

Minutes of a 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, May 7, 2013 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 M. Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

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

Invocation was given by Reverend Enrique LeBron of the Riverhead United Methodist Church.

Supervisor Walter asked Dr. Louis Scotti, who is a volunteer for Project Hope, to speak about this project.

This is a free program established to help individuals and families cope with the aftermath of Hurricane Sandy. The program is staffed by professional mental health providers who live in the community, some having been affected by Sandy themselves.

Project Hope provides crises counseling, helping people manage their stress, make decisions, take action and cope successfully with the disaster from the hurricane. Counseling is available in twelve different languages and is given not in an office but in the homes of those who are/were emotionally affected by the hurricane. This project is funded by FEMA and is a program of the New York Office of Mental Health.

If anyone is interested in contacting Project Hope, they can call 1 800 LIFE NET. Two crises counseling seminars will be held at the Riverhead Public Library, one on May 20th from 1:30-2:30 p.m. and the other on June 3rd from 7:00-8:00 p.m.

Supervisor Walter thanked Dr. Scotti for volunteering his time for such a worthy cause and asked that he leave some of his pamphlets for the town residents.

At this time, Supervisor Walter turned the microphone over to Harriet Haas who sang two patriotic songs with everyone in the room joining in when she sang "God Bless America".

Councilwoman Giglio was asked to present a bouquet of flowers to Harriet. She then asked everyone to join in and sing Happy Birthday to her as she will be celebrating her birthday on Thursday, May 09, 2013.

Supervisor Walter introduced an Animal Shelter Dog named Copper to everyone. Copper is a five year old Tennessee Walker Coon Dog and is available for adoption.

Catherine Quigley, Executive Director of Peconic Community School, and several school's students presented a check for \$2,100.00 to the town to be used to purchase a recycling bin. The Town said they would match the amount the students had raised.

After a picture of the students presenting the check to the Board members, Supervisor Walter thanked them for coming and for their efforts in raising the funds needed to purchase a Big Belly recycling system. He asked if the students would like to continue to monitor and collect recyclable items found along the waterfront.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen, to approve the minutes from the April 16, 2013 Town Board meeting and the minutes from the Special Town Board Meeting held on May 2, 2013. Motion carried, minutes were approved.

CORRESPONDENCE

- Jamesport – South Jamesport Civic Association - letter regarding the proposed project “The Village of Jamesport”
- Howard C. Bluver, President and CEO Suffolk County National Bank - letter of support for the proposed “Family Community Life Center” project
- Philip J. Kenter, Relay Communications Center - letter requesting installation of surveillance cameras in the Griffing Avenue parking lot

REPORTS

- Tax Receiver - Total Tax Collection to date as of April 17, 2013 - \$70,402,529.05
- Tax Receiver - Total Tax Collection to date as of April 24, 2013 - \$70,792,627.22
- Tax Receiver – Total Tax Collection to date May 1, 2013 - \$71,100,849.69
- Tax Receiver – Monthly Utility Collection Report April, 2013 \$253,594.57
- Building Department – Monthly Report April 2013 - \$87,102.53
- Sewer District – Discharge Monitoring Report March 2013
- NYS Comptroller – Annual Financial Report for year ending December 31, 2013

APPLICATIONS

SPECIAL EVENTS (CHAPTER 90)(Pending Town Board Approval)

- PC Richard & Son – BBQ Tent, store location, 1685 Old Country Road, Riverhead, May 22 through May 28, 2013
- Riverhead BID – Classic Cars Cruise Night – Thursdays May through August 2013
- Riverhead MTAS – Taste of the East End (showcasing local vendors) on the Peconic Riverfront downtown, June 2, 2013

- Riverhead Museum of Long Island

- Annual Railroad Festival, 416 Griffing Ave., Riverhead, August 24th& 25th, 2013
- Wooden Toy Train Play Days – October 12 & 13, 2013
- Starfish Junction Productions – North Fork Craft Beer, BBQ & Wine Festival, Martha Clara Vineyards, Sound Avenue, Jamesport, August 10, 2013

FIREWORKS PERMITS

Riverhead Raceway, Riverhead – July 6, 2013

Riverhead Raceway, Riverhead – August 24, 2013

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TOWN BOARD REPORTS

Councilwoman Giglio thanked everyone who partook in the essay contest. She said they were able to award six gently used, refurbished bicycles and brand new helmets to the award winners of the essay contest that was held throughout the schools, grades five through nine.

The bicycles were given out on May 4th at the PAL Bike Rodeo. The children all participated in the Rodeo and were very happy to take home their bicycles. Councilwoman Giglio thanked everyone for participating.

Supervisor Walter: “Any other Town Board Reports? Not hearing any other reports, we’ve got four public hearings so we’re going to get right into them.”

Public hearing opened: 2:27 p.m.

Supervisor Walter: “Public hearing supposed to start at 2:10 p.m. and it’s now 2:27 p.m. and I’ll open the public hearing on the Consideration to Hear All Interested Persons regarding an Alleged Unsafe and Abandoned Structure at 79 Philip Street, Riverhead. (SCTM #0600-106-1-21) Bob, do you want to fill us in?”

Bob Kozakiewicz: “Dan is going to handle this.”

Supervisor Walter: “Ok Dan, if you would.”

Dan McCormick: “Mr. Supervisor one moment, if I could just ask the audience? Is anyone here on this Chapter 54 regarding Gail L Jones, 79 Philip Street who would like to address the Town Board or examine the witness? Ok, thank you.”

Supervisor Walter: “Do you want Diane to swear in Mr. Zitek?”

Dan McCormick: “Please, thank you.”

Diane Wilhelm: “Do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?”

Craig Zitek: “I do.”

Dan McCormick: “Good afternoon Sir. What is your name for the record?”

Craig Zitek: “Craig W. Zitek.”

Dan McCormick: “And what is your title?”

Craig Zitek: “Chief Fire Marshall for the Town of Riverhead.”

Dan McCormick: “And how long have you worked for the Town of Riverhead in that capacity?”

Craig Zitek: “As Chief Fire Marshall, just over a year. As Fire Marshall in general, about seven years.”

Dan McCormick: “And what is the nature of your training regarding your duties and responsibilities?”

