

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, June 5, 2018 at 2:00 p.m.

PRESENT

Laura Jens Smith	Supervisor
James Wooten	Councilman
Jodi Giglio	Councilwoman
Timothy Hubbard	Councilman
Catherine Kent	Councilwoman

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Jens Smith with the Pledge of Allegiance followed by an invocation given by Reverend Dr. Sean B. Murray from the First Congregational Church.

Councilwoman Kent made a motion to approve the minutes of the May 16, 2018 Town Board meeting. Motion was seconded by Councilman Wooten and carried.

REPORTS

- Tax Receiver – total taxes collected to date as of May 16, 2018 - \$101,303,503.12
- Tax Receiver– total taxes collected to date as of May 23, 2018 - \$128,927,895.28
- Tax Receiver – total taxes collected to date as of May 30, 2018 - \$137,402,408.33
- Building Department May 2018 monthly report - \$69,619.52
- Police Department December 2017 monthly report
- Water District 2017 Annual Water Supply report

PARADE/ASSEMBLY APPLICATIONS

- Riverhead High School Graduation – June 23, 2018
- Classic Car Show – Thursday evenings, May 24 thru August 30, 2018 on the Peconic River Parking Lot

CORRESPONDENCE

- 3 letters regarding the building construction on East Main Street and the effects to neighboring properties (United Methodist Church)
- Kathleen McGraw – letter regarding Special Permit application of United Riverhead Terminal (URT)
- 3 letters expressing views and concerns as to the CAT Q&E hearing (EPCAL property) and the Board of Ethics Investigation

Supervisor Jens Smith reminded everyone that the Long Island Blood Center was hosting their blood drive today, May 16th from 1:00 p.m. until 7:00 p.m. at the Riverhead Fire House on Roanoke Avenue.

PROCLAMATIONS/AWARDS/GUESTS

The Town of Riverhead Labor Management Committee gave recognition and honored the following employees as “Employee of the Quarter”. Supervisor Jens Smith presented awards to Juan Ayala for the fourth quarter of 2017 and Andy Dick for the first quarter of 2018. She thanked both for their hard work and dedication to the town.

COMMENTS ON RESOLUTIONS

Supervisor Jens Smith: “At this time I will ask anybody from the audience who would like to come up and address the Board on any of the resolutions to please come forward.”

Sal Mastropaolo: “Sal Mastropaolo, Calverton, Resolution 409. I guess I have a question for those of you who remember back when the Polish people migrated to this town did we bring in a town clerk that spoke Polish to interpret for them?”

Councilman Wooten: “actually we had one that spoke Polish.”

Sal Mastropaolo: “Did we, ok, thank you. Resolution 431. I guess I have a question on this. Does the town ever follow up with all of these requests for waiving the application fee for non-profits to find out how much money was donated from these events to the non-profits?”

Supervisor Jens Smith: “We don’t necessarily follow up on that but from speaking with Laura Calamita I’m going through a lot of these requests and I think that’s it’s time that we review who pays the fee, who doesn’t pay the fee and how we follow up on these things. I think in the height of the season right now we’re waiting till after September and then we’ll begin a review for next year. So, it is something we definitely want to look into and that we have plans to look into just in the height of changing anything or restructuring any of this in the middle of all the applications and when we started to look at it it became very, very complicated so it’s better to start the practice in the off season for review.”

Sal Mastropaolo: “Ok, I would like to suggest that we have them file a financial statement with the revenue and how much was donated, ok, to see who’s making all the money cause if you ask me on this one, the one who’s going to make the money is Martha Clara Vineyards ok, and we don’t know what percentage of the revenue is going to the non-profits or the charities.”

Supervisor Jens Smith: “Ok, that’s a very good suggestion, thank you.”

Sal Mastropaolo: “Resolution 434. I don’t see anything in this resolution about the five-hundred-dollar administrative fee being paid to the office of the Fire Marshall. There’s another resolution later on for fireworks and we definitely mention the five-hundred-dollar fee being paid so somebody should check this one to make sure that there was a five-hundred-dollar fee paid.”

Supervisor Jens Smith: “I will double check on that.”

Sal Mastropaolo: “Resolution 438. I guess if the applicant doesn’t ask to waive the fee we don’t waive the fee cause here’s the Shoreham Wading River Chamber of Commerce OK, paying the fee when the proceeds are being donated to Fight Like a Girl Foundation.”

Supervisor Jens Smith: “I think there’s a difference. There’s two kinds of, there’s like a 403CB and then there’s another organization that are not for profit that donate to other organizations, so I think, if I’m not mistaken and I will check on it, but I think the not for profits are just listed as 403CB, 503CB, I’m sorry.”

Sal Mastropaolo: “444, in the attachment there’s no dollar figure for what the town is going to get for the utilization of police personnel vehicles.”

Supervisor Jens Smith: “Right.”

Robert Kozakiewicz: “There’s going to be a substitution on that. The number actually is going to be, it got slightly modified.”

Supervisor Jens Smith: “This is about the (inaudible) compensation, correct?”

Robert Kozakiewicz: “Correct. For two traffic control officers and two cars the amount is going to be three hundred, eighty-four dollars and eight-five cents. That’s based upon one forty for the two police cars, seven hours each for a total of fourteen hours and the same for the CCO. If we have to utilize one part-time police officer in addition to one CCO the times for the compensation just for the personnel would be two hundred, eighty-three dollars and eleven cents and then if it’s two part-time police officers it would be three twenty-one, thirty-seven just for the personnel. So, the car amount will stay the same for all three, one forty.”

Supervisor Jens Smith: “Just for Bob, I know I have spoken to you about this. I thought we were going to word this something along the lines that they will pay the sum for a police personnel and a vehicle, police personnel fee to be determined based on who was assigned and it would have a range of these numbers because it couldn’t guarantee any of these numbers until the scheduling event ends.”

Robert Kozakiewicz: “The way I phrased it is they’re going to pay the three eighty-four, eighty-four upon signing the agreement and in the event we cannot have two CCO’s one shift agrees to pay such additional amount once their invoice (inaudible) is the way I rephrased the agreement.”

Supervisor Jens Smith: “Ok, and then the other question was I don’t know how we came up with the twenty-three sixty-one. On the date of the event anybody after seven an hourly rate of twenty-three.”

Robert Kozakiewicz: “That’s coming out. I eliminated that so that there’s no question. That was an old 2017 number.”

Supervisor Jens Smith: “So do we have the updated version of this?”

Robert Kozakiewicz: “I have them for you. I emailed John, but I also have copies for the Board.”

Supervisor Jens Smith: “Ok.”

Sal Mastropaolo: “One last question. There’s a resolution in here for the Fourth of July Family Day on Route 25A in Wading River and I know every year there are two traffic control officers at the side of the road those nights. But I didn’t see anything in here for them paying.”

Supervisor Jens Smith: “I’m sorry, can you please repeat that.”

Sal Mastropaolo: “There’s a resolution in here for the Fourth of July Carnival on 25A in Wading River that’s sponsored by Peconic Bay Medical Center. They paid the fee for the fireworks display and everything and there’s two traffic control officers every two or three nights to control traffic on 25A; people crossing the road, cars coming in and going out because I worked it a couple of times, my wife’s a volunteer. I didn’t see anything in here for them paying for the traffic control officers and their cars there. Do we recover the cost of the traffic control officers and the cars for their use those three nights or don’t we? I didn’t see anything in the paperwork.”

