

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 5, 2014 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Rev. Sean Murray, pastor of the First Congregation Church in Riverhead.

Awards for the 29th annual National Night-Out Poster contest were awarded to the following children: Antonia Cederna, Brooke Davies and Avery Hills as first place winners won four tickets to Splish Splash. Brooke Eastwood, Katie Monaghan and Kyle Marcello as second place winners won golf for four at Out East Family Fun and Olivia Sucharski, Kyle May and Adriana Paladino as third place winners won tickets to Atlantis Long Island Aquarium and Exhibition Center.

Supervisor Walter introduced Meadow who is a three and a half year old pit-bull mix who resides at the Shelter. Meadow is a gentle natured dog who enjoys being with people. Contact the Animal Shelter if you are interested in adopting her.

Supervisor Walter introduced Bocce Ball Kelly who spoke about the new Bocce Ball Courts at Veterans Memorial Park in Calverton. The courts, that were dedicated by the Town Board today, are better than those in Southampton and he wanted to thank and acknowledge all those who were involved in getting the courts built.

Councilman Dunleavy made a motion, which was seconded by Councilman Wooten to approved the minutes of the July 15, 2014 Town Board Meeting and July 17, 2014 Special Town Board Meeting. Motion carried, minutes were accepted.

Supervisor Walter informed the public that a Special Town Board Meeting will be held on Thursday, August 7, 2014 to deem the draft Environmental Impact Statement for EPCAL to be complete in compliance with the scope and call for the public hearing on September 3, 2014 at 7: p.m. That meeting is being moved from 2:00 p.m. to 7:00 p.m.

CORRESPONDENCE

- Eric Biegler, Member Sound Park Heights Civic Association – comments regarding today’s public hearing for a Special Permit Application of R&K Precision Autoworks
- Joanne Lane – letter of thanks to John Reeve and Gina Hubbard in the Sanitation Department for their consideration and prompt assistance with her residential yard waste removal
- Christopher Kent of Farrell Fritz, P.C. – comments regarding today’s public hearing considering the amendment of Chapter 108 of the Riverhead Town Code “Commercial Solar Energy Production System”

REPORTS

- Building Department July 2014 Monthly Report - \$80,029.45
- Town Clerk Monthly Report July 2014 - \$10,662.93
- Police Department June 2014 Monthly Report
- Sewer District June 2014 Discharge Monitoring Report

TOWN BOARD COMMITTEE REPORTS

Councilman Gabrielsen reported that a twenty-five hundred dollar check for Riverhead PAL Youth League was given to him by Al Rogers and Peter Herman. The donation will be used for PAL football and lacrosse.

Councilman Wooten reminded everyone of the Friday Night Concert Series being held this summer. He said it has been very successful and urges everyone to attend. This Friday night the Teen Idol will be redoing their show.

PUBLIC HEARINGS

Supervisor Walter: “There are no other Committee Reports so let’s get started. We have four public hearings and the first public hearing is scheduled to start at 2:05 and it is now 2:22. I officially open the public hearing which is the Consideration of a Special Use Permit Application of R&K Precision Autoworks, Inc. to Reconstruct a Portion of an Existing Auto Repair Facility (SCTM #0600-42-1-19) and that is located on Sound Avenue. Is there anybody here for the applicant?”

James DeLucca: “Yes.”

Supervisor Walter: “You have the affidavits for publishing and posting for the record? Thank you.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God.”

James DeLucca: "I do."

Robert Kozakiewicz: "One procedural issue my understanding this is the same application as heard by the Board in August?"

John DeLucca: "That's correct."

Robert Kozakiewicz: "Specifically on August 2, 2011?"

John DeLucca: "Correct."

Robert Kozakiewicz: "Any objection to addition of those minutes being made part of today's record?"

Supervisor Walter: "Do you want the whole record to be made part of this record?"

John DeLucca: "Yes, it's basically the same project. The reason for the delay was as you know past several years the financing was difficult to obtain and that's what happened. We've had everything in place and the financing didn't get in place in time so the two years lapsed so now we're back to reapply. We've already gotten, we reapplied to the Zoning Board of Appeals and obtained their variances, they're done and we have all the papers in for site plan review and you are the last step in the progression before we finish up site plan review."

Supervisor Walter: "Do you just want to give us a brief run down."

John DeLucca: "Yes. Basically what we're doing is we're demolishing part of the existing structure and we're going to construct; at present there's three thousand sixty-five square feet of existing building. We're going to demolish part of the existing building which is on the east side of the existing structure and construct a new portion and the total building area when we're complete will be around six thousand three hundred and nine square feet and we are removing all the overhead doors in the front of the building. Everything is going to be; all the overhead doors will be put in the rear, most of the parking will be put in the rear. All of the present day plantings that are required will be put in verses the farm area verses the residents in the back. The drainage that's required by code will be put in the front. The septic systems will be put in; matter of fact we've already had those tested to abandon. The applications have already been put in and reviewed by the Health Department, we're just waiting for our test results to come back. On the abandonment of the existing septic systems the architecture has already been approved by the Architecture Review Board. We've been there; they've already approved it so it should be a nice addition. It's going to fit in with the country, rural architecture historic corridor and any questions I'd be more than happy to answer."

Supervisor Walter: "What we'll do, Mr. DeLucca."

Robert Kozakiewicz: "I'd like to do first. When was the ZBA decision most recently granted?"

John DeLucca: “The most recent one was about three or four months ago. I can get the exact.”

Robert Kozakiewicz: “While you’re doing that, if you could, I just want to make another notation for the record. This has been referred to the Suffolk County Planning Commission and by letter’s date, June 16, 2014 they did respond and determined that it was a matter of local determinations so that has been received and it’s part of the Town Clerk’s records.”

Supervisor Walter: “If there are no other questions.”

Councilman Dunleavy: “I’ve just got one. Mr. DeLucca, other than making the building larger you also are beautifying the building so you don’t, it not a mechanical repair shop from the front because there’s not going to be any cars or overhead doors so what you’re doing is you’re cleaning up that neighborhood and putting a nice looking building there?”

John DeLucca: “Yeah, I have an elevation with me if anybody wants to see it.”

Supervisor Walter: “What we’ll do is let the Board ask the questions. Pull out the elevation and you can look through the files and I’ll ask the residents if they want to make any other comments. Councilwoman Giglio, did you have a question?”

Councilwoman Giglio: “Yes. You started out by saying it’s basically the same application as what you had in August of 2011. I just want to make sure it is the same exact application.”

John DeLucca: “Yeah.”

Councilwoman Giglio: “Ok.”

John DeLucca: “Basically we actually reduced it a few square feet than the original one. That’s the only.”

Councilwoman Giglio: “Ok.”

John DeLucca: “Otherwise it’s identical.”

Councilwoman Giglio: “Ok.”

Supervisor Walter: “If you could pull out the elevations and we’ll hear from the residents, Mr. Kelly. I’m sorry, Jim. Mr. DeLuca please step back up again.”

Councilman Wooten: “I did get an e-mail from Eric Biegler or actually the Board did and I answered that the other day. It’s basically because the permit had expired and you have to renew the special permit. There was a question about the three hundred and one square feet. I believe that’s an extension already on the building?”

John DeLucca: “Yes, that was put up about three or four years ago without a permit.”

Councilman Wooten: “Ok. I know that’s included now.”

John DeLucca: “Yes, that’s included with the special permit.”

Councilman Wooten: “That was the only other question that I had.”

John DeLucca: “Yes, that was put up without a building permit and I voiced that the last time. I’m not going to try and hide it because it is what it is.”

Supervisor Walter: “Does the Board have any other questions for Mr. DeLucca? Ok, we’ll let the residents ask questions and Mr. DeLucca if you can just take notes and just respond at the end when the residents are done. Mr. Kelly”

Bob Kelly: “Yes, Bob Kelly, Sound Heights.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give to be the truth the whole truth and nothing but the truth so help you God?”

Bob Kelly: “So help me God. R&K has been a real good neighbor in the community. They always seem to do the right thing and they’ve been more than aboveboard. Our question was as you said about that three hundred square feet. It just looked like a little blip so to speak and the gentleman definitely cleared that up and we trust they’ll do a fine job and it will be a beautiful project on Sound Avenue so Sound Heights doesn’t object to this project at all. We look forward to their project going through. Thank you.”

Supervisor Walter: “Thank you. Does anybody else wish to be heard? Alright, not seeing anybody; Mr. DeLucca do you have that date for the Zoning Board Approval?”

James DeLucca: “I’m looking for it.”

Supervisor Walter: “Well, don’t fret because we’re going to leave this open for written comment so what I’ll do, I’ll close the public portion today, now, close the public portion and leave it open for written comment until Friday the 15th of August so if anybody wants to write, drop a letter to the Town Clerk. Mr. DeLucca you don’t have to do that you can just sneak up here and give it to Mr. Kozakiewicz. Anybody else who is not here today and would like to write a comment, the 15th of August at 4:30 p.m. in the Town Clerk’s office.”

**Public Hearing Closed at 2:30 p.m.
Left Open for Written Comment Until August 15, 2014 at 4:30 p.m.**

Supervisor Walter: “Ok. What we’ll do is open the second public hearing. This was scheduled for 2:05 and this is the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” Commercial Solar Energy Production. It is now

2:31 and we will officially open this public hearing. Bob would just like to make a comment or two on this public hearing?"

Robert Kozakiewicz: "Yes I think probably a couple of comments are deserved in light of questions I guess with regard to what is being proposed. I'm going to try and say what it is and what it's not.

What it is is substantially similar legislation to what was adopted in the Town of Southold, our neighbors to the east, with changes incorporated to coincide with our Chapter 108 and our particular code.

What it is is also an attempt to define what a Commercial, Solar Energy Production System is and it's designed to I guess, provide further clarification for what I believe has been Town policy with respect to where they are currently allowed.

We have taken a position that Commercial Solar Energy Production System is a manufacturing use that based upon same is permitted in zoning districts where manufacturing is a permitted or specially permitted use. It is not permitted in, according to our beliefs, in our opinion, in our interpretation of the Zoning Ordinance in districts where a commercial use is not allowed as an outdoor use.

I suspect there's going to be some comments with respect to probable bunkers and some things that may need to be tweaked in order to be improved upon what's been put forth today for Public Hearing but that's it."

Supervisor Walter: "Up to here my only comment, and if the Board wants to make a comment; my only comment is, this is, I'm going to say ninety percent the same code Southold adopted and I'm not going to make the comment beyond this comment. I think one person spoke out about this code and it was not an unfavorable position on the code so I find it interesting that this code would work in Southold and not in Riverhead so when the members of the Farm Bureau come up and some of the farming community comes up I would like somebody to address why this is ok for Southold and not Riverhead because I really am taken back by the differentiation that happens at the Laurel Line. Does anybody else from the Town Board?"

George Gabrielsen: "I would just like to ask Bob? This is basically a clarification of our existing code; am I correct, besides definition?"

Robert Kozakiewicz: "Well the existing code does not include a definition of Commercial Solar Energy Production System but however as pointed out I believe that when we've been hearing from individuals expressing interest in establishing a Commercial Solar Energy Production System we have advised them to look at the industrial zones where manufacturing is allowed.

What this does not do, it's not designed to prohibit a residential use from being able to put solar panels on their house for their own use in order to reduce their energy costs. Further, it's not designed to prohibit or ban a farmer from putting solar that would be used to reduce their costs for powering greenhouse, greenhouses, farms, their own AG uses so it's not designed to ban those uses. I believe that was the intent and maybe that needs to be clarified further if there is any questions that remain after the public hearing but the intent was not to take away those uses which would be otherwise allowed in a residential or agricultural type of use.

Councilman Gabrielsen: “The Ag & Markets defines that as a hundred ten percent of what your farm use would be allowed.”

Councilman Dunleavy: “We’re still letting that stay?”

Councilman Gabrielsen: “We’re still letting that stay, that’s correct.”

Councilman Dunleavy: “We’re not changing that.”

Supervisor Walter: “We’re still letting that stay. That’s part of the record now. That’s not something we intend to change. If it has to be clarified we will. It’s curious too because this was never a permitted use in the Agricultural Protection Zone or any other place other than what we would deem manufacturing in our Industrial Zones and so the curious part for me is that I think people are thinking they’re losing a use in the APZ or other residential areas but that’s not the case because it was never a permitted use and now what we are doing is saying Ok we view this as manufacturing of electricity and we are saying that it is now permitted in the Industrial Zoning districts because that is where we have manufacturing so it’s not a use that anybody necessarily lost outside of the Industrial Zone because you never had it. But with that being said, does anybody; does anybody else on the Board wish to speak?”