Craig Zitek: “We are New York State certified co-enforcement officials. We are also trained in fire investigation and a number of other areas as well.”

Dan McCormick: “And are you also trained and do you have qualifications concerning the structural integrity of buildings?”

Craig Zitek: “Yes, that would be part of NYS co-enforcement training.”

Dan McCormick: “Are you familiar with the physical location known as 79 Philip Street in the town of Riverhead?”

Craig Zitek: “I am.”

Dan McCormick: “How are you familiar with that location?”

Craig Zitek: “I was summoned there by the Riverhead Fire Department during a structure fire to do the cause and origin.”

Dan McCormick: “And what was the date of that incident?”

Craig Zitek: “That was December 19, 2012.”

Dan McCormick: “And upon arriving at the scene, what if anything did you observe?”

Craig Zitek: “There was a one story, single family dwelling in a residential area that had fire in the basement extending into the upper portions of the building.”

Dan McCormick: “And are you aware of a corresponding tax map number concerning that particular address of 79 Philip Street? And for the record what do you know that to be?”

Craig Zitek: “Let me check my records.”

Dan McCormick: “Please do.”

Craig Zitek: “Suffolk County Tax Map number is 600-106-1-21.”

Dan McCormick: “And how is it that you confirm that that particular number is related to the address known as 79 Philip Street?”

Craig Zitek: “I confirm that through the Riverhead GIS System as well as the official Suffolk County Tax Map.”

Dan McCormick: “Now, you indicated earlier in your testimony that you were on scene regarding a fire at that location? Is that correct?”

Craig Zitek: “That’s correct.”

Dan McCormick: “Did there come a time when the fire was extinguished and you had cause to physically inspect the premises after the fire had been extinguished?”

Craig Zitek: “Yes.”

Dan McCormick: “And what if anything did you observe at that time?”

Craig Zitek: “The building had broken windows, doors were broken, there were holes cut into the floor as well as the roof and walls. There was a considerable amount of damage to the ceiling and the floors due to fire in the basement.”

Dan McCormick: “And did you make this determination as to the condition of the structure regarding its safety?”

Craig Zitek: “Yes. It was determined to be an unsafe structure because at that time, it was open to anyone being able to gain entry to the building, getting injured and cut on glass and such.”

Dan McCormick: “And that was based on the physical structure of the building after the fire.”

Craig Zitek: “Correct.”

Dan McCormick: “And did you have occasion after those observations to meet with the property owner?”

Craig Zitek: “I did.”

Dan McCormick: “And when was that?”

Craig Zitek: “Following the fire, I met with her to let her know there had been a fire at 79 Philips Avenue and to advise her also that the building needed to be bordered up and secured.”

Dan McCormick: “Ok. It’s actually Philip Street, correct, 79 Philip Street?”

Craig Zitek: “Yes, 79 Philip Street, yes.”

Dan McCormick: “And who do you know the owner to be?”

Craig Zitek: “The owner is Gail L. Jones.”

Dan McCormick: “And how did you confirm that Gail L. Jones actually owns the premises known as 79 Philip Street in Riverhead?”

Craig Zitek: “She admitted to me that she was the property owner.”

Dan McCormick: “Ok, and what if any identification did she show you at that particular time?”

Craig Zitek: “She showed me her driver’s license.”

Dan McCormick: “And was there a photo affixed to that driver’s license?”

Craig Zitek: “There was.”

Dan McCormick: “And did the photo on the driver’s license match the physical description of the individual you were observing at that particular time?”

Craig Zitek: “It did.”

Dan McCormick: “And you knew them to be one and the same, Gail L. Jones, for the record. Is that correct?”

Craig Zitek: "That is correct."

Dan McCormick: "Did you have a further conversation with Ms. Jones regarding this particular incident?"

Craig Zitek: "I did."

Dan McCormick: "Ok. And with regard to ownership of the property in question, did she speak to you about that particular issue?"

Craig Zitek: "She did say that she was the owner of the property and her son had been living there."

Dan McCormick: "Ok. And did you, in fact, inquire as to her intentions to remediate the structure regarding the unsafe structure and the condition you referred to earlier?"

Craig Zitek: "She advised me that the building, the house was in foreclosure. She was not certain if she still had insurance on the building and she was going to contact the bank and see where things stood."

Dan McCormick: "And Marshall Zitek, did you in fact also serve a written notice to her regarding the demand that she remediate the premises and render the structure safe?"

Craig Zitek: "Yes."

Dan McCormick: "Ok. You're being shown what has been previously marked for identification as Exhibit No. 1. I'd ask that you take a look at that document and tell me if you, in fact, recognize it?"

Craig Zitek: "Yes."

Dan McCormick: "And what do you know that to be?"

Craig Zitek: "This is a copy of the letter that I served to her notifying her that it was an unsafe and unsecured structure at 79 Philip Street."

Dan McCormick: "And you personally served that upon her?"

Craig Zitek: "I did, I did."

Dan McCormick: "Ok."

Supervisor Walter: "Can I see that?"

Dan McCormick: "Mr. Supervisor, I ask that that document be admitted to evidence as Exhibit No. 1, Town Exhibit 1."

Supervisor Walter: “That’s fine, admitted.”

Dan McCormick: “Thank you. Ok. Subsequent to the conversation with Ms. Jones, did you have occasion to contact any parties concerning remediation of the property?”

Craig Zitek: “I did speak with the adjuster that came out from the bank to look at the property and he also was going to check to see if there was insurance and where exactly the property stood in the foreclosure process.”

Dan McCormick: “And what if anything came about with regard to that particular conversation?”

Craig Zitek: “There was a company that did come out and did board up the house with the exception of one area in the rear of the house.”

Dan McCormick: “Ok and for the record, they actually did board all of doors entering the facility as well as all of the windows. Is that correct?”

Craig Zitek: “They boarded the doors, they put padlocks, excuse me, they boarded the windows and the openings and they put padlocks on the front and rear door.”

Dan McCormick: “But there was a remaining issue correct, concerning a rear wall area?”

Craig Zitek: “There was a rear area of the house where the fire department had to remove the sheathing from the building in order to insure that the fire hadn’t extended and was in fact out and now all that remains preventing someone from getting in is the sheetrock on the interior of the building.”