Supervisor Jens Smith: “Bob do we charge them for covering those fees?”

Robert Kozakiewicz: “I think (inaudible) we do not.”

Sal Mastropaolo: “Well when we look at the 255 applications and the fees and everything, we should standardize the forms and have a series of questions. Do you want to have traffic control officers? Do you want cars on site and if so then there should be charges associated with all of that? As long as we’re going to look at the entire process let’s look at the revenue generated, what fees are required, what permits are required, etc.”

Supervisor Jens Smith: “I agree with you and as I’ve said, we started looking at it as some of these started coming in and because half were done and half were not done and it’s in the middle of the season of doing it, it became very complex to answer all of the issues and also to get some community feedback and what is considered a not for profit. I think your suggestion to have them file the money that they intake and how it will be utilized should be part of the conversation. What we decided to do is to conduct business and have been conducting as these were coming in and that we will review it in the off season because there are a lot of tweaks that could be had.”

Sal Mastropaolo: “Ok, thank you.”

Councilman Wooten: “I’m not sure I agree with that, not with Peconic Bay anyway.”

Supervisor Jens Smith: “But I don’t think, I think there needs to be a conversation with everybody there, so it’s fair with everybody across the board if you’re a not for profit, if you’re a for profit, who gets charged, who doesn’t when the police get charged or cars get charged, what’s the amount of time. We need a comprehensive review.”

Councilman Wooten: (Inaudible)

Supervisor Jens Smith: “That’s what I said. I prefer not to do it on a per-event. It should be kind of uniform across the board so people know when they’re planning their event too what their expenses are going to be. I think that’s historically has been the challenge when someone comes in with one event and all of a sudden the price of the event changes when they put their application in and they don’t know how to charge appropriately for people attending some of their stuff.”

George Bartunek: “Good afternoon Supervisor and the rest of the Town Board. My name is George Bartunek and I just want to thank you for your anticipated support for Resolution 390, Vietnam Veterans Memorial Trail Budget Adoption. I think the entire Town Board has been in support of this project for a lot of years and especially the efforts of Councilwoman Giglio for the determination over the years that we’ve been serving together on the Alternate Transportation Advisory Committee, it’s been a long haul. The entire project started for your information I don’t think none of you were on the Town Board at that time as a matter of fact, it goes back a long way. There was a time I even had a student in junior high school named Jimmy Wooten but this whole thing started back in January 2006 with a simple letter by a fellow by the name of Don Hawkins who has remained as a member of the Alternative Transportation Advisory Committee and I’ll just read a paragraph that he wrote to the Town Board at that time, actually addressed to the Supervisor at that time, Bill Cardinale and he said “I do feel that the EPCAL property represents a golden opportunity for the town to construct a network of family oriented recreation bikeways and communities where they exist, bikeways are heavily utilized and certainly justify the expenditure to construct them.” I look at this letter, I took a little time to find it in my files and I sometimes wonder when I read this letter if Don realized if he were to go back twelve years now and think of how long it took to get here if he would even have written a letter, but I want to thank you for your anticipated support. It’s been a long haul and thank you very much.”

Supervisor Jens Smith: “Thank you and thank you because you guys have been meeting diligently on this trail, so we really appreciate all your time and effort to keep this process moving forward.”

Councilwoman Kent: “I want to thank you for all your work and working with Jodi on this project, it’s a good thing.”

Liz Stokes: “Good afternoon Town Supervisor, Town Council people. My name is Liz Stokes and I am a lifetime community resident also co-chair of the Riverhead Veterans Advisory Committee. First let me personally thank George Bartunek. I have seen this man in action, he’s on a mission. Anybody that keeps that much passion in the heart to get something done is going to get it done. So, congratulations Mr. Bartunek, you saw this to the end when others walk away.

I became involved with my passion for veterans when it was named Vietnam Veterans Memorial Trail. A missing piece of this community is our salute to our Vietnam Veterans. This is

a community filled with twenty-five hundred veterans. Somebody once said that when anyone serves from this community the community serves with them and that is correct. When the trail was named the Vietnam Veterans Memorial Trail after an initiative that the United States took on for each town to finally give some kind of commemorative piece to our Vietnam Veterans, I watched what this did to the Vietnam Veterans in our town. Some went and walked the trail just to see what it was like and they told me stories of different pathways in Vietnam that they walked. I listened to the war stories of losing their buddies and coming home and not being thanked, not being welcomed and as I said to the one Vet, well this is your trail, America and it happens to be in Riverhead and the Town of Riverhead thanks you for your service and we'll walk with you on this trail. So, it is my hope that this does get past. I support it one hundred and fifty percent as do the Vietnam Veterans in this town and I thank you all for your effort every single day for the veterans in this town. Riverhead is second to none in what we do for veterans, so I thank you."

Rex Farr: "Good afternoon, Rex Farr, Calverton, coordinator for the *Coalition Against Housing at EPCAL*. Thank you George Bartunek. I am a Vietnam Veteran, '68 so I appreciate all the effort that the town and everybody has done to honor our service. First, I would like to begin with letting you know that we understand that you, the present Board."

Supervisor Jens Smith: "What resolution?"

Rex Farr: "I beg your pardon, 445, to bring aboard outside counsel, is that it?"

Supervisor Jens Smith: "Yes."

Rex Farr: "We understand that our former Supervisor has put you in a very, very difficult position. A lot of work has gone into the property at EPCAL trying to find the right solution, the right buyer and so on and we appreciate that. We also want you to understand we would very much like to be a part of the aerospace industry and we'd very much like to see high paying jobs come to the Town of Riverhead. Today however, we are here to speak about the ethical behavior of our Town Board and in particular the behavior by Councilwoman Jodi Giglio. For over a year the residents of Riverhead have been lied to, bullied, treated with arrogance and disdain, name calling, temper tantrums, closed door meetings and basically ignoring rules."

Councilwoman Giglio: "What rules would you be referring to, just out of curiosity?"

Rex Farr: "For example, why were you sitting in a meeting when they're hiring outside counsel and you were being investigated?"

Councilwoman Giglio: "Because outside counsel needs to be brought in in order to not have a."

Rex Farr: "You asked me a question, I answered it."

Councilwoman Giglio: "Ok."

Rex Farr: “So again, going back to behavior. Following me will be speakers who will be more specific about our objections, but we do encourage outside counsel. As I just said, one of the questions that we have is how Jodi do you sit in on a meeting that is discussing the investigation. We don’t understand that. I’m going to have John McAuliff be more specific. We hope that we can solve these problems. We are setting an example for the rest of the town. People are looking at us. This deal that we’re talking about is bigger than Riverhead. You can bet, because we have a lot of questions as to how the heck we are here.”

Supervisor Jens Smith: “Rex, we just need to stick to the resolution, your objections to the resolution or you’re favor for the resolution.”

Rex Farr: “The resolution, we are in favor of bring aboard outside counsel.”

Supervisor Jens Smith: “Ok, and if you want to comment on other issues you can speak at the end of the meeting.”

