

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, October 7, 2014 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Bishop Emil Wcela from St. John the Evangelist Church in Riverhead.

Supervisor Walter spoke about Tom Cutinella, the student a Shoreham/Wading River High School athlete who passed away while playing in a football game at school. Tom, who was a resident of Riverhead was eulogized by his father who said his son lived life to the fullest, enjoying family, friends and just life itself. Supervisor asked that the residents keep the Cutinella family in their prayers. Councilman Wooten read a passage from the Psalm of David in memory of Tom.

Supervisor Walter read a proclamation proclaiming October Breast Cancer Awareness Month. The proclamation was then presented to the family of Loretta Trojanowski, an employee of Riverhead who succumbed to Breast Cancer in 2013.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the September 16, 2014 Town Board Meeting and the minutes from the Special Town Board Meeting of October 2, 2014. Motion carried, minutes were accepted.

Supervisor Walter thanked the North Fork Breast Health Coalition for the wonderful job they do helping out and lending support to the family of anyone battling breast cancer. Councilman Dunleavy suggested that next year everyone participate in the Breast Cancer Walk sponsored by North Fork Breast Health Coalition.

CORRESPONDENCE

- Sal Mastropaolo – letter regarding the public hearing of September 16, 2014 Special Permit Petition of Theodora Cohen
- Calverton Civic Association – letter of support to moving the Town Justice Court and Jail to the Armory Building on Route 58, Riverhead
- Charles Cuddy, Esq. – letter regarding the public hearing of September 16, 2014, proposed amendment to Chapter 108, 108-330 Redemption of Preservation Credits

- Letters of Opinion/Concern/Recommendation regarding the EPCAL DSGEIS from:
 - Central Pine Barrens Commission
 - Group for the East End
 - Riverhead Neighborhood Preservation Coalition (RNPC)
 - Email from three individual residents

CONSERVATION ADVISORY

- CAC Res. #2014-19 – John Hunter SCTM #0600-113.2-30

REPORTS

- Building Department Monthly Report September 2014 - \$68,046.00
- Tax Receiver Monthly Utility Collection Report August 2014 - \$554,992.11
- Town Clerk Monthly Report September - \$17,865.43
- Sewer District Discharge Monitoring Report August 2014

FIRE DISTRICTS

- Wading River Fire District 2015 Proposed Budget
- Riverhead Fire District 2015 Proposed Budget
- Jamesport Fire District 2015 Proposed Budget

APPLICATION

Parade/Assembly

- Roanoke Avenue Elementary School – Halloween Parade, October 31, 2014 at 349 Roanoke Avenue, Riverhead

TOWN BOARD COMMITTEE REPORTS

Councilman Wooten reminded everyone that the Country Fair is this Sunday, October 12, 2014; 10:00 a.m. to 5:00 p.m. on Main Street and on the Riverfront. He urged everyone to attend.

PUBLIC HEARINGS

Supervisor Walter: “We have four public hearings today. The first public hearing is scheduled to start at 2:05. It is now 2:13 and we’re going to open the public hearing for Consideration of a Special Use Permit Petition of Lighthouse Yacht Club to Reconstruct and Expand an Existing Restaurant Building at 229 Meetinghouse Creek Road, Aquebogue (SCTM #066-86-2-17.2, 27, 28, 29). Is there anybody here for the applicant who wishes to address us? Bill Andes for the applicant, William Andes.”

William Andes: “Good afternoon. My name is William Andes and I represent Alex Galasso and Lighthouse Yacht Club in connection with the application. This application concerns the Meetinghouse Creek Restaurant in Aquebogue. I think everyone is probably familiar with it.

What I would like to do is hand out the affidavit and also a letter which outlines in detail all the arguments I’m going to make. What I would like you to do is please make that part of the official record and what I’ll do is I’ll just summarize what’s in that letter.

There’s a pre-existing conforming restaurant. It’s in a RB 80 zoning district. On a bottom line basis what the applicant is asking is that while the structure be elevated to comply with FEMA requirements that the applicant be allowed to expand the interior space on the second floor. There is a second floor of about two hundred and eighty-two square feet and we’re here today because we’re asking that that be expanded to eighteen hundred, twenty-four feet.

The proposed storage space will be used to house restaurant supplies, utilities and mechanicals of the building, air conditioning equipment, furnace, hot water heater.

There are several important facts to this application which I think will help the Board narrow it down and decide what they want to do with it. We’re not asking to expand anything outside the footprint of the building. Nothing goes on outside the footprint except for a handicap ramp to accommodate disabled individuals.

The seating capacity of the restaurant will not be increased. It’s at a hundred and sixty-three seats, that’s approved; we’re not asking to increase that. The parking lot will not change. We’re not asking that it be increased or reconfigured. The height requirement due to the elevation will be under the thirty-five feet required by the zoning. The second floor is going to be used for storage and office space and house the utilities. They’ll be no seating on the second floor. The first floor they’ll be no net change to the square footage on the first floor.

There’s been persistent flooding as some of you may know from personal knowledge at the site. Every few years the place gets flooded, the restaurant gets flooded. The stove, the refrigeration and Hurricane Sandy was just awful. There was tens of thousands of dollars of damage both to the property and to the business, the revenue interruption of the revenue.

In your Town Code, Section 108-13-3.5 it sets out the requirements to grant this application. It’s all spelled out in detail in the letter I gave you but what I’d like to do is very briefly summarize.

The storage site on the second floor is particularly suited for this storage. There’s no better place for us to put it on the site. The plot outside is not affected. There’s no issues with regard to the proximity to schools, churches. The traffic will not be affected. The surrounding roads will not be affected. There’s no curb cut, there’s no change again in the parking lot. There’s no effect on emergency conditions, buffer yard setbacks. We’re not asking any sort of change outside of the footprint.

Storm water runoff waste, refuge, septic are all sufficient to accommodate what’s there and we’re not asking for increase again in the seating. The existing municipal services are adequate. There’s no environmental affect frankly at all and we think we’ve met or exceeded all of the requirements and some of the requirements because it’s internal storage and nothing is happening outside of the footprint some of these requirements are not applicable but I’ve addressed each and every one of them

Supervisor Walter: “Currently the utilities and storage are outside at grade level?”

William Andes: “That’s my understanding, some are. There’s a pre-existing storage on the second floor right now which is used as office and some storage space.”

Supervisor Walter: “But effectively you’re pulling some of your storage and most of your utilities out of the flood plain and putting them where they should be?”

William Andes: “That’s my understanding more or less, yes.”

Supervisor Walter: “Ok does the Board have any other questions?”

Councilman Gabrielsen: “So the only increase then in square footage is on the second floor about fifteen hundred square feet?”

William Andes: “That’s right.”

Councilman Gabrielsen: “That’s the only change here?”

William Andes: “That’s right.”

Councilwoman Giglio: “And since I don’t have my notes from when you appeared before us at work session what was that percentage of expansion in the preexisting nonconforming; I think it was less than twenty-five percent right?”

William Andes: “Approximately twenty-five percent that’s right.”

Councilwoman Giglio: “And then have you given any considerations to the green methodologies to the storm water runoff like gutters and leaders into cisterns and then you can pump the cisterns back up for the water to reuse it for watering any plants or vegetation on the deck?”

William Andes: “I’ll let Nick speak for that. You have more knowledge of the details than I do.”

Councilwoman Giglio: “It’s just reusing the storm water and it saves you money in your water charges also.”

Nicholas Vero: “Nicholas Vero, architect for Alex Galasso.”

Robert Kozakiewicz: “Nicholas I need you to raise your right hand. Do you swear the testimony you’re about to give is the truth, the whole truth and nothing but the truth so help you God?”

Nicholas Vero: “I do.”

Robert Kozakiewicz: “Thank you.”

Nicholas Vero: “There has been some discussion with reference to that but we really haven’t gone any further with that I guess until we get into site plan review and get into

technicalities with the Building Department but if that's a consideration the Board would like us to look at by all means we would."

Councilwoman Giglio: "Well you have to figure you're not currently regulated by a storm water prevention plan so anyway we can prevent runoff from going into the river even on the undersized lots would be recommended by me so if you can consider that I would like to put it as a comment for you to consider."

Supervisor Walter: "Anybody else on the Board? Alright I'll open it up for public comment. Does anybody wish to be heard on this application? Ok, not seeing anybody I will close the public comment portion and leave it open for written comment until October 17, 2014, 4:30 in the County Clerk's office. Thank you."

**Public Hearing Closed at 2:20 p.m.
Left Open for Written Comment Until October 17, 2014 at 4:30 p.m.**

Supervisor Walter: "Ok. The next public hearing was scheduled for 2:10 and it is now 2:21. We open the public hearing for the Consideration of a Proposed Local Law to Amend Chapter 48 of the Riverhead Town Code Entitled "Beaches and Recreation Areas" (48-1. Definitions, Recreation Trail). Jodi, you want to present this one or Bob?"

Councilwoman Giglio: "This is from the Alternative Transportation Committee. Because our recreation trails has a thin layer of asphalt we wish to restrict all motorized vehicles from using those recreational trails. They would just be for passive recreation or bicycling and walking or roller blading, things of that nature and there will be a fine imposed so that we could put signs up to let everybody know that they shouldn't be on there with their ATV's and their motorized vehicles, cars and things of that nature."

Supervisor Walter: "Does anybody wish to be heard on this matter?"

Councilman Gabrielsen: "I have one comment here as I'm looking at this. You're talking all areas that are designated as walking trails, bicycle paths should that be all paved areas? Because almost every trail we have (inaudible) is on trails. We're trying to save the asphalt, am I correct?"

Councilwoman Giglio: "Well, and also so people aren't getting run over while they're walking on trails."

Councilman Gabrielsen: "No, no but you're talking about a designated area."

Supervisor Walter: "Why don't we designate it?"

Councilman Gabrielsen: "Right. We would have to designate."

Supervisor Walter: "I would say it should be asphalt."

Councilman Gabrielsen: “It should be asphalt because there are so many trails that are being used to access certain parts of the woods even the hunters whoever.”

Councilwoman Giglio: “So, what would that be Bob a definition? A designated trail would be a paved trail? You could just do a definition later on or do we have to re-advertise and post?”

Robert Kozakiewicz: “We’d have to re-advertise and post. I think that would.”

Councilwoman Giglio: “This was discussed at work session before we put it on.”

