

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, August 18, 2015 at 7:00 p.m.

PRESENT

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Annemarie Prudenti	Deputy Town Attorney

The meeting was officially opened at 7:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Reverend Mary Cooper from House of Praise in Riverhead.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen that the minutes of the August 4, 2015 Town Board meeting be approved. Minutes were accepted.

APPLICATIONS

- Long Ireland Beer Co, LLC – Halfway to St. Patrick’s Party, September 19th
- Long Island Abate Inc. – Motorcycle Run/Toy and Food Drive, November 8th

REPORTS

- Town Clerk monthly report July 2015 - \$10,415.51

CORRESPONDENCE

- Ashley Homes – letter offering to transfer the deed for a right of way easement to the Town of Riverhead
- Eugene LaFurno – submission of additional documentation and illustration to his Cupola Project at 162 Founders Path, Calverton

CONSERVATION ADVISORY COUNCIL CORRESPONDENCE

- CAC Res. #2015-11, East End Commons, SCTM #0600-109-1-19.6

COMMITTEE REPORTS

Councilman Gabrielsen reminded everyone that the Cardboard Boat Race is this Sunday.

PUBLIC HEARINGS

Supervisor Walter: “We have four public hearings scheduled. The first public hearing is scheduled for 7:05 and that is the Consideration of a Proposed Local Law Amending Chapter 108, Entitled “Zoning” of the Riverhead Town Code, Article XIII Supplemental Use Regulations (108-51 Nonconforming Buildings and Uses). It is now 7:06 and we’ll open that public hearing and this Bob if I’m not mistaken this is somewhat of a housekeeping measure. Are you familiar with this?”

Robert Kozakiewicz: “This came from the Building Department. I know that you guys had a discussion at work session. The first change proposed is Subsection A where the words *expanded* are being included in addition to *extension* in order to capture any extension as well as expansion and the question whether there’s a need for a special permit from the Board and then the housekeeping includes removal of the provisions that deal with the single family residents and add those to Subsection E.”

Supervisor Walter: “I think what this is trying to do is when the town rezoned everything in 2004 and 2005 most of the Hamlets are non-conforming. All the houses are non-conforming lots so when you are doing an extension it’s very difficult to satisfy two acre zoning when you’re on a third of an acre lot or side yard or front yard or rear yard setbacks so what this is a little more artful, last time it was very unartful so this is a little more artfully saying that if your CO house or you have a letter LP, letter of pre-existing use your setbacks in your area will go by the previous zoning so because obviously you’re not meeting two acre zoning and side yard and rear yard various setbacks for two acre zoning. Does anybody wish to be heard on this matter?”

Angela DeVito: “Angela DeVito, South Jamesport. I have a question. Will this, if a piece of property at the time of the rezoning here in the town was owned by owner A and they sell it now today in 2015 to Owner B after the changes does this apply to them and they get the same benefits as the owner?”

Supervisor Walter: “Yes. What they’re trying to do is if we don’t have and this is how we’re applying it now. If you don’t have this provision then almost, seventy percent of the residents in the Town just to do a minor building extension the house has to go to the ZBA because they can’t meet the zoning so we’re actually applying this section of the code because it sort of says it right above it but they didn’t like the way it was, it doesn’t read the way it should so this is the practice that the Building Department uses now and as long as it’s a CO’d or a LPE, Letter of Preexisting Nonconforming house it doesn’t matter who the owner is.

Angela DeVito: “Ok, thank you.”

Supervisor Walter: “Thank you.”

Linda Nemeth: “Linda Nemeth, Calverton. The same thing that Angela was referring to, same proposal does this open it up for residential only or is this also for commercials?”

Councilwoman Giglio: “Residential.”

Supervisor Walter: “This is; the way it was before single family residents.”

Linda Nemeth: “That’s all this is in reference to? Ok, thank you.”

Supervisor Walter: “Ok, thank you. Does anybody else wish to be heard? Not seeing anybody we’ll close the public comment portion and leave it open for written comments until the 28th of August, 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 7:10 p.m.
Left Open for Written Comment until August 28, 2015 at 4:30 p.m.**

Supervisor Walter: “Ok, the second public hearing was scheduled for 7:10 p.m. and it is now 7:10 and we’re going to open up a public hearing for the Consideration of a Proposed Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code, Article XXV, Farm Stand Review and George do you want to talk about this.?”

Councilman Gabrielsen: “This is one of two public hearings we have tonight expedited Site Plan Review for Farm Stands and we, the Farm Community and the Farm AG Committee Advisory worked on this for a few years and I think they finally landed where we should be. Annemarie Prudenti is here today and she worked on the legislation and we’ve got Dave McLaren who’ll get up to speak, Chairman of the AG Advisory Committee and basically the purpose and intent and I’m just going to read this. As reflected in the Town’s 2004 Comprehensive Master Plan and the various provisions of the Town Code, the Town of Riverhead seeks to not only preserve the prime agricultural soils but to encourage, promote and support farming and the local farm economy. This article is designated to provide a mechanism to reduce costs and expedite farm stand review for a limited number of direct farm marketing techniques to enable local farmers and growers to market their agricultural products directly to consumers and in turn bolster the local economy. So I know Dave wanted to make an opening statement on this. He’s chairman of the Ag Advisory Committee and he’s worked on this for a couple of years.”

Supervisor Walter: “Mr. McLaren come on up.”

Councilwoman Gabrielsen: “Then I’d like to call Annemarie up to give some of the details of the legislation that she wrote.”

Supervisor Walter: “Ok.”

Dave McLaren: “Good evening everyone I’m Dave McLaren from Jamesport. I’ve been farming for about forty-five years on the west coast out here to the east coast and I’ve been actively involved in the farming community here and recently working on this project, gathering input from all the local farmers as much as possible and working hard to try and do what’s best to sustain agriculture as we know it in Riverhead Town while we’re running out of land for development and the commerce that stands at risk now needs to be sustained as much as possible so this code itself

that we've adopted or planning to adopt addresses protecting the land, keeping the commerce alive and keeping the rural character of Riverhead Town for the next generations to come. So that's the main objective of it is to keep agriculture alive here. It's a huge industry here and we've been losing a little at a time but it was here a hundred and fifty years before this became a nation back in the sixteen hundreds and also we'd like to keep it going, you know further so."

Supervisor Walter: "Ok, Dave thanks. Annemarie Prudenti you want to. Annemarie is our Deputy Town Attorney."

Annemarie Prudenti: "Essentially with this legislation (inaudible) is an expedited (inaudible) for review. It would be a total of ninety days from beginning to end. The first thirty day period it would go to review to either the AG Advisory or Farmland Committee. Thereafter the Planning Department would refer it to the Planning Board with those comments from the Agricultural Advisory Committee or Farmland Committee and thereafter the Planning Board will have sixty days from beginning to end to review, approve or deny set conditions. In addition it sets forth the criteria that the applicant must submit. (inaudible) includes that the application must adhere to all the zoning requirements that include setbacks, parking, lighting, etc."

Supervisor Walter: "Is the second public hearing related to this one? It looks like it is for the sale of retail, homegrown, homemade products provided that all retail uses shall be subject to the approval of Riverhead Town Code. Should I open this with the other one?"

Councilman Gabrielsen: "You really, yeah because the first one's supporting the second one. Yeah so maybe we can open them both."

Annemarie Prudenti: "If I can just look at that."

Councilman Dunleavy: "This is to reducing the seven acres."

Supervisor Walter: "I just thought they were related so I can open them both so we can take them both at the same time and just. I think they're related, you can tell me."

Councilman Gabrielsen: "There are some definitions in the second one that are in the first. Article twenty-five, they refer back to twenty-five. Do you see the strikeouts?"

Annemarie Prudenti: "Yes it is."

Supervisor Walter: "Ok so why don't I do that. I don't think there's any issue we can open this one simultaneously. The second public hearing was scheduled for 7:15 and it is now 7:15 and we're going to open the public hearing for the Consideration of a Proposed Local Law Amending Chapter 108 Entitled "Zoning" of the Riverhead Town Code, Agriculture Protection Zoning Use District (APZ). It is now 7:15 and we'll now open that public hearing as well, so Annemarie did you want to say anything about this?"

Annemarie Prudenti: "Yeah."

Supervisor Walter: “And we can take comments on both.”

Annemarie Prudenti: “This is an amendment to the Agricultural Protection Zone which currently requires a seven acre minimum. Instead with the (inaudible) of the amendment would include that providing you meet the criteria sets forth in this proposed amendment Article XXV Farm Stand Review you would be eligible and entitled to avail yourself of this Zoning Code provision.”

Councilman Gabrielsen: “And I think the seven acre only pertains to the APZ. It seems that was done six, eight years ago and maybe you can point out Annemarie the existing areas that you can go at two acre. I think RV80 is one of them that’s allowed, its two acres only.”

Annemarie Prudenti: “Right if the Town Board will recall during work session I reported to the Town Board that the seven acre minimum only appeared in the APZ Zoning District but in the RA80, RV80, Hamlet Residential, Hamlet Center, Industrial A and Industrial C they all permitted accessory agricultural production and farm stands as an accessory use without the seven acre minimum and in those Zoning Districts you’re arranging anywhere from eighty thousand square feet to five thousand.”