Rex Farr: “No, no, no, we’re here to discuss the ethical behavior of Jodi Giglio, thank you.”

John McAuliff: “John McAuliff from Rolling Woods in Riverhead. Good afternoon everybody. We’re familiar with this encounter and I’m afraid we probably still will be for another month or two or three or four, whatever. What I’m interested in, first of all with what Rex said, we do, I work with the *Coalition Against EPCAL Housing* and we do support the resolution. I have a specific question about implementation and whether or not this is real or an academic exercise. It would be very helpful to know now before the Board actually meets what the position is of each Board member as to whether you will accept the recommendation of the Board and be guided by it.”

Phil Barbato: “Good afternoon, Phil Barbato, Jamesport. Head of the RNPC and also a member of the *Coalition Against Housing at EPCAL*. This is also on #445. Looking into Mr. Besso’s background I can certainly agree that he is a distinguished and long serving attorney who probably really knows his business. The only questions I do have is looking at the areas of law that he specializes in for forty-five years, it does not include ethics or municipal law and I’m wondering how the Board came about to choosing this individual person verses someone who might have more of a specific background in the area that we’re looking for to advise our Ethics Board.”

Supervisor Jens Smith: “Bob would you like to address that question?”

Robert Kozakiewicz: “Yeah, I don’t have his particular criteria in front of me but he’s sat on the Tenth Judicial District panel for the disciplining of attorneys which deals with ethical questions all the time and was the Chair. He did that for something I believe in excess of twenty years. So, having been recognized by his colleagues within the practice of law as someone who would fill that particular position and also acting as the Chair (inaudible) and I can’t speak for the Board but that certainly is addressing head on ethical issues as they deal with the practice of law and he has familiarity with handling complaints and investigations based upon that particular experience. So, I guess that’s an important part of why he was selected to take that spot. In addition

to that he's got no familiarity with the Town of Riverhead nor the particular players, so he comes to us with a neutral, unbiased perspective."

Phil Barbato: "I'm sorry, the only reason why I asked the question is because his own description of his own experience doesn't include that."

Supervisor Jens Smith: "I believe there was a recommendation by the Ethics Board prior to this and when that attorney was contacted there was a conflict with that attorney, so the Ethics Board attorney did ask that person for some other references. They did review those references. This was not the reference given by the Ethics Board. They were provided with a name of somebody who was available, and the Ethics Board agreed to, I believe the Ethics Board met to agree to this person. Did they vote on this person?"

Robert Kozakiewicz: "My understanding is they all were made aware of it and all were in favor of (inaudible). I don't know if they physically met to say (inaudible). I'll be honest with you I believe they have."

Supervisor Jens Smith: "So this is a vote by the Ethics Board?"

Robert Kozakiewicz: "That is my understanding, yes."

Phil Barbato: "So it does seem as though, even though he doesn't describe I himself he has this kind of background and he will be an impartial."

Supervisor Jens Smith: "That is our understanding, yes."

Phil Barbato: "Ok, thank you."

Ian Lyons: "Ian Lyons, Riverhead, resident, business owner. I speak to you on that resolution. I'm very troubled by my interaction with the Town Attorney's office. There seems to be some confusion amongst both the Town Attorney himself as well as his subordinate who oversees and directs the ethics committee between matters of law and matters of ethics, which are two very different things. A lot of community members have made statements and espoused things regarding whether or not the law was broken and this is not what ethics boards are traditionally charged to do. I've been involved in three academics, social science research boards, one at George Mason, two at Stonybrook University and it's very clear as to what ethic boards are charged to do and that is to interrupt the spirit of the law, not necessarily the letter of the law and what are the community's collective understanding of ethical behavior of the community at large. So, of course I recommend outside counsel. Although I did not file any complaint I did file a sort of (inaudible) if you will to the Ethics Board giving them a framework from which to work with on the Town Attorneys could not make any assurance to me that the correspondence would be submitted. I have not heard that it was."

Supervisor Jens Smith: "I believe that a correspondence to go to the committee would go through the Town Clerk, is that correct Diane?"

Diane Wilhelm: "Well."

Ian Lyon: “It’s in your correspondence today. I did ask for the Town Clerk who did direct me to the Town Attorney.”

Supervisor Jens Smith: “And I believe I’m getting direction from the Town Clerk that it should be submitted to the secretary of the Ethics Board which we can provide you with.”

Ian Lyons: Well, nether the Town Attorney nor his subordinate were able to even provide me with names of people on the Ethics Board.”

Supervisor Jens Smith: “We can provide you with the name of the secretary.”

Ian Lyons: “Thank you, ok, very good. I also agree with the gentleman before me that, you know, just doing a cursory investigation of Mr. Basso’s background, it doesn’t seem as if there was a significant amount of expertise in this particular area however outside counsel needs to come in at this point because I think the community is experiencing a lack of faith in the guidance and direction of this Board and what it is that they’re exactly charged with. So, let’s bring someone in from the outside and offer some proper guidance, thank you.”

Supervisor Jens Smith: “Thank you.”

John McAuliff: “I had asked a question which it would be helpful to get an answer from each Board member particularly since at least one Board member is.”

Councilman Wooten: “How can I give an opinion or give an opinion that I haven’t got.”

John McAuliff: “No an opinion about whether you’re going to respect the opinion.”

(Inaudible)

Supervisor Jens Smith: “We would have to wait to receive the decision from the Ethics Board as to which way, how they are guiding us because they have several options to provide us with information so we’ll wait until we get it from them as to how they direct us to go forward.”

John McAuliff: “So at least one Board member is said to have said on the radio that she will not accept the recommendation. I don’t know if that’s true or not but I think it’s very important.”

Councilman Hubbard: “That’s the problem with said to have said. That’s the problem with a lot of different things coming up here. It’s not factual stuff would come up here and be a little more.”

John McAuliff: (Inaudible), that’s not true.”

Councilman Wooten: “I’m glad you’re in favor of outside counsel and that’s what we’re discussing here.”

John McAuliff: “I’m also in favor of the process leading to a conclusion.”

Supervisor Jens Smith: “Ok, thank you.”

Robert Kozakiewicz: “Just to reiterate Mr. Basso has served on the Grievance Committee for the Tenth Judicial District as a member of the Grievance Committee since 1995 to 2003. He acted as Chair from 1996 to 2000. He also does the character and fitness interviews for the (inaudible) so anybody who has any familiarity knows when someone is admitted to the practice of law they will be vetted first before they actually get formally approved and Dave is one of the individuals who vets graduating law students who have been successful on the bar exam for whether they should be allowed to proceed and be admitted into the practice of law so he also does that. He also has acted on the community mediation center so he’s been familiar with the mediation process and I think again all of the reasons above and his unfamiliarity with the town and all the players I think he’s a good pick.”

Supervisor Jens Smith: “thank you.”

Kathleen McGraw: “Good afternoon. My name is Kathleen McGraw and I’m the Vice President of the Northville Beach Civic Association. Good afternoon Supervisor Jens Smith and all the other Council people. I’m speaking just to urge approval of Resolution 415, Notification of a public hearing for a special application permit by URT. We simply ask that there be a public hearing. This is a sensitive matter that affects the people in the area. It is an expansion of a non-conforming use and we simply ask that you do vote yes for a public hearing, thank you.”