Dan McCormick: “So Marshall Zitek, in your professional opinion, is it possible for someone to access that house by going through that rear wall area of that house?”

Craig Zitek: “Yes it is”

Dan McCormick: “You’re being shown what has been previously marked for identification as Town Exhibit No. 2. Can you take a look at that please?”

Craig Zitek: “Yes.”

Dan McCormick: “And what do you know that to be?”

Craig Zitek: “This is the photo of the rear of the house as it still was currently this morning showing the rear door boarded up, the (inaudible) door also boarded up. However, the access where the sheeting has been removed and someone can still gain entry to that house.”

Dan McCormick: “And who took that photo, Marshall?”

Craig Zitek: "I did."

Dan McCormick: "And when was that photo taken?"

Craig Zitek: "Allow me to check my notes."

Dan McCormick: "If that would refresh your recollection, yes please."

Craig Zitek: "It was taken on April 22, 2013."

Dan McCormick: "And does that photo you have in your hand now fairly and accurately represent and depict the scene in question as you observed it on the date you just indicted?"

Craig Zitek: "Yes."

Dan McCormick: "And with regard to the area concerning access in the rear portion of the house, is that depicted in the photo as well?"

Craig Zitek: "Yes."

Dan McCormick: "I'd ask that this be marked and accepted as an exhibit, as Exhibit No. 2 for the town, please? If you can kindly hand that up to the Supervisor please so they can peruse that photo."

Supervisor Walter: "That's fine. Enter that as Exhibit No. 2?"

Dan McCormick: "Yes please. Marshall Zitek, did you have occasion to determine if in fact a demolition permit has been issued for this particular structure?"

Craig Zitek: "I inquired and as of this morning there still was no demolition permit issued."

Dan McCormick: "Now subsequent to your conversation with Ms. Jones, did you have again an occasion to visit with her concerning today's hearing date?"

Craig Zitek: "I did."

Dan McCormick: "And when was that?"

Craig Zitek: "Allow me to check my notes."

Dan McCormick: "Please do."

Craig Zitek: "I served her Notice of Hearing on April 10, 2013 at 8:18 a.m. in the morning."

Dan McCormick: “And where did you serve that particular notice?”

Craig Zitek: “I served it at her place of residence.”

Dan McCormick: “Ok. And again it was the same individual you now know as Gail L. Jones from the first incident, correct?”

Craig Zitek: “That is correct.”

Dan McCormick: “Ok. I’m showing previously marked for identification as Town Exhibit No. 3. Do you recognize that document?”

Craig Zitek: “Yes, this is a copy of the Notice of Hearing I served on Ms. Jones.”

Dan McCormick: “Is that specifically the Notice of Hearing referencing in today’s date, May 7, 2013?”

Craig Zitek: “Yes, that would be the one.”

Dan McCormick: “Ok. And you handed that to her, is that correct?”

Craig Zitek: “Yes, I did.”

Dan McCormick: “I ask that that be admitted as an Exhibit please. Marshall Zitek, in your professional opinion with respect to the present condition of the property, and you indicated that you went out today to take a look again.”

Craig Zitek: “I was out there this morning at 7:44 a.m. It is still, the rear of the building where the sheetrock is, is still unsecure.”

Dan McCormick: “Ok and does it still allow access to the rear portion of the house with full access of course inside.”

Craig Zitek: “Yes.”

Dan McCormick: “And in your opinion is that an unsafe condition that poses a threat to the public?”

Craig Zitek: “Yes it does.”

Dan McCormick: “What is your recommendation at this in your professional opinion to the Town Board?”

Craig Zitek: “That remediation, finish securing the house and any costs and charges be referred back to the property owner.”

Dan McCormick: “Ok, I have no further questions of Marshall Zitek. I do have a couple of questions for Ms. Wilhelm when we get to that portion. I just want to know if any of the other Board members have any questions of me or Mr. Zitek.”

Councilman Dunleavy: “Who cleans up the garbage, the food and everything else that is laying on the property because that will attract rodents and other animals to that property? Is that also included in this hearing?”

Dan McCormick: “Councilman Dunleavy, you raised a question I was going to address when we got to the end of the hearing, but I’ll address it now.

I’ve had conversations today with Safeguard Properties which is a property preservation company hired by Bank of America to maintain this property. It is a company out of Texas and I spoke and communicated with a manager for that company. They’ve informed me, and they’ve requested an opportunity, to speak with their client, the Bank for an expedited order to remediate the property as we just addressed with Marshall Zitek.

What I’ve informed them of is that obviously, we had the hearing today, and what I’m going to do, and I told them this, petition the Town Board to hold in abeyance any decision regarding this hearing pending a response from the preservation company as to an expedited order to remediate not only the rear portion of the house but to remove all litter and debris from the premises completely. They assured me in writing that they will seek permission from the bank to do that and they will expedite removal of the property’s debris as well as remediation of that rear door area. So that’s where we stand at this particular point as of 11:30 this morning.

Councilman Dunleavy: “Thank you.”

Councilwoman Giglio: “Is there a statute that gives us a certain amount of time before we have to act on whether or not we should condemn this property?”

Dan McCormick: “Nope, nope. Basically I’m waiting, I’ve given them five business days to respond at which point I will report back to you as to their intentions and or remediation of the property in which case you can then render a decision after you’ve heard all the evidence in the Hearing through the ending of the Hearing today.”

Supervisor Walter: “You’re not asking us to tear the property down or condemn it; you’re just asking us to board it up and secure the back wall?”

Dan McCormick: “That’s correct.”

Supervisor Walter: “Ok. Does anyone else wish to be heard? Anybody from the audience wish to address this witness? Not seeing anybody.”

Councilman Dunleavy: “I would like to amend this that we clean up the yard at least. There’s food out there. I guess when they took everything out of the cabinets and stuff; it’s all lying in the backyard. So I think that should be cleaned up”

Supervisor Walter: “That might be a Chapter 96 resolution that we have to.”

Dan McCormick: “Let me address that Mr. Supervisor. It’s absolutely true we would have to then go forward with a separate 96 to give the property owner the opportunity to address that condition.

