing is scheduled for 2:10 and this is a consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code, Entitled “Zoning”, 108-130; *Review and Approval Required* and this has to do for the most part with the de minimis applications. Bob did you want to say a thing about it or?”

Robert Kozakiewicz: “Well, it, this public hearing was something that we talked about at Code Revision. We decided that there were some changes that were needed in order to hopefully clarify when the de minimis would be applicable and so the de minimis provision was proposed to be stricken and we are providing for a new definition.

One of the things I noticed some comment on was the fact that the de minimis approval is limited to one Grant in a twelve month period and I know there were some individuals who were concerned about whether that was proper or not. There was also a question which I believe to be a good one that, you know we talk about the de minimis when it’s in (inaudible) repairs if that even triggers site plan review so there’s a couple of things that have come up as a result of comments to my office. I’m not sure there are any speakers here who want to address it but I know there were a couple of things that were raised that we have to take a further look at in this particular legislation.

Supervisor Walter: “I think that this goes the way of the breezeway, I hope not that long.”

Councilwoman Giglio: “Also, I had a comment because on the additions and alterations to the existing commercial buildings with *a proposed floor area less than four thousand square feet shall not require a formal site plan review*. I did because of certain situations that have come about think that we should put something in here that says that unless that four thousand square foot addition was rented by the Zoning Board of Appeals because then it would allow for at least a public hearing in the planning process to make sure that any residential properties or adjoining properties are protected because the four thousand square foot addition might be a setback variance that was granted by the Zoning Board that could affect adjoining properties.”

Supervisor Walter: “I agree with that. I’m not supporting this legislation for that reason because I’ll start there and then go backwards because it says *you might not, additions and alterations of four thousand square feet or more shall not require formal site plan* but then it goes on and says that *a commercial building shall be subject for review by the Planning Department* so one or two people may look at this and *shall be required to comply with all statutory provisions including but not limited to parking, landscaping, storm water runoff, grading, handicap*. I’m not sure what’s de minimis about this and who’s going to make that decision and I’m not supporting that but I’m also, I should have looked at this a little more closely but if you are de minimis applications under Section E Sub One *shall be limited to the routine maintenance, repair or alterations of any building which does not materially affect the external appearance of existing structure, building site. Examples include roof repair*. We went to great pains to allow people to put new roofs on their houses. If I’m repairing a roof on a commercial building I shouldn’t have to go to commercial site plan. If I’m putting a new air conditioning unit, replacing an in-cond air conditioning unit I shouldn’t have to go to site plan or mechanical that’s on my roof.”

Councilman Wooten: “It isn’t saying you don’t.”

Councilwoman Giglio: “That’s the way I read it too.”

Supervisor Walter: “Does not, examples.”

Councilman Wooten: “De minimis application shall be limited to those particular things that you’re reading now.”

Supervisor Walter: “Does not materially affect the appearance of the building. *Application shall be limited to the routine maintenance, repair or alteration of any building which does not materially affect the external appearance of an existing structure, building or site.* The examples of what affect, materially affect the building or site that’s what the examples are. They’re saying these are going to push you into site plan so roof repair, rooftop appurtenances or mechanical equipment replacing, façade changes. I can see façade changes but in-kind replacement of windows or fence replacement.”

Councilwoman Giglio: “I’m reading it differently.”

Councilman Wooten: “I just don’t read it.”

Robert Kozakiewicz: “You know, I think it was meant, those examples were meant to be encompassing of those that would be considered to be within the parameters of de minimis. That’s where I think, cause it’s a little bit of a difference from that was struck on the previous page.”

Councilwoman Giglio: “But I think façade should be struck.”

Robert Kozakiewicz: “The one question that has also come up from time to time is if we should have a de minimis at all or whether we should go to an administrative type of a review where there is lesser change in a site plan review. That’s something that’s been thrown around and I think even came up in one point in time in our Code Divisions so that’s something that (inaudible).”

Councilman Wooten: “We all agree that something that has to be in place.”

Robert Kozakiewicz: “The de minimis standard as it’s been is (inaudible) and it’s tough to say when is it applicable and when isn’t it so questions have come up to whether we should entirely remove it and instead have an administrative site plan review instead.”

Supervisor Walter: “Well the way this is written I can see how you can read it the way you can read it but you can read it the way I’m reading it that these are examples, it doesn’t say what the examples are so you can say it’s an example of what’s de minimis or an example of what’s not de minimis.”

Robert Kozakiewicz: “Examples of what would not be a de minimis application shall include, if there’s some language in there that would make that last sentence clearer and without any confusion or vagueness. So do we still want to stay with a de minimis review?”

Supervisor Walter: “I think you need something but this is not working.”

Robert Kozakiewicz: “Ok.”

Councilman Wooten: “I think what you need is what we’re trying to capture with this. What you call it, I don’t care what you call it, make it less cumbersome. The average person (inaudible).”