Councilman Wooten: “There was no minimum as far as lot space?”

Annemarie Prudenti: “No, correct.”

Councilwoman Giglio: “There was no minimum for agricultural production as a permitted use but it didn’t mention farm stand in those particular zoning district, did it?”

Annemarie Prudenti: “Yes it did, there’s no minimum.”

Councilwoman Giglio: “Ok, and what’s the Section?”

Annemarie Prudenti: “If you want me to quote the Zoning Code?”

Councilwoman Giglio: “No.”

Annemarie Prudenti: I could probably quote a few of them.”

Supervisor Walter: “Well I mean do you have the Zoning Code in front of you? I mean if you don’t that’s a little difficult.”

Councilman Gabrielsen: “I guess we can say what this says now.”

Councilwoman Giglio: “I thought all these districts say that you can have a farm stand. RV8 or RV80 (inaudible)

Annemarie Prudenti: “Yeah if you want I can hand you up an example which is Residence A-80; if you’d like to take a look.”

Supervisor Walter: “Ok.”

Annemarie Prudenti: “I also have Hamlet Residential for you if you if you’d like to look at that.”

Councilwoman Giglio: “I’m just looking for in here for the permitted uses and then also the accessory uses and for accessory it says *the sale at retail of homegrown products provided that all retail uses shall be subject to site plan.*”

Annemarie Prudenti: “Exactly, it’s a seven acre minimum.”

Councilwoman Giglio: “Ok a farm stand isn’t spelled out here so we’re just going to put that in there?”

Annemarie Prudenti: “Well if the Town Board approves this Zoning Code Amendment then.”

Councilwoman Giglio: “We’ll add farm stands to all of those zoning use districts?”

Annemarie Prudenti: “Correct to make it consistent but if the Town Board chooses not to adopt this there’s no reason to propose those amendments to the districts that are just outlined.”

Supervisor Walter: “I mean there was support for this a couple of years ago and I was the one that wasn’t supporting it. I think this side of the table was supporting it.”

Councilman Gabrielsen: “But with the new legislation because we always had this thing about two acre zoning you were concerned about the RV80 the new zoning would say the lot has to exceed the minimum lot size for the zoning use district. You can’t get out of the RV80 for all practical purposes there may be a lot here and there but I would pretty much take it out.”

Councilwoman Giglio: (Inaudible)

Councilman Gabrielsen: “Yeah so we would take it out now from these areas pretty much.”

Annemarie Prudenti: It also would require that the principal use on the property be agricultural production but not simply agricultural production, (inaudible) production.”

Supervisor Walter: “Ok. There’s nothing else I’ll open it up to the residents.”

Sal Mastropaolo: “Sal Mastropaolo, Calverton. This public hearing is on expediting farm stand review. Does farm stand review imply all of the u-pick fields as well? I mean if you apply for a farm stand does that give you authority to open up six or seven u-pick fields any place you want? How do we address the parking problems at u-pick fields if the farm stand doesn’t include? Do you understand what I’m asking?”

Supervisor Walter: “I understand completely.”

Councilman Gabrielsen: “Annemarie, she can address that because we do, it’s in here. Maybe Annemarie can come up and she can.”

Annemarie Prudenti: “If I may, it does address this and pursuant to this Code Provision again it’s a site plan that has to be submitted which would be reviewed so that area where you propose the u-pick operation is required to be identified on the (inaudible) plan and there’s structural improvements that (inaudible) that would have to be identified and parking, ingress and egress would be required and the Planning Board would have to approve it just like a site plan. This is just to expedite an (inaudible).”

Sal Mastropaolo: “Ok.”

Supervisor Walter: “That’s interesting because those u-pick fields don’t probably do anything because they’re all pretty much pre-existing.”

Sal Mastropaolo: “So we don’t address the pre-existing ones”

Supervisor Walter: “I’m not sure that’s going to push.”

Councilman Gabrielsen: “(inaudible)”

Sal Mastropaolo: “I guess what I heard is if somebody new comes to apply for a farm stand one of the requirements is that they have to identify where their u-pick fields are going to be and they have to provide plots and plans for those fields including parking, egress, etc.”

Supervisor Walter: “That’s what it sounds like. The Town Attorney’s shaking her head. Alright, Mr. Sims.”

Larry Sims: “Larry Sims, South Jamesport. Thank you for combining the hearings. I think it simplifies life. I’m going to start out by saying the things that I don’t have any issues with at all. I agree a hundred percent with the stated objectives of Mr. McLaren, no exception, it sounds great. I don’t see any inherent problems with an expedited review process and I certainly favor legislation that will equalize things between the APZ where there are pretty severe restrictions on how much land you need and all the other zones where there are no restrictions. I have concerns about other things. Now I missed the meeting where this was first discussed but I read all the comments that were reported; I agree with many of those like sustaining the small guy, allowing four and five acre farms open their doors, no issue. A couple of other comments were unclear two in particular; one said this legislation won’t create a lot of new farms another said it will help out future small farms. I’m confused by that.

Now because code changes can have large sustained impact I think it’s important to look at the details and I read through this legislation and realized it doesn’t do the things that I’ve heard this Board saying it does or the Board wants it to do but it does a lot of other things so I’m going to outline it as briefly as possible why I think as it stands this is a bad piece of legislation with potential to hurt established farmers and cause serious damage to our economy.

I remembered this was discussed in 2012 in January. At that discussion one of you said, Sean I think it was you, that it would open a loophole that could lead to pizza and sushi being sold as farm products. Another comment was that as written at the time I could drive a truck through this. One of you expressed concern about ninety-seven parcels in the APZ that are between two and seven acres saying why include these parcels in the APZ if they can't use them, I'll come back to that.

The first thing I wanted to do was make a comparison and I got a timely response to my formal request but it appears that no one in Town Hall has the legislation that was proposed in 2012. Fortunately the News Review coverage of these meetings is stellar and their archive is good and I was able to get a copy there.

So here's what we have. We have a law today that is one paragraph and eighty-five words and it defines the ratio of on farm products to supporting products and it explains how it's measured, by shelf space, the percent of merchandising area. In 2012 the proposal was also one paragraph, a hundred and sixty-five words and it added language to allow farm stands on parcels two or more acres provided that the same farm operation has other acreage within Riverhead so that there would be a total of seven; didn't have to be on the seven acre parcel but you still had to have seven acres. The definition of sixty percent on farm product in the merchandising area was the same, no change.

Now we're looking at fifty-seven paragraphs two thousand three hundred and seventy-two words. It's obviously gotten a little complex. What's most critical to me is what's missing and that is the definition of the ratio of on farm products to quote locally produced and enhanced products. The shelf space or merchandising area ratio is gone. It's not the only way to measure. You could measure by dollar value at retail. You could use dollar value at wholesale. You could use volume, you could use weight. There are many standards that could be fairly and uniformly applied but there are none in the code as it sits. So that's the first thing that I think needs to be adjusted. The idea of maintaining sixty percent on farm content is still there, it's just not enforceable as written.

There are a couple other major problems and this is not intended to be comprehensive; these are the things that I think are most important. First among those is the definition of local. I've done a little research and all the farm stand codes I've seen allow a portion of the goods sold who originate off the farm as long as they are locally grown. In Southold local is defined as grown by a bonafide farmer within Southold Town. In Suffolk County which applies on land owned by the County or without intact development rights local means anything grown anywhere within four neighboring counties; Suffolk, Nassau, Kings and Queens. In the proposal we're looking at local is defined as within a two hundred and fifty mile radius of the farm which means all or part of New York, New Jersey, Delaware, Maryland Virginia, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Maine; that's twelve states. Now to me that definition is ludicrous and it applies not only to what's grown on the farm but to the enhanced agricultural products that may be sourced and sold at the farm stand. I think that if the intent is to allow farm stands to sell anything from anywhere which is essentially what we're talking about, that's a huge radius, then lose the pretense calling it local, just leave it out because it doesn't do anything.

Next item; nonagricultural related products for example flower pots if you're selling flowers and bulbs are expressly allowed. That's consistent with the other codes that I've seen and with AG & Markets Law, I have no issue with that. In Southold accessory items are counted in the forty percent of products that are sourced off farm. In Suffolk County agricultural related

products are counted in the forty percent of products that are sourced off farm. In the proposed Code we're looking at non-agricultural products are expressly excluded from forty percent off-farm allowance which means that they count against the sixty percent that is supposed to be on-farm. Additionally there's no limit on the volume however it's measured of non-agricultural products. So what does that mean? It means you can get forty percent of your goods whether grown or enhanced agricultural products, processed foods off the farm, no question. The sixty percent that remains could be a couple bushels of corn that the farmer grows on farm and the other fifty-nine percent could be decorative containers or other non-agricultural products. It's simply not defined, it needs to be fixed.

The biggest concern I have is the paragraph in the definitions called principle use and I read this five or six times and a little embarrassed I called the Riverhead Assessor and we discussed this paragraph for the better part of an hour including especially two things. One is the calculation of parcel size if there's a residence on the lot, the other is why it specifically allows not just the New York State Department of Tax and Finance but DEC, USDA or any local or state agency to determine what's a farm. Language used is certifying that the land is in bonafide agricultural production. As it stands the law would allow the ZBA or the Planning Board or the Landmarks Commission to make these decisions, anybody; the language, any local entity is pretty broad. So with the Assessor, I think one of Riverhead's most knowledgeable and expert administrators, I concluded three things. One is that there's internal inconsistencies here which can't be resolved; two, there are many elements that are subject to a wide range of interpretations; three it's unenforceable.