The reason why the 96 was not included in the 54 is, we were unaware of the debris which has now been pulled out of that house from the date of the fire forward in the back area which we didn’t have access to. So that’s why the 96 wasn’t included in the 54: it was simply we were unaware of what was going on there but now certainly it has become an issue. So I would move forth with that 96 if we are not notified in five business days that they are going to remove the debris.”

Councilman Dunleavy: “Thank you.”

Supervisor Walter: “Ok, please continue.”

Dan McCormick: “Thank you. Ms. Wilhelm, a question for you.”

Supervisor Walter: “Do you want me to swear her in?”

Dan McCormick: “That would be appropriate.”

Supervisor Walter: “Do you swear to tell the whole truth, nothing but the truth so help you God?”

Diane Wilhelm: “Yes.”

Dan McCormick: “Ms. Wilhelm, as the custodian of records for the Town of Riverhead, is it within the normal cause of business in the Town of Riverhead to maintain records concerning Public Notices of Hearings?”

Diane Wilhelm: “Yes.”

Dan McCormick: “And with respect to these Notices, is the News Review the official newspaper for the Town of Riverhead regarding public notification of Hearings?”

Diane Wilhelm: “Yes it is.”

Dan McCormick: “Is it in the normal cause of business for the Town of Riverhead to maintain what is known as Affidavits of Publication concerning actual notices of Hearings such as the one today in the News Review?”

Diane Wilhelm: “Yes.”

Dan McCormick: “And do you maintain such records within the Town Clerk’s office pursuant to your normal duties and responsibilities?”

Diane Wilhelm: “Yes.”

Dan McCormick: “I’m showing previously marked for identification Exhibit No. 4 for the Town. Do you recognize that document?”

Diane Wilhelm: “Yes I do.”

Dan McCormick: “What do you recognize it to be?”

Diane Wilhelm: “It’s an affidavit received to my office from the Riverhead News Review for publication for Public Hearing for this Chapter 54.”

Dan McCormick: “Exhibit 4, did you have an opportunity to compare Exhibit 4, which is a photocopy, with the original affidavit?”

Diane Wilhelm: “Yes, I did compare.”

Dan McCormick: “And are they one and the same?”

Diane Wilhelm: “They are one and the same.”

Dan McCormick: “And these particular documents, and in this particular case, is maintaining your office as a normal business record, is that correct?”

Diane Wilhelm: “Yes, that is correct.”

Dan McCormick: “And for the record, that document indicates a Hearing Notice dated for this particular day, May 7, 2013 regarding the Chapter 54 at 79 Philip Street. Is that correct?”

Diane Wilhelm: “Yes, that is correct.”

Dan McCormick: “I’ll ask that this document, marked as Exhibit 4 be formally admitted into evidence as well.”

Supervisor Walter: “That’s fine.”

Dan McCormick: “Ok. Thank you. I have no further questions of either witness. Again, if anyone in the public would like to examine the witnesses or the Board.”

Supervisor Walter: “Anybody in the public wish to examine the witnesses?” Ok, I’ll close the hearing and we will hold the decision in abeyance until the next Town Board Meeting.”

Dan McCormick: “Yes, but I’ll notify you within the next five business days of the response from the Property Preservation Company.”

Supervisor Walter: Ok, thank you very much.”

Dan McCormick: “Thank you for your time.”

Supervisor Walter: “Fire Marshall Zitek, Ms. Wilhelm, we couldn’t have done better if it was People’s Court.”

Public Hearing closed at 2:45 p.m.

Public Hearing opened at 2:45 p.m.

Supervisor Walter: “Ok, a Public Hearing that was supposed to be held at 2:15 p.m. and it is now 2:45 p.m. and we’re going to open up the Public Hearing known as the Consideration of a Proposed Local Law to Amend Chapter 106 of the Riverhead Town Code Entitled “Waterways”. Bob, do you want give an overview?”

Bob Kozakiewicz: “Just a quick overview. From what I understand, a while back, considering our Ordinance, the CAC, Conservation Advisory Council, recommended that we should consider adopting regulations with regard to floating homes, house barges, and house boats.

It bounced around a little bit, to say the least, and was brought to the Board’s attention and we openly put the legislation together which is the piece that’s before us for Public Hearing. It’s to add additional language, additional article to Chapter 106, our Waterways Ordinatees which will, in fact, regulate the establishment or the location of these type of boats or these types of homes in the town waters and I know (inaudible) is here to address the Board, so I’ll leave it at that.”

Supervisor Walter: “I just want to point out that the people have one hundred and twenty days from the effective date of this Chapter to apply for this application. If the home is sold within hundred and twenty days of the sale, you have to apply for another permit. I want to be on record as the intent of the Town Board; if you didn’t apply for this within one hundred and twenty days that you’re not going to get the benefit of this Statue. The other thing is that if one of these structures is damaged by more than fifty percent, permit will not be restored and the barge has to be removed, if I understand this correctly.”

Bob Kozakiewicz: “That is correct.”

Supervisor Walter: “Ok, so I want to be on record that that is the intent of the Board. You have one hundred and twenty days to apply and if it’s damaged more than fifty percent, then the structure has to be removed. Does anybody wish to be heard on this matter? Please step up to the podium and state your name and affiliation and your address for the record.”

Brian DeLuca: “Name’s Brian DeLuca and I am the Executive Director of the Treasure Cove Resort Marina where we have a couple house barges. Just a quick question, where is this application available?”

Supervisor Walter: “We haven’t adopted it yet so it’s not available.”

Brian DeLuca: “Ok.”

Councilwoman Giglio: “The fees will be established and the application will be submitted upon adoption of the legislation.”

Brian DeLuca: “So that one hundred and twenty days after the form is created, the application form?”

Supervisor Walter: “Correct.”

Brian DeLuca: “Ok.”

Supervisor Walter: “I’m thinking it’s going to be the Town Clerk but I don’t see it. It’s not spelled out here. Is that where? I’m not sure where that will be.”

Brian DeLuca: “That’s ok, and that’s an annual application that I need to fill out?”

Councilwoman Giglio: “Annual inspection.”

Brian DeLuca: “Annual inspection but one application?”