Robert Kozakiewicz: “Alright.”

Supervisor Walter: “Yeah, well this is commercial.”

Councilwoman Giglio: “Commercial.”

Councilman Wooten: “Commercial or residential.”

Councilwoman Giglio: “Residential don’t really need site plans.”

Supervisor Walter: “so this is going back to the drawing board is my guess. Anybody else wish to be heard on it?”

Councilman Gabrielsen: “And also the twelve month period. I mean what if it changes ownership in between? Is that twelve months from when a permit is applied for or is it twelve months?”

Supervisor Walter: “I think it needs some work.”

Councilman Gabrielsen: “Needs some work, ok.”

Supervisor Walter: “Yes, if you could state your name and hamlet for the record.”

Antoinette Miranda Carbone: “Antoinette Miranda Carbone, hamlet of Riverhead. I wasn’t planning to talk on this but it’s obvious if it’s not in plain English you’re complying with State Code so you’ve got to go back to your drawing board because it’s not clear.”

Supervisor Walter: “Strict construction hysteria. Absolutely so I think we’re going to go back to the drawing board on this. Alright, I don’t even see a reason, do we all agree to go back to the drawing board because I don’t see a reason to hold it open so just, we’re going to close this out completely. Ok, we’ll close this public hearing out. We’re not going to leave it open for written comment because we need to correct it.”

Public Hearing Closed at 2:17 p.m.

Supervisor Walter: “There are no other public hearings scheduled. The next thing we take up resolutions. Does anybody wish to be heard on any of the resolutions? Not seeing anybody let’s take up resolutions.”

RESOLUTIONS

Resolution #93

Councilman Wooten: “Water District Water Meter Equipment Budget Adjustment, so moved.”

Councilman Gabrielsen: “And Seconded.”

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

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

Resolution #94

Councilman Gabrielsen: “Plant 16 Treatment System Improvement Project Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #95

Councilwoman Giglio: “Water District Budget Adjustment, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #96

Councilman Wooten: “Town of Riverhead Home Improvement Selection Policy, so moved.”

Councilman Gabrielsen: “And Seconded.”

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

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

Resolution #97

Councilman Gabrielsen: “Authorizes Notice to Bidders for Sanitary Pump Station Upgrades Ball Field Pump Station Calverton Sewer District Contract No. CASD 14-02, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #98

Councilwoman Giglio: “Wellhead Treatment for Perchlorate Removal – Plant No. 16 Contract B – Building and Piping Installation Riverhead Water District, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #99

Councilman Wooten: “Authorizes Publication of a Help Wanted Advertisement regarding Attendance at Suffolk County Police Academy, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #100

Councilman Gabrielsen: “Appoints a Senior Cook to the Seniors Program (Frank Greenwood), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #101

Councilwoman Giglio: “Accepts the resignation of a Clerk Typist (Marie Viglotti), so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #102

Councilman Wooten: “Extends the Bid Contract for Fire and Security Alarm Systems, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #103

Councilman Gabrielsen: “Approves Engineering Department Request for Change Order Related to Bid for Onsite Grinding of Town Yard Waste, so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio, no; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution adopted.”

Resolution #104

Councilwoman Giglio: “Authorizes the Attendance of the 2015 Training School and Annual Meeting Held by the Association of Towns (February 15-18, 2015), so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #105

Councilman Wooten: “Authorizes the License Agreement with Pictometry International Corp. for One Year Term, so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to say this pictometry is not used to spy on the residents of the Town of Riverhead. This pictometry has been used in the past during Hurricane Katrina to establish what was there before the structures were destroyed so they could be replaced in kind. It was also used in Fire Island when they had a power outage so they could let the firefighters know where all the propane tanks were so they could stay away from them and shade out the areas where people should stay away from during those power outages so it’s a good tool. Our assessors also use it when somebody comes into grieve their taxes and our assessors work very diligently on these grievances and save the Town about two hundred and fifty thousand dollars a year by handling it themselves and they use this program to do so, so yes I support it.”

Councilman Gabrielsen: “I wasn’t here for one session. Who else uses it?”

Councilwoman Giglio: “Just, it was the assessors.”

Councilman Gabrielsen: “Ok.”

Supervisor Walter: “There are some other places that use it.”

Councilwoman Giglio: “Engineering might use it on occasion and also for Haz Mat, engineering for Haz Mat.

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

Supervisor Walter: “If we only have, who’s the one that we have?”

Councilwoman Giglio: “I think it’s just the assessors. It’s whoever we authorize to use it.”

Supervisor Walter: “But it’s fifty.”

Tara McLaughlin: “(Inaudible), there are twelve users.”

Supervisor Walter: “Ok, yes.”

Diane Wilhelm: “Resolution adopted.”