Now whether I'm standing at this podium or (inaudible) I never speculate on motives, I'm not going to start today. What I do is exam the facts and look ahead and try to project consequences and I see free sailing of consequences here. First if you pass this law as written the glass greenhouse instantly becomes legal. All the time, effort and money that the town has invested trying to force that operation to comply with our laws today will have been wasted because the complaint will be made obsolete by the new code. I think it's worth mentioning that as we debate this the glass greenhouse has a pending application for a liquor license and if that's granted it will be even less of a farm stand than it is today, in my eyes.

Second consequence and I have no idea whether this will happen or not but if J. Kings wants to build a thirty thousand square foot cider tasting room in a big industrial warehouse he could now do it because he can call it a farm stand.

Third consequence existing farmers with farm stands will be hurt and agritourism will be damaged, I'll explain that. I'd like you to remember that I have no direct stake in this legislation. I am not looking to open a farm stand. I live in a neighborhood where a quarter acre lot is an exception, most lots are smaller. I don't think anyone's going to open one next door. Unlike I think most of the people in this room; I'm not running for office. My sole interest is protecting the rural natural of our larger community exactly as Mr. McLaren's stated, which is what motivated me to come here sixteen years ago and to me protecting that community means protecting the interest of farmers.

A brief aside, I haven't done an exhaustive survey but I know of some farmers that are afraid to speak publicly on this issue. I know of many that have no idea that something of this magnitude and scope is on the table so if nothing else I suggest and ask that you allow more time for people to make their opinions known.

How is this going to impact farmers and the economy? Well let's look back to the 2012 discussion about the ninety-seven parcels in the APZ between two and seven acres for two reasons.

The question asked then was why include these parcels in the APZ if they can't use them. Now no one is saying they can't use their land. The laws that exist today as I understand it which I presume was enacted by a prior Board for good reason doesn't say that farmers can't farm. It simply says not all of them are entitled to open retail stores on their property. That's a huge difference. Second if any of you or anyone here thinks that ninety-seven new farm stands along Sound Avenue and Main Road, if you pass the legislation as it is written today there will be no excuse or means to stop them. If you think that ninety-seven new farm stands won't impact farmers with established retail businesses I'm sorry but I think you're misguided.

A few years back I wrote about zero (inaudible) Village of Jamesport and I was referring to upscale restaurants and I interviewed four owners of upscale restaurants about the danger of laws that meddle with the marketplace. Two of those four restaurants Country Kitchen and Bayview Inn are now failed. It wasn't the result of special permits by this Board because the two new Bistros that were allowed were never built. It was strictly market forces, supply and demand. As a business owner I understand those risks and the restaurant owners understood those risks and didn't come complaining to the Board when the restaurants failed and that kind of risk is without question something that every farmer knows and understands and lives with. I can't fathom the risks that farmers face every day trying to stay afloat.

While I haven't studied the market formally and I don't know what our saturation point is for farm stands, if we're not there now we're damn close. Everyone I know, residents and business owner's alike, worry about the traffic and the capacity of our roads in season. People now able to operate stands with the current law in the APZ build new stands or expand stands other farmers are likely to see a sales downturn as a result. That's the way free markets work but if you use your legislative power to change the playing field and allow ninety-seven new farm stands where none can be built today then the harm done to farmers is on this Board and the damage done to our agriculture and tourism based economy with Main Road and Sound Avenue looking like Rt. 58, too many stores selling stuff that was not grown here, not produced here that also would be on this Board.

I'm going to leave you with a challenge. I ask that you read Suffolk County local law 44-2013. Now the sections of that law dealing with farm stands are just a few pages long. They describe how big a farm stand can be, what it can sell, how much space can be devoted to processing the food for sale, what kinds of enhanced agricultural products may be sold with laudable clarity and precision. It's easy to understand make sense. More important than the fact that it makes sense to me is that I've talked to people at the County and they assured me that the law was prepared with consistence and approval by the Farm Bureau and they think every Agricultural Advisory Committee on the north fork. That was less than two years ago. So if you read it I think you need to explain to Riverhead citizens and taxpayers why that's not good enough for us at least as a baseline to be adapted for any special circumstances that you see and I'd like to understand why it was ignored along with recent code approved by neighboring towns with us trying to reinvent the wheel with legislation that's convoluted and unenforceable. It's too complex for some of Riverhead's best to understand and interpret. Our future is at risk with this and I think we need and deserve better. I thank you for your time. I would be glad as I think you know to volunteer to assist with the drafting of legislation that would address these critical points."

Supervisor Walter: "Larry, do you have written comments that you want to submit or was that just?"

Larry Sims: “This is it. Thank you.”

Councilman Gabrielsen: “I think we could answer some of these questions but I won’t make these comments now but wait.”

Supervisor Walter: “Yeah I think we can wait until we’re through.”

Linda Nemeth: “Linda Nemeth again, Calverton. I want to thank Mr. Sims for all that he said. He basically cut my throat and what I was going to say for the most part but I’m glad he did so.

I have several questions and concerns, one major one is the existing farmers and farm stands. If you get every little popup stand around to sell their eggs and their whatever products and goats milk whatever is coming in, I think you’re going to start stripping down all of the people who have spent their lives farming and their lives building a business and you’re allowing little popups to take over. Perhaps they’re a few pennies less, perhaps they’re closer to your house so you don’t have to drive as far but I think it does tremendous damage to the established farmers.

The other think I’m noticing on several occasions is that there’s these roadside popup stands, no parking, nothing. A house is on a piece of property, somebody buys it. They cut down all the trees on their property which is maybe two acres, I’m not even sure. They plant some fruit trees in the front, they fence in an area and have some goats on one side and they put a cooler in the street and these items are for sale as well as canned items. I’m concerned about not only the safety and the traffic safety but the health of people in the area. They might buy products that perhaps have not been tested. I don’t know if they’re under some kind of a health code law but that concerns, those things concern me and I don’t know of those are legal if they just pop up and it’s just for me to give to you at this point, thank you.”

Supervisor Walter: “Thank you. Next.”

Abra Morawiec: “My name is Abra Morawiec and I am in Jamesport. Larry and Linda have very eloquently expressed all of my concerns with this proposed legislation but I would simply like to as a young woman farmer express some opinions that I have particularly in terms of local produce and the definition of that that is going to be passed in the legislation.

I’ve been working here on the east end of Long Island farming for about five years now as an apprentice and now also as a farmer and I believe that local produce is depended upon the production of the capacity of a region. Why cheapen the diversity of the Town of Riverhead’s farms with goods being shipped from hundreds of miles away.

We as a community already grow an array of agricultural goods: tree, stone fruits, vegetable, dairy. We have a raw milk farm that’s New York State permitted that sells raw milk and their farm’s been there for generations. If you go further east you purchase chicken produced here on Long Island. You can purchase pork produced here on Long Island, beef all raised on the East End. Why would you cheapen the reputation of farmers and the families of farmers? Eventually the consumer is going to catch on that the Pink Lady apple that they’re holding in their hand at some Cidery is actually from the Finger Lakes and that’s actually going to blow up in our face. People are going to come here expecting apples grown on Long Island and actually get apples that are grown in Maine or Vermont or wherever two hundred and fifty miles spans. It’s a cruel trick and it will certainly backfire and compromise everything we’ve worked for and as far

as I'm concerned if you intend to sell agricultural products not grown on your farm then you' do not running a farm stand you run a store. If you intend to sell produce locally grown in two hundred and fifty miles of this town then you're going to be supporting places like New Jersey and Connecticut and that no way is supporting local farmers; that would not be supporting me. I didn't grow that so I don't know how that would benefit me. That's all I really have to say."

Supervisor Walter: "Just out of curiosity what produce do you grow or what do you grow?"

Abra Morawiec: "Currently I work for Browders Birds so we do pasteurized chicken and eggs (inaudible). I work for Biophilia Organic Farm and we grow over three hundred different varieties of organic produce, herbs, fruits, vegetables and I will also be opening my own farm which will be pasteurized game birds including quail and pheasant and guinea fowl."

Supervisor Walter: "Thank you for your comments."

Councilman Gabrielsen: "(inaudible) Annemarie's going to ask in the end. You talked about the forty percent being local produced agriculture outside of the sixty percent you grow. What happens on any of the farm stands, say a farmer grows sixty percent but he doesn't grow corn so he buys it in and almost every farm stand does, buys it in supporting another farmer that doesn't have a farm stand."

Abra Morawiec: "Well then that should be a store."

Councilman Gabrielsen: "You understand what I'm saying."

Abra Morawiec: "I understand."

Councilman Gabrielsen: "No, how many farms are out of business right now?"

Abra Morawiec: "I work for a farm that does that now. Biophilia Organic Farm sells everything from its farm stand and everything is grown on the farm, there's an example for you."