Councilman Dunleavy: “Well, we’re allowing it in industry A and B. In C it has to have a special permit because C goes into residential areas where we don’t want manufacturing. So that’s the special permit in Industrial C.”

Councilman Gabrielsen: “We added PIP right. The Plan Industrial Park at EPCAL? We’re adding another?”

Councilman Wooten: “I had a chance to read it and I’m curious to see what public comments are. I’ve read (inaudible) and I think he has some great suggestions as far as the tweaking.”

Supervisor Walter: “Ok, so without further ado would the public like to be heard on this matter? Yes, please.”

Karen Rivara: “Karen Rivera, President of Long Island Farm Bureau. Long Island Farm Bureau is a membership association of three thousand nine hundred farmers, fishermen, nurserymen, agri-businessmen and resident interested in preserving a rural quality of life. Our mission is to serve and strengthen agriculture on Long Island.

I’m here today to address proposed amendments to Chapter 108 of Riverhead’s Town Code dealing with solar energy. Long Island Farm Bureau is opposed to these code amendments as written. These amendments unfairly prohibit farmer’s rights throughout the town to utilize farmland that has not yet been preserved for solar power generation. The ability for farmers to capitalize their land is a practice that has existed for centuries. The limits this proposed code places on farmers interested in having solar power on their farms to earn income to offset the high cost of production and low commodity prices could result in the loss of farmland. Losing more farmland to permanent development is very different than allowing a temporary use that could

allow the land to revert back to farming. Leasing a portion of their full rights farmland for solar power will allow our local farm families who have been farming this land for generations to have the financial breathing room to transition the farm to the next generation. Having options to remain solvent is crucial to the survival of Long Island's farming community.

In this way, solar production on farmland can act as a preservation tool since the impact on land will be minimal and will result in non-development of the land during the lease period. This will allow Riverhead Town the time and opportunity to find ways to work to preserve and protect farmers and farmland since the PDR Program is currently limited. We feel that Riverhead Town will establish a precedent with this proposed code that will benefit only a few select individuals. These proposed amendments should not be accepted without a thorough vetting process of the stakeholder groups, community residents and the farming community.

Long Island Farm Bureau policy is supportive of alternative/green energy production including but not limited to wind energy, cellulosic energy, bio-fuels, hydro-electric power, bio diesel and solar power.

It is troubling to the farm community that the process of developing town code that may further restrict the use of our land is taking place at the height of our cultivation season. Several farm operators have expressed interest in solar energy opportunities. In light of that, we would like to have the opportunity to work with the Town on Code that would incorporate the installation of solar panels on farmland. As this matter is time sensitive, we would appreciate starting the discussion with stakeholders and residents to draft reasonable and fair language as soon as possible.

Thank you for your time and attention in this matter.”

Supervisor Walter: “So I have some questions.”

Karen Rivara: “I’m going to answer your first question and I’m.”

Supervisor Walter: “Because this code did come out of; this code is completely vetted by Southold.”

Karen Rivara: “I’m on the Southold Advisory Committee and I do miss meetings this time of year but I think it just happened faster, nobody had time to react to it. This I can only guess but it was not discussed at our ag advisory meeting unless there are just not farmers in Southold that are interested in solar power generation. I reached out to people and tried to discuss it with them but we’re all busy and we just haven’t had the time to.”

Supervisor Walter: “And this was done during the, in the winter so it wasn’t during the farming season so now Councilman Gabrielsen, I don’t want to steal your thunder, but I’m going to lead into a question because I see this as killing farming and I say that using this hypothetical; the Town Board cannot say this fallow land that is not good for production is good for solar but this beautiful sod farm shouldn’t have solar. We don’t have that ability to say this soil can have solar, this soil can’t so we kind of go with the broad brush and that’s the way zoning is; it’s a utilitarian zoning code it is what it is; it’s not something we can change.

My problem with this is the solar companies is going to pay way more than the average farmer could pay to lease property; that’s a fact, and I believe in my heart that if we don’t regulate, you don’t have the use because you never had the use before, that, the Town Attorney, you can

debate that all you want but you've never had the use before but if we were going to allow this use on your farmland in the agricultural, I thought they were leasing farmland for about two thousand dollars an acre. I don't know what the answer is, I don't know what the amount is but if the solar companies are willing to come in and pay double, and they will, double what the farmer can pay to lease land doesn't that drive the prices so high that farmers won't be able to survive because they can't get access to farmland. New farmers won't be able to come in because there's no way they're competing against the utility. Can you address that because I see that; I honestly think that we're on the side of preserving farmland with this and preserving farming as an industry."

Karen Rivara: "Yeah and also I would also just like to underscore the desire of the Farm Bureau to be able to have a discussion with the Town about the possibility of solar installations on the farms then maybe it would address some of the concerns that you guys have.

I think that the philosophy of the Farm Bureau and its members is that farming is very expensive. You try to get as much value out of, it's a business; you have to get as much value of your land as you possibly can and you're also going through a period of transitional farming. You want to make sure that not only generational transition but also the commodity types that are being (inaudible) some transition so if somebody bought an acre, two acres, five acres, I don't know the exact numbers but it's not like (inaudible) farmland that that would give the family some additional income and enable them to make it through this transition from the type of farming that they're doing now to the type they would be doing in the future and also because it's not a residential development. Once you put houses on farmland it's gone; it'll never be there for farming."

Supervisor Walter: "These are twenty year leases usually."

Karen Rivara: "Right, twenty year leases so twenty years down the line I think we're going to see a greater need for lowable food production than we have right now. When you look to what's happening in the central valley of California so we're just trying to think of creative ways to preserve farmland so that fifty years from now our children and grandchildren and great-grandchildren don't say "where's all the farmland"? We can't grow our food and we have all these houses on it now."

Councilman Gabrielsen: "I don't think it's typical just leasing. Some of these companies are coming in like on industrial properties looking to purchase ok? So they purchase that property it's out of farm production pretty much forever. We're going to have someone speak today that they're looking that our code be amended be a twenty-five year lease. Typically these old people want twenty-five thirty years with extensions so if they come in, they buy the property, it's out of production and then you look at the competition what the zones we have now you look at some of the industrial properties that we have a lot of interest in right now and they're going for quite a bit more than farmland be it a hundred fifty thousand, two hundred thousand an acre. Now if, just say hypothetically, all the farmland become available if they can get farmland for fifty, sixty thousand an acre they're not going to pay two hundred thousand an acre. So you see it's somewhat of an exodus I don't see it to be big and then the tax payer would lose because on the sale you get the CPF funds amongst other things so the two hundred thousand dollar verses fifty, sixty thousand you get quite a bit less (inaudible) CPF funds to preserve farm land so we're kind of working against ourselves in that text of it."

Karen Rivara: “But I don’t think that the (inaudible) support (inaudible) what your describing I’m envisioning basically acres and acres and acres of farmland.

Councilman Gabrielsen: “That’s what the solar companies are looking for. No one’s looking at five acres, it would not pay.”

Karen Rivara: “No, but.”

Councilman Gabrielsen: “It’s always the lowest common denominator of energy production..

Karen Rivara: “It sounded like you’re saying that basically the twenty-two thousand acres of unprotected farmland that we have out here on the East End could potentially get converted over to the solar power generation.

Councilman Gabrielsen: “Well some might.”

Supervisor Walter: “I can say that.”

Councilman Gabrielsen: “What they will do, they can get the land so cheap they will put up Transfer Stations. We’ve already had it proposed in the Town of Riverhead. They will go and put the Transfer Station, you know, to transmit the power from the farm. I’m not saying it will happen today it could be ten, twenty years but the dollar signs are everything and it’s going to happen. They’ll go look for the cheapest.”

Karen Rivara: “I’m not saying that could happen but at least if we had a conversation, (inaudible) and a code that would address that (inaudible). That’s all we’re asking for.

Supervisor Walter: “Thousands of acres and I’m not lying to you when I say this, I would say conservatively speaking two thousand acres of farmland has just come across my desk within the last six months that, farmland and residential that wanted to be put into solar production and I have to think that the residents of Riverhead, Southold and this County that spent hundreds of thousands of dollars to preserve farmland would really be upset if two thousand acres went into solar production in amongst the farms because; you only have to go to Brookhaven Lab, you can’t get in there to see it but if you go look at Brookhaven Lab, I can’t remember, a couple hundred acres or so of solar farms, its hideous, it’s bad.”

Karen Rivara: “Well I guess that’s subjective (inaudible), I saw a solar array. We’re talking about full rights. We’re not talking about preserving.

Councilman Dunleavy: “We are an agricultural community, we bought thousands of acres to keep it agriculture so when people come out here from the west, New York City, it’s like driving upstate. All they see is nice farms on Sound Avenue and its all open space. We want to keep it that way. We don’t want solar panels along Sound Avenue where people come out here from the city that’s all they see are solar panels while they’re driving along Sound Avenue because you’re

taking the ruralness out of the East End and bringing it back into manufacturing and commercial uses and that's how I feel. I just feel we were built on agriculture, we should keep it agriculture."

Karen Rivara: "(inaudible) issue (inaudible)"

Councilwoman Giglio: "I can just say that when this was brought up at a work session I said, we have farms that can be sold tomorrow and you can put on a fifty lot subdivision and I would much rather have solar panels on a ten percent area of the farm that's in production, a five percent area or whatever the Board agreed upon to help the farmers along so that they can get through this transitional period but I'm surprised that the Farm Bureau is not in support of it because when I was on the, the liaison to the Energy Committee, I set up a meeting with Senator Lavelle, with one of our assessors, with Joe Gergela from the Farm Bureau, with Councilman Gabrielsen and his brother Paul Gabrielsen and we went to Senator Lavelle's office in Mt. Sinai because we were talking about how it would be cost prohibitive to bring the farms out of the ag assessment and put it into a commercial taxing zone because that's what it would be, it would be a commercial establishment if you're selling back to LIPA and the mechanism to do that was just cost prohibitive.

In talking to the assessors and trying to figure out what the assessments on a farm would be so and Joe was at that meeting so we left the meeting saying no we're not going to have it on farms even if all the development rights are intact so as far as farmland that's been preserved, I agree with the Supervisor, definitely not. As far as property that could be sold tomorrow and you could have a fifty lot or an eighty lot subdivision which requires more services of police and school and fire, ambulance then I would definitely want to help the farmers out and allow a small portion of the property to allow to have solar panels on it."

Councilman Gabrielsen: "You're saying a percentage."

Councilwoman Giglio: "A percentage and it would have to be commercially taxed so you would have to figure that out and Joe and I, we've spoke to Senator LaValle about it because he would have to go back up to Albany to talk to them about that about how do you separate that part of the farm so that it's commercially assessed? So that's something that the Assessor's office would probably want to get involved in also."

Karen Rivara: "But I think these are the things we would like to discuss, to have the opportunity at least."

Supervisor Walter: "But the only way that would happen because there's such; we could lose, I know one group alone that's hundreds of acres. We'd have to pass a moratorium to stop it after we spent the next six months sorting through the code. So I mean your options, our options are very limited right now. Either we do what Southold did that everybody in Southold, nobody seems, maybe they'll be more speakers on the issue and I suspect there will be but I still don't understand how it was ok in Southold but not here but if we don't pass this we would have to put a moratorium in effect until we could sort through this because otherwise we could spin our wheels because the LIPA RFP is going to get awarded by the end, in a couple months."

Karen Rivara: "That's why it's time sensitive."

Supervisor Walter: “And so we’d have to issue a moratorium like immediately to stop this then probably what’s going to happen is once you get beyond that period of time there will be no demand because LIPA’s driving all the demand so I don’t really have a clear answer for you. I’m just so taken aback that we could do this in Southold but we can’t do it here.”

Councilman Gabrielsen: “It would stop the LIPA RFP the moratorium? We would lose millions.”

Supervisor Walter: “Are you a Riverhead farmer?”

Karen Rivara: “No I lease from you guys, actually (inaudible).”

Councilman Dunleavy: “It would hurt the taxpayers in the Town of Riverhead and that’s one thing I don’t want for us to do is take something away from the taxpayers who support open space that we’re buying and say well you’re going to have to pay a little more because we put a moratorium in and everything went to some other place and we can’t do so.”

Supervisor Walter: “Right, that’s a problem too.”

Councilman Wooten: “I appreciate the letter and I appreciate, and I think the conversation needs to be had but I didn’t realize that the (inaudible). I think the conversation needs to be had.”

Karen Rivara: “Thank you.”

Supervisor Walter: “Mr. Danowski.”

Peter Danowski: “Pete Danowski. I did begin the process of inquiring of the Town in the early spring about where solar panels would be allowed and certainly I’ve just heard the last remarks and I don’t think you’re opinion necessitates the resulting moratorium comment that was just made.