Councilwoman Giglio: “It will be renewable, right?”

Bob Kozakiewicz: “Yes.”

Brian DeLuca: “Thank you.”

Supervisor Walter: “Does anybody else wish to be heard on the matter? Yes Sir. If you can state your name and affiliation for the record; or name and address for the record. You don’t need to give your street address; just your Hamlet will be fine.”

Glen Sherman: “I’m Glen Sherman. I live in Riverhead. I spend most of my time on a boat in a Marina that also has a house barges and I followed the Liver Board issues for many years. I work in Seattle where floating homes are accepted and have related knowledge covering many other states.

The Coast Guard regulates marine sanitation for all vessels and the Peconic a no discharge zone. There is no need for a new sanitation ordinance, which is included here, but there is a need for inspections, not just floating homes but of all boats in the Peconic.

In the ten years I’ve been here I’ve never seen any boat of any kind inspected for properly configured marine sanitation device.

For floating homes, overboard discharge would be like any of you dumping waste in your own back yard. And although legislatures look to boaters when bacterial levels increase, in recent history most problems have been traced back to malfunctioning municipal treatment plants.

As for grey water, according to Peconic Bay Keeper, storm water runoff is listed as the single greatest threat to water quality in the nation. Fertilizer and pesticides from lawns as well as petroleum products and chemicals from roadway runoff are orders of magnitude more dangerous than marine grey water.

On trash, boaters understand the importance of keeping trash contained far more than general public. I personally, constantly remove trash from the waterways and most of it seems to come from on-shore sources.

As far as building codes go, overall size limits may be appropriate for this legislation but more specific building codes can be a little complex and the subject should be treated separately.

This legislation is designed to make floating homes slowly disappear from Riverhead. A better approach used by some municipalities, actually many municipalities allows floating homes with a maximum density based on the number of Marina slips. Ordinary Marina customers are absent most of the time so a small percentage of dock residents can be a security advantage for both the Marina and the boat owners. Just like Village downtowns where apartments above stores keep the area from being deserted after business hours. I would suggest the ten per cent rule to keep the number of homes low and still get the benefit of watchful eyes.

A recent Patch article said barge residents don't pay taxes. By using this logic, neither do apartment dwellers. Apartment and barge residents don't own property but building and marina owners do passing the charges along to the tenants who pay indirectly. If the town double dips by sending tax bills to both marina and barge owner, you should also send tax bills to both landlords and tenants on land.

One of my floating home neighbors is a local business owner and another a hospital care giver. There are always exceptions but these people are not freeloaders. It's not cheap. Most are involved in their community, concerned about the environment and certainly quicker to notice waterway issues than their land based neighbors.

Long Island's recently retired US Congressman; Gary Ackerman lived on a houseboat when he was in Washington, D.C. and the IRS recognizes boats and floating homes as residences allowing mortgage tax interest deduction. So the Town can make practical limitations in the density of these vessels but value judgments disguised as legislation to slowly eliminate them is not appropriate.

I can go on for hours but I can offer a lot more impute than you certainly have time for here."

Supervisor Walter: "Do you want to make that submission, the transcript that you're reading from; would you like to make that a submission to the Board?"

Glen Sherman: "Yes, I can submit this. I have an extra copy that I can give you. So any of the members who want to discuss this further with me, I'm certainly available any time and I'll provide contact information."

Supervisor Walter: "Ok, thank you Sir. Does anyone else wish to be heard on the record?"

Michael Mahon: “My name is Michael Mahon, I’m a resident of Riverhead. I reside on a houseboat at the same Marina as Mr. Glen. I believe that the legislation calls for the houseboat to be regulated by the New York State Home Building Code. Is that correct?”

Bob Kozakiewicz: “Yes.”

Michael Mahon: “I would protest that because my houseboat is not a home built in the same way as homes are built in the city. It is a vessel, it is a barge. It does not have a concrete foundation. The stairs in a houseboat does not have the same pitch which is regulated by a normal home. My houseboat is not grounded electrically as a home and on and on and on. It’s built as a different thing, different entity. It cannot be (inaudible) to that type of legislation; it will immediately outlaw all houseboats.

I would also like to say, the same thing as Glen said, that we in the Marina do not have a, it is a very clean Marina. Every Sunday when the weekend comes by, we see a lot of oil, a lot of debris in the water from the weekend boaters which you do not see during the week. And I would also like to say that the houseboats provide an environment for marine life. The houseboat next to mine has a family of muskrats that live there and have lived there for more than ten years.”

Supervisor Walter: “In the houseboat?”

Michael Mahon: “Underneath the houseboat. They have carved out, because it’s a foam bottom, they’ve carved out a dwelling and you can sit there almost any day of the week, especially during the mating season, and see the muskrats come back and forth where they maintain their residents.”

Supervisor Walter: “This is under your houseboat or?”

Michael Mahon: “No, my neighbors.”

Supervisor Walter: “Isn’t that noisy for your neighbor?”

Michael Mahon: “No it’s not.”

Supervisor Walter: “It’s like having mice in your attic, isn’t it?”

Michael Mahon: “All the houseboats provide food for all the ducks and geese that live in the river because the alga that lives around it.” (Inaudible)

Supervisor Walter: “Is that your wife?”

Michael Mahon: “My main protest is the building code for residents cannot be applied to the building code of houseboats.”

Supervisor Walter: “I think you’re one hundred percent correct so we may have to look at that. I think our intention here is really to regulate the gray water which I do not believe you should be dumping into the Peconic River and we have to. There not legal necessarily at all in the town, this provides a path for them to be legal but then severely restricts them so, but the building code is absolutely one hundred percent correct. You can’t regulate to that code.”

Michael Mahon: “I’ve been living here for more than forty years. I believe some of you people were in high school when some of them were installed.”

Supervisor Walter: “Possibly.”

Michael Mahon: “Thank you very much.”

Supervisor Walter: “Thank you Sir. Does anybody else wish to be heard on this subject? Not seeing anybody, I will close the public, yes?”

Councilman Dunleavy: “I think there’s a difference in the 5A on the second page. It has *if it’s damaged more than fifty percent, all the permits will be removed* and then it has *where more than fifty percent of the fair market value remains any existing use having a permit may be restored*. I think that is less instead of more.”