Robert Kozakiewicz: “I think we could designate bicycle path clearly is different than hiking trails. Are you talking about the trails that go through the woods for the hunters?”

Councilman Gabrielsen: “Yeah, everywhere for walking for hiking for anybody, you know, there’s a lot of trails. I can understand a paved trail; that was the intent right, not to ride on asphalt? That was the intent so we’ve got to stay with that intent I would think.”

Supervisor Walter: “I agree.”

Councilman Wooten: “Or just designate be sure that we give the ones we want to capture a designation, right?”

Councilwoman Giglio: “Right.”

Supervisor Walter: “You mean designated by a resolution? So we’ll designate it by Resolution that it is the, good luck to the officer trying to write a ticket, but we’ll designate by Resolution. I don’t think it would really matter. I don’t think it’s a substantial change if we say an area designated by Town Board Resolution, Bob? I don’t think that would be a significant change.”

Robert Kozakiewicz: “It’s really not. I mean the intent; I know that the intent was for the bike trail and walking trail which runs around the perimeter of EPCAL and any other walking or bike trails which we may have and at this point it’s only EPCAL.”

Councilwoman Giglio: “Well we have trails in Stotzky also.”

Supervisor Walter: “Well, an area designated; we can change it to an area if you don’t think it’s a significant change; an area designated by Town Board Resolution when we can adopt it. I don’t think that’s (inaudible) because you have to designate it and so we’ll designate it by Town Board Resolution. Anybody wish to be heard on that change? Not seeing anybody; ok, so what we’ll do is when we adopt it we’ll do it that way and then we’ll pass the Resolution. Everybody ok with that?”

Councilwoman Giglio: “So then on the signs on the trail we can refer to the Resolution; say designated trail and then put the Resolution and the date on it so that if any officer needs to write a ticket he can refer to the sign.”

Supervisor Walter: “Ok, then we’ll close the public comment portion and leave it open for written comment until October 17th in the Town Clerk’s office.”

**Public Hearing Closed at 2:25 p.m.
Left open for Written Comment until October 17, 2014 at 4:30 p.m.**

Supervisor Walter: “The next Public Hearing is scheduled for 2:15 and it is now 2:25 and this is a Consideration of a Proposed Local Law to Amend Chapter 106 of the Riverhead Town Code Entitled “Waterways. Bob do you want to open the Public Hearing?”

Robert Kozakiewicz: “This is something that I’m sure we’re going to have some comment on. It’s looking to address the newest, technology that’s I guess that’s come out that goes beyond water skiing and such which are the Jet Boards and the Fly Boards and this is something that I don’t think is unique for the Town of Riverhead. As a result of about two months of research I see that other jurisdictions have also attempted to gain some sense of control or limits on the use of jet packed vessels or these type of items. Maryland for example has imposed interim regulations and I understand they’re awaiting comment and this is our attempt to regulate or provide for a safe and fun filled sport. We changed the definition. Principally the changes involve the following: we find commercial dockage we then include a definition for regulated water sports and then the provision that previously regulated water skiing is now going to be regulated under the general category of regulate water sports which will be inclusive of water skiing, parasailing weight boarding and as indicated, jet board and fly board type of (inaudible).

Supervisor Walter: “We forgot to bring the dog in so we’ll bring the dog in after this public hearing. Ok, Bob thanks for the synopsis on that. Does anybody wish to be heard on this matter? Yes, come up to the microphone and state your name and hamlet that you reside in for the record.”

James Bissett: “James Bissett, owner, operator Fly Board L.I. I agree with the regulations being put forth for regulating jet packs, fly boards. Obviously it’s a new activity and it needs to be under regulations. The regulations that you’re putting it under as the same as weight boarding, water skiing, parasailing being five hundred feet from the shore I think is a little over excessive due to the fact of the way of the operation of fly boarding.

The regulations of parasailing and weight boarding, you’re going on a boat twenty- twenty-five miles an hour through the open waters towing a person where if you stop when you’re weight boarding that person being towed can keep going and keep going at a speed of twenty miles an hour. For the operation of fly boarding for myself being in control of the fly boarder’s propulsion as soon as that person is down onto the water you let go of the throttle the person may not move at all until the actual operator on the fly board, on the jet ski can’t control that.

We’re not going, we’re not breaking any of the laws since we are operating in a five mile an hour zone there’s no wake. Jet Ski is less than five miles an hour if not standing still, not creating any wake pretty much at all not any larger than any other boat or jet ski passing by on a normal basis.

I have seen the Maryland regulations that you guys have spoken about. I think they are very well put forth here for the safety of the jet packs and the fly boards. You know stating depths

of water, they stay at a minimum of six feet out here in the Peconic Bay and we're operating in at least nine to twelve feet, twelve feet at high tides, eight to nine feet on low tides.

Myself, being a licensed instructor safety is a number one concern for the fly boarders. For a person, a beginner or so it's only necessary flying ten feet above the water. If the person does fall down, if the buoyancy of the and the jacket itself, the possibility is only going underneath about six feet of water so I think the minimum of depths of six feet is doable. I would raise it up to eight feet would be fine. Five hundred feet from any shore or docks is a little over. A hundred feet I believe is doable. Like I told you the hose is fifty feet long, ten feet under the jet ski so with ten feet under the jet ski the fly boarder is only actually forty feet from the jet ski so me being a minimum of fifty feet from any object there's physically no possible way for the fly boarder to come in any contact with object out in the water. So I think a hundred feet from any shore, boats, docks, anything like that, is doable also obviously we've had complaints from residences. I have moved on the opposite side of the channel towards the Southampton side away from residents. I believe if we put in the regulations at least three hundred feet from any residences is doable.

Yes, so a hundred feet from any shores, three hundred feet from any residences and you know I think it's a great thing for this town. Being part of the Long Island Aquarium and Hyatt Place Hotel and we're trying to create a destination, you know, a fun spot for people to enjoy this town. I've brought over three hundred people that come to do Fly Boarding L.I. that participated with me, enjoying every minute, staying over at the hotel, eating over at the local restaurants, you know, enjoying the town, what we want them to do.

I do have some printed out sheets of that as well if you'd like to see those. I just think it's a great opportunity for the Town of Riverhead to grow in this sport and not to be able to participate in this river I would have to go out further into the bay where we would probably not be able to operate out there and I would probably have to move to another town.

You know I'm not giving the revenue into this town which we have a big influence in and I've also gotten partitions from local residents who live here and I've also gotten comments from marina's as well. I have printed out the Maryland regulations which I have edited for ourselves. If you guys wanted to take a look at these I have printout of these as well."

Supervisor Walter: "Why don't you hand the partitions up to the Town Clerk?"

James Bissett: "And that's all."

Supervisor Walter: "Alright, thank you. Does anybody else wish to be heard on this matter? Yes Sir, just step up to the microphone and give us your name and hamlet."

Christopher Perillo: "Sure my name is Christopher Perillo. I'm in Riverhead at 111 Riverside Drive. Anyway certainly after hearing Mr. Bissett's comments I just want to backtrack a bit.

Mr. Bissett had approached me back in the late spring after my wife and I had sited a nuisance complaint siting the noise from his fly board operation and he approached me at my residence, that's why I have no problem stating my address, and I said to Mr. Bissett, I tried to give him some I guess, sagely advise but I guess I looked too young and too timid to give any sagely advise and I had said to him you need to consider three things and because I did say to him I think it's a wonderful opportunity for Riverhead and I think as a business venture it is a great business venture and he's certainly proven that he can make money which is a great thing given

the fact that I've watched the number of lessons triple as the summer came through July and August, six, seven days a week from 10:00 a.m. to almost sundown, 7:00 p.m. say.

At the same time I said to him there are three things you need to consider; one, the needs of your business, two, the needs of your clients and three, the needs of your neighbors because this is a unique operation. I think Mr. Bissett has done a great job assessing the needs of one and two but not three and considering my wife and I have done personal decibel level tests because I have an app for that, there's an app for everything now, even though decibel levels do not exceed Town of Riverhead standards in terms of ninety decibels and above which would be a clear violation and certainly he's doing it during daylight hours, it's like a barking dog, that's what it's like and I even said to Mr. Bissett it sounds like a leaf blower going forty-five minutes every hour.

I mowed my lawn on Sunday for forty-five minutes. Mr. Bissett was out with a client on his fly board and I can assure you my lawnmower was just as loud but it was for forty-five minutes for an entire week so and again I want him to succeed and I've said that to him and certainly you know, he's, I think any financial institution would love to write him a loan for a pontoon boat and a floating dock but certainly my father having owned a business for thirty-five years in Nassau County, I know what works and what doesn't work and this works, this works, I know it does and I appreciate the Town Board opening up the floor on this issue and for letting us speak."

Supervisor Walter: "Is it better since he's, he's probably in Southampton waters and not even in our jurisdiction. Is it better since he's that far off?"

Christopher Perillo: "Here's the thing and I've spoken to my neighbors about it and I rent the home that I live in and I've spoken to my landlord about it. Initially it was well the winds are coming out of the southwest and that's why you're catching the brunt of it. Well the winds were out of the north on Sunday and the decibel level was the same, it was the same. The noise carried right back and maybe who knows what, maybe because it's a cove and the sounds got no where to go but to stay in the cove, who knows? I don't know, I'm not an expert on that but the noise level was basically the same. I mean, you know its one day but you know if it's a hard wind in December I would think, maybe not but if he's out there flying boarding in December, who knows but thank you for your time I do appreciate it."

Supervisor Walter: "Does anybody else wish to be heard on this matter?"

Glenn Brewster: "Good afternoon, Glenn Brewster."

Supervisor Walter: "Where are you from Glenn?"

Glenn Brewster: "Riverhead, I'm a neighbor. There are a few things I'd like to clear up. First of all I strongly urge you to pass this amendment to the Code; it's very important for residents of the Town. It just makes sense. There's people trying to kayak, they can't, they won't go in that area. It causes confusion. When you're coming in with your boat you don't know which way to go. He's not really that mobile and he's got somebody tethered to him. We did have kind of a situation. I was coming in with my boat, he looked at me and he's yelling at me, which way are you going? Now if anybody has a boat you know you don't do verbal commands when you're on a boat. There's a way to go and there's a way not to go otherwise we'd all be crashing into each

other so anyway the other thing is if you thought moving to the other side of the river was going to solve this problem it never did.”

Supervisor Walter: “You can address us.”