As I understand the Town’s position the only projects allowed to move forward were those that would be in a zone that allows the manufacturing item to be listed as a permitted use which is the Industrialized A Zoning and perhaps Industrial B if it exists other than the Town owned property so that anyone coming in seeking permission to build panels is not going to be permitted by the Town to move forward with any solar panel project so the word moratorium I think is not necessarily an ingredient that the Town Board has to move forward on. Unless you amend the code, your position I believe, is it’s not permitted in other than the manufacturing zones. However, I had made the early inquiry and I did arrange for a meeting with staff and Code Revision Committee and suggested that this would be a good thing for the Town to have, to be on the forefront of green power, solar energy and recognize your constraints that you would put in through a site plan process and those processes allow for the screening, the setbacks, not seeing the solar panels which are seven to eight feet high certainly less than ten feet.

As you know the subdivision of houses went through, houses could be thirty-five feet tall. It would be mandated to be clustered next to one another. They would seek access next to a public road and there would not necessarily be a screening requirement. So rather than having, seven,

eight, ten foot tall solar panels, you'll have thirty-five foot tall houses. Subtract out the development rights sold parcels which congratulations to the Town and the County you preserved a tremendous amount of farmland to your credit. We all understand your public position I believe is running out of money, can't preserve anymore farms. Certainly I believe that to be the county position as well so that farmland is not going to be preserved. Good that you have a Transfer Development Right Program, we're trying to tweak it. We're trying to move forward, we're trying to make it more successful than it is.

In the meantime farmers are out there; rising fuel costs, tremendous regulations, they're trying to survive in farming. To suggest that somehow thousands of acres of solar panels would happen if you permitted solar panels on all zones in the town; make it subjected to acreage, make it a percentage, allow for site plan approval which obviously sets forth conditions and allow each farmer to try to get a contract with the successor to LIPA.

We've all been told, and I don't pretend to be an expert, but I have yet to hear anyone say to me that it's economically feasible to locate on the existing improvements to substations more than a couple of these small solar panel jobs. It's economically not feasible to try to accumulate thousands of acres of land and build a substation through the AG land but you can prevent that, can't you? You can say let's allow it in all zones but let's make a stringent requirement percentage wise. You pick the percentage. It gives the isolated few farmers a chance to tie into the system and save themselves from going out of business; save themselves selling to real estate housing developers and every time I have a client who wants to develop for houses what do you say? You're killing us with school taxes, you're building houses, you're putting people in the school system.

I'm a fan of preservation, preserving farmland. Give the farmers a chance. So if you amended your code tomorrow and let all zones, subject to required acreage, you have five acres listed now, you put any acreage you want that's somewhat reasonable and you put a percentage on. What would be wrong with that?

Now I was here when the Town went through their master plan revisions. They went through their zoning changes that went from one to two acre zoning. Many people liked the result but what it did do was hurt the farmer's ability to borrow.

Anytime a farmer is permitted to do something it adds to the value of his property. If he goes down to Steve Wear or Pat Wiles and he says I've got a piece of farmland they're going to say what's it worth? It's worth how many houses you could put on that property. The land gets devalued by the fact that you won't permit farmers to do something on their land.

Again, not talking about where developer rights are sold and I know you people have a beautiful map of all the valuable farmland you preserve so it's not going to impact those properties. You can look on the map and say; here's where our substations are in the Town of Riverhead. We've got one out in Jamesport, we've got one in Riverhead, we've got one in Calverton, we've got one towards Wading River; locate them. Look at the number of tie-ins to those substations that would be allowed using the existing improvements. If you're going to limit them by percentage no one's going to accumulate a bunch of farms because you're only going to allow a certain percentage so the only chance that will be allowed to build their own substations as someone suggested here would be in the Industrial Zone property where you have a code working on that now, alright?

I've looked at the amendments, I've suggested some changes and I'm going to hand them up. I've marked them up so you can read my scribbles. I had my secretary type after that so you could see after the scribbles. Alright; all I'm suggesting is allow it everywhere. You determine

what the percentage of coverage should be. You determine what the minimum acreage should be. Meet again with the farming community and others that own land and let's revisit the issue and promptly revisit and get back into the fray because I'm not a fan of saying let's delay things, that's like a slow death; you kill the farmers, but you kill them slowly. I'd rather that you cooperate with them and allow for some percentage of solar panels on a farm.

Now when I look through the code and I'm sure this is not intended to mean what I suggested it may mean, in your first paragraph of definitions you talk about onsite or offsite use. Well farmers today have onsite improvements with solar panels. They have panels on roofs, they have panels to hit the irrigation to farm, everything; they're on site use. I expect you tie this into a LIPA contract somehow and then you define that as commercial use but it doesn't say that here. It says if you do something onsite or offsite you're subject to this law. That can't mean you're going to hurt everyone who has solar panels so I think you've got to get into that.

I'm going to hand up the markups because I don't want to go through every particular use here. A bunch of them are standard, easily acceptable conditions for site plans. You want a setback from a public highway, you get the setback. You want a particular kind of vegetation to buffer the public highway, you want a certain height, you want a certain width, all of those things. You can go down Sound Avenue and never see a solar panel. Would that satisfy the idea that solar panels are somehow more viewable and less attractive than taller homes? I don't know but every one of you has an opinion. I just say every owner in the town should be encouraged to tie into solar panels and if they make a few dollars doing that what is harmful to them? You want to deal on the tax issue? My understanding is between Albany and your local towns periodically you have the right to say let them be exempt, not be exempt; you can cover that issue. You can cover it with your own members of the assessors, the state and yourselves. I see that periodically with this Board saying let's pass a law to create some exemptions; it could be for veterans, it could be for those of a certain age like myself or others but what I'm saying here is to go and say let's kill this everywhere in the town; no selling solar power nowhere, nowhere but in the town owned properties and in the Industrial Zones.

I think you should say similar to what you do on density questions throughout the zoning code. We're going to let you be more dense in certain areas less dense in others. Pick those numbers, sit with the farmers, pick a number that works; they'll be self-limiting. I'm suggesting to you the solar panel people will tell you right away, the ones that met with the Supervisor I'm sure will say this, that with the existing infrastructure, with the existing substations, without major upgrades economically not feasible you can't tie in more than a couple of small projects. So whether I call it hysteria or where I call a lack of logic I think it's a good thing you have a public hearing. I've been asking for it because I say without something going forward we're only based on an interpretation so I appreciate and I applaud you for setting a public hearing. Now I just wish you would listen and just react and meet and do it quickly and let's see if we can get a formula that works for everybody and I'm not trying to make this stuff up I handed in a bunch of panels, a report produced by an expert.

Throughout the United States the farming community has solar panels. They have sheep underneath the solar panels eating the grasses so it's encouraged throughout the agricultural community.

I'll hand up the proposed amendments I have. These are not written in stone. They're not suggesting anything other than slashing and burning some of you work and beyond that I would just ask for; I'll hand up the reports that were handed up in support of another project that went to the Code Revision Committee, went to Jeff Murphree, went to Rick Handley, Jodi got one. It was

early on in the spring when I said can you work with the town and let us come back and explain all these issues and let's get a code amendment that works for everybody."

Supervisor Walter: "Did you make these same comments to Southold? It's Southold's code."

Peter Danowski: "Yeah I understand that and I guarantee you that people in Southold may go back to the Town Board and say how about proposing an amendment to their code because quite frankly I asked for Southold's code, I think, maybe a day before you did and for a while there it wasn't adopted and I think Southold will revisit if asked by the agricultural community; I'd like to think so and I wouldn't want them to be unprepared for the questions you better not ask them until tomorrow. Thank you."

Supervisor Walter: "Ok, thank you. Next speaker, would you just state your name and hamlet for the record?"

Anthony Caggiano: "My name is Anthony Caggiano, resident of Riverhead. I'm here representing the Long Island Nursery & Landscaping Association and the Long Island Flower Growers Association and I just have a statement to read on behalf of our members and our Board of Directors.

In case you are not familiar with our organization, the Long Island Nursery & Landscape Association is a Professional Trade Association established in 1931, comprised of more than one hundred twenty-five retail garden centers, wholesale nursery and landscape construction and design firms across Nassau and Suffolk Counties. Many of our members conduct business in the Town of Riverhead.

It has been brought to our attention that the Town Board is proposing certain zoning restrictions and/or changes that would adversely affect the value and rights of agricultural property owners in Riverhead. Our association is part of a growing coalition of agricultural and horticultural professionals including the Long Island Flower Growers Association, Long Island Farm Bureau, and Farm Credit East who are strongly opposed to any resolutions or zone changes such as this one that impede property rights for owners of agricultural land.

As business owners we all struggle with the economics of doing business on high value property and staying afloat. Like farmers, nursery and garden center owners need large parcels of expensive land for their businesses. As an organization, the Nursery association is in full support of creative ways members can generate more income to subsidize their agricultural operations to lower costs and diversify risk. That includes solar farms and other alternative energy generation on private land that is sold back to the utility grid, especially since these not only benefit the private land owner but the community as a whole. With economic pressure to sell our high valued land to residential developers, solar farms offer an alternative that helps us generate the extra income we need on a portion of our properties in order to afford keeping our nursery operations on Long Island.

It is our interest as an organization that our members keep their businesses viable and their property values intact. It is also in your interest that our members stay in business to continue to contribute gainful employment, taxes and products and services for the citizens of your township.

As advocates for our members, we at LINLA feel a broad-sweeping zone change restricting this use for agricultural land without compensation for the loss of income opportunity is

overreaching and inherently unjust. We ask that you table making drastic decisions at this time and take the time to fully research and understand the issue and all its potential consequences. This is a complex matter that requires a thoughtful policy making process and requires representation for all stakeholders at the table.

On behalf of some of the other farmers, I have personally spoken too many who don't want to see solar farms on Sound Avenue so I think Mr. Danowski right before me, had a lot of very good points on that. We live here in Riverhead. We don't want to see it turned into an industrial manufacturing which is called solar farming by the way not solar manufacturing.

So, thank you very much."

Supervisor Walter: "I've got to ask you because nobodies answered this question. If a solar company comes in, can somebody tell me, what is the lease going for? If I'm a new farmer and I want to lease agricultural land, what is the lease payment per acre?"

Anthony Caggiano: "It varies, it depends on."

Councilman Gabrielsen: "You can get it from three, four, five, six hundred dollars some up to a thousand, raw farmland, not specific, you know."

Supervisor Walter: "Ok, so if a solar company comes in and says to this what your deeming marginal farmer, I'm going to give you five thousand dollars an acre; nobody has answered the question, how does us allowing a use that is not permitted, it's not permitted in the code, no permission to do this. It's no different than you coming in and asks us to build a nuclear power plant on some farmland; that's not permitted, this is not permitted so that should come off the table but if a solar company comes in and says I'll pay five thousand dollars an acre for farmland, how does that not kill farming because the little guy can never compete, never, never."

Anthony Caggiano: "Well, we can't compete now as it is because land is so expensive. I haven't seen any new farmers. Has anybody seen any new farmers within the last year?"

Supervisor Walter: "I can tell you, I can tell you, a couple."

Anthony Caggiano: "They come in at eighty-five thousand dollars an acre."

Supervisors Walter: "I can tell you a couple, I'm not going to but I can tell you a couple yeah."

Anthony Caggiano: "Ok, a couple a lot more than a couple but anyway I think that this could help the farmers. We're not coming in and saying I want to put fifty areas of solar panels in. They're saying I want to put a small portion in to help me pay my mortgages. I know there are some more speakers behind me that are going to speak on this more in depth but I just want to say one other thing on a personal note. You know all of us in the farming community don't look at it as manufacturing. First of all there's no trucks, there's no diesel going on. There's no mechanical things happening, there's none of that. It's harvesting the sun which is what we do when we're planting plants in the ground. The plants are harvesting the sun and the product that comes out of there could be potatoes, cauliflower whatever is a product of harvesting the sun so if

this could be a small portion of someone's farm to help them to continue to do that and honestly what would e wrong with that?"

Councilman Gabrielsen: "So you're an advocate of a percentage only? It sounds like you're an advocate of whatever the number is, not a total."

Anthony Caggiano: "I wouldn't want solar panels all up and down Sound Avenue. I live on Sound Avenue, I wouldn't want that; nobody wants that. Plus as the agricultural community we don't want the Town of Riverhead to face in a way that is not acceptable to everyone."

Supervisor Walter: "You'd be stunned as to what has come across my desk the last six months."

Anthony Caggiano: "I think it's in the power of the Board here to say that's not going to be acceptable. I think there are mechanisms in place for you guys to say hey somebody wants to come in and buy a hundred and fifty acres to buy solar panels which by the way as I understand it right now and I'm sure there are other people behind me who may have a little more information on that PSEG is not just behind anybody, you know, you just can't go up there and say here I want this application, here you go and they say yes. They're choosing where it goes."