Councilman Gabrielsen: "We have a whole industry of farmers out there; now you can't ship to New York, that market is gone. We have farmers that are growing produce that the only outlet for them is not at their farm stands but to send it to other farm stands so we're saying no (inaudible)."

Abra Morawiec: "(inaudible) then the two hundred and fifty miles needs to be greatly reduced."

Councilman Gabrielsen: "Ok now the reason to the two hundred and fifty miles was put in there and originally we talked to the Ag Advisory Committee and typically what happens is through the years we had a pumpkin (inaudible) they get a blight ok. A big part of our agritourism is the pumpkin tourism."

Abra Morawiec: "Ok."

Councilman Gabrielsen: So the farmers generally bring them in from Pennsylvania to save the season. That pretty much is what that is all about.”

Abra Morawiec: “So what you’re saying is farms are too big to fail so they have to bring in produce from other places because they’re too big to fail. That’s the whole part of farming. As a farmer we take on risks.”

Councilman Gabrielsen: “Ag & Markets (inaudible).”

Abra Morawiec: “Do you understand we take on risks. Sometimes our winter squash doesn’t come through because we get downing mildew and our CSA members don’t get squash that year but that’s the risk they take with us, that’s the (inaudible) supported agriculture.”

Councilman Gabrielsen: “Agritourism and the state encourages it; that is not new for Riverhead. I would not want to close down our pumpkin season because crop failure. That’s what they’re looking for. They’re not looking to do this as a general rule, it happens.”

Abra Morawiec: “Then maybe they don’t need to grow pumpkins. Maybe you should grow something else. If the climate changes and you were unable to produce a product that you want to grow then perhaps it is a good business idea to adapt and change (inaudible).”

Councilman Gabrielsen: “You know what it is, people love pumpkins, sorry, it’s going to happen whether we like it or not, it’s a pumpkin season.”

Abra Morawiec: “So they can get their pumpkins at Stop and Shop.”

Councilman Gabrielsen: “It’s not often; every five years or so a blight comes through like it’s done on.”

Abra Morawiec: “So they can get their pumpkins at Stop & Shop as far as I’m concerned.”

Councilman Gabrielsen: “At Stop & Shop?”

Abra Morawiec: “Absolutely, they can get them at Stop & Shop.”

Councilman Gabrielsen: “No I would go to your local farm stand and not Stop & Shop.”

Abra Morawiec: “Then should grow locally.”

Councilman Gabrielsen: “Ok, we got it.”

Supervisor Walter: “I think there’s an easy fix here. If we were to (inaudible) or adopt a Suffolk County type code and I’ve looked at that code when it was written, two years ago, three years ago forgive me I don’t remember all the ins and outs of it but there’s a way to fix that because we could leave a provision in the code that if you weren’t going two hundred and fifty miles but if there was a proven blight or something that requires.”

Councilman Gabrielsen: “Which happens, right?”

Supervisor Walter: “That we could go.”

Abra Morawiec: “Of course it happens but like I said.”

Supervisor Walter: “But that would be the exception to go out of.”

Abra Morawiec: “As a business owner if you grow year after year a crop that fails do you keep growing that crop, (inaudible) that everybody wants?”

Councilman Gabrielsen: “(inaudible) you have a blight come in and not get the impatience crop, these things happen.”

Abra Morawiec: “Well I suppose then that you perhaps diversify your farm and not just have one product.”

Councilman Gabrielsen: “We do.”

Supervisor Walter: “Or we could have a provision in the code.”

Abra Morawiec: “Right if you diversify your farm and you have one crop that fails then hopefully if you are a good business owner you will have other crops that will float you through the season”

Councilman Gabrielsen: “Pumpkin season is pumpkin season. We can go around circles with this.”

Supervisor Walter: “Alright.”

Councilman Gabrielsen: “I don’t want to get into this.”

Supervisor Walter: “There’s a way to fix this. We don’t have to have it that large, the distance that large but we can protect the farmer because we don’t want to see anybody fail and it happens periodically with a very simple.”

Councilman Gabrielsen: “Absolutely.”

Supervisor Walter: “A simple fix and the simple fix is if there’s an Ag & Market crop determined failure, Ag & Market wouldn’t be the one I want to use but if we could determine there was a crop failure and there was a way to save a season well then that would be the area we’d go further but as a general rule I think the two fifty. I understand what George is talking about because I’ve seen it.”

Councilman Gabrielsen: “It’s not often but it happens.”

Supervisor Walter: “We don’t want that to happen. We want to have the ability to protect against that but I think we don’t need to leave it open to two fifty.”

Abra Morawiec: “Ok thank you but I do have one last question. If we were to buy in produce and sell them at farm stands who will regulate what is bought in and what is not bought in? How will people? Are you going, who’s going to regulate this? How are we going to keep records? These people can buy in stuff and not say it’s not theirs. They can totally pawn it off as theirs so who will regulate this?”

Supervisor Walter: “To regulate it, that’s a difficult thing and that’s what Mr. Sims touched on. The regulations become very difficult for enforceability because the Town has it’s sixty-fourty. AG & Markets has its sixty-fourty. Our Town interpretation of sixty-fourty and Ag & Markets interpretation of sixty-fourty diverge greatly so I’m going to tell you that if you ask Ag & Markets on a question with this sixty-fourty they’ll have a completely different answer then asking probably any municipality on the East End so I don’t know that’s a question we’re going to answer that easily.”

Abra Morawiec: “I think that’s something we really do need to address is being able to.”

Supervisor Walter: “Well Ag & Markets would be much more in favor of what I think you’re opposed to. That would be my assumption just based on what you’re saying and what I’ve seen from Ag & Markets. You could really drive a truck through Ag & Markets so and that’s how, you know so I don’t how, we won’t solve that problem but I think we can talk about the two hundred fifty. We can talk about pumpkin blight or whatever it is and we can tweak some things that make that work and we can look at the Suffolk County Code so we can see if there’s things in there that we need.”

Abra Morawiec: “My main issue is the reputation of farmers. I mean if you were somebody who’s known for growing chickens and you buy in chickens from somewhere else and somebody hears about that, that’s really my concern that there would not be any regulation on this. I could buy in corn from anywhere and say it’s mine and nobody would know the difference. I would just burn those receipts and that’s very disconcerting for me.”

Councilman Dunleavy: “I have to agree with some of it. Even some big box supermarket store. You see a big sign that says locally grown corn and it says New Jersey, Pennsylvania, and Connecticut, that’s all considered locally grown. I support our farmers so if you need corn you go to a local farmer down the road and the farm stand will get corn from him or tomatoes. If another farm grows tomatoes and you don’t and you want to put them go to a local farmer down the road and you are supporting local. When I see local or I think they came from around here but they’re not. So I do support what you said that we should keep this locally, not expand it out.”

Abra Morawiec: “Well thank you for listening to me, I appreciate it.”

Supervisor Walter: “Thank you for your comments.”

Larry Sims: “I just got permission. I just want to make one point because I was fairly astonished when I learned this. Ag & Markets does not define farm stand and they have no regulations governing farm stands. I got this directly from their Counsel. They have a definition of farm market which is typically on municipal land like down at the Riverfront. It always involves two or more farmers. So they have quite a bit to say about farm market but an individual stand run by an individual farm operation on their own land Ag & Markets has nothing to say. There are just no rules.”

Supervisor Walter: “It’s interesting. You’re probably right because now that you said it I’m thinking I’m equating farm market with farm stand.”

Larry Sims: “That’s a dangerous thing to do, I learned.”

Councilman Gabrielsen: “So we could just leave it and codify it. We’re trying to protect the farmer by not allowing these. You got to be principle. We’ll get into it later.”

Phil Barbato: “Phil Barbato, organic farmer, Jamesport, President of the Riverhead Neighborhood Preservation Coalition. I really can’t outdo Mr. Sims; he took this apart in the proper order and presented you with some real problems before you even think about passing this legislation. It is really, really inadequate and it doesn’t meet the stated purpose in the beginning of the preamble, I’m sorry.

First of all the companion legislation about reducing the size from seven acres; I think that’s a mistake. You’re cheapening the APZ if you do that. The APZ is a magical place. It needs to be kept a magical place and you’re insulting the farmers who have been working hard for a hundred years or more in that area if you allow small operations to take over and take business away from established farmers.

The definition of locally grown is absolutely ludicrous, two hundred and fifty miles? How could anyone think of that as local and it’s not even in the same zone, it’s in several zones, climate zones, ok? I don’t know where that comes from. If you need pumpkins make an exception for pumpkins possibly or put that in your forty percent but don’t turn the definition on its ear just because you failed with one crop. Maybe pumpkins, maybe corn, whatever it is. It’s the cart before the horse so that locally grown and as was pointed out already there are other established jurisdictions that have made a good definition of what locally grown really is. We should follow that lead. We shouldn’t try to turn this whole thing on its head.

I think the definition of farm stand has some pretty gross errors in at when it’s referring to, I don’t have it in front of me, I wasn’t able to print it out but where we’re talking about certain things having to be the minimum of forty percent I think there’s some clerical errors in there and it should be looked at but that’s a relatively minor thing.