Glenn Brewster: Alright, he didn’t move to the other side of the river, he kept so my fear is we’re going to get lip service from this gentleman. He’s going to say what you want him to say, what he wants you to hear and he’s still going to do what he wants to do which he did all summer dispute all the violations he got and all the tickets and everything else.

I can’t enjoy my yard. Like the previous speaker spoke about, it’s a constant drone of like a leaf blower going all day long. He doesn’t hear it, he uses those machine. I’m sure they’re having fun; it looks like a great thing. I don’t want to put him out of business. I think it’s a terrific idea. I water skied, I snow skied, all kinds of crazy sports when I was a kid too and that looks like a lot of fun it’s just not the place. It’s too small. I read the Maryland regulation. It says a hundred feet from shore. Well if you go a hundred feet from each shore there he’s got about a hundred twenty-five foot window in which to use his mechanism. Plus it says it’s not to be used anywhere where there’s a six mile an hour regulation and there’s a six mile an hour, speed of six miles per hour in the entire river so that would negate the entire river. It also says it has to be operated at a certain depth and he claims the depth of Merritt’s Bay he doesn’t use his vessel in Peconic Bay, it’s Merritt’s Bay and it’s five feet on the tide chart and the tide chart lists the high tide. So at the highest tide, unless it’s a flood or a spring high tide it’s five feet so it’s clear. Again I’m not sure what he’s talking about so I just urge you to pass this legislation. Bring me back my peace to my block.

I’ve always spoken highly of the aquarium, I’m glad they’re there. It’s some kind of economic engine for the street. It brings people downtown. I don’t hate the aquarium, I love it and up until this point I’ve never had a problem with them but I’ve been called, I’m tempting a libel suit because I’ve been called a liar in the newspaper publicly by commenters and some that work at the aquarium. So it’s just kind of, to hang your hat on this one piece of business seems a little crazy to me so I thank you very much.”

Supervisor Walter: “Thank you Mr. Brewster. Next. How are you doing Sir?”

Garrett Moore: “Good afternoon Garrett Moore, East Main Street, Riverhead. Just like to show my support for the fly boarding operation. I’m probably one of the closet neighbors, my residence backs right up to Jerry and the Mermaids right there on Main Street and Mr. Bissett has shown me curtsey all summer. I’m there on my dock, my personal boat and my sea tow boat all summer. He’s moved out of the way when I’m about to leave either on a sea tow call or I’m going out on my own. He’s shown me the curtsey there and I think there has been a little exaggeration from what I’ve read on the on-line Riverhead Local and local papers.

As far as the mud being stirred up, as far as the water line on the boats changing color, that happens all the time. I’ve been there eleven years, nothing’s changed according to the color of the water on my boat.

Is it noisy? I can hear it if I’m down on my boat, I can hear it on my dock, I can’t hear it if I’m in my house, I can’t hear it even if I’m halfway down my yard so you know I appreciate the concerns of the neighbors but I’d like to see the operation succeed. He’s been nothing but courteous to me. Thank you.”

Supervisor Walter: “Thank you. Anybody else wish to be heard?”

Gerald Simone: “I own the house at 111 Riverside Drive. I also have a dock there. I have my boats at the end of the dock. Mr. Bissett usually stays a good hundred feet off the end of my dock but I do spend a lot of time on the boat and it is relentless and the noise, it just never ends and it is annoying. It does affect the peace and tranquility of the river. It’s changed my ability to enjoy the peace and quiet down there. When he does go to the other side, it is an improvement. How much of an improvement I can’t say for me. My tenants aren’t happy. They’re not happy, I’m not happy but the other side of the river to me seemed an improvement.

I don’t know how anybody swims in that river. I don’t know if anybody’s ever done any testing of that water they’ve got to be ingesting water when they’re doing that so that was another thought I had but I don’t know.

That’s it; I just don’t think it’s the right place for it. Did he ever consider going around the finger where that other?”

Supervisor Walter: “We’ve had a lot of conversations with him.”

Gerald Simone: “Where he doesn’t have to leave the river but maybe away from residents.”

Supervisor Walter: “We’ve had a lot of conversations with him. Unfortunately it’s come down to this.”

Gerald Simone: “Ok.”

Supervisor Walter: “Thanks Mr. Simone.”

Brian DeLuca: Brian DeLuca, I’m the Executive Director of the aquarium and the Hyatt and the property there where the marina operates as well and Mr. Bissett is operating his fly boarding operation.

We are building a resort destination that is really our objective; building tourism for Riverhead and for the East End. The Hyatt occupancy is been healthy. International travelers are coming in. Unfortunately this year the aquarium attendance was down and if anybody owns a business it’s very difficult to get consumers to come to your operation and fortunately for us having Fly Board at our marina has given us a unique opportunity to be the only fly board operation on Long Island. We would hope that would be embraced by the Town being the most unique operation with fly boarding on Long Island and in the state for that matter.

I have reached out to the Senator and the State for regulation because I don’t think the burden should be solely on this town because this operation, this business and people flying boarding could pop up anywhere and everywhere. So I have reached out to the state to potentially consider adopting regulation.

The Maryland regulation for the most part is very accommodating for all those involved, being a good neighbor and running the business.

The current Resolution as it stands falls short of proper safety protocol. The Resolution was written with the objective of keeping Fly Board five hundred feet off shore and really fell short where Mr. Bissett submitted to you things that are concerning with depth of water, wearing

safety helmets, wind speeds when operating and having trained operators. Those are all elements that should be part of the Resolution. So as the Resolution stands I would say it needs improvement and further review.

Maryland has done a very good job in assessing the needs for the fly boarders and safe operation for that and there's a great deal in the content of the Maryland law that can and should be adopted which Mr. Bissett, I think, provided for you.

The other concern with being five hundred feet off shore and being out in the middle of the bay also puts you outside of protective cove and with varied boat traffic at various speeds, fifty, sixty miles an hour I think there were subjecting the general public that was experiencing this to safety concerns when you have boats in every which direction traveling at high speeds out in the open water which is the only place you could be at five hundred feet off shore. So that's concerning and I don't think that clearly is a resolution for this operation and should that come to fruition I think it's dangerous and it puts the operation outside of the realm of operating within the Treasure Cove Marina and driving people to downtown Riverhead.

The state of Maryland has written specific code for fly boarding and there are content there within the code written for this Resolution is all based on water skiing and that needs absolutely to be revised between spotters and things that water skiing requires when somebody's being towed behind you.

There's really not a need to reinvent the wheel because Maryland has a good portion of it. The hundred feet from the fixed dock and shorelines in the Maryland code, I think that makes good sense and I think Mr. Bissett also put in there three hundred feet from any residents which would put you just outside of the range where some of the residents are concerned and/or operate on the other side of the river, on the other side of the channel in a minimum of six feet of water which would give the opportunity to still work in the protective cove.

The other recommendation that we have for this is that the Town issue's a commercial license for operations so you insure that the operators are insured and they've been trained by a fly board instructor and so the Town will be able to issue permit licenses to people operating this commercial business.

There's a chance that we're not going to be the only fly board operation operating out of Treasure Cove Marina in the near summer coming in the near future and that would really create more fly boarders on the water and more jet packs and regulation is definitely required but pushing the operation five hundred feet off shore is arbitrary and I think Maryland has got it right and no need for the Town to stress over this. I think there's a good portion that could be adopted based on that law. Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Thank you. Does anybody else wish to be heard? Yes Sir."

Anthony Lipkey: "Anthony Lipkey. Supervisor and members of the Board, I'm here to support the Fly Board."

Supervisor Walter: "Where are you from Sir?"

Anthony Lipkey: "I live in Port Jefferson but I've been a Riverhead summer resident since 1996 in the Marina there. So I'm here from April to October every summer since 96."

Now my boat is about twenty feet from where this takes place. I honestly don't have a problem with the sound. I really have difficulty trying to figure out how the wind is playing such an important factor here where there is such a dramatic change in a couple of, a hundred yards away. More to the point I really believe that the five hundred foot barrier there is really targeted legislation if I may to prevent it from occurring. A hundred feet would be reasonable. It keeps it away from the homes; the boats are not impacted by it, not by sound. Six miles an hour I think the wake on that thing is about two inches. So there's no problem with wake, there's no problem with speed, it's well within the limits of the river but quite frankly I have a problem with the Bay Constable. Now if you're hanging out down there for an hour, hour and a half, two hours sitting there writing up summonses meanwhile if you boat in this area, which I'm sure many of you do you go out the river they're waterskiing right off the (inaudible), they're waterskiing right at the end of the beach certainly an infraction of the existing legislation. Where is the Bay Constable? He's down there writing summonses for waterskiing.

I think as a business owner I think it's unfair, unreasonable to restrict a business. As a Riverhead summer resident I enjoy the resort environment that they're trying to develop there and I think it brings people into Riverhead. I mean I'm at the docks with these people, they say they come from Manhattan, they come from Brooklyn, they come from Jersey, they come from Connecticut so they don't drive out for two hours and go home so I think they're helping the downtown area.

As a boater, again if you go back to the (inaudible), you have kayaks, you have canoes. You have all those people all over the navigational channels in the river. There's nobody giving them direction, there's nobody giving them any kind of information of where they should or should not be and yet that's the Bay Constable's job. Where is he? He's writing summonses and I just have to share this with you if I may. Waterskiing, the definition of waterskiing is the plane over water on a waterski grasping a towing rope pulled by a speed boat so certainly this is not anywhere near waterskiing and if you want to lump it all, parasailing and all of that you still need a power boat to parasail. This has got nothing to do with it. I mean we might as well bring in the skydiving legislation. I mean it's really absurd in my opinion. So if you will, I would like to say that I think it's being unfair. It's targeted and I just think that's not the way this should be handled. Thank you."

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

Tom Metz: "Tom Metz; I reside in Wading River. I too like Mr. Lipkey keep my boat at the Marina. I'm actually one boat slip closer to Jim's operation than Tony is and I agree with the sound is really not an issue for us at all. I feel for the people who may hear the noise, I just don't understand it.

My wife and I spend every single weekend for the past ten years at that marina. His operation being there has absolutely no effect on our summer. We enjoy watching it. We enjoy watching the people come down and have fun. I'm fully in support of the whole operation and that's all I can say. I don't understand what people are hearing because I don't hear it, it's as simple as that and I am the closest person to his operation, even closer than the gentleman who owns the Sea Tow boat; I'm right next to his operation. I find everything just fine where I stand. That's all I have to say."