(Inaudible)

Supervisor Walter: "It may be over my November. No matter what we do; we may do nothing and it won't really matter because PSEG will award their RFP's and it'll be over. My fear though is that and the reason that I push to do this is I watched it happen in Southold and not a single person came out and I said ok this must be what everybody wants because if it worked in Southold I just can't understand why anybody is even talking here."

Anthony Caggiano: "There may be a couple of reasons for that. Maybe nobody showed up to the meetings, maybe they didn't know about the meetings. I certainly agree that there might be some talk about amending that so I know there's other people behind me so thank you very much."

Supervisor Walter: "Ok, thank you."

Councilman Dunleavy: "I think we're a little more open then Southold was. If nobody knew about it then they weren't as open as we are. We let the farming community know. We went to our farming committees and let them know so I think, you know, some people say we're not open but I think we are open."

Joe Gergela: "Good afternoon."

Supervisor Walter: "If you could just give your name and hamlet?"

Joe Gergela: "Joe Gergela, Executive Director of the Long Island Farm Bureau. Yes I'm telling the truth."

The situation in Southold to be honest with you was it was pretty under the radar, few people knew about it. They did not really vet it with the farm community but the major thing is there's a reason that you don't hear a lot about it in Southold because the energy companies are not looking in land in Southold and there's a reason; because the infrastructure has to be adaptable to work in situations; as you know in Jamesport substation, as in Calverton substation. So it's going to be very isolated where these opportunities do come up.

Karen I think did a good job in explaining the farmers' point of view. We've been hashing this out for two weeks with a number of people, our leaders, our farmers. We've been in touch with the Riverhead farmers. I've been in touch with Southold farmers so it's where it could work in certain situations. We're asking you to just talk with us and vet this before you finalize this because it could help some people.

Now on that and just so you know, I've invited the Commissioner of Agriculture down here to meet with the agricultural industry. I'm having a conference call with him on Friday. We're having a number of very difficult economic times and it's across the board. It's every commodity group is having some trouble because escalating cost and where prices are stagnate. Farmers are not able to get the return on what they're putting out in the fields to, in some cases, it's tough (inaudible) so opportunities to bring in non-farm income to help them keep their farm operation and business will keep that undeveloped land undeveloped. So we're looking at it as an income stream, not proliferation of solar farms all over Riverhead. All the speakers are great. Nobody is asking for that, nobody is looking for that. Your Zoning Code allows it in industrial properties; that's appropriate, that's where it should go so if there's larger operations that want to come along they'll have to work that out with the land owners and with the town where it's appropriate. Nobody is asking for craziness we're just asking before you make your final decision that we could have a little more time to vet it with you."

Supervisor Walter: "Is your Board; is the Board of the Farm Bureau unanimous on this?"

Joe Gergela: "Yes and across the board; same thing in Southold. If it does come up where there is interest in Southold obviously we'll go to Scott and his Board and say can we revisit the issue. They have a very good AG committee. Southampton has an AG committee. Even East Hampton has formed an AG committee but so far there hasn't been interest there by the solar companies. There are others interested, not only solar. I'm not a scientist and its way beyond my ability to understand it but cellulosic energy and all these other types there's interest as all these other types of energy and I think that over time that the town is going to get request to look at these things.

So we just want to talk further, we're not here to break your chops or to be unreasonable yet we know it can't be everywhere, we understand that. I just want to be clear and follow up on Karen's."

Supervisor Walter: "So you're the first person to answer my question, you're probably not going to want to answer but how does the young farmer that wants to produce the hops and he wants to buy land, how does he buy land, how does he compete or she compete against four or five thousand dollar an acre prices. I don't remember what we got in our RFP (inaudible)."

Joe Gergela: "I don't know what the energy companies would pay to be honest with you but in George's, obviously he's a farmer, he knows what's going on out there. I just looked at land

in Manorville last week; one of the farmer's called me. What can I get for rent as farm land? So I went out there, I said is it irrigated, it was kind of a mess, it needs to be cleaned up but on average depending upon what type of property you grow and how long the lease is for land, it's anywhere from three to five hundred dollars depending upon whether it has irrigation or not. Some farms in the Hamptons believe or not are without irrigation but land is valuable, it's competitive, everybody is looking for land for rotational purposes. Young farmers in access to land have been identified as one of the major needs of Suffolk County agriculture.

Suffolk County got a grant from Ag & Markets, a fifty grand. They're updating the County Protection Plan through the Planning Department as we speak and they have been working with all the town's Planning Departments on some of the issues but that's been identified as a succession issue. We've got all this land preserved. How are we going to keep it in farming and make it available to the young people who come after us? It's a major policy dilemma and the Land Trust probably is the leader on that conversation. They've been looking all over the country for their preservation techniques, how to make it better, and the only thing we've come up with thus far is the second bite at the apple to put further restrictions through easements on land with development rights sold. So let's save, Riverhead does have considerable preserved land and if we really want to get it down to be able to have young farmers buy it as farmland and keep the price down for them then the discussions going to have to be can the Town and the citizens acquire a second batch of rights so that land must stay in certain types of farming and available to young farmers"

Councilman Gabrielsen: "So then you think in the future we may be buying more land for farm preservation? Even though the funds aren't there now do you think that's over or do you think it may still happen?"

Joe Gergela: "George, that's a good question. No I don't think it's over. I think that once the economy comes back it would be disrespectful for anybody to go to the public right now and say let's do a referendum and come up with more money and buy farms."

Councilman Gabrielsen: "Right now it's not there."

Joe Gergela: "We're not going to do that, that's not going to happen but one day it may. With community preservation, money is starting to come back a little bit. I know Riverhead has done a great job with its program, you guys leveraged future income, etc. The answer is yes George but it will be limited for a few years. Now with that said and it was mentioned earlier, that's why we also want to work with the Town about TDR. We want to make it work better so that when land comes development purposes there is some alternative. Without an alternative many land owners are not going to have any choice but to do the best they can and get out. So we have to see what we can do to keep the farmers farming and hold onto the land longer, George."

Councilman Gabrielsen: "Right. So following up my fear is that for instance if we get solar on a lot of these farms we will not be able to afford to buy them in the future because the value will be so high because it has solar on it that it may not be able to be preserved. Do you know what I'm saying? Can we buy land with a commercial operation on it?"

Joe Gergela: "Yeah, I agree and we all share it and I think that's why we're asking to have a conversation to make sure we all don't go crazy here. (inaudible) as Jodi suggested several times,

we are agreeable. I mean we're not trying to go crazy here, we want a reasonable standard but if it can help people hold onto their land, bring in extra income and we'd like you to entertain that idea."

Supervisor Walter: "I have a feeling this is going to go back for a special blue ribbon panel with Joe, maybe somebody after Joe will be working with the Town Board. I don't expect this is after what we're hearing and I'm hearing on the Board will get adopted I hope but I'm using this to flush out the issues and I still haven't gotten to the point where you guys are asking us to create a system that is going to out, is going to create income in a way that the average farmer's not going to be able to compete to buy land. That's what I can't get by and I think the young lady behind you wants to talk about this so."

Joe Gergela: "And she will. Melissa is one of the people that is interested in this. This is Melissa Daniels and she's in the horticultural business a long time, a great gal. They do a great job with their operation."

Supervisor Walter: "Where do you operate Melissa?"

Melissa Daniels: "Hi. I'm telling the truth too, I promise. We're on Sound Avenue right across the street from Verderber."

Supervisor Walter: "Which Verderber?"

Melissa Daniels: "Verderber Green Houses are right across the street from us."

Supervisor Walter: "Calverton or Jamesport?"

Councilman Gabrielsen: "Jamesport, Peter."

Melissa Daniels: "I know the answer to some of these questions in my limited; as far as the competing for rent against a farmer realize that the lease that we get is locked in for twenty years. It doesn't increase so the rate I'm getting now, that's what I'm getting in twenty years from now so at a certain point I can imagine that rent for farming actually would go higher."

Councilman Gabrielsen: "I just want, the way the (inaudible) works that's really not true. When you negotiate a contract as the solar panels increase in technology, there's more output they (inaudible) with you."

Melissa Daniels: "That's absolutely not true. It's a fixed lease for twenty years and it's the same."

Councilman Gabrielsen: "No, I've worked in RFP's for twenty years and."

Supervisor Walter: "You should use our attorney."

Councilman Gabrielsen: "No you've got to negotiate that because they could (inaudible) production in ten years. You are a part of that so you have to negotiate that, that's all I'm saying."

Melissa Daniels: “In my case it is set at the level I’m getting now for twenty years. I don’t get any increases.”

Supervisor Walter: “What are you getting per acre?”

Melissa Daniels: “I don’t really, it’s not.”

Councilman Gabrielsen: “Well you don’t own the farm, you lease it from them. She don’t own the property.”

Melissa Daniels: “I’m concerned sitting in this hearing because I hear a lot of love for farmland but not a lot of love for farmers and I think you’re forgetting about us and we’re the farmers.”

Councilman Gabrielsen: “That’s not fair, that’s a mistaken.”

Melissa Daniels: “Well, that’s the way I feel. I’ll describe my situation to you and why I’m interested in doing this and how it will help me become a new farmer in Riverhead.

I am the respective new farmer you’re saying you’re trying to protect and I run a solar farm on agricultural land. The irony is if you ban solar farming on the land I want to buy you could potentially put me out of business or force me to move my business out of Riverhead.

It’s been my dream for many, many years to own my own nursery here on Long Island. I started this journey when I moved here fifteen years ago to work in a nursery in Riverhead, (inaudible). I got a step closer to that dream when I started my company connection in 2002 when I began renting a forty-three acre nursery with an option to buy on Sound Avenue in 2007. Our company struggled terribly through a rough recession to keep our business alive and build it up so we could afford to keep renting and hopefully buy the farm I’m on now.

We struggle with trying to figure out the high cost of the farm which has development rights intact and carries a very high price tag. Even if the Town or County were in the position to buy the development rights to our farm we would struggle to come up with the funds to buy this farm and make it affordable and keep our business here in Riverhead.

Our first idea was to try to get a USPA grant to put solar panels on our property to offset our very high electric bills. Unfortunately even with that Grant that would have cost us nearly four hundred thousand dollars which is obviously not possible.

We then discovered there was another way we could install solar panels on our farm. We talked to several companies who have investees who rent land for a fixed period and incur all the costs for putting up the solar panels on the property and they sell the power back to the utility company. We decided this would be a good avenue for us to go.

Building a solar farm for generating power for PSEG is not an easy process. PSEG basically sent out an RSVP to the entire Island to find strategic and sensible locations for solar farms to be installed. They awarded a limited amount of contracts and only to those that make optimal distribution points for the electricity. So out of considerable expense and risk, thousands of dollars and countless hours of time and effort we worked with the solar company to submit our application to PSEG. Before we did that we spoke to the Long Island Farm Bureau, we spoke to

the Town Board and we spoke to Town Zoning Department to make sure this would be supported by the community.

By some miraculous stroke of good fortune, PSEG awarded us a contract. It turns out that our farms' in an optimal location because of our proximity to the substation and the high electric means of our surrounding neighbors.

The portion of the property we want to put solar panels on has limited use for us because it is quarantined on New York State Ag & Markets for (inaudible). Since we sell nursery stock we dig up some of the soil from the ground to plant the plants we sell. We are prohibited from selling that off of Long Island which severely limits our market for those plants.

So the spot we want to use is also located in the back of the farm and is literally sixteen hundred feet from any roads, it's not visible from any street. We are surrounded by farms on all sides and all our neighbors know about our plans and do not object.

The solar panels do not give off pollution, noise or smell. They'll be no big trucks coming in and out of our farm to collect the energy as we will be directly tied into the grid and passively harvesting the power of the sun for the use of the entire community. We will be helping to supply power to neighboring farms and homes in the area and also helping the community by preventing the need for more power plants and infrastructures to be built on the North Fork to keep up with the electric demand. In fact we wouldn't even be taking the portion of the farm out of agricultural production as we plan to use the support stanchions that hold the solar panels to hang and grow the vertical garden trays we sell and use the shade provided by the solar panels themselves to grow plants underneath them.

So putting up solar panels will actually expand our production base, not take away from it and most importantly make a stable, predictable income of rent from the solar company which helps subsidize our costs on the farm and which Farm Credit told us makes us more attractive to the bank for lending us the money for the mortgage to buy the land.

So here we were think great, the solar farm is a win, win solution for everyone. It helps us expand our production, it makes the land affordable, makes the bank comfortable to us to give us a mortgage, provides clean, sustainable energy for the community and area where the utility company needs it the most and then we heard the Town was planning on banning solar farms on anything but industrial zoned land without any exception.