Supervisor Jen Smith: “Thank you.”

Ron Hariri: “Good afternoon Ron Hariri of Aquebogue. I’d like to speak in support of the resolution requiring the appointment of special counsel with an expertise in ethics. You know EPCAL is the town’s most significant asset. Every aspect of the disposition to this property should have been addressed with the upmost care and diligence and complete transparency. Instead thus far, this has been a case study in ineptitude and ethical lapses. Granted the current Board has inherited a mess. I think the contract is really not worth the paper it’s written on and I think that Jodi Giglio and Tim Hubbard during their tenure on the last Board rightly refused to endorse that contract. Somehow presumably due to poor advise, this sweetheart contract.”

Supervisor Jens Smith: “Mr. Hariri, you need to address the resolution or come to speak at the end of the meeting.”

Ron Hariri: “I’m addressing the resolution. Specifically I’d like to address the ethics issues and specifically Councilwoman Giglio’s request for authority which may require recusal. That’s aside from the multiple defects of procedure which in my opinion would render this entire transaction of this hearing a legal nullity but let’s get to the recusal issues and specifically a response to Councilwoman Giglio’s questions.”

Supervisor Jens Smith: “Are you addressing the recusal for the resolution itself or for the contract?”

Ron Hariri: “I’d really like to address both.”

Supervisor Jens Smith: “Ok, right now at this portion of the meeting you can only address it as it relates to the resolution not to the Qualified & Eligible. So if you would like to address it as part of this resolution for outside counsel you may but as far as addressing it for Qualified & Eligible, that is at the end of the hearing because right now we’re just hearing things that are pertaining to the resolution at hand.”

Ron Hariri: “I’d like to bring to the Town Board’s attention controlling second department authority regarding the standard of conduct that public officials and officers must comply with. Specifically I’d like to bring to the Town Board’s attention the second department’s case, Zagarhia v. Conklin which is cited at 109 A.D. 2d 281 which indicates that the ethical standards applicable to a public official in a quasi-judicial capacity must be the highest regardless of whether or not the specific provision of the municipal or town law is violated.”

Supervisor Jens Smith: “You’re drifting.”

Ron Hariri: “I’m not drifting away Supervisor.”

Supervisor Jens Smith: “You are.”

Ron Hariri: “I’m addressing the ethical issue that your own Board member asked the question about of the prior speaker so I would appreciate it if you would indulge me and allow me to continue.”

Supervisor Jens Smith: “I will indulge you at the end of the meeting if you would like to address the resolution.”

Ron Hariri: “I am if you would bother to listen.”

Supervisor Jens Smith: “Mr. Hariri, you are drifting into the Qualified & Eligible.”

Ron Hariri: “I’m not drifting into anything. I’m drifting into specific, actually I’m drifting into specifically her involvement and the standard of conduct that it actually, the standard of conduct that she must adhere to applies to both situations so there’s an overlap. “

Robert Kozakiewicz: “The point that is being made is that the resolution that you’re commenting on deals with the question of whether counsel should be appointed by the Board of Ethics or not so that’s the four corners of the instrument. The question of her conduct is something that can be addressed.”

Ron Hariri: “The same ethical standards apply to both situations Mr. Kozakiewicz.”

Robert Kozakiewicz: “This is a comment on the resolution, not a comment on stuff that goes beyond the resolution.”

Ron Hariri: “Right, right, so with respect to this resolution I’m giving you a citation, a controlling second department authority. I’d also ask if you take a look at another second department case Stein v. Town of Islip reported at 100 A.D. 2nd 590 regarding the due process requirements that may be violated in these circumstances. So again, these are specific ethical provisions that this Town Board, the council members need to adhere to and apply to and I would appreciate that the Board review this controlling authority in making its decision, thank you.”

Supervisor Jens Smith: “Thank you very much.”

Joanne Spanburgh Waski: “Good afternoon, Joanne Spanburgh Waski from Jamesport. I am in full support of hiring outside counsel for exactly that reason. This has gotten out of control. It’s gone on way too long. We should not even still be discussing this at this point. The Ethics Board, the outside counsel, it has to stop. This is the end. If you guys vote against this you’re just dragging it on and I don’t know if you’re in support of special interest groups or what’s going on here but its time to wrap this up, thank you.”

Supervisor Jens Smith: “Thank you.”

Supervisor Jens Smith: “Is there anybody else at this time who wants to address the Board on resolutions? Seeing no one we’ll move on to resolutions.”

RESOLUTIONS

Resolution #390

Councilman Wooten: “Vietnam Veterans Memorial Trail Budget Adoption, so moved.”

Councilwoman Giglio: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio.”

Councilwoman Giglio: “Yes and I just want to thank the entire Alternative Transportation Advisory Committee for all their diligence and all the meetings and showing up at the County Legislator meetings asking for the funding for this project. We’ve been talking about it for eight years now and getting through all the hurdles, trying to plan where the trail is going, what the route is going to be, getting the plans drawn up, getting the plans revised, going into contract where we had to pull the trail out of the overall piece of the Grumman property. It’s just been one hurdle after another and I’m happy to say that we are going to be having a ground-breaking ceremony on Friday morning at nine thirty at the trail and the contractor will be beginning the work on Monday. So, we hope to have a portion of the trail, a significant portion of the Vietnam Veterans Memorial

Trail completed within five to six months. Thank you, County Engineers, Town Engineers have done a great job also and have been here every step of the way coordinating. We've been to BIDS, we've been up and down and all around and it's finally getting built so thank you all for everybody who participated in this. It's a great project that Community Development Agency Joe Maiorana, Dawn Thomas and thank you all so yes."

Vote Continued: "Wooten, yes; Jens Smith, yes. Resolution adopted."

Resolution 391

Councilwoman Giglio: "Community Development Fund Budget Adjustment, so moved."

Councilman Hubbard: "I second it."

Supervisor Jens Smith: "Moved and seconded. Vote please."

The Vote: "Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted."

Resolution #392

Councilman Hubbard: "Extends Nunc Pro Tunc Contract for Annual Fire Security Alarm Contract, so moved."

Councilwoman Kent: "Seconded."

Supervisor Jens Smith: "Moved and seconded. Vote please."

The Vote: "Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted."

Resolution #393

Councilwoman Kent: "Highway Department Budget Adjustment Purchase of Various Machinery/Equipment, so moved."

Councilman Wooten: "I'll second."

Supervisor Jens Smith: "Moved and seconded. Vote please."

The Vote: "Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted."

Resolution #394

Councilman Wooten: “Knolls at Fox Hill Phase IIIB Capital Water Project #30146 Closure, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #395

Councilwoman Giglio: “Wading River Elementary School Capital Water Project #60089 Closure, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #396

Councilman Hubbard: “Water District Budget Adjustment – Purchase of a Dump Truck, so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #397

Councilwoman Kent: “Adopts Amendment to Investment Policy for the Town of Riverhead, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #398

Councilman Wooten: “Sanitation Recycling Program Budget Adjustment, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio.”