Supervisor Walter: “Thank you. Does anybody else wish to be heard? Alright Mr. Bissett, I have a couple of questions for you. Can you go up there? So here’s my thought. I know why we’ve done it this way, five hundred feet because this is a new technology; the water skiing five hundred feet, boating regulations, navigation channels but Mr. Brewster said about navigating the boat, you should have known and I’m not criticizing you but when he’s coming you should have done something or not done something when he was heading towards you. That was your obligation, you should never have yelled at him so here’s my question. How deep can you go with that thing? If you go straight up and straight down, how deep can you go?”

James Bissett: “The way it works, say you’re flying ten feet in the air and that person falls to the water. Me being a certified instructor when that person is falling to the water I ease off the throttle. As soon as they hit the water.”

Supervisor Walter: “No, no, I’m talking about, I watched a video. (inaudible) How far can you shove your head down in the water?”

James Bissett: “How far I can shove my head down in the water?”

Supervisor Walter: “Yes.”

James Bissett: “I can go thirty feet down into the water being in control of the throttle. When a customer of mine is doing that most of the time I do not let them do the porpoising. Once in a while I do and as soon as they do hit the water the throttle shuts off, the same thing as if.”

Supervisor Walter: “We’re not regulating use, you can go thirty feet>”

James Bissett: “Like I said the hose is forty feet from the jet ski.”

Supervisor Walter: “You can go thirty feet deep?”

James Bissett: “Yes Sir.”

Supervisor Walter: “There’s no place in Peconic Bay.”

James Bissett: “There’s no place there. The max depth is twenty-five feet in Peconic Bay.”

Supervisor Walter: “So I think our issue really was to try not to reinvent the wheel with our Code but the reality is it should be the depth of water. If we regulate the depth of water you’re also not going to stay in there because I would be willing to bet that that channel is not more than six or seven feet deep.”

James Bissett: “Yes it is. It’s at least twelve feet. I’ve measured it many times; low tide, high tide.”

Supervisor Walter: “I’m going to find that out.”

James Bissett: “Like I’ve said Maryland town is measured at six feet. When you’re flying above it’s the same thing as jumping off of a boat or anything and like I told you with the buoyancy of the life vest and the board floats as well.”

Supervisor Walter: “Well we’re regulating for everybody so if someone goes down thirty feet.”

James Bissett: “But no one’s going down thirty feet. I’m in control of their throttle”

Robert Kozakiewicz: “If I can intervene, the Maryland regulations with respect to porpoising require a minimum of twenty-five feet.”

James Bissett: “Respect to porpoising. So I’ll cut porpoising out of my operation, that’s no problem.”

Supervisor Walter: “So I mean that.”

James Bissett: “Most people barely, most people can’t get up and be able to maneuver that well anyway.”

Supervisor Walter: “Well I’m going to do it but we have to get through this first.”

James Bissett: “Well we can go out into the bay and do it with you.”

Supervisor Walter: “But here’s the problem. We’re not just regulating you although it was an interesting idea of making you a permanent business but we’re not here to do that. We’re regulating everybody that might come in here. So if we regulate depth and I think I could probably go out on my boat, and I’ll be honest I’m a boater, and tell you (inaudible) Jim Divan can shoot some soundings and tell us the depth of the channel I’m pretty suspicious that you can even meet the depth of the channel at low tide that Maryland has based on what the average depth of what Jim Divan’s going to probably tell us. So here’s another question. In the area how, what is the width of the river in the area that you’re in?”

James Bissett: “The width of the river? I measured it out the other day on the Southampton side where I’ve been operating from that marina all the way to the shore, over eight hundred feet.”

Supervisor Walter: “Ok. So I mean if we do five hundred feet you can still be in Southampton because they haven’t had a regulation yet.”

James Bissett: “True.”

Supervisor Walter: “I guess you’ve thought of that.”

James Bissett: “I’ve gone on that side to get away from the other residents. For the last month or so I’ve been on that side and like I said I’ve checked the depths. Safety is my number one concern for my people.”

Supervisor Walter: “Yeah because if someone gets hurt.”

James Bissett: “They’re coming to me, yeah, exactly so I, that’s my number one concern. I’m a certified instructor. I have over four hundred hours fly boarding.”

Supervisor Walter: “You have insurance I’m sure.”

James Bissett: “I have insurance. I have everything covered but the biggest thing is I know how to control it. It’s, I’m not shooting people down into the water.”

Supervisor Walter: “But we’re not regulating for you.”

James Bissett: “I understand that. So if you’d like, like Mr. DeLuca said giving me a commercial permit to operate there, see if you put these regulations in from (inaudible) depth a certain amount, whatever regulations you put in will keep other operators from coming in there. If you say, if we have three permits to give out to the Town of Riverhead if you offer me one to operate here you offer someone else one to operate in another area.”

Supervisor Walter: “It’s like a monopoly.”

James Bissett: “Not necessarily. You’re giving me a commercial permit to operate in another area like in the Maryland regulations people putting on shows or demonstrations anything like that you have to give them a permit to operate.”

Supervisor Walter: “Jim my concern is depth. If the river is only four hundred feet wide, the channel is what, fifty feet wide.”

James Bissett: “More or less.”

Supervisor Walter: “So really that’s only because you can’t operate in the channel, I think you can understand that so if you went out three hundred and fifty feet you’re basically still in the town but you’re in the channel. I mean there’s really not any room.”

James Bissett: “In the cove that I’m operating in the Southampton side there’s more than enough room to operate there.”

Supervisor Walter: “I can’t regulate that.”

James Bissett: “That’s why I moved over there. I’m not going to participate in the Riverhead Town side because I don’t want any more problems with our residents.”

Supervisor Walter: “And honestly if it’s only eight hundred feet wide and I don’t know that it is or it isn’t, we regulate five hundred feet but we only regulate to the edge of the town’s jurisdiction.”

James Bissett: “I understand. I think five hundred feet is unnecessary. I mean a hundred feet, a hundred-fifty feet from any shore is more than enough. Like I told you the way of the operation, way there is five hundred feet for parasailing and such as that is like I told you because it’s a speedboat going at certain speeds. When they stop they keep on going. When I stop I’m not moving anywhere.”

Supervisor Walter: “Ok. What kind of exhaust system do you have on that?”

James Bissett: “It’s a standard jet ski.”

Supervisor Walter: “The exhaust goes through the, I’m trying to think where the exhaust goes through.”

James Bissett: “The exhaust comes out, where the prop is there’s two, there’s an exhaust port.”

Supervisor Walter: “Yeah but does the exhaust coming out the fly boarders feet or?”

James Bissett: “No the exhaust comes out the actual jet ski. It’s on the side where the prop is.”

Supervisor Walter: “So it’s not really under water per say. It’s probably at the water line, the exhaust?”

James Bissett: “Yeah, it’s right a scratch above it but yeah. It’s a normal jet ski same as anyone.”

Supervisor Walter: “Yeah I understand the problem. John asked me about boating, water skiing. I said the noise of a water ski is different because it’s the Doppler affect. You hear, you hear, you hear and then it goes away. You’re just sitting there. So if we, I don’t know if they make mufflers that shoot directly into the water but if you had a muffler that shot directly into the water there would probably not give as much power but it would also take away the noise.”

James Bissett: “Possibly, I could look into that for you.”

Supervisor Walter: “Well, we’ve taken a lot of information unless there’s something new what I’m going to do is close.”

Councilman Dunleavy: “Can I ask a question?”

Supervisor Walter: “Yeah, go ahead.”

Councilman Dunleavy: “The length of the hose; the longer it is the less power you have or that doesn’t matter at all.”

James Bissett: “Not necessarily. It’s a fifty foot hose, that’s the normal length of the hose. The further away, the longer the hose is is actually better for the operation because now the fly board is actually further away, you’re giving it more space in between the jet ski and the fly boarder but it’s really the same amount of pressure pretty much.”

Councilman Dunleavy: “You said you can go under thirty foot you said?”

James Bissett: “Correct.”

Councilman Dunleavy: “So the hose has to be at least thirty foot?”

James Bissett: “The hose is fifty feet long. It doesn’t have to; I have hoses that are thirty feet, forty feet. It doesn’t have to be that long it’s just better for yourself for safety reasons.”

Supervisor Walter: “Ok. What happens if the jet ski stalls when somebody is thirty feet in the air?”

James Bissett: “That person will come down to the water.”

Supervisor Walter: “Alright is there anything different that we haven’t heard? Is there something different?”

Chris Locasio: “My name is Chris Locasio and I live in Farmingville. I have done some fly boarding. Obviously I’m not a short fellow. I’ve never had an issue of coming anywhere near the bottom of the river and from the standpoint of noise I can communicate with Jimmy. He can hear me, I can hear him. It really can’t be too loud so if you’re all saying it’s loud I wouldn’t be able to communicate and owning a business I think it’s crazy to potentially pull a business like this out of here. You want Riverhead to be a destination and you pull something out? I think if you eliminate it you bring it to other towns so on behalf of Fly Board Long Island, I support it and I think you should keep it here. Thank you.”

Supervisor Walter: “Alright. I’m going to close the public comment portion and leave it open for written comment on the 17th of October in the Town Clerk’s office. I would imagine this will end shortly as the water gets colder so we have a little bit of time.”

Public Hearing Closed at 3:05 p.m.

Left open for written comment until October 17, 2014 at 4:30 p.m.

Supervisor Walter introduced Orion the Shelter Dog who is up for adoption. Ariel Reichel, who handles Orion stated they think Orion is a Greyhound, Lab mix who is about a year and a half years old. He is great with people, cats and other dogs. Anyone interested in adopting Orion can contact the Animal Shelter.

Supervisor Walter: “Ok. There is one more public hearing. This is a public hearing that is scheduled for 2:20. It is 3:09 p.m. We’re going to open the public hearing to Consideration the

Extension of the Riverhead Sewer District to Accommodate Sewer Connection and I think we have Nick Bono from H2M, Architects and Engineers and Michael Reichel. If you want to present this application for Jaral East End Hotel Corporation, West Main Street, Riverhead.”

Nick Bono: “Good afternoon. My name is Nick Bono. I’m with H2M Architects and Engineers and we’re being retained by the Town to prepare a Map and Plan to extend the Riverhead Sewer District Boundary to encompass the vacant property adjacent to Hotel Indigo.