Bob Kozakiewicz: “That is correct. What it’s saying in reverse *if the damage is less than fifty percent*. Another words, there is a residual value that is greater than fifty then you can restore it. So it is correct.”

Councilman Dunleavy: “Isn’t it easier to read if it says *less than*, then the way Ann Marie has it written here?”

Supervisor Walter: “There’s an easier way to write this.

Councilman Dunleavy: “An easier way so a common person can read it and understand it.”

Bob Kozakiewicz: “And just to clarify this, (inaudible) and it does require the permit be renewed every year so it will be an annual renewal just to clarify it. The way it is proposed right now.”

Supervisor Walter: “Yes you may. I didn’t close it. Please state your name and.”

Mark Benewitz: “My name is Mark Benewitz and I am a house barge owner. I wasn’t planning to speak so forgive me.

I have a house barge which I love. I love Riverhead. I come here as much as I can but I don’t live on my house barge. I use my boat probably less than a lot of my neighbors that are in the Marina. So what you are doing, your saying because I have a house barge and someone else has a boat that AI should be treated differently than they should be treated.

I don't live on my boat full time. So as far as I understand, this is selective enforcement which I don't believe is legal."

Supervisor Walter: "No, what we're trying to do is; your boat doesn't move so there has to be a way. This came to us because I believe the county is requiring that the gray water not be pumped into the river anymore and there's no legal mechanism for you to really have these house barges in the town because they're somewhere between a, I'm not going to say a hybrid of a boat, they're not a boat, they're a barge. They don't have a motor, they don't move so it stands to reason that the gray water is being dumped some place and chances are it's the river so in order, we want to make sure you're hooked up to a holding tank or hooked up to a septic system; hooked up to something to collect that gray water and in order for that to happen, and for us to issue permits, we got to make it legal in order for somebody to allow these in the Marina and make an investment to hook these things up, we have to make this legal but we don't want them multiplying all over the place."

Mark Benewitz: "Ok, I accept that but what I'm trying to say is that my neighbor, who has a regular boat, is there more than I am on his boat, and does more whatever, as much as whatever, I do on a regular boat."

Supervisor Walter: "But they can take that boat to the pump out station and pump it out."

Mark Benewitz: "I have, I actually don't use my facilities but I have a pump out way to be pumped out."

Supervisor Walter: "And all your gray water, you have a gray water holding?"

Mark Benewitz: "Not to gray water."

Supervisor Walter: "That's the issue."

Mark Benewitz: "The boats don't have that for the gray water either."

Supervisor Walter: "That's the issue for the house barges because of Suffolk County and I'm not sure that all boats don't have gray water holding tanks."

Councilwoman Giglio: "This whole legislation was initiated by the Treasure Club Marina coming in and saying that the Health Department is inquiring that we either hook up to sewers or we have a holding tank or we have some enforcement of the gray water for sanitary discharge.

That's really what initiated this legislation, it's what do we do, what is the Town going to require from us. Is it worth it for us to spend all this money to hook up to the sewer if the town is going to do away with house barges all together?

So that's why we're looking at this legislation to not only protect the houseboat owners to make sure that your investment and satisfying the Health Department is not going to waste, but to also move forward in the future as far as houseboats and any type of new houseboats moving in.

We understand you have been here and we respect that and we're happy to have you but there's got to be something on the books."

Mark Benewitz: "Which the Coast Guard already has."

Supervisor Walter: "Yes, but that's not satisfying the Health Department. All right, does anybody else wish to be heard? The comment was that the Coast Guard has regulations and we acknowledged that.

Ok, I'm going to leave this open for written comment until, for ten days, until May 17, 2013. We'll close the public comment and leave it open for written comment until May 17, 2013. I have a feeling we're going to be going back to the drawing board with some of this. Thank you for coming up."

**Public Hearing closed: 3:00 p.m.
Left open for written comment until May 17, 2013 at 4:30 p.m.**

Public Hearing Opened: 3:01 p.m.

Supervisor Walter: "Ok. The next public hearing being scheduled for 2:20 p.m.; 2:20 p.m. having arrived and now being 3:01 p.m., I hereby open up the public hearing for the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled "Zoning" Article XXXIV Multifamily Residential Professional Offices, Landscaping, Screening and Buffering, (108.171). Jody do you want to present this or Bob?"

Bob Kozakiewicz: "I can make some comments. As the result of the recent work that was done by; in respect to the work, Route 25A, the Wading River Corridor study and the change to add more multifamily, residential professional office zoning on certain properties. There was a request that we investigate and add some specific language with respect to front yard screening, buffering and landscaping for those particular properties.

This legislation is amending 108-171 to add two new provisions which deal with specifically with front yard, landscape buffer planting for that zoning district which requires a minimum thirty five foot front yard landscape buffering. In addition we're asking that any landscaping be staggered and with sufficient height to fully diffuse and screen development from the street on a year round basis.

That's the reason we're here today."

Supervisor Walter: "Does anybody wish to be heard on the matter? Mr. Bail."

Sid Bail: "Good afternoon. Sid Bail, President of the Wading River Civic Association. I'm here to make some comments, suggestions about the amendment.

As you know, we advocated that the changes in landscaping, screening and buffering in the MRP zone would preserve the rural character better than the previous BCR zoning.

Looking at the changes that are made, I know, I think, we had recommended a fifty foot buffer and I know the committee changed that to thirty-five and we can live with that. I noticed a couple of weeks ago at a work session the Supervisor was concerned that the buffer, the thirty-

five foot buffer might reduce the yield and you were assured that that wasn't the case and that wasn't our intention. That's fine.

Also, mention of fences and being behind the required vegetation, deciduous and evergreens is a good idea. You know, being a Wading River resident there is one fence before the Condos and it's not aged well like some of us. So, I think we go well with that as well.

The big concern I have is nothing is recommended for professional offices in terms of buffering, screening and landscaping. Again, you know, driving in this afternoon and passing the professional office parcels along 25A; I'm not an architect and everyone has a different idea what is attractive or is really beautiful, but I think you can make the case that they are tremendously appealing and tremendously attractive.