Councilwoman Giglio: “This came about the funds when we had required that all partners within the town report to the Town Engineer Department the amount of recycling that they’ve been picking up and they have been donating money back into a fund and I’m happy to say that this ten thousand dollars will be going to the Butterfly Project who will be recycling clothing and recycling other things for sale in order to further along the great work that Tia is doing so this is for the ten thousand for the Butterfly Project coming out of the recycling fund and I fully support it, yes.”

Vote Continued: “Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #399

Councilwoman Giglio: “Authorizes Submission of Letter of Intent and Execution of Contract by the Supervisor for Operation and Maintenance Grant Program to New York State Environmental Facilities Corporation (EFC), so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution is adopted.”

Resolution #400

Councilman Hubbard: “Engineering Equipment Budget Adjustment, so moved.”

Councilwoman Kent “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #401

Councilwoman Kent: “Authorizes Purchase of Two Used Dump Trucks for use by the Town Highway Department, so moved.”

Supervisor Jens Smith: “Just a questions, is this ratifies or is this authorizes?”

(Inaudible)

Supervisor Jens Smith: “Ok, so 401 authorizes.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution is adopted.”

Resolution #402

Councilman Wooten: “Ratifies the Purchase of a Used Dump Truck for use by the Town Highway Department, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #403

Councilwoman Giglio: “Authorizes Auction of Shopping Carts by Highway Department, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #404

Councilman Hubbard: “Declares Certain Highway Department Vehicles/Equipment Obsolete/Surplus Property and Authorizes Town Clerk to Publish

Advertisement for Sale of Obsolete/Surplus Highway Department Vehicles/Equipment, so moved.”

Councilwoman Kent “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #405

Councilwoman Kent: “Authorizes the Supervisor to Execute an Agreement for Disciplinary Charges with a Public Safety Dispatcher, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #406

Councilman Wooten: “Accepts the Retirement of a Police Officer (Allan J.Schule), so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent.”

Councilwoman Kent: “I congratulate Officer Schule and I wish him well. I vote yes.”

Vote Continued: “Hubbard.”

Councilman Hubbard: “Yes. Officer Schule I had the pleasure of working with. He came to us from the New York City Police Department and he finished up his career out here with Riverhead and I wish him nothing but the best in his retirement, yes.”

Vote Continued: “Giglio.”

Councilwoman Giglio: “Congratulations to the entire family, yes.”

Vote Continued: “Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #407

Councilwoman Giglio: “Accepts the Retirement of a Head Clerk (Frances Friszolowski), so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard.”

Councilman Hubbard: “Yes. Again, Fran has been with us for thirty-eight years. Has been a main stay over at the Planning and Building Department. We thank her for her years of service and wish her nothing but the best in her retirement.”

Vote Continued: “Giglio.”

Councilwoman Giglio: “Good luck, good luck to Fran, she’s a great lady, yes.”

Vote Continued: “Wooten, yes; Jens Smith.”

Supervisor Jens Smith: “Yes and thank you for all your service.”

Diane Wilhelm: “Resolution adopted.”

Councilwoman Kent: “I want to take a minute to congratulate Fran.”

Resolution #408

Councilman Hubbard: “Accepts the Resignation of a Homemaker (Kimberly Anderson-Hansson), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #409

Councilwoman Kent: “Appoints a Part-Time Spanish Speaking Clerk to the Office of the Town Clerk (Cindy Chavez), so moved.”

Councilman Wooten: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio.”

Councilwoman Giglio: “For the efficiency in the department and so that the courts office can better communicate with the large population of our community I will vote yes.”

Vote Continued: “Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #410

Councilman Wooten: “Appoints a Part-time School Crossing Guard to the Police Department (Marie Fusco), so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #411

Councilwoman Giglio: “Appoints an Unpaid Intern to the Engineering Department (Edward Agayan), so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #412

Councilman Hubbard: “Classifies Action Pursuant to SEQRA and Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing on a Special Permit Application for Jamesport Vineyard Bistro Addition, so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes to the public hearing; Giglio, yes; Wooten, yes to the public hearing; Jens Smith, yes. Resolution adopted.”

Resolution #413

Councilwoman Kent: “Authorizes Town Clerk to Publish and Post Notice to Consider a Local Law to Amend Chapter 251 Entitled “Noise, Public Nuisances and Property Maintenance” of the Riverhead Town Code (Bamboo), so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent.”

Councilwoman Kent: “I just want to make a note here that we listened to feedback from the public community and we also consulted with experts in horticulture from Cooperative Extension and the Code Revision Committee may tweak this and make some revisions and we’re putting it up again for a public notice. I vote yes.”

Vote Continued: “Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #414

Councilman Wooten: “Classifies Action as an Unlisted Action Pursuant to SEQRA and Authorizes the Town Clerk to Circulate a Request for the Town Board to Assume Lead Agency Status for the Purpose of SEQRA Review for the Special Permit Application for United Riverhead Terminal Biodiesel Expansion, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #415

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing for a Special Permit Application Known as United Riverhead Terminal, Inc. Submitted by United Riverhead Terminal, Inc. on a Certain Parcel Located at 212 Sound Shore Road, Identified as SCTM #600-7-1-2, Riverhead, NY, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio.”

Councilwoman Giglio: “June 19th, 7:20 p.m. is when the hearing will take place, yes.”

Vote Continued: “Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #416

Councilman Hubbard: “Authorization to Publish Advertisement for Signage for the Town of Riverhead, so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #417

Councilwoman Kent: “Extends Bid Contract for Police Uniforms, so moved.”

Councilman Wooten: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #418

Councilman Wooten: “Awards Bid for Sporting Goods, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #419

Councilwoman Giglio: “Appoints Seasonal Water Safety Instructors to the Recreation Department, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes.
Resolution adopted.”

Resolution #420

Councilman Hubbard: “Appoints a Call-in Park Attendant I to the Recreation Department (Marcus Moore), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes.
Resolution adopted.”

Resolution #421

Councilwoman Kent: “Appoints Call-in Registered Nurses to the Recreation Department (Catherine Seuling, Audry Luciano), so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes.
Resolution adopted.”

Supervisor Jens Smith: “Before we start 422, 423 and 424, these are the resolutions that were in the packet I believe that there may be other resolutions that people have that are separate and apart from these that, Ray, do you want to come up and address the Board on these?”

(Inaudible)

Ray Coyne: “The ones in your packet are for those starting June 6th.”

Supervisor Jens Smith: “Ok, which ones are for the ones that have a problem that you need to pull?”

Ray Coyne: “What we did we extracted out some of the employees that were starting before that we had to ratify so the ones that.”

Supervisor Jens Smith: “Wait first let’s address the ones that we have here. You submitted Resolutions 422, 423 and 424. 422 Appoints Seasonal Assistant Beach Managers to the Recreation Department and it has a list of employees there?”

Ray Coyne: “Correct.”

Supervisor Jens Smith: “And do you want this resolution to go through or not?”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “So this resolution we’re voting on?”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “Ok, so we’ll go with each resolution. So, can I have a first and second for 422?”

Resolution #422

Councilman Wooten: “Appoints Seasonal Assistant Beach Managers to the Recreation Department, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #423

Supervisor Jens Smith: “So Ray 423 Appoints Seasonal Beach Attendants to the Recreation Department and there’s a list of names with that. Are we voting on that one?”