Just to sum it up I think if you’re interested in creating more stores, more supermarkets and more taverns along the main roads of the APZ pass this legislation that will do it but we don’t need that. We have Rt. 58 already and it’s a disaster. Frankly it’s a disaster; it’s going to ruin this town. Let’s not take it all the way out to the APZ and make it even worse. This legislation just doesn’t cut it.”

Supervisor Walter: “Thank you Mr. Barbato. “

Greg Fischer: “Good evening Greg Fisher, Calverton. There’s nothing in this legislation that provides for the town’s authority to audit. So how are you going to guarantee compliance? So if there’s no compliance what’s the use of setting quotas of any kind or limits of any kind? As well what has been reviewed in terms of if we did create a structure for auditing what are the costs associated so this is very lightly thought out. Thank you.”

Supervisor Walter: “Thank you, alright, Mr. Coates.”

Anthony Coates: “Good evening Mr. Supervisor, members of the Town Board. My name is Anthony Coates, I live on Roanoke Avenue. Mr. Sims when I was a boy we used to play the game of operation. The next time we play I want you on my side, you took apart this legislation pretty well but let me say a few things.

We all know what we love about Riverhead. We love its natural beauty and its cherished way of life but oddly enough we may be putting all that in jeopardy by something that ironically is called a farm bill.

For generations we had large expanses of land here, open space and farmland and a hodge podge of retail stores and I think that retail stands has given us the picture perfect charm that makes Riverhead Riverhead but I think with this legislation in mind you need to take a keen look because I think we run the danger of farm stand mini malls all across this town.

Now everyone here is for the farmer. The farmer has given us our way of life; the farmer gives us life but certainly our region has also profited from agritourism dollars but which morsel is going to be the one morsel that will kill the golden goose. Yogi Berra once said nobody goes there anymore, it’s too crowded. At what point do we eventually reach the tipping point here when too much is too much. When do we risk choking out the life style we’ve come to love here and hurting the very agritourism business that we seek to protect.

We have two principle roadways here and those two arteries are clogged as it is. We could be creating I’m afraid the exact opposite of the rural experience that brought people to come here in the first place. So in considering this farm stand bill I think this Board has to be prepared to answer a number of threshold questions. First, how many possible farms are we talking about here? How many possible farms does this change in zoning create? Second, is this change really about creating a new generation of farmers who’ll work the land and till the soil or is it more about creating kiosks that will sell trinkets that people will profit from agritourism? How many curb cuts does this change mean to an already burdened Sound Avenue and Main Road? Do we really want quick in and out turns on and off in increasingly high speed roadway? Four, how do we insure that new farm stands won’t be the dangerous both sides of the street kind where pedestrians and drivers wind up playing a constant game of chicken? Five, what guarantees do we have that locally grown and this has been talked about at length, will truly mean just that? Do we run the risk of becoming a honky tonk that sells gems from somewhere else and straw hats from China? And two hundred and fifty miles is an awfully wide net to be casting from. After all when you read the phrase homemade, whose home was it made in? Wouldn’t we be better off promoting CSA cooperative? Getting the traffic off main roadways, bringing those agricultural products downtown to our farmers market then having all parts of this town prosper from our agricultural heritage? And finally why the rush? Whenever I see a bill that has a very compact timetable it makes me I wonder who will benefit from this and why we need to move so fast. I think this Board needs to take its time to get things right and I’m concerned with what these stands will do to existing businesses.

Finally let me quote the late Buzz Schwank who was a wise old dairy farmer and Buzz was fond of saying the challenge before us in government is to keep this special place from looking like any other place and as usual Buzz was right. You have the power to shape this special place. I ask you to think carefully about the change in zoning because it's in your hands what this town will look and feel like. Thank you."

Laura Jens-Smith: Hi good evening, Laura Jens-Smith from Laurel. I would just like to say that Mr. Sims and Mr. Coates I would like to reiterate what they said. I'm not going to go through it all again but I support all of the points that they made up in the questions they brought up in this legislation and the change in the zoning here.

I would like to address a couple issues that I would like you, when you review, to also look at the zoning. I know a lot has been said about the locally grown and the definition about locally grown and it doesn't include just the two hundred and fifty mile radius around our area it also includes all of New York State but then when you read through the legislation they never use the work locally grown again. It is changed over to locally produced so it is very hard to follow what it is talking about. It is unclear what, what that actually means when you're addressing that.

The other issue that I have with the zoning change is that in the criteria to be eligible for farm stand review it says that it needs to be a bonafide agricultural production as of the date of application for farm stand review but it doesn't put anything or any kind of covenant that it must remain a bonafide farm so I think that while it gets reviewed if it's an expedited review part of the review is that it will remain a functioning farm after it receive an approval for a farm stand review.

I also would like to say that I do not agree with the zoning change and that is with the other, the article six, to reduce from seven acres down to originally I believe in your work session you were talking about bringing it down from seven acres to just over two acres and that is not included in this zoning change that you have before you. So I would like to see it remain at the seven acres. Thank you."

Supervisor Walter: "Thank you."

Neil Krupnik: "Hello, Neil Krupnik from Northville, Sound Shore Road. I think it's pretty clear that you need to go back to the drawing board and rethink this proposal. Mr. Sims and everybody else who's spoken before me very eloquently explained why this proposal is completely full of holes, holes and really needs to be rewritten. All of us here are in favor of supporting our local farmers but this legislation undermines our local farmers. How can a two hundred and fifty mile radius be considered local? This proposal cheapens the work of what our local farmers have been working to achieve for so many years by lowering the standards of what defines a local farm stand. It also opens the floodgate to turning the historical corridor of Sound Avenue and Main Road into virtual faux shopping centers filled with crummy farm stands. I think this could create even greater danger on our already crowded roads and further cheapen the rural corridor of our Town. Thank you."

Councilman Dunleavy: "Thank you very much."

Supervisor Walter: "Anyone else wish to be heard?"

Councilman Gabrielsen: “Answer some questions. Annemarie would you like to answer some of the questions? I think most of this is covered in here.”

Annemarie Prudenti: “First and foremost this is not a farm bill. The Town of Riverhead adopted the farm bill back in 2004 and if you want to look at the farm bill you can read chapter 44, its set forth therein. This is an expedited site plan review. With respect to the participation of the farm community Dave McLaren can probably speak about this best but I can represent that all the members of the Agricultural Advisory Committee, Farmland Committee, and I believe the Farm Bureau participated in this process and their role was to come up with the recommendations even as far as what’s considered locally grown.

Next the Suffolk County Code was reviewed and if you can compare in contrast to this you’ll see that the percentages of on farm production verses locally grown albeit a different definition of what’s locally grown is consistent seeing the State of New York but what the committees in Riverhead did not permit was the sale of souvenirs and tee shirts that the Suffolk County Code actually permits. Instead anything that wasn’t quote farm related had to be used for the packaging, selling and marketing another words a flower pot, something like that, not a tee shirt as permitted under the Suffolk County Code. In addition there are quote *guidelines* issued by New York State and those were adopted in 2010. If you actually look at those, those guidelines specifically state that there should be no restriction with respect to what is sold on farm verses off site however the New York State Ag & Markets would support a municipality requiring that the majority of the produce sold would be on farm production and this code does require the majority to be on farm production.

Next with respect to the definitions contained in this section, they can be referenced New York State Agricultural Markets Law Section 282-I, New York State Agricultural Markets Law Section 260 Subsection 15.

In addition there was a comment made regarding the two acres discussed at the work session. What was discussed at the work session that this would apply to all the zoning districts wherein agricultural production was principally permitted use which included those residential districts and the hamlet center. To my knowledge there has not been dispute the fact that in those zoning districts there is no requirement as to the acreage there has not been a proliferation of farm stands popping up but in the one actual zoning district outlined in the comprehensive master plan and in reading the actual purpose and intent section the agricultural protection zone is one of the predominant areas in our zoning code which actually is designed to support agricultural production and agricultural activities and goes so far as to say that in that zoning district it’s trying to protect agriculture and stop the other uses from encroaching upon it. So it’s kind of like our zoning code is doing the flip side. In that zoning code we’re more restricted than we are in the residential zoning centers. That’s about it.”

Supervisor Walter: “Alright thank you.”

Councilman Gabrielsen: “And that makes no sense. Right now like you said there could be rush of two acre residential could be throw up farm stands, it’s not happening. But this legislation actually takes that away. You’ve got to be greater than the existing lot. This is affecting (inaudible)

Supervisor Walter: “Put this on for work session because I don’t want to get too much into this (inaudible) and maybe bring the Ag people in there to hash it out.”

(Inaudible)

Dave McLaren: “Our draft proposal here, if you want to call it that has taken in many years. Every farmer in Riverhead Town and even outside Riverhead Town, New York State, I was on the Executive Board of the Farm Bureau for many years. I traveled upstate lobbied the legislature to help farming for this area. Pretty much they sent the money everywhere else but us. We have to take care of ourselves.”

Supervisor Walter: “Now that’s surprising. New York State wouldn’t send the East End money? Wow.”

Dave McLaren: “And every other element of government and the difference, there’s a big difference here in farmland in this part of the country than anywhere else in the United States and that’s land value and I’ve got young farmers coming to us at our committee, coming to the Farm Bureau saying how can I get involved in farming? I can’t afford two hundred and fifty thousand dollars an acre, you know and if they have to buy seven acres who’s got that kind of money unless you know they inherited it but that’s not reality. We’re trying to keep this open for young farmers like you and I and everybody else that started their own businesses back in the day you know when it was different but we’ve struggled all along that time trying to sustain it as well because everything in this area is so much more expensive.