The property in questions is outside the existing sewer district boundary, it’s shown here in green. The yellow boundary on the map is the sewer district. Both properties are owned by Jaral.

The subject site will connect to the sewer District via Gravity Sewer Extension that was identified in a previous Map and Plan prepared for the connection of Hotel Indigo. That was last updated in 2010. You can see here the extension is proposed to go through an easement routed behind the store fronts on the north end of Tanger and that’s where we’re looking to connect the vacant property as well.

The cost for that extension will be born by the property owner and there will be a no-net nitrogen charge for the connection of that property.”

Supervisor Walter: “We thank him for that.”

Nick Bono: “Equal to sixty-six thousand, three hundred seven dollars fifty cents. The downstream infrastructure was also evaluated. The pump station that this will drain to located.”

Supervisor Walter: “Is this the one across the street of Maple Street Deli or is this getting pumped up?”

Nick Bono: “This is going to be the Tanger Pump Station on Tanger property was evaluated and it does have additional capacity to accommodate the flow.”

Supervisor Walter: “Ok, it’s a great project because it takes some of Tangers’ buildings on sewer it takes them off septic so it’s a great project. Does anybody wish to be heard on this? I know the applicant’s here. Anybody from the audience wish to be heard? Alright Nick you did a great job. We’re going to close it for public comment and leave it open for written comment until October 17th at 4:30 in the Town Clerk’s office.”

Public Hearing Closed at 3:13 p.m.

Left Open for Written Comment until October 17, 2014 at 4:30 p.m.

COMMENTS ON RESOLUTIONS

Supervisor Walter: “Ok, we’re going to take up comments; Sal Mastropaolo.”

Sal Mastropaolo: “Resolution 681. Just tell me what we use water at those three locations for?”

Supervisor Walter: “No, we take water in from Suffolk County Water. We take water in at those locations and we actually give Suffolk County water at Peconic Bay Boulevard so those are interconnects. The one that we get the most waters Dogwood because there’s an actual pump station. That’s a pump station that actually increases the pressure from Suffolk County Water Authority and then Mereoke and Schultz are just pressures. If pressure is low on one side it will feed back and forth. It’s our interconnects.”

Sal Mastropaolo: “Alright, thank you; 689. Are we going to start teaching ESL at the Recreation Department?”

Supervisor Walter: “I don’t know but that wouldn’t be a bad idea probably.”

Sal Mastropaolo: “Well I don’t know if that would be a good idea. I mean we’re getting killed in the school district with new ESL teachers why are we taking it on as a town?”

Supervisor Walter: “I don’t know that we are taking it on as a town per say but.”

Sal Mastropaolo: “You’re hiring a teacher.”

Supervisor Walter: “What’s the problem with teaching English as a second language. We have a whole host of immigrants here legal and maybe not.”

Councilman Dunleavy: “These fees are covered by the fees that people pay to come to this.”

Supervisor Walter: “These are self-sustained.”

Councilman Dunleavy: “Right. These are not fees that the taxpayers have to pay. He’s covering this with the fees people pay to take this course.”

Sal Mastropaolo: “Ok, 690. The *now therefore be it resolved* is this an after the fact Resolution because the dates are October 1, 2013 to September 30, 2014?”

Supervisor Walter: “This is the DWI Resolution and there’s a second one. These are two separate Grants as I understand it and yes it would sort of be after the fact but not quite after the fact.”

Sal Mastropaolo: “The dates are correct?”

Supervisor Walter: “The dates are correct, yes. This is what we’ve been asked to do.”

Sal Mastropaolo: “I was just concerned that the dates were wrong.”

Supervisor Walter: “No, no. It is correct.”

Sal Mastropaolo: “701. In all the years that I’ve been attending Town Board meetings, I’ve never seen a Resolution seeking approval to sell Christmas trees and we probably have half a dozen to a dozen people in this town selling Christmas trees at Christmas time. Is this something new or do we require guys to like Carls?”

Supervisor Walter: “I don’t think this is getting passed. This is probably getting tabled because they’re not done with that Site Plan Resolution. They’re still operating under a temporary CO so I don’t know what this Resolution. I’m going to make motion to table it.”

Councilwoman Giglio: “The temporary CO will expire by the time this event is about to take place.”

Sal Mastropaolo: “Well it still brings up an issue. The issue is do we require everybody else in this town.”

Supervisor Walter: “We have to go case by case. The farms do it under their AG & Market exemption (inaudible).”

Sal Mastropaolo: “I think *Carls* does it too.”

Supervisor Walter: “Home Depot, yeah they have in there. Carl’s and Home Depot do it inside their display area.”

Councilman Dunleavy: “They put flowers in their parking lot and they don’t ask for a Resolution from us.”

Supervisor Walter: “Some do.”

Councilman Dunleavy: “Only when they put tents up.”

Supervisor Walter: “Well some do and some don’t. Maybe not for Christmas trees but they do for the flowers. They do for tents.”

Councilman Dunleavy: “So the issue here is because they want to put a tent up, not because they want to sell Christmas trees?”

Supervisor Walter: “I think it’s because they want to sell Christmas trees.”

Councilman Dunleavy: “If they want to put a tent up they have to get a Chapter 90. Christmas trees or flowers, I’ve never seen a Resolution for Christmas trees or flowers.”

Sal Mastropaolo: “That’s why I asked the question.”

Supervisor Walter: “We do it for Peconic Bay Medical Center every year.”

Councilman Dunleavy: “They put a tent up. That’s for their tent.”

Supervisor Walter: “No, no, no. A tent permit is a separate permit.”

Councilman Dunleavy: “They’re doing a Chapter 90 for their tent and their off premises (inaudible)”

Supervisor Walter: “Yes but the Chapter 90 and the tent permit are separate permits. So the answer is that some of these companies are probably trying to do more than their site plan would allow and so they apply for these Chapter 90 permits and these tent permits and the Town Board is going to have to make a decision because its’ Home Depot with the tent they have up now. PC Richards when they put up their tent sales. Costco when they’re doing this and the Town Board’s going to have to make a decision as to whether do we want to allow people to operate outside the permit of their site plan and that decision has been made by the Town Board but your question is right on point of the decision the Board is going to have to make.” (inaudible) I think this one may get tabled because they’re operating under a temporary CO.”

Sal Mastropaolo: “Ok, that’s it.”

Supervisor Walter: “Alright does anyone else wish to be heard? Yes. Good afternoon.”

Gillian Pultz: “This is on Resolution 713 authorizing the use of the Henry Pfeifer Community Center for no cost spay and neuter services for residents of the Town of Riverhead. I’m Gillian Pultz Director of the North Fork Animal Welfare League and this is Pat Gray, she’s the Director, Executive Director for the Southampton Animal Shelter Foundation.”

Supervisor Walter: “Welcome to Riverhead, Pat.”

Pat Gray: “Thank you.”

Gillian Pultz: “I just wanted to quickly clarify that the Community Center will not be used for surgery. We’re strictly asking to use it for recovery and we need the bathrooms for the staff of the mobile unit. All surgeries will be done in the mobile unit and I just want to let you guys know we’re here if you have any questions and concerns.”

Councilman Gabrielsen: “So you’re saying it’s for recovery?”

Gillian Pultz: “Well the dogs will recover inside the Henry Pfeifer Building just for an hour or so until they wake up enough for their owners to take them home.”

Councilman Gabrielsen: “Right and your administrative services will be in it too I’m assuming.”

Gillian Pultz: “Administrative services are done outside mostly the mobile unite. They have a table and a tent, an awning.”

Councilman Gabrielsen: “I’m just reading the Resolution saying it would be inside.”

Gillian Pultz: “Administrative services as far as discharge would be on the inside, one person, me probably.”

Pat Gray: “What we do, we go in in the morning, set up (inaudible), set up the desk and as the animals go on board they’ll have the procedures and then the animal will be taken (inaudible). That could take an hour, that could take two hours and we start recovery dismissing the animals as they recover. The owners come in and take them one at a time.”

Supervisor Walter: “If you could state your name and affiliation.”

Pat Gray: “Oh, I’m sorry, Pat Gray, Executive Director Southampton Animal Shelter.”

Supervisor Walter: “Are these services free?”

Pat Gray: “No but they’re very affordable. Our spay, (inaudible). Oh, I’m sorry, they have a Grant.”

Supervisor Walter: “So this is free spay and neuter for dogs and cats for Riverhead residents? All we have to do is open a door for a building we don’t really use?”

Councilman Gabrielsen: “You would have fees for those who aren’t residents?”

Gillian Pultz: “No, this is as advertised for the residents only.”

Councilman Gabrielsen: “Ok.”

Gillian Pultz: “I got a Grant (inaudible) residents of Riverhead are free.”

Councilman Dunleavy: “You’re only going to be there one day?”

Gillian Pultz: “Two days, not overnight.”

Councilman Gabrielsen: “And why did you select that location?”

Gillian Pultz: “We work with them extensively, the Southold location, our shelter. Unfortunately the Riverhead Shelter that we’re currently are in there’s no space for recovery there, we can’t recover animals there. We don’t have any space to do it and there’s not sufficient bathroom services for our staff and in case someone from the public needs to use the bathroom so we need to do this somewhere else and the Henry Pfeifer Building seemed to make sense since if all goes well it will eventually be the shelter anyway.”

Supervisor Walter: “Alright, good. Sounds like a great program.”

Councilwoman Giglio: “I’m curious as to how many cars you expect coming to the site because normally for something like this we would a site plan approval showing the parking and

the number of people you would expect to come. I know there's also a Resolution here for the building permit, for the property, for the Supervisor to sign the building permit application."

Supervisor Walter: "Well let's take this one at a time. We never would require a site plan; this is sort of the equivalent of a blood donor truck coming in." (inaudible).

Councilman Dunleavy: "Well like the health truck that comes in and parks at the Senior Center."

Councilwoman Giglio: "Well, I saw that it was being advertised and some of the emails that I got may have been confusing where it said that you needed to advertise in Southampton and in Riverhead so I've just; during the qualified and eligible hearing I made it purposely clear that taxpayers are leasing this building to you for a dollar a year and the Town is paying you close to three hundred thousand dollars to run our animal shelter and I think you're doing a great job with that but I don't want the taxpayers from the Town of Riverhead to subsidize other town's animals and that's my concern."