Ray Coyne: “Yes, please do.”

Supervisor Jens Smith: “Ok, so can I have a first and second on Appoint Seasonal Beach Attendants to the Recreation Department?”

Councilwoman Giglio: “I make the motion.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #424

Supervisor Jens Smith: “Ray we now 424 which appoints a Senior Head Lifeguard to the Recreation Department. Are we moving forward with that one?”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “Ok, so can I have a first and second to Appoints a Senior Head Lifeguard to the Recreation Department (Paul Iannacchino)?” Department?”

Councilman Hubbard: “First.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #425

Supervisor Jens Smith: “All right Ray, I’m going to go through all the resolutions that you submitted and then we can take it from there. So I have Resolutions 425 which Appoints Seasonal Lifeguards to the Recreation Department. Are we moving forward with that one?”

Ray Coyne: “Yes.”

Councilwoman Kent: “So moved.”

Councilman Wooten: “Then I’ll second.”

Supervisor Jens Smith: “Moved and seconded to Appoint Seasonal Lifeguards to the Recreation Department. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #426

Supervisor Jens Smith: “So Ray, 426 Appoints Seasonal Summer Recreation Staff to the Recreation Department. Are we moving forward with that one?”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “Can I have a first and second?”

Councilman Wooten: “I move it.”

Councilwoman Kent: “Second.”

Supervisor Jens Smith: “A first and second to Appoint Seasonal Summer Recreation Staff to the Recreation Department. Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Supervisor Jens Smith: “Ok, Ray now I believe there are other resolutions that you want the Board to consider. Are we ok taking them out of order?”

Councilman Hubbard: “No, he’s here now that’s ok.”

Ray Coyne: “I believe the two are not on here. I think that’s it for recreation, right?”

Councilwoman Giglio: (Inaudible)

Ray Coyne: “That’s different from salaries.”

Supervisor Jens Smith: “All these resolutions are for June 6th for all of these employees, June 6th to August 31st. Some of them are from June 6th through September 17th for the resolutions we just passed.”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “So those are the resolutions for the lifeguard for Memorial Day weekend. For last weekend is there a resolution for that?”

Ray Coyne: “That resolution that was submitted and I have the three Board signatures just for that one. That was a ratified resolution.”

Supervisor Jens Smith: “When was that done?”

Ray Coyne: “We submitted it, I think it was a few days after Memorial Day weekend. We were late.”

Supervisor Jens Smith: “So those were not in the packet for this Thursday. When did you have Board members sign that?”

Ray Coyne: “Well I have it here, they signed it within the last few days it looks like.”

Supervisor Jens Smith: “And did you submit it?”

Ray Coyne: “Yes, we submitted it days after the Memorial Day weekend.”

Supervisor Jens Smith: “We have no record of that submission and if it’s not submitted.”

Ray Coyne: “I have the emails. I’ll send them to you.”

Supervisor Jens Smith: “When did you get the signatures and submit those?”

Ray Coyne: “The signatures I have, just these past couple of days.”

Supervisor Jens Smith: “Who signed it?”

Councilman Wooten: “I signed it I believe Friday morning.”

Supervisor Jens Smith: “Friday?”

Ray Coyne: “Jodi, Jim and Tim signed it.”

Councilman Hubbard: “Mine’s dated so you can use mine.”

Ray Coyne: “Yeah, 6/4, 6/4, 6/5.”

(Inaudible)

Ray Coyne: “Correct and what we did we extracted out the employees that would need to be ratified. So that’s why these are the resolutions, the four. The other ones are good to go starting June 6th. The ones we extracted out were the ones that started Memorial Day.”

Supervisor Jens Smith: “So these are the same people with different start dates?”

Ray Coyne: “No, they’re different lifeguards, different beach attendants.”

Supervisor Jens Smith: “So the lifeguards that are ratified. We don’t have the resolutions that you’re talking about. Do you have copies for the Board?”

Ray Coyne: “Yes.”

Supervisor Jens Smith: “Can you present the Board with them Diane?”

Councilwoman Giglio: “They’re going to have to be the last resolutions in the packet, right?”

Supervisor Jens Smith: “I think we need to straighten out what this is because people worked and they’re not ratified to get paid.”

Councilwoman Giglio: “I thought that’s what we are trying to do?”

Supervisor Jens Smith: “And that’s what we’re trying to do also.”

Councilman Wooten: “They should have been coming off the floor for ratification today.”

Supervisor Jens Smith: “Do you have copies for the full Board?”

Ray Coyne: “No but I can get them.”

Supervisor Jens Smith: “Ok, why don’t you do that and bring them back and we’ll put them at the end and you can come up and.”

Ray Coyne: “Sure.”

Supervisor Jens Smith: “Ok.

Resolution #427

Councilwoman Giglio: “2018 Miamogue Park Budget Adjustment, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes.
Resolution adopted.”

Resolution #428

Councilman Hubbard: “2018 Veterans Park Budget Adjustment, so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes.
Resolution adopted.”

Resolution #429

Councilwoman Kent: “Awards Bid for Town of Riverhead and Calverton Sewer Districts Generator Preventive Maintenance and Service 2018-2019, so moved.”

Councilman Wooten: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #430

Councilman Wooten: “Approves the Chapter 255 Application of Old Steeple Community Church (Annual Summer Fair – Saturday, August 25, 2018), so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #431

Councilwoman Giglio: “Approves the Chapter 255 Application of Harvest East End Arts and Humanities Council, Inc. (Wine Tasting Event, August 4, 2018, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #432

Councilman Hubbard: “Ratifies the Approval of Chapter 255 Application of East End Arts and Humanities Council, Inc. (22nd Annual Community Mosaic Street Painting Festival – Sunday, May 27, 2018), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent.

Councilwoman Kent: “And this is always a fabulous event in Riverhead. I vote yes.”

Vote Continued: “Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #433

Councilwoman Kent: “Approves the Chapter 255 Application of Long Island Abate Inc. (2018 Veterans’ Appreciation Run – Sunday, June 10, 2018), so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #434

Councilman Wooten: “Approves the Application for Fireworks Permit of Newton Carnivals (Peconic Bay Medical Center Family Festival – Friday, June 6, 2018), so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #435

Councilwoman Giglio: “Approves Chapter 255 Application of PC Richard & Sons, Inc. (Tent Sale – August 7, 2018 through August 21, 2018), so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #436

Councilman Hubbard: “Approves the Chapter 255 Application of Race Awesome, Inc. (Jamesport Triathlon – July 7 and 8, 2018), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #437

Councilwoman Kent: “Approves the Application for Fireworks Permit of Riverhead Raceway Inc. (Saturday, June 30, 2018), so moved.”

Councilman Wooten: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #438

Councilman Wooten: “Ratifies the Approval of the Chapter 255 Application of Wading River Shoreham Chamber of Commerce (24th Annual Duck Pond Day” – Sunday, June 3, 2018), so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #439

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Add a New Chapter, Chapter 225 Entitled “Environmental Quality Review” of the Riverhead Town Code, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #440

Councilman Hubbard: “Classifies Action and Requests Lead Agency Status for SEQRA Review of the Special Permit and Site Plan Applications for the Expansion of 84 Lumber Company for Outdoor Storage at 1751 West Main Street, Riverhead, NY and Calls for Public Hearing on the Special Permit Application (SCTM #600-118-4-10), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard.”