So to say this was carelessly put together with a lot of, you know thought not put into it, you’re all totally mistaken about that.”

Councilman Wooten: “Oh I don’t think anybody brought that argument that we were in a rush to that.”

Dave McLaren: “I heard the words, the words I heard ok so I’m just repeating them.”

Supervisor Walter: “I think that the Board’s going to have a couple of comments so we’ll probably put it on for work session.”

Councilman Wooten: “That’s why we have public hearings. I love hearing different takes. You got to look at it from all angles.”

Dave McLaren: “If you look at the families that have been out here for many generations, the Lewins, the Rottkamps and tell them when they have one crop per season and they have a crop failure that they can’t go outside, say it’s a hundred miles or two hundred and fifty miles what’s the difference? They’re trying to save their farm, that’s all they’re trying to do. They’re not trying to bring in things from outside the area to make themselves look better.”

Supervisor Walter: “No but we can put that in the code that if there’s crop failure documented.”

Dave McLaren: Well I'm just trying to justify why we include things like that. We're flexible with things like that as well, of course but to (inaudible) just arbitrarily is just a number (inaudible)."

Supervisor Walter: "The purpose of a public hearing."

Dave McLaren: "Any farmer that has a crop failure of any kind is entitled to some relief from wherever they can get it whether they're raising chickens, or pumpkins or corn or whatever so; the same with the flower business. We had a major disaster at the floral culture business with impatiens and you're talking multimillions of dollars. Put one of my greenhouses out of business and put several others too because we relied on that one crop. And you know we diversified into other things as well but you know you have to have places to go and things to be able to you know keep you from losing everything you've worked for forty, fifty, sixty years for you know as well as stand up for the young farmers that want to get started here and keep this a real community. That's all we're trying to do. You know we can't stop Lowes, Walmart and Home Depot and the other big box stores from coming in here and really attacking our markets."

Supervisor Walter: "We're not going to get into a back and forth here so."

Dave McLaren: "I'm just saying."

Supervisor Walter: "I know but this is what's shaping up."

(Inaudible)

Supervisor Walter: We're going to put this on for work session."

Councilman Gabrielsen: "Alright so we'll close."

Dave McLaren: "The only think I want."

Supervisor Walter: "I don't want to get into a back and forth. We're going to put this on for work session We can see there's quite a bit, quite a number of issues we have to deal with wo what we'll do is publish the work sessions on Thursdays and we'll put it on and invite everybody to come and sit at the table. This is not a good forum for us to do this."

Councilman Dunleavy: "I just want to say one thing."

Abra Morawiec: "I just want to say one thing."

Supervisor Walter: "Make it really quick."

Abra Morawiec: "As a young farmer I don't have a lot of money and I definitely cannot afford two hundred and fifty thousand dollars' worth of land. However as a young person here opening a business in the Town of Riverhead I work for a farm in the Town of Southold. You create relationships with farmers in your community and you rent land from them. There's a huge

program with the Farm Bureau, the Long Island Farm Bureau in particular that is promoting established farmers here to rent land to young farmers such as myself and that is a program that I definitely support, I highly support. I will be renting land and I think that that is a really good option and I think it should stay at seven acres. I don't think there should be an exception for that. You could rent an acre of land that's fenced in that has irrigation and also all the facilities that you would need barring equipment for at the most four hundred and fifty dollars an acre, that's the going price with the Peconic Land Trust as far as I remember when I asked them so I think that's very affordable. Thank you."

Supervisor Walter: "Alright, thank you. Does anybody that hasn't spoken wish to be heard? Not seeing anybody I will leave it open for written comment until the 28th of August and then after the 28th of August when we get our written comment in George will, let's invite."

Councilman Gabrielsen: "I'll call Ag and see."

Supervisor Walter: "I'll close both public hearings and leave both public hearings open for written comment until August 28th at 4:30 in the Town Clerk's office and then George will talk to the Ag Advisory Committee. We'll probably put it on for work session. Stay tuned to the work session."

(Inaudible)

Supervisor Walter: "I'm reopening it for John to make his comment."

Councilman Dunleavy: "Ag & Markets is not the say it all on Long Island. Ag & Markets is upstate New York. Two hundred and fifty miles you're still in the State of New York, George you know that. When they make this two hundred miles you're still upstate. Most of your Senators and your Assemblymen are from upstate New York. So when they make these for the farmers upstate Long Island is in a different place than upstate New York. We're a lot smaller so you can't go with the same mileage as the State of New York and people have to think about that. Where is this is coming from and what are we going to do."

Councilman Gabrielsen: You talk about the State of New York being local we're four hundred and seventy miles from Buffalo. We're a lot further (inaudible) New York.

Councilman Dunleavy: "(inaudible). I think if we want to support our local farmers we have to make local laws for Long Island. Southold Town, Riverhead we can do counties or other towns on Long Island but we should stay on Long Island to support our local industry that we have out here."

Supervisor Walter: "Both public hearings are hereby closed for a second time and we'll leave both of them open for written comment until August 28th, 4:30 in the Town Clerk's office and we'll probably talk to Agricultural Advisory Committee for a work session for these two proposals."

**Public Hearings Closed at 8:17 p.m.
Left Open for Written Comment until August 28, 2015 at 4:30 p.m.**

Supervisor Walter: “OK, now 7:25 long since passed and it is now 8:17 we open the fourth public hearing. This is the Consideration of a Proposed Local Law to Amending Chapter 101 of Entitled “Vehicles and Traffic” of the Riverhead Town Code, Article V. Parking, Standing and Stopping (101-10. Parking Prohibited, 101-10-2 No Parking Certain Hours (Ostrander Avenue), John did we get it right this time?”

Councilman Dunleavy: “This is just correcting and again the Town Board makes mistakes and when this local law was passed people weren’t thinking that no parking along Ostrander Avenue meant no parking all day and all night and what we wanted is the aquarium parking not to affect the local people who live there. So we’re amending this no parking between 10:00 a.m. to 5:00 p.m. May 15th through September 15th in the summer time so we don’t disturb the people who live there; at nine o’clock at night if someone wants to come over and visit with them or later than that so we reduce it from three hundred feet to two hundred feet because some people complained that they park in the street in front of their house and they will not be allowed to do that anymore. So we’re amending something that we did and things change.”

Supervisor Walter: “Alright does anybody else wish to be heard on this matter? Not seeing anybody we’ll close the public comment portion and leave it open for written comments until August 28th at 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 8:20 p.m.
Left Open for Written Comment until August 28, 2015 at 4:30 p.m.**

COMMENTS ON RESOLUTIONS

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

Sal Mastropaolo: “Sal Mastropaolo, Calverton; Resolution 601. No schedule A and is this?”

Supervisor Walter: “I do have it. Does the Board have it? We do have it.”

Sal Mastropaolo: “Is this a housekeeping resolution?”

Supervisor Walter: “Yeah this is something we do every year for the co-workers.”

Sal Mastropaolo: “We already implemented this effective January?”

Supervisor Walter: “Yes.”

Sal Mastropaolo: “Resolution 603. The old Henry Perkins Hotel is now what an ICL or an IGHL? Does this require a fee from them as well fifty dollars a unit?”

Councilman Dunleavy: “No.”

Supervisor Walter: “Why wouldn’t it?”

Sal Mastropaolo: “That’s my question.”

Supervisor Walter: “We still don’t have, Bob did we fix the language in this?”

Robert Kozakiewicz: “This went to public hearing unfortunately so I can’t change the language after the public hearing.”

Councilwoman Giglio: “I don’t think they have cooking facilities inside of the rooms at the Henry Perkins.”

Supervisor Walter: “Yes they do.”

Sal Mastropaolo: “They don’t have cooking facilities inside the rooms in motels but we charge them.”

Supervisor Walter: “The hotels, yes. I don’t think anybody ever anticipated this to be applicable to hotels. I don’t think we had this completely correct because the point was brought up that motels so maybe its motels with cooking facilities. Perkins, I mean the rooms that I’ve been in in Perkins has kitchenettes or kitchen stoves.”

Robert Kozakiewicz: “They’re small studios.”

Sal Mastropaolo: “There permanent residence right?”

(inaudible)

Supervisor Walter: “Yeah, I think it’s a small kitchen so they should fall within this to have to pay the fee would be my assumption. Then they probably should always have been paying the fee and I don’t know whether they have. I don’t know if we can answer that question, maybe they have.”

Sal Mastropaolo: “Wading River Motel provides housing to Chapter 8.”

Councilwoman Giglio: “I spoke to one of the (inaudible) that was on the Town Board in 1996 when that legislation was adopted and he told me that it was adopted for the hotels that had turned into apartments where people were living there on monthly bases or a six month bases so that’s what it was designed for because he was saying that the hotels are governed under LICBB which is a three percent tax on every hotel room and there’s eight million dollars collected in Suffolk County and two million of that goes to Long Island CVV or Long Island (inaudible) Business Bureau and the Suffolk County Department of Health comes out annually and inspects the hotels and that’s what that fee is paid for so I don’t think it was intended for the hotels because

they're already governed under a Suffolk County law. I think it was intended for the units that are apartments where people are living there on an annual basis."