Supervisor Walter: "But, it not."

Gillian Pultz: "This isn't costing anything."

Councilwoman Giglio: "Well but we're providing the facility, we're having somebody there to open and close the door each day that they're there and but I expected your reply to be "it's only for South Riverhead residents."

Supervisor Walter: "And it's free to Riverhead residents so for the cost of probably twelve dollar an hour, I'm guessing employee of the Recreation Department opening and closing we will have free spay and neuter clinics for the Riverhead residents. It's a win, win, win."

Councilwoman Giglio: "Does he have to be there all day the Recreation Department employee."

Supervisor Walter: "Maybe. Jodi, it's no different than any other, we do this all day long."

Councilman Wooten: "I thank you for not only securing the Grant but using it in this manner, it's great."

Councilman Dunleavy: "How long you in Southampton; doing this with this Fair?"

Pat Gray: "We obtained the van in January of 2014."

Supervisor Walter: "Oh, good."

Pat Gray: "I was supplied to us by the ASPCA. Right now the van is in Yonkers and the van is spay and neutering up to two hundred and fifty animals within five days. There is a tremendous need and it's portable for people who normally couldn't get to the services."

Supervisor Walter: “So the dates are October 29th and October 30th. Do you need preregistration with North Fork or can you just drop in.

Gillian Pultz: “You need to make an appointment.”

Supervisor Walter: “You need preregistration, ok. Great.”

Councilman Dunleavy: “I think it’s a good idea.”

Supervisor Walter: “Any other questions? Great, thank you. Anybody else wish to be heard on Resolution?”

James Moore: “James Moore, Baiting Hollow who you probably met at (inaudible) Village. In reference to Resolution 693 Approving the Zone change from DC-4 to DC-1 for the old firehouse on Second Street. Will the town be issuing a new RFP for the purchase of this facility?”

Supervisor Walter: “No I don’t believe so; in fact you and I had this conversation extensively yesterday and so Mr. Castaldi’s worked very hard to obtain the approval of the Town to move forward and unfortunately, I’d love to work with you on another project and we would, but it’s kind of, I’ll say, disingenuous to kind of try and swoop in and offer a little more money after Mr. Castaldi worked hard.”

James Moore: “I take exception to that.”

Supervisor Walter: “You can and that’s fine.”

James Moore: “(inaudible) unfair. With all due respect (inaudible)”

Supervisor Walter: “Mr. Moore let me finish”

James Moore: “You’re now changing the value and the interest in this property.”

Supervisor Walter: “Could be, could be.”

James Moore: “Absolutely.”

Supervisor Walter: “Like I said there are plenty of DC-1’s zonings in downtown Riverhead that you could obtain so but what I find interesting is the way this came about and I’m not going to get into the details but Mr. Castaldi’s worked very hard at trying to obtain permits for this and.”

James Moore: “Would have been interested in this property if I knew you were going to entertain a housing zone change there Sir.”

Supervisor Walter: “Actually if you looked at some of the press comments.”

James Moore: “Press comments are not official (inaudible) of the town. Sir.”

Supervisor Walter: “Well you could have.”

James Moore: “They’re not. You can’t substitute an RFP that was for commercial property (inaudible)”

Supervisor Walter: “Is this your show or is it our show? Can I talk now?”

James Moore: “Feel free, don’t (inaudible).”

Supervisor Walter: “Thank you, that’s fine but we had a long conversation yesterday and you know, what’s interesting is we worked hard to attain somebody to do this, During the course of the negotiations the change of zone was probably mentioned dozens of times over six or eight months.

The Town, it’s in an urban renewal area, and the Town actually could if it wanted to although we choose not to we could give the property for free for the right project. That’s what’s the Town is allowed to do in an urban renewal and so you’re asking, you’ve got a gentleman who’s invested millions and millions of dollars on East Main Street to create quite an attraction and so when you look at what he’s done, and to my knowledge you haven’t done anything on East Main Street, (inaudible). Do you understand that when I’m speaking you shouldn’t be speaking and then I’ll let you speak? So he’s invested millions of dollars and he’s renovated a building to an absolute showcase. He’s worked very hard with the Town and I just don’t want to, I think it would be a good thing, a show of good faith to the business community. We did this to Mr. Castaldi once before. We had Mr. Castaldi in, we told him we were going to sell it to him, then we pulled the plug on him and then we told him we were going to sell it to him again and that’s kind of the conversation we had that this wouldn’t be good business, make good business sense to make the Town look, it wouldn’t shed a good light on the Town Board if we pulled the rug out from under him a second time and so given his track record on East Main Street, I don’t dispute your track record on Middle Road, you guys do a great job up there but given his track record I think it’s a very good thing that we move forward with this. Now it’s your turn.”

James Moore: “Thank you Mr. Supervisor. I applaud all Mr. Castaldi’s done in this town, bravo. He’s done a fantastic job on the theater and we all appreciate that.

You could not be a quid pro pro which is what you suggested when you say he’s done a great job on East Main therefore we have to honor what we’re doing at a lower price for the firehouse. You’re changing the terms of the RFP drastically, drastically. The RFP bears no resemblance whatsoever to what the ultimate prize is going to be when the town sells. (inaudible) top dollar for their assets.

Supervisor Walter: “Ok, thank you.”

James Moore: “Thank you.”

Supervisor Walter: “Does anybody else wish to be heard?”

Councilwoman Giglio: “I would. I would just like to say that Mr. Moore lives on my block and when I was driving by his house one day he said, *are you guys seriously considering changing the zoning for the firehouse because if you are, I want to buy it?* And when I drove by him the other day he said, *are you guys voting on this on Tuesday to change the zone? I’m putting an offer in* and I’ve been saying from the very beginning that I thought that if we were going to change the zone that we should put it out for an RFP. The original RFP said you could build a church, library, museum or funeral home and that’s what the RFP was for.”

Supervisor Walter: “Actually the RFP didn’t say that.”

Councilwoman Giglio: “Well it said DC-4 and those were the permitted uses in DC-4 so now we’re changing it to tavern, restaurant, bar, apartments, retail, anything basically that can go in there and other than an offer coming back and you know I appreciate what you’re saying if we want to have a good appearance with the business community that we shouldn’t pull out but there’s really nothing in writing right now, there’s no contract, and we do have an offer for a hundred thousand dollars more and in these budgetary constraints I don’t think it’s anything to sneeze at or it’s a measly one hundred thousand dollars which is what was expressed to me that you said to Mr. Moore yesterday. It’s not a measly hundred thousand dollars. It’s somebody’s job and so I think we should be putting this out for a RFP and we should be getting the best offer for this building based on the uses that we’re proposing; just my opinion.”

Supervisor Walter: “And so I guess when the majority of the Town Board decided to move forward you thought it would be a good idea to continue to, what I would call tortious interference with contract. We’re not in contract. We’ve passed a whole series of resolutions authorizing the contract, sign the contract and those resolutions still stand and if we had a contract right now unless you passed a resolution to invalidate my ability to sign it I can still sign the contract but we’ve gone through this for six, Jodi we’ve gone through this for six months and.”

Councilwoman Giglio: “And the contract is contingent on Mr. Castaldi’s terms. That we change the zone, that his engineer approves of the building and all of that so but based on your resolutions and efforts and what you’re saying the contract should have been signed already.”

Supervisor Walter: “So my point is that the Board agreed to do something; and it’s hard for me to understand why you would undermine the entire Town Board.”

Councilwoman Giglio: “It’s not undermining it. It’s trying to get more money for the town because that’s what my responsibility is to the taxpayer.”

Councilman Wooten: “And my question is this. This Resolution, 693, is calling for a zone change, not a particular sale, is that correct? Ok.”

Councilman Dunleavy: “Can I say? I’m just a simple guy and we were getting a lower price for the firehouse. We instituted negotiations and we said *can you give us more money for this firehouse* and we went into negotiations back and forth and I see where you’re coming from but we should have done that at the beginning. We shouldn’t have done this after negotiations

have been completed so I agree with you that we should have gone out for an RFP. Nobody brought it up.”

Councilwoman Giglio: “I brought it up every time a Resolution came.”

Councilman Dunleavy: “And we didn’t vote on it. We listened to negotiations. We voted on negotiations. It’s like someone’s changing something in midstream. You know after you get finished, ninety percent of it and then someone says *wait a minute, I want to do this, let’s start all over again*. We were being honest, Mr. Castaldi was being honest. It was in the papers all the time. I mean we were dragged through the papers for at least six months about this so this could have been done sooner and not waiting till the last minute to do this so yes I do agree with you, it should have been out for a RFP. We should have done it when we were talking about changing the zoning. No one brought it up for a vote, we didn’t. This came up for a vote and the majority of the Board said yes and this is the way it’s hitting.”

Councilman Gabrielsen: “I agree with John because originally the RFP response was like three seventy-five so through negotiations and we went on for a number of weeks and we brought it up to five hundred thousand so it was negotiated on his part and our part you know.”

Supervisor Walter: “It was a lot of hard work by Mr. Castaldi.”

Councilman Gabrielsen: “It was a lot of hard work just to move that number up”

Supervisor Walter: “And how would you feel as a businessman if somebody else after you did all the hard work swooped in and said I want the fruit of your labor.”

Councilwoman Giglio: “What hard work was there Sean?”

Supervisor Walter: “A lot of hard work. A lot of Town Attorney time, a lot of face time with Mr. Castaldi.”

Councilwoman Giglio: “You know what a lot of hard work for a zone change.”

Supervisor Walter: “I was speaking; a lot of hard work. There was a lot of staff time. There was a lot of Planning Board time. There was a lot of my time, other Board members time. We spent a fair amount of time talking about this.”

Councilman Gabrielsen: “At that point Castaldi could have walked away when we rejected the three seventy-five. He could have walked away and said the process was over but he chose to work with the Board, get to where we kind of wanted to be. I think that’s.”

Sal Mastropaolo: “I just want to express my support of Jodi. If the property is worth more now once it’s rezoned then it should go out for a rebid.”

Supervisor Walter: “Ok, thank you Sal.”

Councilman Dunleavy: “I agree too but it should have been done when we first started.”