Councilman Hubbard: “I’m going to recuse myself on this. My eldest son works for 84 Lumber so I’m recusing.”

Vote Continued: “Giglio, yes; Wooten, yes, Jens Smith, yes. Resolution adopted.”

Resolution #441

Councilwoman Kent: “Authorizes the Supervisor to Execute a Musical Works License Agreement with SESAC LLC, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #442

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

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #443

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post Notice of a Public Hearing to Consider a Lease Agreement with Big Belly Solar, Inc. for Telebelly and Smart Waste Containers, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith.”

Supervisor Jens Smith: “Yes and after we had our work session they did go back to Telebally so they have agreed to increase the number of cans so that makes three at Jamesport and two at Iron Pier so.”

Diane Wilhelm: “Resolution adopted.”

Resolution #444

Councilman Hubbard: “Approves Agreement between Winship Media LLC and the Town of Riverhead (Utilize Parking Police Personnel and Police Cars – 2018 New York Wine and Food Festival), so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

(Inaudible)

The Vote: “Kent, yes as amended; Hubbard, yes as amended; Giglio, yes as amended to attach the actual agreement; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #445

Councilwoman Kent: “Appoints David H. Besso, Esq. of Long Tuminello, LLP, as Special Council in Connection with the Investigation of a Complaint Pending Before the Board of Ethics and any Proceedings Resulting Therefrom, so moved.”

Supervisor Jens Smith: “I just have a question with you Bob. I believe there’s more than one complaint and will that all be done by outside counsel or is there just a complaint? If we’re using outside counsel for more than just one complaint does this need to be amended?”

Robert Kozakiewicz: “It’s my understanding that the request came with respect to that one complaint and if there’s a need to do it for more we can have further resolutions to address additional complaints. I’m not familiar with them handling more than one. It’s the first time I’m hearing that.”

Supervisor Jens Smith: “I believe Mr. Howard had said, I had asked Mr. Howard about that, he did not consult with you about that?”

Robert Kozakiewicz: “No, I don’t believe he did. I knew we were doing it on one complaint. I hadn’t heard anything different.”

Supervisor Jens Smith: “Do you want to table this until you can speak to him.”

Someone: “I’ll do it.”

Supervisor Jens Smith: “You can do it right now, I don’t care if you if you do it right now.”

Councilwoman Giglio: “You can amend it to any complaint.”

Robert Kozakiewicz: “If you want to add it.”

(Inaudible)

Councilman Wooten: “Put an “S” in parentheses.”

Robert Kozakiewicz: “I mean we have to have some kind of clarity to exactly what he is handling so.”

Supervisor Jens Smith: “Right because otherwise, this is our ability to sign a contract and pay him so if he’s handling more than one complaint it would not be (inaudible) so do we want to change it to.”

Councilwoman Giglio: “I would just change it, add an “S” to complaint and make it complaints pending before the Board of Ethics with any (inaudible) resulting therefrom.”

Councilman Wooten: “No, I would put an “S” in parentheses.”

Supervisor Jens Smith: “Bob, how would you like to amend this?”

Robert Kozakiewicz: “I’m going to ask if you can put this one aside. I’ll leave this room. I’ll go down and speak to my Deputy and I’ll come back (inaudible).”

(Inaudible)

Supervisor Jens Smith: “I think that would be appropriate.”

(Inaudible)

Robert Kozakiewicz: “Then I can give you some clarity on whether it’s one or more than one.”

Supervisor Jens Smith: “I think that, because to remain in a timely fashion.”

(Inaudible)

Robert Kozakiewicz: “Continue on with the rest of the work and I’ll find out.”

Supervisor Jens Smith: ‘Ok, so we’ll move on to Resolution 446.’

Resolution #446

Councilman Wooten: “Declares Riverhead Sound Associates, LLC in Default in Connection with the Subdivision Entitled “Aquebogue Golf Resorts A/K/A Highlands at Aquebogue”, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #447

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Notice to Bidders for Riverhead Water District Generator Preventative Maintenance and Service, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #448

Councilman Hubbard: “Awards Bid for Corrosion Control Chemical for Use by the Riverhead Water District, so moved.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #449

Councilwoman Kent: “Ratifies Execution of a Sub-License Agreement with Suffolk County Real Property Tax Service Agency, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #450

Councilman Wooten: “Authorizes Purchase of a Dump Truck for use by the Town of Riverhead Water District, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #451

Councilwoman Giglio: “Authorizes the Issuance of an Additional \$900,000.00 Bonds of the Town of Riverhead, Suffolk County, New York to Pay Part of the Cost of the Increase and Improvement of the Facilities of the Riverhead Water District, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #452

Councilman Hubbard: “Public Interest Order in the Matter of the Increase and Improvement of Facilities of Riverhead Water District in the Town of Riverhead, Suffolk County, New York, so moved.”

Councilwoman Kent “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #453

Councilwoman Kent: “Grievance Determination, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #454

Councilman Wooten: “Pays Bills, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #455

Councilwoman Giglio: “Amends Resolution #357 (Appoints an Account Clerk Typist – Rachel Vankurin), so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #456

Councilman Hubbard: “Authorizes Lawrence M. Levy to Provide Additional Audio/Visual Production Services for Riverhead Industrial Development Agency (RIDA) Meetings, so moved.”

Supervisor Jens Smith: “I think this has to be amended to ratify because I think they had their first meeting Monday.”

Councilman Hubbard: “Ok, that would be ratify, not authorize.”

Councilwoman Kent: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #457

Supervisor Jens Smith: “This will be ratifies also.”

Councilwoman Kent: “Ratifies Lawrence M. Levy to Provide Additional Audio/Visual Production Services for the Town Board, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Supervisor Jens Smith: “We have two off the floor, first let’s go back to resolution 445 first.”

Robert Kozakiewicz: “Yeah, I spoke to the Deputy Town Attorney Howard. I understand this is something that just came up today and something that we still need to go back to the Board of Ethics. There’s no objection to amending the first *now therefore be it resolved* before the semicolon and after *reference therein* add language in *any complaint related to said complaint* so that we know it is linked to and tied to any complaint that’s the one that Mr. Besso is subject to in the investigation so there has to be some commonality in the investigation. Does that work?”

Councilman Hubbard: “That’s fine with me.”

Supervisor Jens Smith: “I, yeah, say it again.”

Robert Kozakiewicz: “So after the first *now therefore be it resolved*, third sentence, in connection with the complaint referenced herein, add between herein and the semicolon add *any complaint related to said complaint or any related complaint*, it’s got to be tied to the complaint that Mr. Besso’s working on but if its, got to be tied to it or somehow linked to it or emanate from it then it would be something that could be handled by Mr. Besso.”

Supervisor Jens Smith: “Ok.”

Resolution #445

Councilwoman Kent: “Appoints David H. Besso, Esq. of Long Tuminello, LLP as Special Counsel in Connection with the Investigation of a Complaint Pending Before the Board of Ethics and any Proceedings Resulting Therefrom as Amended, so moved.”