Another thing, with a professional office, I think you could make the case, you don't quite need the visibility, you're not that concerned about catching the through traffic as you would be let's say a retail facility, etc. It could be more muted. There are examples in different parts of this town where you have professional offices where you know pass by and there's a directory sign and that's pretty much it and it doesn't kind of assault you, jump out at you and so I respectfully suggest that you take a look at making some sort of buffering standards for the professional offices; either the same as the residential or similar. Ok?" Thank you very much."

Supervisor Walter: "Good afternoon Ms. Hartnagel."

Jenn Hartnagel: "Good afternoon. My name is Jenn Hartnagel and I'm speaking on behalf of the group for the East End. We're here to also support these amendments and thank you to Councilwoman Giglio for working on this and bringing this to the public hearing portion.

Throughout the course of the Wading River study process, it was very clear to us that the community wanted to preserve the character of the area and hopefully you got that feeling as well and these amendments really achieve that.

We also support what Sid had just suggested which is to apply these amendments to the professional office space as well, if that is possible. Several other Long Island towns, including your neighbor Brookhaven, have very similar standards for various residential and commercial districts. Additionally these amendments were discussed as part of the comp plan update and two particular bullets that were adopted as part of the amended comp plan; I'm going to quote from the comp plan, *required development to meet additional design in landscaping for new commercial sites and buildings*. A second one was *to retain and enhance landscaped or natural buffers along Route 25A*. So, obviously these amendments are consistent with these goals that were adopted in the plan.

So again, we support it and if you could make the changes to have this apply to the office space as well, that would be great. Thank you."

Supervisor Walter: "Thank you very much. Does anybody else wish to be heard on this matter? Not seeing anybody, I'll close the public comment portion and leave it open for written comment until May 17, 2013, 4:30 p.m. in the Town Clerk's office."

**Public Hearing closed at: 3:09 p.m.
Left open for written comment until May 17, 2013 at 4:30 p.m.**

Public Hearing Opened: 3:09 p.m.

Supervisor Walter: “Finally we have one final public hearing and that was scheduled for 2:25 p.m. and it is now 3:08 p.m. We open up the Public Hearing for the Consideration of a Special Use Permit Application of Atlantis Management Group (Atlantis Mart) to expand a Gas Station at 1356 Old Country Road (Rt. 58), Riverhead. (SCTM #0600-108-2-7) We have some folks from the applicant so if you state your name and affiliation for the records that would be wonderful.

Keith Brown: “Thank you Mr. Supervisor, members of the Town Board. Keith Brown of Allan Altman, LLP, 510 Broad Hollow Road, Suite 110, Melville, NY 11747.

Supervisor Walter: “And you’re an attorney?”

Keith Brown: “I am Sir. I’m here today with respect to Atlantis Management Group’s application for a special use permit in connection with its expansion and renovation of the existing gasoline service station to include an accessory convenient store with a small Dunkin Donuts coffee shop located at 1356 Old Country Road, Riverhead, NY.

The site has been operating as a gas station since circa 1940. The Town’s Zoning Board of Appeals approved variance relief for the canopy and grounds fine by Appeal No. 96-30 on April 11, 1996. There are also Certificates of Occupancy for a gasoline and service station with an accessory canopy that was issued by the Town No. 13599 and 15608 dated June 23, 1997 and January 17, 2001 respectively.”

Supervisor Walter: “Do you have copies of that or do you want us to make a copy?”

Keith Brown: “I actually have the package materials which I would like to submit for the record, thank you. In addition all required variances conducted with the application were recently granted by the Town’s Zoning Board of Appeals on March 14, 2013.

As a matter of housekeeping the mailing the required Compliance Notices and the required postings were completed in accordance with the Town Code and the original affidavit mailing and posting was submitted to the Town Clerk’s office on May 2, 2013. At this time, I would like to submit those as well as the other exhibits that I’m using.”

Supervisor Walter: “Thank you Sir.”

Keith Brown: “The Instant Special Use Permit Application is necessary to writ the expansion of the existing service station use to allow the applicant to operate the accessory convenience store and Dunkin Donuts at the property pursuant to Town Code, Article 8, Section 108-51A. The Instant Special Permit to expand the use is necessitated by changes in the gas station business model that have occurred over the past several years.

These changes have resulted in the convenience stores becoming an essential accessory component to gasoline service stations. This is particularly so given that the profit margin on retail sale of gasoline is nominal. Gas Station retailers are getting squeezed by oil companies

and only make about a half a cent per gallon as profit and that number only gets increased after they pump more than a million gallons of fuel.

Gas station owners can no longer find (inaudible) and cars are lasting longer with less need of repair. In addition, automobile repair work is now done more routinely by dealerships and the cost of diagnostic and repair equipment to service and inspect vehicles is substantial.

In addition, the County Health Department, as you are aware, has required as of 2010, the replacement of all single wall storage tanks with double wall storage tanks compelling station operators to incur approximately three hundred thousand dollars in costs or more.

Finally, and part of the packet I submitted to you, there are articles recently in the Long Island Business News and Newsday, which document the recent depletion of gas stations throughout Long Island. Since 2010, the Long Island Gas Station Retailers Association reports a ten percent reduction of gas retailers throughout the Island. All of these issues have dramatically changed the gas station retail business model and cost station owners to either close their or convert the service bays to convenience stores.

Now with respect to improvements we plan to make to the property, the Special Permit further requests in order to renovate and improve the property in the matter that will improve the functionality and appearance and will be a marked improvement over the existing property condition.

The proposed renovations include installing a state-of-the-art fuel pumps and fully renovated building. We'll also provide significant upgrade in services from the current condition. The proposed improvements include the following: 1) A newly renovated building and canopy. 2) Two new fueling positions for customer convenience. 3) New parking, curbing, drainage and landscaping. Approximately twenty-five percent of the property will be landscaped under the current proposal. 4) New curb cuts along Osborne Avenue and Old Country Road. 5) Code compliant parking with 88 compliant parking stalls 6) A new loading area trash enclosure and energy efficient lighting.

Now with me today to present testimony for the support of the application is Mr. Chris Tartaglia to my immediate right, the project engineer. Chris is a licensed New York State Civil Engineer and is here to explain the site layout design and essentially what the site will look like post construction.