Councilwoman Giglio: “I look at this as a business decision and you know what, we have an opportunity to bid it out and you know what, I think if we did bid it out for an RFP after we change the zone that offer that we got for six hundred thousand dollars will actually be the lowest bidder. I think that people would come in a lot higher than that but we will never know. We never did a reappraisal. The other appraisal said one point eight million dollars and it deducted three hundred fifty thousand from the land value of the property so that leaves it still in the million dollar range and with the new zoning I think it’s worth a lot more and I think during these economic times it is something that we should consider; putting it out for an RFP.”

Councilman Gabrielsen: “I agree with you but I think the Board has like another, a moral decision. Where do we change is it just a number or. We’ve got some kind of obligation, morally I think and it’s a tough call. I agree with you; we of course need the money but at what point do we, you know.”

Supervisor Walter: “If there’s no other comments from the public let’s take up Resolutions then.

Patricia Holland: “Excuse me. Patricia Holland, Northville. I’m talking about #684. There are quite a few people here from the Northville Civic Association. I personally came up to this podium last month and asked you about the pipes that were coming (inaudible) sort of not talked about and now this says there’s going to be a public hearing about what’s going on after the fact.”

Supervisor Walter: “No. I was confused when you asked about pipes. The pipes coming in are National Grid, natural gas pipes. The piping they’ll do in Northville to bring gasoline in has to do with this resolution so they’re two different issues. But the good part is because National Grid has brought the, I think it’s an eight inch main to Northville, the residents will benefit from that eventually but that’s natural gas.”

Patricia Holland: “Do you know that as a fact or is this something that’s just supposed?”

Supervisor Walter: “No, that’s a fact.”

Councilman Dunleavy: “We did speak to the (inaudible). We did ask him what those gas pipes were and he said it was natural gas coming to his terminal so he can use natural gas at the terminal. Eventually it will benefit everybody along there because that natural gas pipe will be up on your road and it is a lot easier for them to extend it right down the road to every house on that road then it is to come from where they’re coming from up west to bring that pipe up so I assume they’re not doing it for free because natural gas doesn’t do anything for free so.”

Supervisor Walter: That will benefit you ultimately if you’re on route.”

Patricia Holland: “My children will not inherit my house because it will have blown up.”

Supervisor Walter: “I guess that is in the realm of possibility. Does anybody else wish to be heard? How are you doing Sir?”

Anthony Yarusso: “I’m doing well. Anthony Yarusso, resident of Riverhead. I live up on Sound Shore Road. I wanted to talk to you or ask you rather about the claims lead agency. That would be the Town Board who has the lead agency for the Sequa Environmental Issues for the gasoline that’s going into the tanks?”

Supervisor Walter: “Correct.”

Anthony Yarusso: “And all the issues with that?”

Supervisor Walter: “Correct, thank you.”

Councilman Dunleavy: “We’re not going to be partial. We have to hear it and we have to make a determination whether it’s good for the town or not good for the town. It’s a public hearing and everybody’s invited to the public hearing.”

Supervisor Walter: “Does anybody else wish to be heard? Not seeing anybody I close the public comment portion. Diane please call the Resolutions.”

RESOLUTIONS

Resolution #676:

Councilman Dunleavy: General Fund Budget Adjustment, so moved.”

Councilman Wooten: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is because we’re short in our fuel account. We budgeted six hundred and fifty thousand and it’s estimated it’s that it’s going to cost us seven hundred and fifty thousand dollars for this year as it has in past years, in the past three years so I vote yes.”

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

Resolution #677

Councilman Wooten: “Authorizes the Acceptance of Donation from Total Training (Riverhead Rocks Triathlon), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #678

Councilman Gabrielsen: “General Fund Police Bullet-Proof Vest Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #679

Councilwoman Giglio: “Riverhead Scavenger Waste Fund Budget Adjustment, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #680

Councilman Dunleavy: “Riverhead Sewer District Budget Adjustment, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #681

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

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #682

Councilman Gabrielsen: “Appoints a Senior Building Inspector (Brad Hammond, so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: Giglio.”

Councilwoman Giglio: “As liaison to the Building Department Mr. Hammond is doing a fantastic job in the Building Department. He’s pulling everything together, working together, bringing the department together and bringing in more funds for his fire permits. I think he’s doing a fantastic job and he’s a wonderful addition to the town, yes.”

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

Councilman Dunleavy: “Yeah, when we negotiated for him to come in for employment this was part of his negotiations that if he did a good job he would be promoted.”

Supervisor Walter: “We’re not promoting him, he passed the test.”

Councilman Dunleavy: “He passed the test.

Supervisor Walter: “He just had to pass the test, he was provisionally appointed.”

Councilwoman Giglio: “He’s making the same pay.”

Councilman Dunleavy: “Ok, the next one.”

Supervisor Walter: "Yes if he passes."

Vote Continued: "Walter, yes. Resolution adopted."

Resolution #683

Councilwoman Giglio: "Authorizes the Supervisor to Execute and Submit Applications Necessary for the Construction and Conversion of the Henry Pfeifer Community Center at EPCAL by the North Fork Animal Welfare League for Use as the Town Animal Shelter, so moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "Again I think this is the wrong location and I think that building is worth a lot of money. I respect that the Board has decided to put the North Fork Animal Welfare League there but I'm going to vote no."

Vote Continued: "Gabrielsen."

Councilman Gabrielsen: "You guys have to do this once more. No, I agree with Councilwoman Giglio. I don't think that's the best location for an animal shelter. I think it's kind of a hostile environment with all the concrete etc. I don't think that's the best spot and I look at it as a million dollar asset. I really think it's worth a million dollars and as a subdivision I think that would probably be one of the first pieces to sell. Kind of what you'd call the gateway to the energy park, we have a lot of interest in it and I really think we should look at another location. I don't think that's not the spot for it. No."

Vote Continued: "Wooten."

Councilman Wooten: "That four acre lot (inaudible) is a perfect spot for it and I vote wholeheartedly yes."

Vote Continued: "Dunleavy."

Councilman Dunleavy: "Well if that building's worth a million dollars we've had it for about twelve years now sitting vacant, fifteen years sitting vacant so I don't know who's going to step up and buy it for a million dollars but I really think it's underused. This will give it a proper use. It will move our animal shelter from a dilapidated building to a new fixed up building when it's finished and I think this is going to be a proper use for that area and there's no residents around it for the dogs to bother if they bark so they can bark all they want. I vote yes."

Vote Continued: "Walter."

Supervisor Walter: “We don’t even know whether we can get the permits to do this from the WSR. We’ve had meeting but we don’t know so if we can’t get the permits then you’ve won because we can’t do anything with it.”

Councilman Gabrielsen: “Can I make just one comment.”

Supervisor Walter: “Yes go ahead. I shouldn’t have opened it up.”

Councilman Gabrielsen: “It’s not a dilapidated building, we put a half a million dollars in that from Rec funds that we (inaudible) because you said a new location.”

Councilman Dunleavy: “And it’s going to be really nice after they.” (inaudible)

Councilman Gabrielsen: “But either way we did stick a half a million of Rec funds into it that will be lost.”

Supervisor Walter: “So George I’m going to have you involved in that permit process to see how difficult it is for us to get these permits which we may or may not get. If we don’t you have your way but then nobody (inaudible) the building.” (inaudible)

Councilman Gabrielsen: “No, the problem with the permits are your expanding a new building here, that’s the problem, the major problem. The existing building is standing, I know, standing by itself probably won’t be a problem but as soon as you put that addition I think that’s the problem.” (inaudible)

Diane Wilhelm: “That resolution is adopted.”

Resolution #684

Councilman Dunleavy: “Claims Lead Agency, Classifies Action and Determines Environmental Significance, Special Permit of United Riverhead Terminal New York and Calls for a Public Hearing, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #685

Councilman Wooten: “Accepts Donation of a Copy Machine from Advanced Imaging System for Use by the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Councilman Dunleavy: “I have to thank Advanced Imaging Systems Inc. This is saving the town a lot of money. I vote yes.”

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

Resolution #686, 686, 688, 689

Councilman Dunleavy: “Can we join?”

Councilman Gabrielsen: “We’ve got four of them; 686, 687, 688, 689.”

Councilman Gabrielsen: “I’d like to move 686, 687, 688 and 689, so moved.”

Councilwoman Giglio: “Seconded.”

Supervisor Walter: “Moved and seconded as to 686, through 689. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 686, 687, 688 and 689 are adopted.”

Supervisor Walter: “These were appointments, 686 appointment a Call-In Assistant Recreation Leader III to the Recreation Department, 687 appoints an Assistant Recreation Leader to the Recreation Department, 688 Appoints Recreation Aide Level I to the Recreation Department and 689 Appoints a Call-In Recreation Specialist to the Recreation Department.”

Resolution #690

Councilman Gabrielsen “Authorizes the Town Supervisor to Execute DWI Enforcement Agreement between the County of Suffolk and the Town of Riverhead (Stop DWI Program), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #691

Councilwoman Giglio: “Authorizes the Town Supervisor to Execute DWI Enforcement Agreement between the County of Suffolk and the Town of Riverhead (Stop DWI Program), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #692

Councilman Dunleavy: “Adopts a Local Law to Amend Chapter 108 of the Town Code of the Town of Riverhead Entitled, “Zoning” (Transfer of Development Rights) (108-330. Redemption of Preservation Credits), so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #693

Councilman Wooten: “Approves Change of Zone from DC-4 to DC-1 for Property Located at 24 East Second Street, Riverhead, NY (SCTM #600-128-5-25.1), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Councilman Dunleavy: “This is a good place to start. I would like to extend this all the way to the railroad tracks. We have to start someplace and this is a good way to start. I vote yes.”

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

Resolution #694

Councilman Gabrielsen: “Authorizes the Supervisor to Issue a Letter to the Power Pursuant to Section 487 of the Real Property Tax Law of the Intention to Enter into a Contract for Payments in Lieu of Taxes (PILOT), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #695

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (101-10. Parking Prohibited, Ostrander Avenue, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #696

Councilman Dunleavy: “Authorizes the Supervisor to Execute an Agreement with County of Suffolk Office for the Aging (AAA Transportation Program, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “It’s moved and seconded. Vote please.”

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

Resolution #697

Councilman Wooten: “Authorization to Publish Advertisement of a Request for Proposals for Sale of Real Property Located at 542 East Main Street, Riverhead, NY (SCTM #0600-129-3-35.2), so moved.”

Councilman Gabrielsen: “And Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to make sure this gets advertised in other papers like in the city, where have you even if I have to pay for it myself so. Diane when you get ready to send out that advertisement let me know, yes.”