Councilman Wooten: “I will second it.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent.”

Councilwoman Kent: “I support getting outside counsel and I trust our Ethics Board to render the proper decision. I vote yes.”

Vote Continued: “Hubbard, yes; Giglio.”

Councilwoman Giglio: “Based on the request of the Ethics Board for outside counsel, yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “And I hope that they render “a” decision, yes.”

Vote Continued: “Jens Smith, yes. Resolution adopted.”

Supervisor Jens Smith: “All right, shall I take these up, 458 and 459 off the floor? Does everybody have those two? Can I have a first and a second to take Resolution 458 which is Awards Bid Construction of Pre-Stressed Ground Storage Tank at Plant No. 15 – Contract E – Electrical Construction Riverhead Water District and Resolution 459, Awards Bid Construction of Pre-Stressed Ground Storage Tank at Plant No. 15 – Contract G – General Construction Riverhead Water District. Can I have a first and second to take both of them off the floor?”

Councilman Wooten: “I move we take both, 458 and 459 off the floor, so moved.”

Councilwoman Giglio: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded to take them off the floor. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolutions 458 and 459 are taken off the floor.”

Resolution #458

Councilman Wooten: “Awards Bid – Construction of Pre-Stressed Ground Storage Tank at Plant No. 15 – Contract E – Electrical Construction Riverhead Water District, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #459

Councilwoman Giglio: “Awards Bid – Construction of Pre-Stressed Ground Storage Tank at Plant No. 15 – Contract G – General Construction Riverhead Water District, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Supervisor Jens Smith: “And now we’ll call Mr. Coyne up.”

(Inaudible)

Supervisor Jens Smith: “Just a question, on 425, I’m sorry, “Ratifies the Appointment of Seasonal Lifeguards to the Recreation Department”, is someone listed twice or no? No, ok and Ray, can I just ask when these people were hired?”

Ray Coyne: “I don’t know the exact time they were hired because we do it at all different times but they were hired before, they were appointed before Memorial Day. All their I9’s and W4’s are filed. All the things you need for the Department of Labor, that was all completed before hand.”

(Inaudible)

Diane Wilhelm: “460 Ratifies the Appointment of Seasonal Lifeguards to the Recreation Department.”

(Inaudible)

Supervisor Jens Smith: “460 Ratifies the Appointment of Seasonal Lifeguards to the Recreation Department. Can I get a second?”

Councilwoman Giglio: “Seconded.”

Supervisor Jens Smith: “First and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten:

Councilman Wooten: “Is this to take these off the floor or are we voting on the resolution?”

(Inaudible)

Diane Wilhelm: “To take them off the floor. So, 461 is Ratifies the Appointment of Seasonal Beach Attendants to the Recreation Department and then 462 Ratifies the Appointment of Seasonal Assistant Beach Managers to the Recreation Department.”

Supervisor Jens Smith: “So we have 460, 461 and 462?”

Councilman Wooten: “Right. I make a motion we take Resolutions 460, 461 and 462 off the floor, so moved.”

Councilwoman Giglio: “I’ll second.”

Supervisor Jens Smith: “First and seconded to take 460, 461 and 462 off the floor.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolutions 460, 461 and 462 are taken off the floor.”

Resolution #460

Councilman Wooten: “Ratifies the Appointment of Seasonal Lifeguards to the Recreation Department, so moved.”

Councilwoman Giglio: “Second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #461

Councilwoman Kent: “Ratifies the Appointment of Seasonal Beach Attendants to the Recreation Department, so moved.”

Councilman Wooten: “I’ll second.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Resolution #462

Councilwoman Giglio: “Ratifies the Appointment of Seasonal Assistant Beach Managers to the Recreation Department, so moved.”

Councilman Hubbard: “Seconded.”

Supervisor Jens Smith: “Moved and seconded. Vote please.”

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution adopted.”

Ray Coyne: “Thank you.”

PUBLIC COMMENTS

Supervisor Jens Smith: “At this point if anyone from the audience would like to come up and address the Board we just ask you to be respectful in making your comments.”

Rex Farr approached the podium and asked a question regarding procedure. Mr. Farr wanted to know if Councilwoman Giglio, who voted on Resolution 425 was allowed to vote on that resolution since she is the person being investigated. Councilman Hubbard replied that both he and Councilwoman Giglio were reported to the Ethics Board and that the Board said they were both allowed to vote on Resolution 425. Mr. Farr said he cannot understand the Board’s decision since both Councilman Hubbard and Councilwoman Giglio are involved in the situation being voted on in the resolution.

John McAuliff came forward saying he heard on a radio interview Councilwoman Giglio say she was not going to respect the decision of the Ethics Board and asked for a clarification on what he heard.

Supervisor Jens Smith asked Councilman Giglio if she wanted to answer or not answer Mr. McAuliff or if Jodi wanted the Supervisor to answer the question. Councilwoman Giglio told the Supervisor that she could answer for her to which the Supervisor responded by saying Ms. Giglio chooses not to answer that question at this time and at this time the Board would choose not answer on her behalf.

Mr. McAuliff questioned the developable and undevelopable land being sold at EPCAL. He continued by saying that both a former Congressman and the former Chair of the Republican Party stated that all of the land within the fence was useable land. Supervisor Jens Smith stated that one thousand six hundred, forty-three acres were for sale but the portion of undevelopable land has not yet been decided by the DEC.

Kathleen McGraw wanted to know if at the time of the sale of EPCAL the town would know how much of the land would be developable and which portion of the land would be undevelopable. She wanted to know if there would be a ruling on this by the DEC or would the town be selling something that they did not know what acreage was developable and what was not developable.

Supervisor Jens Smith said she thinks the town should have the final DEC comments prior to the sale. Ms. McGraw then replied that the town really doesn’t know what is developable and what exactly is undevelopable, so the buyer could be paying forty million dollars for an

undetermined about of developable land or unflappable land to which Supervisor Jens Smith replied in the affirmative.

Ms. McGraw said again that the Board does not know how much developable land is being sold for forty million dollars and if she was a Town Board member selling a valuable asset when they don't know how much of it can be developed and how much cannot be developed she would want to opt out of the agreement.

Ian Lyons was the last to come to the podium. He first spoke of the matter before the Ethics Committee and then spoke about the EPCAL sale. Mr. Lyons said he wanted to ask the Board five questions 1) Did the behavior of the individual fail to correspond with the guidelines of the agreed upon framework? (Q&E) 2) Did the individual fail to inform colleagues of the intention to alter the process? 3) Was there concealment or secrecy of actions? 4) Could the behavior in question have a direct causable relationship? 5) Did the behaviors being investigated even in the absence of direct evidence of impropriety service to significantly erode the public trust and the overall integrity of the process? Mr. Lyon's stated that answering in the affirmative to just one of the above questions would be reason for recusal.

Supervisor Jens Smith: "Is there anyone else who would like to address the Board? Seeing no one else can I have a first and second to close today's Town Board meeting?"

Councilwoman Kent: "I move that we close the meeting."

Councilman Hubbard: "I second."

Supervisor Jens Smith: "All in favor?"

Collective ayes.

Meeting Adjourned at 4:00 p.m.