Supervisor Walter: "I would agree with that."

(inaudible)

Councilman Dunleavy: "We don't want to charge hotels or motels."

Sal Mastropaolo: "Yeah but this says you do charge."

Councilman Dunleavy: "That has to be changed because C says any commercial hotel, motel business operated (inaudible) and catering to transits clientele that is customers who commonly reside at these establishments for a short duration for the purpose vacationing, travel for business, recreation, conventions, emergencies and other activities that are (inaudible) to the commercial hotel or motel shall pay a biannual fee of \$750.00 plus \$50.00 for each unit for the purpose of this chapter, a short duration. We do not charge."

Councilman Wooten: (inaudible)

Supervisor Walter: "This should have been fixed in the public hearing. There was a push to get this on for the fees; might have read a certain editorial from one of the papers that said that we didn't do anything with certain motels. I don't think we should deal motels. The hotels that are long stay should be paying the fees. We should be inspecting them so I'll leave it to the Board. Does the Board want to table this and go to public hearing again?"

Sal Mastropaolo: "When I read this I expected it to not say what it says. The only change that I see is you went from biannual to biennial and you're still charging the hotels and motels. Now if you're not collecting the money then there's a problem, a bigger problem than not passing a resolution."

Supervisor Walter: "It should never have gone to public hearing this way so the question is does the Board, the attorney that wrote this didn't do what it was that we wanted him to do quite frankly because day one I think the Board was against places like the Hyatt, the Indigo paying these fees. That was never, I don't think anyone on the Board's intention. So the question becomes for the Board do you want to table this."

Councilwoman Giglio: "I think we should adopt this and just go to public hearing on the other changes having to deal with hotels, motels because we're still increasing the fees for the rental units."

Supervisor Walter: "We (inaudible) we'll see when we vote. What else you got? John I don't want to get into a long."

Councilman Dunleavy: "We're charging the one, two, three, four units more money. What are we going to do if we start charging them and we don't charge the seven fifty application or the

fifty dollar, what are they going to say? There's room to say I'm not paying either. They're not paying because your code says it I'm not paying so if we pass this and it takes us another year to change it then I think we're in trouble so I want to make a motion we table this."

Supervisor Walter: "And send it back to Code Revision, there you go. We're going to table."

(Inaudible)

Supervisor Walter: "Sal you got it tabled, what's next?"

Sal Mastropaolo: "Resolution 604. Ratifies the approval of the application for fireworks, permit Fireworks by Grucci, Baker Family Private Residence. I see no mention in here of the fireworks permit application fee or the administration fee to the Fire Marshall."

Councilwoman Giglio: "This was paid. I did look into it and there is an agreement, a separate agreement with the Baker Family and the Town Attorney's office that they prepared for the event and that they're paying the same fees as Riverhead Raceway is."

Supervisor Walter: "In the future Bob just make sure they put that in the resolution."

Sal Mastropaolo: "That's it."

Supervisor Walter: "Alright does anybody else wish to be heard on Resolutions?"

Larry Sims: "Can I make a brief comment on 603 that was table?"

Supervisor Walter: "Well we didn't table it yet."

Larry Sims: "I'm confused about a couple of things. No one has yet explained at least in the coverage that I've seen why is it ok to distinguish between motels and hotels when they both fit the same classification here?"

Supervisor Walter: "The difference that I want to see in the code that gets drafted; if you're a long stay hotel, or motel another words you're more than transient that somebody's living there for, that's their home, that's really their apartment, they pay the fee. If they're staying in a hotel room that might have a hot plate, you know at the Hyatt or the Radisson or something like that for a week a couple weeks and that's not your home you're going to another place this is transient, that you wouldn't pay the fee. That's what has to be articulated here."

Larry Sims: "Well that leads into my second question. I understand why you and the rest of the Board may want to change the law so it does not apply to these facilities. I don't understand why it's ok for Code Enforcement to either decide or be told not to enforce the law that is on the books today that you were about to reaffirm."

Supervisor Walter: “I don’t think anybody told Code Enforcement anything. It’s never been the in fact I can’t speak to Code Enforcement whether they’ve ever collected these fees. I don’t think it was ever the intention of the Board when this was adopted back whenever it was adopted before our time to collect it on the motels. That would be, I would say you’d have to go back to the public hearing minutes when this was adopted back in the, I’m assuming Supervisor Cardinale or maybe even before to find out what their intention was because I don’t think it was anybody’s intention.”

Larry Sims: “I have talked to people who were on the Board at that time and they were a little fuzzy on their intentions but they agreed that the law as written is not ambiguous.”

Councilwoman Giglio: “If I can say, our Code Enforcement goes out and inspects the apartment or we get an engineer’s letter on the apartment. Suffolk County Department of Health Services doesn’t come and inspect our apartment but Suffolk County Department of Health Services does charge a fee and does come and inspect the hotels. The hotels and motels also pay a fee to the Fire Marshall to come check the fire suppression system so do we make double inspections for hotels and motels from the County and from the Town and do we want another layer of government on it when the County’s already doing it and charging for it. With the rental apartments where it’s an annual rental the County doesn’t come and inspect those, that’s strictly the Town of Riverhead and Code Enforcement and our laws but hotels and motels are governed under New York State law and Suffolk County Department of House Services law and the laws are pretty strict. So do we want to put another layer of government over the top of that?”

Larry Sims: “I tend to agree with you and the problem is we’re discussing the merits of a law as though it hasn’t been written yet.”

Councilwoman Giglio: “I agree with you.”

Larry Sims: “The problem I have is that this law is unambiguous and it has been selectively enforced with motels paying thousands of dollars in fees and hotels paying nothing even though they are indistinguishable in this code.”

Supervisor Walter: “We got it. Thank you. Anybody else wish to be heard on a matter?”

Angela DeVito: Angela DeVito, South Jamesport, Resolution 604. I’m kind of curious that the fireworks display that took place this Saturday night and the Town received on July 16th the application from Grucci and from July 16th to now you’ve had two other Board meetings why it took so long to approve. I mean you’re approving an activity after the fact and I will tell you there were some, as a local resident there not an issue the firework display was beautiful, absolutely gorgeous. Grucci does good work, no one will ever, no one can contest that but, and even though they were offshore on a barge the noise levels that were produced, ok; I’ve been in an active war zone, the Lebanese Civil War and I know what it is to have shells exploding all around you and when I tell you I’m sitting in my living room with my house shaking, the windows shaking from the percussive impact of those firework shells going off. I would ask, I know there were two Riverhead Town police officers there police department told me as well as our fire department I would ask if they could provide some information about the distance offshore that this fireworks

barge was and perhaps we need to consider that in the future and make some type of requirement for this because it was truly horrible. I mean it was just and I live four blocks from the bay.”

Councilman Gabrielsen: “I was on Herricks Lane visiting with my mother and it was unbelievable. You didn’t know what was going on. We walked out, they were shooting what ten, twenty at a time.”

Angela DeVito: “It was a twenty-two minute show. All I can say is the Baker family must be incredibly wealthy and God bless them but the thing was it was an immense disturbance in the neighborhood there and I know that the police were there and I don’t know they could have had at that point any control. I know the inspection took place earlier in the afternoon but also it’s the fact, you know, can maybe we get on top of things a little bit faster? I mean you’re approving something, it already happened and it happened without resolution approving it. Thank you.”

Supervisor Walter: “Does anyone else wish to be heard? There is one resolution I’m going to ask to be tabled and I do see Antoinette Carbone here. We did not discuss this in work session and this is the setback, the triangles, the corners and I.”

Councilwoman Giglio: “I don’t think there’s a resolution in here about that.”

Supervisor Walter: “Yes it did, it got put in by mistake.”

Councilwoman Giglio: “Where is it? What resolution number?”

Robert Kozakiewicz: “599. It was supposed to be on for discussion in September.”

Supervisor Walter: “And it got put in by mistake so we’re going to table that.”

Robert Kozakiewicz: “Just so you know the last five sentences.”

Supervisor Walter: “We can table it or withdraw it. If you have to change it we can withdraw it.”

Robert Kozakiewicz: “Yeah it’s got to be changed.”

Supervisor Walter: “Alright so we’ll withdraw this and then we’ll put it on for work session. It wasn’t ready to go. Ok, that being said 599. Ok we’re ready let’s call the resolutions.”

RESOLUTIONS

Resolution # 588

Councilman Dunleavy: “Riverhead Ambulance 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 #589

Councilman Wooten: "Reappoints Member to the Board of Assessment Review (Judith O'Connor), 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 #590

Councilman Dunleavy: "Accepts the Resignation of a Temporary Clerk (Robyn Schneider), 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 #591

Councilwoman Giglio: "Appoints a Call-in Detention Attendant (Kianna Trent), 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 #592

Councilman Gabrielsen: "Ratifies the Appointment of a Temporary Substitute Part-time Clerk to the Sewer District (Jennifer Estrema), so moved."

Councilwoman Giglio: “Second.”