The reality is if you take away this option from us then you make the land unaffordable and you will basically be encouraging the owner of our land to sell our land to a developer for homes. You are asking us to pay full price for land with development rights intact but putting restrictions on how we use the land to sustain business. We believe it is much more reasonable and fair if these projects are evaluated on a case by case basis so that solar farms could be put on farmland where it is appropriate.

Please don't make me have to sell my house and move my business somewhere else. I love it here and I want to stay in Riverhead. It's hard enough to be a farmer these days, please don't make it harder."

Supervisor Walter: "Can I ask you a couple of questions?"

Melissa Daniels: "Yeah, yeah."

Supervisor Walter: "It's the attorney in me, I apologize. How many acres do you? So you were already awarded this contract."

Melissa Daniels: “Yeah, we’re in the midst of all this.”

Supervisor Walter: “Who were you dealing with in the Town because our position has never been that you could do it? I mean what department, what person?”

Melissa Daniels: “We went to our attorney and he spoke to the Zoning Board, we spoke to actually Mr. Gabrielsen.”

Supervisor Walter: “Who’s your attorney? Oh, ok. So and you’re at the ZBA now?”

Councilwoman Giglio: “No the ZBA denied it. You went to the ZBA though?”

Melissa Daniels: “We’re in the process now.”

Councilwoman Giglio: “Because they were selected; that’s one of the things we were discussing in code revision is that in code and planning when all of these solar companies were coming in and through the planning work sessions is limiting it to a percentage of the farm and predicating it on LIPA selecting them for the solar.”

Melissa Daniels: “We talked to the Zoning Board, to the Zoning people about a site plan and about having a certain percentage of the land.”

Supervisor Walter: “What’s the percentage?”

Melissa Daniels: “We have, ours would be twelve acres on forty-four acres so it’s about twenty-five percent.”

Supervisor Walter: “Ok.”

Melissa Daniels: “And that’s because that section of the farm is what’s in quarantine. That whole twelve acres is in quarantine.”

Councilman Wooten: “That’s interesting. I understand this and I’m certainly willing to sit down and have a discussion with the Farm Bureau and everybody else. I mean I’m not so set in my vision although I was an hour ago but I’m a little affronted by your saying that we’re taking away something, we’re not taking anything away. It was never there to begin with. You want to apply it but it gives it a spin like we’re doing something to take something away and that’s just not the case.”

Supervisor Walter: “It was never permitted that’s the point. That’s why you went to the ZBA.”

Melissa Daniels: “Correct but I am using the land for farming I just happen to be putting solar panels above them and I am making an extra income off of the solar power. “

Supervisor Walter: “That certainly is an interesting twist that you could grow and I’ve often said that.”

Councilman Wooten: “And that’s a great thing; I’m all for alternative energies but I feel like I’m being told that I’m purposely.”

Melissa Daniels: “You’re making it difficult and I guess I don’t see other options. The Town isn’t going to buy development rights at this point or the County. There’s no money left so how are farmers going to buy land?”

Councilman Wooten: “That’s just something you’re going to have to deal with.”

Supervisor Walter: “But the same thing that I said before, your value, just the same reason that farm credit says your value is increased by having the lease that value is also increased and for everybody that wants to come after you.”

Melissa Daniels: “What about the farmers who have land now who want to stay in business? Their value goes up too and that helps all of them. It helps them all.”

Supervisor Walter: “It does and it doesn’t because if the solar companies want to come in and they’re willing to lease it for four, five thousand dollars an acre I think we’re.”

Councilman Gabrielsen: “No five at the (inaudible) between five and eight, yeah it’s quite a bit.”

Supervisor Walter: “That’s what we’re getting; five to ten thousand dollars an acre.”

Councilman Gabrielsen: “And even more at EPCAL.”

Supervisor Walter: “And that’s the rub for us, that’s what we’re trying to explain to you is that if we allow this in a really large way and.”

Melissa Daniels: “You have mechanisms in place where you have a Zoning Board and you have an application process and you’ve set policies and you’ve set rules about what’s ok then you will have control over where it goes.”

Supervisor Walter: “That’s why this was important to us and that’s why a public hearing is important. What’s going to happen at the end of this public hearing is I’m going to suggest to a few people and the Board will way in one way or the other to sit down and see if we can come up with a code that works so much like we’ve done in the past, and we’re not going to waste a lot of time, we’re going to set some meetings and do it very quickly and try to come up with a code. It’s not going to be like our TDR code that we had something but it just never went anywhere we will try to do something but you have to understand you’re asking for twelve acres; a lot of people are asking for a whole lot more.

Melissa Daniels: “Can’t you make policies that make sense to limit it so that you have control over this? The problem for us is we’re the little guys and we’re getting squashed because these big companies are coming in and trying to buy up hundreds of acres. You’re hurting us to protect us from those people but you’re really hurting us in the meantime.”

Councilman Dunleavy: “You’re ahead of a lot of other farmers because you’ve been approved by LIPA, PSEG now so you’re ahead of everybody else. If we could do percentages but you want twenty-five percent of your property. Twenty-five percent of other people, other farmers, that’s a lot of property from them so, you know, it’s hard to give you twenty-five and say well we’ll give you ten right? So why would you give us?”

Councilwoman Giglio: “This is quarantined, that’s the difference.”

Melissa Daniels: “I can’t use it that’s why we put that much into solar.”

Supervisor Walter: “Maybe the code says that, if you’re quarantined.”

Councilwoman Giglio: “No, then she would go to the Zoning Board of Appeals. If it was a permitted use on property that had it’s development rights intact and it was limited to ten percent of the farm area and she would have gone and said well I need twenty-five areas and I can’t use it for farming so then the ZBA might say, oh ok well you have a unique situation.”

Melissa Daniels: “That’s why we’re saying a case by case basis. There are exceptional circumstances and you could really be hurting people in the town.”

Supervisor Walter: “Well the ZBA is asking us for direction on this.”

(Inaudible)

Councilman Dunleavy: “I think you know with everybody speaking today I think leaning it your way, farms that the development right are intact we could give a percentage to. Yeah, something to think about.”

Councilman Gabrielsen: “If anything, it’s something to think about (inaudible).”

Councilman Dunleavy: “(inaudible) listen to everybody because you can’t change your mind.”

Melissa Daniels: “You can also do things like you know, you could make sure there’s a farming operation adjunct to that solar commercial production and you know when you hand your tax assessment each year you need to have your tax return that says you have an active, farming operation that is in place there so that this a support for the farming operation not just an opportunity to rent land for solar.”

Supervisor Walter: “I don’t know that we can do that legally, maybe we can and maybe we can’t. It may be tough for us to say only farmers can do that and then somebody else comes in that owns farmland that leases it and says well I want my twenty-five percent.”

Melissa Daniels: “But they don’t have, as long as it’s a farming operation on the land so that. If you’re zoning thing is that the use has to be farming then you’re saying as long as its being used for farming then you would allow the solar farm as a percentage of it.”

Councilman Gabrielsen: “You have a deadline with LIPA, PSEG?. You have to get this done. Is it soon?”

Melissa Daniels: “Yes or we’ll lose the whole thing.”

Councilwoman Giglio: “It has to be installed by.”

Melissa Daniels: “February.”

Councilman Gabrielsen: “By February or you would have to have some consolation. So it was a little risky on your part to go ahead with this not knowing or knowing the Town didn’t. It’s not on code now.”

Melissa Daniels: “There wasn’t any opposition to it when we started this process.”

Councilman Wooten: “It was never allowed by code.”

Councilman Gabrielsen: “It was never allowed and if did your homework.”

Melissa Daniels: “We talked to people in the Zoning Board about getting a variance and they said you can get a variance for.”

Supervisor Walter: “You had a very good attorney, he may get that through, you know. I can’t wait to talk to him, see what’s up his sleeve.”

Melissa Daniels: “Thank you.”

Supervisor Walter: “Thank you.”

Councilman Dunleavy: “You’re making a mistake and that’s what insurance is for.”

Steven Angel: “Steven Angel, 108 East Main Street, Riverhead and I do represent Melissa and Anthony Caggiano they’re company Planned Connections.”

Supervisor Walter: “You guys are together, I figured that.”

Steven Angel: “One’s the President, one’s the Vice President and I also represent their property owner, Russell Ireland.

I expect that I'm going to get a few questions but in listening here I sort of reduced my comments to sort of follow what everybody's been saying about studying the project. You got a, I may differ slightly in the way you interpret your existing code. I don't know how you interpreted it, I understand that, but what you're proposing here is a prohibition on these particular facilities in light of a very powerful public policy and I took the quote from the New York Works for Energy, the New York Sun something project and quotes I believe their governor "the long term commitment to solar energy represented by New York Sun, that's the name of the project that the state is funding, will make New York State a leader nationally in solar development. And so, what you're doing here today, at least what's proposed, is sort of, not sort of, it's a blanket prohibition on this type of facility in a very large area of the Town and to echo what everybody else has been saying, you should study it and there's a legal justification for studying it and that's the State Environmental Quality Review Act. This is an important planning decision. I think that when I looked at the regulations under the State Environmental Quality Review Act, arguably it may be a Type One action and that's sort of consistent with the problems that have been asserted up to now and so I'm going to join."

Supervisor Walter: "Now that's the problem. If we deemed this a Type One Action nobodies getting anything until were done with our impact statement."

Steven Angel: "You've got to look at it under the State Environmental Quality Review Act. I mean."

Supervisor Walter: "But Type One would not be helpful to you."

Steven Angel: "It wouldn't be helpful to get the issue resolved quickly, legislatory, that's correct but unfortunately our hands are to some extent tied if you look at that very carefully but the purpose of that law is to address a lot of the issues that have been discussed today and the other thing that I wanted to point out is that as an observer and as a lawyer who represents people who want to use their property, I'm, I mean I understand what you're saying on the Board about how your particular right to use the property for this purpose will increase its value and thereby reduce the amount of land available for farming.

I personally have a problem with that. To say we want to encourage farming by taking value out of farmer's land seems to me, one, unfair; two, perhaps unconstitutional attitude."

Supervisor Walter: "If you had the right, you don't have the right, it's not a permitted use."

Steven Angel: "I mean, I guess if you had the right. Well you certainly had the right prior to zoning right, before anybody but limitation on it? Your code is not quite explicit on the issue. We've studied it because we made the application on behalf of Planned Connection and we made it on a whole bunch of different theories so there's something, and it's been brought out by the public, there's something inherently troublesome to me to say we want to encourage farming by stripping value out of property and we want to keep the value low. Farmers need value in their property."

Supervisor Walter: "I don't think we say that."

Steven Angel: “You did say that.”

Supervisor Walter: “No, no, what I’m saying you didn’t have.”

Steven Angel: “If we had an applause meter we would see how you were understood.”

Supervisor Walter: “Steve, I don’t think that’s what I’m saying. What I’m saying is the use didn’t exist because we view it as a manufacturing use but if we gave you the use, because right now you open the (inaudible) zoning code and look at it that there is no use in the APZ that says solar panels so what I’m saying is that’s how we function. There’s no use for you to build a nuclear reactor, there’s no use for you to build millions of nuclear reactors.”

Steven Angel: “You’re using the wrong example because if the State or the Federal Government wanted to build a nuclear reactor they would not be speaking to you, they’d just do but.”

Supervisor Walter: “Do you understand my point? What I’m saying is if we were to give you the use that runs contrary in my mind to trying to keep farming economical, that’s my point.”

Steven Angel: “Well I see.”

Supervisor Walter: “You may think the use exists, I don’t think it exists.”

Steven Angel: “I think an argument can be made that the use exists by virtue of the provision, the code that give you authority to grant special exceptions for public utilities. I mean that’s part, I don’t know if you looked at our application but that’s.”

Supervisor Walter: “I have.”

Steven Angel: Oh, ok and you know that we made that argument for an interpretation before the Zoning Board among other things, different types of variances, applications. We tried to hit all the different rubrics.

I mean one could argue that. I didn’t think it was appropriate to argue that technical issue here. I joined in the chorus of people here saying that this is an important issue to the farming community and an important issue to my clients, something we would hope you would look at and study very carefully and hopefully come out with the conclusion that farmers need a break, they need to be able to do this and I don’t think that the intention of the farmers who are in the program, who have been accepted under the RFP are farmers who are just giving their entire ownership.

First of all it is my understanding that, at least in this RFP, none of the parcels are greater than twelve acres. I don’t know what’s coming across your desk but there was a limitation for each one of the projects that PSEG allowed.”

Supervisor Walter: “(inaudible) projects because yours has been awarded.”