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

Councilman Dunleavy: “If (inaudible) at the time, I’m going to vote yes for this because this is the time to do it.”

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

Resolution #698

Councilman Gabrielsen: “Awards Bid – Control Valve Maintenance and Repair Services Contract – Riverhead Water District, so moved.”

Councilwoman Giglio: “And seconded.”

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

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

Resolution #699

Councilwoman Giglio: “Approves the Application for Fireworks Permit of Riverhead Business Improvement District Management Association (Grangebels Park – Saturday, November 1, 2014, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #700

Councilman Dunleavy: “Authorizes Bow Hunting for Deer on Town Property at Enterprise Park at Calverton (SCTM #600-135-1-7033, et al.); 1751 Sound Avenue, Calverton (SCTM #600-60-1-2); 437 Youngs Avenue, Riverhead (SCTM #600-80-2-6.1) Middle Road, Riverhead (SCTM #600-80-2-10.1) from October 11, 2014 thru December 5, 2014 inclusive, so moved.”

Councilman Wooten: “Seconded.”

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

The Vote: “Giglio, yes; Gabrielsen.”

Councilman Gabrielsen: “We passed this Resolution three weeks ago but we extended the season five days.”

Vote Continued: “Wooten, yes; Dunleavy.”

Councilman Dunleavy: “Yeah, we’re going to put signs up deer keep moving. Get out of this area, yes”

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

Resolution #701

Councilman Wooten: “Move to Table.”

Councilman Gabrielsen: “I second to Table.”

Supervisor Walter: “Moved and seconded as to Table. Vote please.”

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

Councilman Dunleavy: “I just don’t understand why we’re persecuting Costco when they don’t own the property that has to get finished. Contractor said they will finish it by the end of October. We’re not there yet so I guess Costco has to take the brunt of (inaudible), so I vote no.”

Supervisor Walter: “As Councilwoman Giglio has just astutely said you have to light a fire under them to get their attention so we just lit the message.”

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

Resolution #702

Councilman Gabrielsen: “Ratifies the Approval of the Chapter 90 Application of Home Depot Development of Maryland, Inc. (Tent Sale – October 6, 2014 through November 20, 2014, so moved.”

Councilwoman Giglio “Seconded.”

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

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

Resolution #703

Councilwoman Giglio: “Authorizes the Release of Site Plan Security of Bechtel Communications Inc. (LIN Cellular at Cherry Creek Golf Course), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #704

Councilman Dunleavy: “Grants Exportation/Land Clearing Permit to Knightland, Inc. as Provided by Chapter 62 Entitled “Excavations” of the Riverhead Town Code, so moved.”

Councilman Wooten: “Seconded.”

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

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

Councilman Dunleavy: “I just hope they get all the tenants in those buildings. They look nice but he has a lot of buildings up there. I vote yes.”

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

Resolution #705

Councilman Wooten: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XIII; Supplementary Use Regulations – 108-64. Prefabricated Dwellings, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #706

Councilman Gabrielsen: “Authorizes the Supervisor to Issue a Letter to the Suffolk County Department of Health Services Allowing the Use of Pine Barrens Credits which Originated from Property Located in the Town of Riverhead, so moved.”

Councilwoman Giglio: “I’ll second.”

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

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

Resolution #707

Councilwoman Giglio: “Authorizes the Release of Site Plan Security of New York SMA Inc. D/B/A Nextel Communications Inc. (Cherry Creek Golf Course), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #708

Councilman Dunleavy: “Authorizes the Release of Site Plan Security of TRW Properties LLC, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #709

Councilman Wooten: “Authorizes the lease of Site Plan Security of YODA Inc., so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #710

Councilman Gabrielsen: “Authorizes the Release of a Site Plan Security of Stoneleigh Woods at Riverhead LLC, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #711

Councilman Wooten: “Ratifies Agreement Between Costco Wholesale Corporation and the Town of Riverhead in connection with Grand Opening Utilizing Parking and Police Personnel and Police Cars, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Councilman Dunleavy: “I just want to thank Costco. They are paying for the use of the police officers that were there at their grand opening like Tanger does and which no other establishment in Riverhead does so I just want to thank them for doing that for the town. I vote yes.”

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

Resolution #712

Councilman Dunleavy: “Authorizing Waiver of Thirty Day Notification Required by the New York State Liquor Authority, so moved.”

Councilman Wooten: “Second.”

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

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

Councilman Dunleavy: “This is for the building on Pulaski Street, the Birchwood that closed. It’s reopening under new management and it’s great to have a building that’s going to be occupied and not empty so I vote yes.”

Vote Continued: “Walter, I abstain, I represented the Susses in the past but not on this deal.”

Diane Wilhelm: “Resolution adopted.”

Resolution 713

Councilman Wooten: “Authorizes the Use of the Henry Pfeifer Community Center for No Cost Spay and Neuter Services for Residents of the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “Based on the testimony that this is just for Riverhead residents only I will vote yes.”

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

Resolution #714

Councilman Gabrielsen: “Ratifies Agreement an between Tanger Factory Outlet Centers and the Town of Riverhead in connection with Labor Day Sales. That’s utilized parking, police personnel and police cars, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Councilman Dunleavy: “Again, they’re paying for our police department to help out with traffic and everything else on these days. They’ve always done this,, they’re good for the town and I vote yes.”

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

Resolution #715

Councilwoman Giglio: “Authorizes the Supervisor to issue a Letter to STR Systems NY, LLC Pursuant to Section 487 of the Real Property Tax Law, so moved.”

Councilman Dunleavy: “And I second it.”

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

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

Resolution #716

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 191 “Vehicles & Traffic” of the Riverhead Town Code (101-10. Parking Prohibited on Pulaski Street), so moved.”

Councilman Dunleavy: “I’ll second but I think this should be amended.”

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

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

Resolution #717

Councilman Wooten: “Appoints an Automotive Equipment Operator, no it doesn’t, I move to table.”

Councilwoman Giglio: “I second.”

Supervisor Walter: “Moved and seconded as to table.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, no. Resolution 717 is tabled.”

Resolution #718

Councilman Gabrielsen: “Authorizes the Supervisor to Execute a Contract for Payments in Lieu of Taxes (PILOT) with SPower, so moved.”

Councilwoman Giglio: “And seconded.”

Robert Kozakiewicz: “I did get a new entity that was the contract (inaudible) the party that was going to be buying the property as a result of conversations with Chris Kent today and that entity is FTS Property Holdings LLC. That’s the entity that’s going to be purchasing.”

Supervisor Walter: “Do you want to append it?”

Robert Kozakiewicz: “I was just looking to, just wherever SPower is if we could just say and successor and/or interest that way it would cover any. This way whoever they assign the contract to and purchase it that way we have the proper parties names for the (inaudible).”

Supervisor Walter: “Ok, that’s fine”

Councilman Gabrielsen: “As amended, I move it.”

Councilwoman Giglio: “I second

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

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

Resolution #719

Councilman Dunleavy: “Pays Bills, so moved.”

Councilman Wooten: “And seconded.”

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

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

PUBLIC COMMENTS

Supervisor Walter apologized to Mr. Moore for saying what he said to him earlier in the meeting and Councilman Dunleavy thanked him for the job he is doing by offering affordable housing to the seniors of Riverhead.

Sal Mastropaolo stated that he wanted to acknowledge that the drip in the bathroom had been fixed. He then stated that he feels like a prisoner in his home from April through December due to the traffic on Sound Avenue. He feels that the traffic is a safety hazard from the point of view of both the people shopping and crossing the road without looking and if an ambulance had to be called there would be no way to get to the hospital.

He continued by saying the people who come into the Town of Riverhead have no respect for laws as to where they can park, how they can park, etc. He said traffic was backed up last weekend from William Floyd Parkway almost to 48 going east.

Supervisor Walter responded by saying that because of Ag & Markets he is not sure the town has the ability to place no parking signs in open fields.

Sal then asked what the town can do if the police or ambulance cannot respond to an emergency because of the delay.

Councilman Dunleavy said he’s brought this matter up several times because he’s afraid a child will run out between parked cars and get hit by an approaching car who’s driver was unable

to see him/her due to the parking along the road. Councilman Dunleavy feels the Board members have to have a sit down with the farmers and try to work out a solution regarding this parking problem. He continued by saying he knows the farming community earns their money from people coming to pick apples, pumpkins, etc. put something has to be done before someone is seriously hurt.

Sal felt that no parking signs on the north side of Sound Avenue may be a solution so people will not be crossing the road to get to the farm stands. He said Davis Farms has two parking lots inside of his gate and Lewin took a part of his farm which is used for parking.

Everyone agreed with Sal that the situation on Sound Avenue is terrible.

Patricia Holland from Northville said she is still thing about 684. She continued by saying she knows the Board is planning on having a Public Hearing but as she may not be able to attend she wanted to go on the record now to say she is against what they want to do with gasoline. She said she does not feel that two gas tanks need to be available in case of a hurricane.

Patricia reiterated that she is against the gas tanks and thanked the Board for their time.

Kelly McClinche approached the microphone stating she is a resident of Riverhead residing in the town of Manorville and wants to make the Board aware of a situation in her neighborhood that is continuing and escalating.

Supervisor Walter asked for Kelly's address and then suggested she talk to a gentleman who was sitting in the audience. Councilwoman Giglio said that Councilman Wooten was also aware of the situation and has been working on the matter.

Kelly said she has spoken to Councilman Wooten but said her concerns are continuing adding that she has not seen a single patrol car come down the street.

Councilman Wooten apologized for not being able to respond to her and said he will speak to her privately.

Supervisor Walter said that there are several people involved with the case who would be happy to speak with her at the end of the Board meeting.

John Leconel was the last speaker to come to the microphone. He stated he lives at 299 Old River Road and that the woman arrested for prostitution was released and is back making appointments, etc.

Supervisor Walter said this is a delicate topic, hard to discuss in public. He continued to say that the matter is being handled and suggested that he too speak to Councilman Wooten, Chief Hegermiller or Robert Kozakiewicz.

Supervisor Walter: "Anybody else wish to be heard? Not seeing anybody thank you. Can I have a motion to close the meeting?"

Councilman Dunleavy: "I make a motion that we end the Town Board meeting."

Supervisor Walter: "All in favor of adjourning?"

Collective ayes.

Meeting Adjourned 4:17 p.m.