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

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

Resolution #593

Councilman Wooten: “Approves the Transfer of a Geographic Information Systems Supervisor (Robert Hubbs), so moved.”

Councilman Gabrielsen: And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to say this this is a very valued employee and I did have a chance to speak to him for a little while today and he said he felt guilty about leaving the Town of Riverhead because he loves the town and he loves the employees but he got an offer in Smithtown where they can afford to pay him more money and so we made the decision to let him transfer and he said he’ll come back on a part-time basis and work from his desktop at home to help us out as we need it. I think that’s a good thing so for now I’ll vote yes for this.”

Vote Continued: “Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, sorry to see him go. It’s too bad we couldn’t work something out. Resolution adopted.”

Resolution #594

Councilman Gabrielsen: “Authorizes the Attendance of One Police Department Employee to the 2015 IACP Conference, 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 #595

Councilwoman Giglio: “Authorization to Publish Advertisement for Junk and Abandoned Vehicles for the Town of Riverhead, 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 #596, 597, 598

Councilman Dunleavy: “I’d like to put 596 to 598. They all have to do with Recreation either lifeguards or attendants.”

Supervisor Walter: “Ok let’s make a motion Appoints a Seasonal Lifeguard to the Recreation Department (Casey Plitt), Appoints Seasonal Beach Attendants to the Recreation Department, that’s 597 and Appoints a Call-in Park Attendant to the Recreation Department (Jason Bonne’).”

Councilman Dunleavy: “So moved.”

Supervisor Walter: “I’ll second.”

Supervisor Walter: “Moved and seconded to move all three at once. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 596, 597 and 598 are adopted.”

Resolution #599

Councilwoman Giglio: “We’re going to withdraw Resolution 599 which authorizes the Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code.

Councilman Dunleavy: “I second that.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 599 is withdrawn.”

Resolution #600

Councilman Dunleavy: “Approves Francis Site Development Co, LLC as Drainlayer for the Riverhead Sewer District, 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 #601

Councilman Wooten: “Authorizes the Supervisor to Execute an Agreement with Family Service League for Employee Assistance Program, 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. Resolutions adopted.”

Resolution #602

Councilman Gabrielsen: “Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (101-3 Stop and Yield Intersections; Railroad Crossings; Parking Fields, (Twomey Avenue Intersecting with Riley Avenue and Youngs Avenue), so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This concerns me just because of the speed people pick up on Twomey Avenue and I’m really concerned about this resolution.”

Councilman Dunleavy: “What do you mean pick up speed?”

Councilwoman Giglio: “Well when they’re going north to south and then when they’re coming from Sound Avenue then heading south to Manor they’re not used to stopping there and if they don’t stop and someone gets a false sense of security when they’re on Riley Avenue and they think that that person’s going to stop and they don’t and they keep going I’m concerned about that. So I think that we really need, I’m going to vote for it because I think it’s needed right by the school but I think that we need plenty of notification ahead of time when you’re traveling from the north to the south to let people know that there’s a stop sign ahead, that they do stop at that new stop sign that we’re putting there, so.”

Councilman Dunleavy: “We should be up a sign that says stop ahead in large letters.”

Councilwoman Giglio: “They have those.”

Supervisor Walter: “Who’s our liaison? Who does the Highway Superintendent talk to? Let’s get that stop ahead.”

Councilman Wooten: “I’m sure it will be clearly marked.”

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

Resolution #603

Supervisor Walter: “I think we’re going to withdraw this one as well at this point.”

Diane Wilhelm: “Withdraw or table?”

Supervisor Walter: “I would withdraw because (inaudible). Can we get a motion to withdraw this one?”

Councilman Dunleavy: “I make a motion that we withdraw Resolution 603, so moved.”

Councilman Wooten: “Withdraw or table?”

Supervisor Walter: “Withdraw because it has to be fixed all the way around.”

Councilman Wooten: “I’ll second.”

Supervisor Walter: “Ok moved and seconded as to withdraw.”

The Vote: “Giglio.”

Councilwoman Giglio: “The Town really needs the money and I think that increasing the fees is something that we need to do and I think we could have done that tonight so I’m going to vote no to withdraw.”

Vote Continued: “Gabrielsen, yes; Wooten.”

Councilman Wooten: “I agree we do need the money (inaudible) unfortunately we have to live through it and put it back on in a couple of weeks, yes.”

Councilman Dunleavy: “I agree we need the money but I agree also that Section-C should be enforced if we need the money that bad and it’s not being enforced so I have to vote yes to withdraw it.”

Vote Continued: “Walter.”

Supervisor Walter: “Yes we have to withdraw it because the bottom line is we have to correct the wrong that we have been following since 1996 with the fact that we haven’t been charging hotels for these fees and it’s time to correct that, adopt it so yes.”

Diane Wilhelm: “Resolution 603 is withdrawn.”

Resolution #604

Councilman Dunleavy: “Ratifies the Approval of the Application for Fireworks Permit of Fireworks by Grucci, Inc. (Baker Family Private Residence), so moved.”

Councilman Wooten: “I’ll second.”

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

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

Councilman Dunleavy: “I agree with the comments we should get more time to approve this and let people know what’s happening. I vote yes.”

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

Resolution #605

Councilman Wooten: “Approves Chapter 90 Application of Railroad Museum of Long Island (Riverhead Railroad Festival 2015 – August 29 and 30, 2015), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Councilman Dunleavy: “Yeah this is a great thing for a family to come to see especially with the kids riding on a model train. I vote yes.”

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

Resolution #606

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement between ENERNOC Inc. and the Town of Riverhead, 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 #607

Councilwoman Giglio: “Ratifies the Approval of the Chapter 90 Application of Home Depot Development of Maryland, Inc.) Carpet and Rug Tent Sale – August 13, 2015 through September 7, 2015), 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 #608

Councilman Dunleavy: “Approves the Chapter 90 Application of Old Steeple Community Church (Annual Antique Fair – Saturday, August 22, 2015), 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 #609

Councilman Wooten: “Approves the Application for Fireworks Permit of Riverhead Raceway (August 22, 2015), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #610

Councilman Gabrielsen: “Releases Performance Security and Accepts One-Year Maintenance Security in Connection with the Condominium Project Entitled “Stoneleigh Woods of Riverhead, LLC” (Road and Drainage Improvements- Section 1), 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 #611

Councilwoman Giglio: “Amends Resolution 514-2015 and Authorizes the Supervisor to Execute a License Agreement with Riverhead Housing Development Corporation, 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 #612

Councilman Dunleavy: “Authorizes the Acceptance of donation from Riverhead Adventures, LLC (Long Island Adventure Race A/K/A Team LI Adventure, so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Giglio.

Councilwoman Giglio: “Very generous donation, we thank them, yes.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “Yeah I really want to thank Long Island Adventure Race they put a great race out at EPCAL and I want to thank Chris and Ronni Witt for a donation of four thousand. I think to date with the different events they’ve had, it’s close to thirteen thousand that the Town puts towards recreation so we really appreciate it, a big thank you to them, yes.”

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

Resolution #613

Councilman Wooten: “Reappoints Member to the Town of Riverhead Wildlife Management Advisory committee (Chris Witt), 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 #614

Councilman Gabrielsen: “Reappoints Member to the Town of Riverhead Wildlife Management Advisory Committee (Robert Gabrielsen), so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio, yes, Gabrielsen, abstain, that’s my son; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #615

Councilwoman Giglio: Pays Bills, 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.”

PUBLIC COMMENTS

Supervisor Walter: “Alright, now we open it up for public comment for anything you might want to talk to the Board. We ask that you limit your comments to five minutes. How are you doing Sir?. Please state your name and affiliation for the record.

Scott Peretsky who is the Director of Suffolk Health Cannabis Alliance came forward to discuss the moratorium that the Board wants to put on the distribution of medical marijuana in Riverhead.

Councilwoman Giglio said that New York State just approved this law and that she knows there is a need for medical marijuana however she would need to know if the County will be giving the Town any of the money they will be receiving and what the impact to the community will be before she could support marijuana being distributed in Riverhead.

Councilman Dunleavy said the Board is not putting a moratorium not to allow medical marijuana but because of the site where they want to put a distribution center, Rt. 58 which is a heavily traveled road. He suggested the Center be put on Rt. 104 off of Sunrise Highway which is a less traveled road than Rt. 58. The Councilman continued by saying he is in favor of medical marijuana, in fact he was in favor of farming it but he said that among other things a traffic study would have to be done to see how a distribution center would impact the residents of Riverhead.

Councilman Gabrielsen said they just found out about the distribution center and reiterated what Councilwoman Giglio and Councilman Dunleavy said regarding a traffic study and the impact this Center will have on the residents.

Supervisor Walter said he feels this law is the first step in legalizing marijuana and if that's where this law is heading it does not belong on Rt. 58. He said it belongs where the Town has their adult uses and feels this will get relegated to a proper place like EPCAL where there are no schools, houses of worship or houses.

Mr. Peretsky thanked the Board for allowing him the time to speak on this matter.

Supervisor Walter: "Does anyone else wish to be heard tonight? Alright can I get a motion to adjourn?"

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

Supervisor Walter: "All in favor, aye?"

Collective ayes, meeting adjourned.

Meeting Adjourned at 8:55 p.m.