Steven Angel: “Ours has been awarded. I’m only talking about the one that was ours. I don’t know about the future. The future may have, you know maybe miles.”

Councilwoman Giglio: “There was a fifty megawatt and then there was a hundred megawatt.”

Councilman Gabrielsen: “Two hundred and eighty.”

Steven Angel: “So anyway.

Councilwoman Giglio: “The last was two hundred eighty, the first one was fifty.”

Steven Angel: “It’s a two megawatt limit at this point.”

Supervisor Walter: “That’s different from; your application to LIPA is different in theory to what could be coming under the two hundred and eighty megawatt application to LIPA or from what LIPA submitted. That’s where the potential large scaled commercialization of Sound Avenue. That’s my point. I don’t want to see the large scale commercialization of Sound Avenue.”

Steven Angel: “Well perhaps there’s a compromise out there and perhaps the compromise is hinging it to in the agricultural zone hinging it to some percent and hinging it to some existing agricultural facility. I don’t know. I haven’t looked at that variance application and how we can navigate our way under interpretation use variance, accessory structure because of the unique nature of my client’s property. I haven’t looked at the policy issues other than it’s very important for them individually to obtain an approval for their economic health and it’s not going to change their agricultural operation which is a very unusual agricultural operation. I don’t know if they fully explained it to you but they do vertical agriculture and I remember seeing, I didn’t know about it until I met them several months ago. I saw this crazy thing.

I was traveling with my wife about a year ago in the summer and we were in Pittsburgh and there was this designed piece of grass that went up a hundred feet on the side of a building. Turns out it’s theirs and it’s PNC in different colors of grass so we had this unique situation where you get the benefit out of growing underneath the panels in the shade because they produce this type of agriculture but it should not be limited just to them. There are other farmers who could use this help and it would not destroy their agricultural activities.”

Supervisor Walter: “So if you had a situation where you were allowed twenty-five percent that would solve your problem.”

Steven Angel: “That would solve their problem.”

Supervisor Walter: “The Town Board would then have to figure out how that would work buffered against the policy of, which is equally, I’m not going to do it but you could find equally impressive language on preservation of farmland, vistas and things of that nature as you did with the Sun Solar quotation but we have to make the policy decision; how do we protect what’s here and keep it the way it looks, the way it works, Sound Avenue as a historic corridor. I don’t have the answer I just know that not a peep was said in Southold and I figured well we should get this thing rolling because if it’s good enough for Southold it’s good enough for us; only that didn’t work.”

Steven Angel: “I think Joe sort of answered the question about Southold. I think that they were asleep the farming community was asleep at the switch and also at the same time the pressure was not there because PSEG and LIPA are not out there for RFP’s and that’s you know it didn’t come across on the radar where they’re prospecting in Riverhead because of the existence of the infrastructure, the present infrastructure that’s there so.”

Supervisor Walter: “Would you be willing to sit on our panel?”

Steven Angel: “Do you really want an advocate? If you want an advocate I’d be willing to do it. I’d be pleased to help draft an alternative.”

Supervisor Walter: “That’s not a good.”

Steven Angel: “Anyway if you have any other questions I’d be please to answer them.”

Supervisor Walter: “I’m sorry, yeah we have to figure something out very quickly. It’s not going to code revision, it’s something that’s going to have to happen in a meeting with the industry and I don’t even know if we have expertise. I’d almost love for LIPA to come and sit on our little blue ribbon commission here to figure this out.”

Steven Angel: “You probably could get someone from there because the state has this whole big program. I’m sure we could reach out for a consultant with technical ability.”

Supervisor Walter: “LIPA doesn’t, they no idea what LIPA is doing to us in theory.”

Steven Angel: “Yeah but they should be able to answer some of your technical questions.”

Councilwoman Giglio: “We have to meet their fifteen percent renewal energy by 2018, LIPA does its state mandate.”

(Inaudible)

Supervisor Walter: “If you want to speak you have to come up to the podium.”

Councilman Dunleavy: “You’re doing the right thing by going to the Zoning Board of Appeals, for these people here. I think they have to rule what they do because they’re already approved. We did not know nothing about it so I don’t want to get in there way; I don’t want to stop them; I don’t want to help them at this point because you’re already into that mode so you continue with them for these people but what we have to look out for is the people that aren’t into now and what’s going to happen in the Town of Riverhead.”

Steven Angel: “I agree with you. I agree. I would agree with that statement. It’s an important issue not withstanding our application.”

Councilman Dunleavy: “That’s right.”

Councilman Wooten: “I agree.”

Supervisor Walter: “Is there anything else? Thank you; it’s a pleasure as always. Charlie, do you want to yield to the gentlemen?”

Councilman Dunleavy: “I just want to say one thing to these people. If anybody on their own ever asks me I want to say let them make their decision on you because that’s where you are now. I can’t help them; I can’t tell them no and I can’t tell them yes. They have to make their own decision on what they read and what you submitted.”

Chris Kent: “Hopefully I can add a couple of new things. First of all you should be proud of yourselves in Riverhead. Taking on an issue and having this type of public participation in an issue that’s going to be decided by the Town Board I think is a good thing. So I think you should be proud of that Sean, not questioning why there was only one speaker in Southold in a way there should be less here. You should be questioning why there was only one speaker in Southold on the issue. You should be proud of all the people who are willing to come out and provide their input and opinions at a public hearing. This is important.”

Supervisor Walter: “We are, we are.”

Chris Kent: “My name is Chris Kent. I’m from the law firm of Farrell Fritz. We represent a number of clients not just in Riverhead but a number of towns on Long Island who have proposed to install utilities solar generating facilities.

I’m going to give you a little information about solar facilities. A lot of people are talking about the tracts on the land but the operation of a ground mounted solar array/solar generating facility is a passive use with little to no impact upon surrounding properties and no demand up on existing infrastructure or local services. The facilities are, for them ost part, unmanned resulting in no impact upon traffic and no need to expand or enhance the existing capacity of adjacent roadways. The fixed solar arrays have no moving parts, produce no noticeable audible noise beyond the boundaries of the proposed projects and generate no solid waste and no sewage. There are no harmful products, gases or vapors associated with a solar generating facility. The areas disturbed for the installation of a solar array remain almost completely pervious, mean the water can percolate through, and soils unaffected.

In contrast to other potential uses permitted under the zoning code, a solar generating facility will result in little to no impact upon adjacent properties, neighboring landowners and the environment in general. The use is essentially temporary in nature, with the land easily restored to its prior use or another use upon the end of its useful life as a solar generating facility. The proposed non-permanent use as a solar facility allows town planner’s flexibility for future planning, zoning and use of a site as the surrounding properties and area are developed. At the same time, the temporary use as a solar generating facility will provide the landowner a reasonable return form a use that will reduce CO2 emissions into the air, nitrogen into the ground and our reliance upon foreign fossil fuels.

Due to the low height requirements for solar panels, there is no massing of structures that would necessitate customary setbacks. With a well-designed natural buffer around the perimeter, a solar generating facility site will be nearly unnoticeable from surrounding properties and adjacent

roadways. With designed access aisles between the panels, nearly seventy percent of a site's total surface area remains suitable for natural ground cover and less than ten percent of the site will be impervious surface.

I agree with a lot of the comments that were made especially when Peter Danowski was saying you should consider in that section, 108-208 that it should be a permitted use in all industrial Zoning Use Districts and allowed in all others Zoning Use Districts in the Town by special permit of the Town Board based upon adopted criteria and sites specific conditions and as expressed by Ms. Daniels there should be sites specific considerations made too. By the way you've done it now, you're prohibiting it. You should be allowing it and limiting it.

In Section 108-209B, we suggest the height of the ground-mounted panels, instead of eight feet should provide for at least ten feet above grade as measured from the mean elevation of a site.

Section 108-209D, the access ways and natural aisles located between the solar array panels should explicitly not be included in determining total surface area.

Section 108-209E, the required vegetative perimeter buffer should provide year round screening of the system from adjacent public and private roadways and lands of others in non-industrial uses.

108-209K, any special permit approval granted under this article should have a term of twenty-five years with the right to extend for another five year term and to renew thereafter by application to the Town Board.

And lastly the proposed Section 108-2091(i) provides the Town with the authority to incur expenses to decommission and remove a Commercial Solar Energy Production System and to add those expenses to the property owner's tax bill as a lien against the property and thereafter Section 108-210A requires the posting of a performance bond to cover the cost of decommissioning the system and restoring the site. What you should consider there rather than having both those provisions, you should forego the posting of a performance bond when a developer of a proposed solar system is or will be the owner of the property because that provides you with the ability to put a tax lien if you do incur expenses and no I did not attend the solar discussion in Southold but like I said before I think that's Southold loss, not Riverhead.

Councilwoman Giglio: "Chris can I just ask you a question? When we had met regarding a piece of property that you're interested in putting the solar panels on you expressed a concern about this site where it may be hilly so that the solar panel might have to sit up higher if it's down in a hole rather than the eight foot height requirement that it might be from the road grade the eight foot height grade be from the road grade not from the actual base of the solar panel so that's what I'm saying the Board should consider that also when a solar panel is based in a lower grade that it may have to be higher to become the same height of the other ones that are at higher elevation?"

Chris Kent: "Yeah, the idea is to create some consistency and there are other people in the audience who could speak to that but you'd want to create some consistency with the height of the panels rather than having them roll because you'd create shadowing."

Supervisor Walter: "But I don't think our code really prohibits that."

Chris Kent: "No it doesn't."

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

Charles Sclafani: “Charles Sclafani, Wading River, no I’m not a farmer, property owner, but a couple of questions. One, will this not be a segue for wind farming next in our Town if this happens on our farms? Two, if it’s allowed will that property that has the solar panels on it be taxed as that which is in an industry area?”

Supervisor Walter: “That’s an interesting point. You can’t say yes. Thursday we’re going to have that conversation because there’s a whole sale exemption for the taxes on solar so we either have to opt out of the state code or provide pilot payments and it’s my opinion that we opt out for everything except for the people that use it. I don’t know that I can legally do it yet the people that use it for their own productions, in their homes or on the farms but if you’re selling it then you’re paying whatever the taxes are but the way the state law is written right now, which may (inaudible), I don’t know I haven’t had a chance to read it, I’m a little behind that impact statement but there may not be taxes on it due to state law unless the Town does something.”

Charles Sclafani: “Ok and I think before you make a decision you should take a road trip up to Long Pond Road over in Pennsylvania where directly across the street from the Nascar Track they have a huge solar panel farm, it’s hideous and they do have major buffer (inaudible) and you can see it from your campers and it is horrible. The little goats are cute because they have goats and sheep eating off the grass. Thank you.”

Supervisor Walter: “Alright, thank you. Anybody else wish to speak?”

Sid Bail: Sid Bail, President of the Wading River Civic Association. It’s been an interesting discussion; yes it’s been a very interesting discussion. I came here to, we’ve been consistently supported renewable energy and one of the things; sometimes I’ve been critical of the Town of Riverhead but you guys have been open to renewable energy. I’d like to compliment Councilman Gabrielsen particularly for his efforts with solar, etc. so you know, my original message was let’s hurry, let’s get this thing going. It’s a very positive thing to have these projects go forward.

Now the idea for more time to vet I don’t quite understand that. I understand the idea of involving all of the staples but I’m not sure with the LIPA RFP if you can do anything very quickly that makes a substantial difference and my question is the projects in the industrial zone, if you are not advocating a moratorium, I’m not advocating a moratorium but if there was to be a (inaudible) what would happen to those projects?”

Supervisor Walter: “In the industrial zone?”

Sid Bail: Yes.”

Supervisor Walter: “I think the Town Board, if we had too something a moratorium and I can’t believe that came out of my mouth, it’s not something I believe in on any level but if we were to do it I don’t think I would do it in the industrial zone property because I think the Town Board recognizes that it’s manufacturing electricity. You can call them solar farms all you want or harvest the sun but you’re manufacturing electricity.

The interesting part is the more industrial use of the property in the APZ zone is clearly an industrial use so I've even changed my opinion now to some extent that maybe we allow it in our other industrial zone as a percentage and our other industrial zone is the APZ. I don't know you can ever get me to allow it in a residential zone or parcel but APZ farming is an industrial use; it may be a different type of industrial use but it's industry in the same right that other things are."

Sid Bail: "Although I haven't added very much clarity (inaudible) we do favor the promotion of renewable energy in the Town of Riverhead and if they're a projects ready to go forward."

Councilman Dunleavy: "To answer your question, I don't know how soon these other projects have to be built, ok, once they're awarded but if they're awarded and we don't have any zoning to cover them, that's going to delay the building of their project and I don't know how long they have; do they have a year or six months or they have two years to build their project so putting zoning off for something that's going to be awarded in December maybe instrumental to them just like this young lady and gentleman here they have to now go and fight to get their zoning approved."