Resolution #106

Councilman Gabrielsen: “Authorizes the Retention of R.D. Geronimo Ltd. As an Expert in the matter of Baiting Hollow Golf Club v. Riverhead Town Assessors, so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is to uphold an assessment that the Town can’t afford to lose, yes.”

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

Resolution #107

Councilwoman Giglio: “Authorizes the Supervisor to Execute an Agreement with Sidney B. Bowne & Son, LLP, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #108

Councilman Wooten: “Authorizes the Supervisor to Execute an Agreement with D&B Engineers and Architects, P.C., so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #109

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement with Barist Elevator Company, P.C., so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution 110

Councilwoman Giglio: “Authorizes Nunc Pro Tunc Co-Sponsorship of Weekly Saturday/Sunday Farmer’s Market from January 3, 2015 to May 17, 2015 with the Riverhead Business Improvement District Management Association, Inc.; Authorizes Approval of a License Agreement with Designated Farm Vendors Regarding Real Property located at 221 East Main Street, Riverhead, so moved.”

Councilman Wooten: “I’ll second it.”

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

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

Resolution #111

Councilman Wooten: “Authorizes the Town of Riverhead to Direct Kim A. Young to Remove all Litter, Garbage/Refuse, Rubbish, Yard Waste, Weeds, Noxious Plants, Grass and/or Rank Vegetation in Excess of Ten (10) inches height upon the Premises Known as 178 Main Road, Aquebogue, New York, 11931, a/k/a SCTM #0600-085.00-02-002.00 Pursuant to Riverhead Town Code Chapter 96, so moved.”

Councilman Gabrielsen: “Are we sure that’s Kim Young or is that Tim?”

Supervisor Walter: “Kim.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #112

Councilman Gabrielsen: “Extends Professional Services Agreement with Vehicle Tracking Solutions for Automated Vehicle Location and Monitoring for Town of Riverhead Highway Department, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #113

Councilwoman Giglio: “Reappoints Member to the Board of Assessment Review (Brian Mills), so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #114

Councilman Wooten: “Rejects Bids Responsive to the Request for Proposals for Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing Published and Posted on April 24, 2014, and Authorizes the Town Clerk to Re-publish and Post a request for Proposals for Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing for the Benefit of the General Public Regarding both In-person and Internet Transactions, co moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #115

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement (Thomas Parris), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #116

Councilwoman Giglio: “Authorizing the Waiver of Thirty (30) Day Notification Required by the New York State Liquor Authority, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #117

Councilman Wooten: “Pays Bills, so moved.”

Councilman Gabrielsen: “And Seconded.”

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

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

PUBLIC COMMENT

Supervisor Walter: “I guess there’s no dog today. Does anybody wish to be heard on any matter before the Board or would you like to talk to us about anything?”

Antoinette Miranda Carbone, a member of the Traffic Safety Committee came forward to discuss a matter she brought to the Board two years ago; the visibility at certain intersections. She said she’s been bringing this up to the committee for over four years with specific areas as examples.

Two years ago she was told that the Codes were going to be reworded because the existing Codes are not in plain English. She feels the Code should address the issue from the curb since people like herself who are less than five feet tall and driving cannot see under a certain field. She specifically named Middle Road and Ostrander and the property owned by Mercy High School. She continued by saying within the past two years a fence was put up by the high school and the set back at Middle Road and Ostrander is used to put signs up so your line of vision is not clear if you want to head east.

Ms. Carbone said she brought this matter up to the Traffic Safety Committee six months ago and she said nothing has been done.

Supervisor Walter asked if the Highway Superintendent is on the committee with Ms. Carbone. She replied by saying that Councilman Dunleavy is on the committee and is well aware of the problem.

Supervisor Walter said the matter was an issue for the Highway Superintendent because he has the power to rectify the situation under the Town Code. He continued by saying he thought the State Law also gave the power to the Highway Superintendent to remove obstructions to roadways that are blocking roadways, etc.

Ms. Carbone responded by saying Mr. Woodson does not always attend the Traffic Safety Committee meetings and it’s hard to get in touch with him.

Councilman Giglio said that Code Revision may be able to do something about this matter.

Supervisor Walter said he would talk to the Police Chief to see if he has a list of roads with obvious obstructions. When he asked Ms. Carbone if she had a list of roads with obstructions she said she gave a list to the Chief.

Supervisor Walter thanked Ms. Carbone and again stated that he would talk to the Chief.

Supervisor Walter introduced Barbie, the Shelter Dog who is up for adoption. Barbie is about six months to a year old and she is good with babies and older children. She loves to play and run and is very gentle. If anyone is interested in adopting Barbie call the North Fork Animal Welfare League.

Supervisor Walter: “Does anyone else wish to be heard today? Motion to adjourn?”

Councilman Wooten: “So moved.”

Supervisor Walter: “All in favor?”

Collective ayes. Meeting is adjourned.

Meeting Adjourned 2:37 p.m.