Sid Bail: "You also or part of this stature was there were other zones limiting the percentage. I think that's a very important question because I'm not even here advocating it's a good idea that it goes into the good zones but I an aware that Chris Kent mentioned in Brookhaven Town that it is being allowed and there is a project not too far from us in Shoreham that's currently before the Town Board."

Supervisor Walter: "That's on 25A?"

Sid Bail: "Yes, 25A, the tall grass and so I'm not sure what can be accomplished. You guys know better than I do but in a very short time, more time to vet."

Supervisor Walter: "You know we can throw something out there. I really am using this public hearing more as a Town Board Open Forum here to discuss; this is good for me to vet this code. I'm not sure it's good for everybody else but it's good for me and I think it's good for the Board."

The issue though if we just said twenty-five percent, just an arbitrary, where do we come up with an arbitrary number; cause I don't think anybody would want to say you can allow it in all APZ no matter what. Do you limit it to, where do you? How do you make that number not arbitrary? I don't think anybody wants to see, I think when you see some of the solar farms that are going to come in this Town in the industrial zones, you mark my words people are going to be like wow how did that happen? I don't think they're going to like it.

Councilman Wooten: "Twenty-five percent or less."

Councilwoman Giglio: "Well, they'll have to be a minimum acreage on the APZ property if it were ten acres, twenty acres or forty acres whatever the Board determined with the minimum acreage where this could occur and then you'd say ten percent. Whatever LIPA seems to approve that would be a solar array that would be cost effective to tie into the grid so it's got to be something

that enough to be cost effective to tie into the grid but you have to have enough acreage in the APZ in order to allow for it.”

Supervisor Walter: “And there’s not a person in this Town Hall who knows what that number is. I don’t know that LIPA is going to be able to come and say, I mean they’ll probably tell us. You’ll probably get ten different guys in here from solar companies telling us what the minimum acreage is for them to make money and it will be ten different answers and so, you know as so much as zoning it may seem arbitrary but some of the attorneys in the audience would agree that zoning in many cases is arbitrary but I mean I can get my mind around a percentage in the APZ. Is that something specific that you think will support?”

Sid Bail: “You don’t know, I mean the nice turnout we have today it obviously struck responsive chord in the farming community and I’ll tell you the truth I was surprised because maybe being naive I just assumed that this was just a no brainer, that everyone supports this legislation. (inaudible) seriously and so but these other issues you might have more people who feel very strongly and say darn it. The money we pay for preservation should be going into like a solar project and because they would be surprised this doesn’t pass.”

Supervisor Walter: “You know interesting because I don’t see the (inaudible), I don’t see anyone from the North Fork Environmental Council or the group from the East End. I don’t see the Environment, I think this is one of the issues where they love solar. They’re probably toying between loving solar and.”

(inaudible)

Supervisor Walter: “Can you make it quick because it has been a long hearing and.”

Peter Danowski: “All I’m saying is that if you’re going to amend the code I hope you include all the zones. One of the comments is that you know you’ve eliminated farming in certain residential zones and yet there are existing farms out there so they have the opportunity and they’ve been farming for a long time on their property; I think Wading River as an example.

And so I just laid it out there. I think if you’re going to do this do it by percentage, put the minimum acreage in, do it as a permitted use not something that’s going to take the value away by Special Permit.

Supervisor Walter: “Got to be a Special Permit.

Peter Danowski: “You folks decided the percentage in the Industrial Zone so whatever you decide in the other zones is what you decide but I just think there should be percentage.”

Supervisor Walter: “Anybody else wish to be heard? This was really a great hearing and I appreciate it. I’m going to close it and leave it open for written comment until August 15, 2014 at the Town Clerk’s offices at 4:30 p.m. and I think what we’ll do is Ms. Rivara still here? I think what we’ll try to do is convene a meeting with some of the stake holders, George do you want to and coordinate this with George. Jodi, I’d like to sit in on this. I know you do Code Revision Jodi but I’d like to sit in on this meeting. Is that alright? We’ll try and put together a panel, I mean maybe it’s a simple, I don’t know. We permit it in the APZ and put a percentage in so it’s allowed

in our Industrial Zones, your ABC and Agriculture and prohibit it elsewhere and then just put a percentage in. That might be a quick thing to do. Jeff Murphree will definitely be involved in that because somehow I got to get through (inaudible) and if I make it Type One we'll all be sitting here next year discussing the same thing. Mason, do you want to be a part of this or someone in the Assessor's office? Thank you very much for a very informative Hearing. I do appreciate this opportunity for us because you know we don't always get it right."

**Public Hearing Closed at 4:13 p.m.
Left open for Written Comment until August 15, 2014 at 4:30 p.m.**

Supervisor Walter: "Alright we have another town hear scheduled for 2:10 which is the Consideration of an Appeal by Kathleen Johannsen to the Revocation of the Rental Permit for Property Located at 22 West 2nd Street, S. Jamesport, NY (SCTM #0600-92-3-21). The time is now 4:15 and I open that public hearing."

Charles Cuddy: "Good afternoon, Charles Cuddy, 445 Griffing Avenue, Riverhead for the applicant. This won't take two hours.

We've been talking about earlier today and just a few minutes ago about prospective legislation. This is about existing legislation."

Councilman Dunleavy: "Is this a hearing or an appeal?"

Charles Cuddy: "This is an appeal. What I'm here to talk about is Chapter 86, rental dwelling units and the prohibition which you place on transient rentals.

My client has a rental site on West Street in Jamesport. She's had it for eight years and she is a single person. She uses the funds from that rental to help her two children go to college. This year she received a letter at the end of May saying she could not have the rentals that she previously had because and it's interesting to think in terms of arbitrariness but the Board had set a twenty-nine day minimum for rentals."

Supervisor Walter: "We're just following another town."

Charles Cuddy: "Well ok. I think the other town and I'll get to that in a minute, may be a little different but in any event last September you had a hearing that lasted thirty-seven minutes. There were six people that spoke; one of them just asked a question and one of the problems I have immediately is my client of course did not know that. She was not apprised specifically about it and I think that although due process is a very, procedural due process is something we always talk about there's a question when you have a small class of people I think that the number of summer rentals is probably a hundred or more, I think they specifically have gotten notice. She did not have notice. If she did I think she would have appeared or I would have appeared for her but in any event I think there's a failure to see due process when you do that.

I think also there's a failure of substantial due process here because I think this is unreasonable. Talk about the arbitrariness. I think that in Southampton they have a fourteen day transient rental provision, not twenty-nine days. I don't know anybody who gets a thirty day vacation except the US Congress. Aside from that, people just don't."

Supervisor Walter: “I thought we did take it from, didn’t we take it from Southampton Bob?”

Robert Kozakiewicz: “I believe it was.”

Councilwoman Giglio: “Yes.”

Charles Cuddy: “I believe if you look at it its fourteen days but my whole point of that is that I think twenty-nine days is arbitrary. I think there are other ways of doing this. You could have had an advertised situation where you did it one year one week, two years three weeks, third year for four weeks. That’s what you wanted to do. You also had other alternatives. You had a public nuisance law which is a criminal law, you have a private nuisance law. None of those things were looked at.

More specifically for this specific applicant, she rents to people, families, on a year to year basis. Last year in August, in early September when her rentals were ending she made commitments, contracts with people to rent for this year. They rent for a week, ten days, two weeks; they don’t rent for twenty-nine days. I think you’ve impaired the obligation of contract that she has with those people and I think it’s unfair to her and she certainly should be allowed this year based upon those contracts to continue her rental for those particular people and they’ve been doing that for years and so it’s wrong I think and quite frankly it’s constitutionally wrong to impair that contract that she has.

But I want to talk to you also specifically about a section of your code that I think is a problem because I think there was a misunderstanding about what you were putting down as an exclusion. If you go to what is called Section 86-4D, that’s where you prohibited transient rentals. You have language in there that says it *shall not apply to the following: any legally operating commercial hotel, motel business or bed and breakfast establishment operating exclusively in catering to transient clientele. That is customers who customarily desire to visit these establishment for short durations for the purpose of vacationing* and so on.

If that is in effect then all the people who rent cottages along the bay are probably in violation because it doesn’t exclude them. I think at the hearing you, and this is the hearing of September 17th the indication was that commercial hotel, motel or business established exclusively and catering to transient clientele that would have allowed a group to get out, cottages that rent along the Peconic Bay. Right now if you enforce the law as written, then you have to enforce it against all those people. If you change the law to make it the way you thought it was, then I think my client is inside and I think she’s allowed to do exactly what she’s doing. So I think you have a problem, a dilemma with this code. I think that you can’t (inaudible) a contract. I think if you try to enforce it you have a problem with the way its written and it has to be changed. I think, for her, that certainly she has to be allowed her rentals this year. In the future that may be different; she may be willing to do exactly what you’re talking about. She’s indicated she would probably comply in the future but right now I think she’s entitled to at least have the people here this year.”

Supervisor Walter: “I think the, that issue is a settlement discussion if you will with the Town Attorney.”

Councilwoman Giglio: “Can I ask you, does she take out rental permits annually for the week and the two weeks and the three weeks and?”

Charles Cuddy: “She takes them out every year and has and when she did it this year she was told by the Town in a letter dated May 29th, which I assumed would be part of the record, that she could not do it because she was violating the new law. That’s when she found out about it.”

Councilwoman Giglio: “Ok, then also the cottages that you’re talking about, those are being commercially assessed if I’m not mistaken as rental units such as hotels, motels and every other thing we have in the code that we are permitting are being assessed as commercial venues. This home, is it being assessed commercially or is it being assessed residentially?”

Charles Cuddy: “I assume it’s residential about sixty-five hundred in taxes. I don’t know how the other places are actually taxed. I’m sure if you have a hotel or motel it’s taxed that way. I don’t know how the cottages are taxed.”

Councilwoman Giglio: “I think that a lot of the cottages that are currently existing were existing prior to our zoning ordinance and they were grandfathered in as a commercial establishment as a cottage or a rental unit.”

Charles Cuddy: “But not the way the code is written and that’s what I’m saying to you. I don’t think it was done that way. I think when you read the code you’ll see that maybe the mistake was made but that’s one way or the other. It can’t be both ways. It was said one way at the hearing, it’s now written differently.”

Supervisor Walter: “Is this inside her house or a separate building?”

Charles Cuddy: “It’s a separate, she has a building which, it’s a house, it’s a fifteen hundred square foot house.”

Supervisor Walter: “Oh, then she doesn’t live there.”

Charles Cuddy: “No she does live there part of the year. She intends to live there in the future, two or three years.”

Supervisor Walter: “Ok. So if she were to finish up this year then next year she would be willing to not do this.”

Charles Cuddy: “That’s correct.”

Supervisor Walter: “Ok, I think that’s a conversation that I would you encourage you to have, did we write tickets?”

Charles Cuddy: “No they did not because we were, we could take an appeal and that.”

Supervisor Walter: “That would be a conversation if you will during an executive session.”

Councilman Dunleavy: “I can see a week, I’m limiting it to a week because a lot of people from here go down south to the Carolina’s and rent for a week. I think we’re punishing many for few violations and I think the few violations for two or three days instead of someone renting the cottage for a week so I know how she feels and we’ll have to talk about it and see.”

Supervisor Walter: “I think I was the only Board member that opposed it and got my head handed to me by a lot of people.”

Councilman Wooten: “Well one (inaudible).”

Supervisor Walter: “I think the Deputy Supervisor loves it too. I own one of these things but I don’t rent (inaudible).”

Councilman Wooten: “That’s a problem that we perceived (inaudible) and one size doesn’t fit all and that’s the problem.”

Supervisor Walter: “Why don’t we, Bob put this, hold this hearing?”

Robert Kozakiewicz: “I have a couple questions and I had a couple things I wanted to make part of the record; one was your letter that was written to us July 8, 2014 which included the letter of May 29, 2014 wherein the permit was revoked and it also includes rental housing permit and I’d like to ask that that be made part of the record.

I also have a copy of the Statement of Real Property Taxes which classifies the property code as 210 so it is delineated as a single family house as opposed to a seasonal cottage or (inaudible). Any objection to that being made part of the record?”

Charles Cuddy: “And that’s what I indicated.”

Robert Kozakiewicz: “And the other two things were and I have some questions on these. There were two rental renewal application permits that were filed in March of this year; one was March 3rd of 2014 and one was March 26th of 2014 where in the rental applications Ms. Johannsen indicated that the beginning lease date, in the one dated March 3rd was May 21st of 2014 with an ending date of September 7, 2014 and it listed eight individuals as prospected tenants. Now since she’s not here I didn’t know if this intended to be a lease for the entire term for all these individuals or if it was going to be broken up into shorter terms.”

Charles Cuddy: “My understanding is it was broken up. She’s not here because she’s working right now.”

Robert Kozakiewicz: “Ok. Any objection to that being made part of the record?”

Charles Cuddy: “No, that’s part of what she submitted.”

Robert Kozakiewicz: “Ok, and similarly the March 26th application was May 15, 2014 through October 15, 2014.”

Supervisor Walter: “Same names?”

Robert Kozakiewicz: “Different names.”

Charles Cuddy: “I think what she did, I don’t know the name on it but I think she got somebody who wanted to rent after September and I think that’s why she did that.”

Councilwoman Giglio: “Well why would we revoke the rental permits if they were for more than twenty-nine days?”

Robert Kozakiewicz: “We received anonymous complaints about changing of the rental we also determined that the home was (inaudible) vacation by owner. We also did a report which I will make part of the record (inaudible) which was done in September 2011 and then the follow up in April of this year which were testimonials assert (inaudible) on a temporary basis. So if there’s no objection I’ll make these part of the record as well.”

Charles Cuddy: “I’m not sure what those are.”

Robert Kozakiewicz: “I’ll show you. I’m not sure if I understand the comment with respect to the last aspect which is whether we did it right when we adopted the zoning so I’ll have that side bar with you at another time.”

Supervisor Walter: “So sure we can be liable for tortious interference which is what you’re asserting with the Town Code.”

Charles Cuddy: “All I’m saying is I don’t think you can impair a contract once it’s made. I think this willy-nilly say doesn’t count.”

Councilman Wooten: “Well, that’s a good attorney looking after his client.”

Councilwoman Giglio: “But we received nuisance complaints which is why we adopted the ordinance to begin with.”

Charles Cuddy: “Excuse me, I didn’t hear.”

Councilwoman Giglio: “We’ve received nuisance complaints which is why the ordinance had to be adopted to begin with.”

Charles Cuddy: “One of my arguments (inaudible) two areas you can work with; one is a public nuisance and then there’s a private nuisance where people can complain against somebody else. That wasn’t done, (inaudible) just adopted (inaudible) which I think is pretty arbitrary. (inaudible)”

Supervisor Walter: “Mr. Cuddy is there anything else you’d like to add?”

Charles Cuddy: “No and I’d be pleased to meet with the Town Attorney as you suggested and go through it all.”

Supervisor Walter: Ok, why don’t you do that and we’ll put this on for an executive session. We’ll leave the public hearing open until the next Town Board meeting and we’ll close it then so we’ll just adjourn it.”

Charles Cuddy: “Thank you.”

**Public Hearing Closed at 4:30 p.m.
Left open until the next Town Board Meeting, September 3, 2014**

Supervisor Walter: “Alright. The fourth public hearing being scheduled for 2:15 and it is now 4:30 and this is the Consideration of a Proposed Local Law to Add Chapter 98A Entitled “Drop-Off Bins” to the Riverhead Town Code thereafter known as the Louis, Kathleen Walter Amendment. This prohibits drop-off bins. Bob, why don’t you give us a synopsis of this?”

Robert Kozakiewicz: “We’re looking to add a new Chapter to the code and as you pointed out the idea is to place some restrictions on drop-off bins being placed around the town of Riverhead.

There will be a permit that is required from the Building Department as set forth in 98A3 as proposed. It also sets forth certain requirements for who will be allowed to obtain these permits and sets forth these, I.”

Supervisor Walter: “That’s a good synopsis. Does anybody wish to be heard on this matter? Sid.”

Sid Bail: “Sid Bail, Wading River Civic Association. We’re strongly in favor of this. This, I think we all have a responsibility to help our fellow human beings but unfortunately these clothing bins are not necessarily the best mechanism to do this. There are some very legitimate organizations that I know in the Town of Brookhaven.

When this similar legislation was passed they had people from Big Brothers, Big Sisters, St. Vincent DePaul who came and spoke in favor of very similar legislation, very similar revisions. Why, because there’s a lot of flim-flam. There are organizations aren’t really charitable organizations and no one is really benefiting other than the people who put out these bins.

One other thing that I did notice in the provision, etc. there’s a provision that the Town can confiscate these things and there’s a fine for so much per day. The only thing that occurred to me was, then after a certain period of time you can actually destroy the bin. Have you looked at some of the bins in the Town of Riverhead that are showing up?

We’re strongly in favor of this. I don’t think this is going to restrict people who want to donate clothing items, etc. to legitimate, charitable organizations; so I think it’s long overdue.”

Supervisor Walter: “Thank you. Anybody else wish to be heard? Not seeing anybody else we’ll close the public comment portion and leave it open for written comment until August 15, 2014.

**Public Hearing Closed at 4:33 p.m.
Left Open for Written Comment until August 15, 2014 at 4:30 p.m.**

COMMENTS ON RESOLUTIONS

Supervisor Walter: "We're going to take Resolutions up. Does anybody wish to be heard on Resolutions? Sal, how'd we do?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton; 548. Can you tell me what road that's on?"

Councilman Wooten: "That's on Main Road."

Sal Mastropaolo: "Thank you. 552 I think is a dup of 568."

Tara McLaughlin: "Yeah, it is."

Supervisor Walter: "568 withdraw."

Sal Mastropaolo: "560; on the second page just correct the address. It's 60 Dogwood Drive, Wading River; it says 60 Dogwood Drive, Wading Riverhead with the zip for Wading River. 563; I think you should check with the school board. I think Ann Cotton DeGrass is no longer the Board of Education President, I think they've already changed hands."

Supervisor Walter: "Yeah, you're right, you're right. Do we have her name on it?"

Sal Mastropaolo: "Yeah, you have it on the signature page."

Supervisor Walter: "Probably just take her name off. Is it Meyer?"

Sal Mastropaolo: "I think it's Greg Meyer and that's it."

Supervisor Walter: "Anyone else on Resolutions? Ok, let's get started."

RESOLUTIONS

Resolution #543

Councilman Dunleavy: "Capital Project #20040 Roof Replacement Budget Adjustment, 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 #544

Councilman Wooten: “2014 Parking at 406-414 Roanoke Avenue Capital Project #10023 Closure, 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 #545

Councilman Gabrielsen: “Worker’s Compensation Fund Budget Adjustment, so moved.

Councilwoman Giglio: “And seconded.”

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

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

Resolution #546

Councilwoman Giglio: “Suffolk County District Attorney’s Forfeited Asset Sharing Program East End Prevention and Awareness Committee Budget Adoption, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #547

Councilman Dunleavy: “Increases the Rate of Pay of a Part-Time Police Officer, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #548

Councilman Wooten: “Classifies Action on special Permit of North Fork Coffee Co, Inc. and calls for a Public Hearing, 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 #549

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 12 Entitled “Coastal Erosion Hazard Areas” of the Riverhead Town Code, 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 #550

Councilwoman Giglio: “Authorization to Publish Advertisement for Truck Parts 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 #551

Councilman Dunleavy: “Authorization to Publish Advertisement for Work Clothes for the Town of Riverhead, so moved.”

Councilman Wooten: "I'll second."

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

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

Resolution #552

Councilman Wooten: "Rescinds Portion of Bid Award #518 for lubricants, 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 #553, 554, 555, 556

Councilwoman Giglio: "We're going to do these together right?"

Councilman Gabrielsen: "Yes, 553 through 556. Move them all at once?"

Supervisor Walter: "Yeah, Move them all at once."

Councilman Gabrielsen: "I make a motion we move 553, 554, 555 and 556 which ratifies Appointments for the Recreation Department, so moved."

Supervisor Walter: "We're going to move 553 through 556 because they all ratify appointments for the Recreation Department."

Councilwoman Giglio: "Seconded."

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

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 553, 554, 555 and 556 are all adopted."

Resolution #557

Councilwoman Giglio: "Authorizes Notice to Bidders for Control Valve Maintenance and Repair Service Riverhead Water District, so moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #558

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (101-3.) Stop and Yield Intersections; Railroad Crossings; Parking Fields, Griffing Avenue and Lincoln Street, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #559

Councilman Wooten: “Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead (Restaurant – Drive-in, Curbside), 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 #560

Councilman Gabrielsen: “Amends Membership Status of Member of the Riverhead Open Space/Park Preserve Committee as amended to the Wading River (Marjorie Acevedo), so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution 561

Councilwoman Giglio: “Authorizes the Supervisor to Execute Professional Services Agreement with Munistat Services Inc. for 2014, so moved.”

Councilman Dunleavy: “And Seconded.”

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

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

Resolution #562

Councilman Dunleavy: “Authorizes Supreme Court Action against the owners, Tenants, Occupants and Mortgages of Premises Located at 565-605 Old Country Road, Riverhead, New York (Town of Riverhead v. East End Commons Associates, LLC), so moved.

Councilman Wooten: “And seconded.”

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

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

Resolution #563

Councilman Wooten: “Authorizes the Supervisor to Execute a Municipal Cooperation Agreement – Renewal No. 5 with the Riverhead Central School District Regarding Unleaded Fuel Services, 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 #564

Councilman Gabrielsen “Authorizes the Retention of R.D. Geronimo Ltd. as an Expert in the Matter of Traditional Links LLC v. Riverhead Town Assessors, 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 #565

Councilwoman Giglio: "Authorizes the Supervisor to Execute an Agreement with Fireworks by Grucci, Inc. (Baker Family Fireworks by Grucci, Inc.) (Baker Family Fireworks Display – August 16, 2014), so moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution 566

Councilman Dunleavy: "Approves 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, yes; Walter, yes. Resolution adopted."

Resolution #567

Councilman Wooten: "Approves Chapter 90 Application of the Riverhead Country Fair Committee (Riverhead Country Fair – October 12, 2014), so moved."

Councilman Gabrielsen: "And seconded."

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

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

Councilman Dunleavy: "This committee does a lot for the Town of Riverhead. It puts on the Friday night shows and also puts flowers down on Main Street. This is one committee that helps Riverhead a lot. I have to vote yes for this and wish them luck on their fund raiser."

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

Resolution #568

Councilman Gabrielsen: “I make a motion we withdraw Resolution 568, so moved.”

Councilwoman Giglio: “I’ll second.”

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

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

Resolution #569

Councilwoman Giglio: “Determining that the Pavilion Improvements for the Jamesport Fire District Located on Manor Lane, Jamesport, New York and Exempts them from Formal Site Plan Review and Chapter 108 of the Town Code of 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 #570

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post Public Notice and Calls for Public Hearing to Consider the Appeal of Day and Night Taxi and Limo, Inc. under Chapter 99 of the Code of the Town of Riverhead, 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 #571

Councilman Wooten: “Ratifies Authorization for Ry-Lecia Corp. D/B/A American Recreational Products to Sub-Contract the Installation of Playground Equipment at Nadel Drive Park to T.L. Contracting, Inc. so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio, yes; Gabrielsen.”

Councilman Gabrielsen: “Long overdue and we’ll probably have this equipment by September, yes.”

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

Resolution #572

Councilman Gabrielsen: “Ratifies the Approval of the Chapter 90 Application of One for the Road LLC (East End Small Business Alliance Expo – Saturday, July 26, 2014), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #573:

Councilwoman Giglio: “I make a motion we table Resolution 573, so moved.

Councilman Dunleavy: “And seconded.”

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

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

Resolution #574

Councilman Dunleavy: “Approves Chapter 90 Application of Riverhead foundation for Marine Research and Preservation (5K Run for the Ridley – October 25, 2014), 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 #575

Councilman Wooten: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 47 Entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code, 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 #576

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 107 Entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code, 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 #577

Councilwoman Giglio: “Appoints Member to the Agricultural Advisory Committee (Jeff Rottkamp), 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 #578

Councilman Dunleavy: “Appoints Member to the Veterans Advisory Committee (Darlene Folkes), so moved.”

Councilman Wooten: “Second.”

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

The Vote: “Giglio, No; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.”

Resolution adopted.”

Resolution #579

Councilman Wooten: “Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Transfer of Development Rights) (108-330, redemption of Preservation Credits), so moved.”

Councilwoman Giglio: “And seconded.”

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

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

Resolution #580

Councilman Gabrielsen: “Pays Bills, so moved.”

Councilwoman Giglio “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I’ll abstain, my husband runs a golf camp the Recreation Department uses and there’s a check that hasn’t been paid so I’ll abstain.”

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

PUBLIC COMMENTS

Supervisor Walter: “Ok, does anyone wish to be heard on any other matters that are before the Town Board? Not seeing anybody can I get a motion to adjourn the meeting?”

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

Supervisor Walter: “All in favor of adjourning?”

Collective ayes.

Meeting Adjourned 4:48 p.m.