We also have with us today Mr. Chuck Olivo, a New York State licensed Civil Engineer and Traffic Safety expert. Mr. Olivo has examined the potential traffic impact of the proposed gasoline service station and the convenience store and is here to testify as to his findings.

Finally, Jose Montero of Atlantis Management Group who is here to field any questions about operations of the station. And with your permission Mr. Tartaglia and Mr. Olivo are prepared to answer any questions the Board may have unless you want to dispense with that. I leave it to you Mr. Supervisor."

Supervisor Walter: "I would like to see the layout if you would Mr. Brown. Bob, are we swearing in special permits?"

Bob Kozakiewicz: "Yup, yes we are."

Councilman Wooten: "I can tell you that service stations are convenience stations now. I'm more concerned about the traffic flow; I can't wait to get to that."

Bob Kozakiewicz: “Do you swear the testimony you are about to give will be the truth the whole truth and nothing but the truth so help you God?”

Chris Tartaglia: “Yes I do. For the record, my name is Chris Tartaglia, principle owner of the firm High Point Engineering located at 521 Conklin Street, Farmingdale, NY 11735.

I’ll just briefly give an overview. The plan that is in front of you is the, what we call, the site rendering and it depicts in colored form the overall site layout of the property and I’ll just go through some of the numbers here, the specifics for the property.

Site area is twenty-five thousand five hundred thirty-seven square feet that’s against a code requirement of a minimum of twenty thousand square feet. The existing building area is sixteen hundred and fifteen square feet. We will be making an extension of that building of one thousand fifteen square feet for a total of two thousand six hundred and thirty square feet.

As Mr. Brown mentioned that contained within that building will be a convenience store and also a Dunkin Donuts counter. There will also be a canopy proposal, over four pump islands that will provide eight fueling positions. The existing conditions today is such that the canopy is located to the southerly side of the property, in fact, at zero set back from the right-of-way. We’ll be increasing that set back significantly by locating the building more northerly and westerly side of the lot. We’ll be creating much better circulation by moving the vehicles away from the roadway as the queue into the pump islands.

Beyond that, we have various site improvements and again as Mr. Brown had mentioned, I think one of the most significant improvements is the proposed landscaping which you can see in the green areas on the rendering in front of you, about twenty-five percent of the lot, a little over twenty-five percent of the lot will be landscaped. Essentially the proposed development will have landscaping. Literally anywhere that I structure or require an access Isle or parking stall is not located.

Just by means of some other numbers, zoning permits seventy-five percent of the lot to be impervious and as I mentioned before we had seventy-four and a half percent of the lot is proposed as impervious so we meet that standard and again as Mr. Brown has indicated we have received all necessary bulk relief from the Zoning Board of Appeals.

With regard to access, the question was brought up for traffic. I will let Mr. Olivo discuss the traffic issue so I won’t take too much time on that.

Just to go briefly through the existing conditions; there currently are two full access two full curb cuts to the premises. One is located along Old Country Road and one is at the corner of Old Country Road and Osborne Avenue. It’s actually within the turning, the right hand turning lane from Osborne onto Old Country. The northerly portion of the lot is currently undeveloped as it sits today. What’s proposed along Old Country Road is one full access, two-way curb cut along the westerly end of the site and one entrance only curb cut located along the easterly side being moved approximately forty feet from its existing location where it’s within the turning lane to create a safer condition. Along Osborne Avenue we also have a two-way full access curb cut located as far north from the intersection as is feasible again to enhance traffic safety.

With regard to the curb cut approvals, we have made a preliminary submission to Suffolk County DPW. In fact we did meet with representatives of the Highway Department last week at the facility and they have some commentary which is forthcoming for the application but we feel that with some very minor tweaks to the plan that is proposed before you, we will have an approved access plan from Suffolk County Department of Public Works in short order.

That's my overview. I didn't want to get into too much detail. I know that the traffic was of question so I'd like to turn it over to Charles Olivo from Stonefield to answer any traffic questions unless there are other questions."

Councilman Dunleavy: "Traffic question."

Charles Olivo: "Yes Sir?"

Councilman Dunleavy: "I see the entrance that was, I can't read. Is that Osborne Avenue down at the bottom? Is that Rt. 58?"

Charles Olivo: "This is 58 Osborne is here."

Councilman Dunleavy: "Ok. Osborne Avenue, is that exit and entrance in the turning lane or is that past north of the turning lane?"

Chris Tartaglia: "Its north of it."

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Councilman Dunleavy: "Its north of it? Right now they're coming right out into the turning lane. Ok, so you're going to move it north."

Chris Tartaglia: "Yes, if I may? I don't know if you can see the plan here, maybe I can turn it a little bit.

So the proposed access point again is as I mentioned as far north on Osborne as possible. The turning lane starts approximately one hundred feet back from the intersection so the proposed curb cut is actually located beyond that. As you mentioned, the existing curb cut is quite oddly located here at the very corner of the intersection.

We asked DPW about that when we met them because they recently redid this intersection as the Board is aware and it sounded like it was something they were looking to fix as part of a future development so accommodating them.

Supervisor Walter: "Sounds good. Thank you. Can we hear from Mr. Olivo? You can move the microphone if you want to use the pointer."

Charles Olivo: "Good afternoon Mr. Supervisor, members of the Board."

Bob Kozakiewicz: "Mr. Olivo, I'm going to ask you to raise your right hand. Is the testimony you're about to give the truth, the whole truth and nothing but the truth so help you God?"

Charles Olivo: "I do, yes"

Bob Kozakiewicz: "Thank you."

Charles Olivo: “Just for the record, Charles Olivo. I’m the owner of Stonefield Engineering and Design which is located at 1601 Veterans Memorial Highway, Islandia, NY 11749.

Mr. Tartaglia and certainly Mr. Brown have given a very good overview of the project. Our Firm was asked to review both the internal circulation layout as well as the offsite roadway conditions as a result of the redevelopment here. Mr. Tartaglia has done an excellent job of explaining some of the access management principles that are going to be involved in redeveloping this site.

As I’m sure this Board is aware, this is a very important intersection here. Old Country is a major east/west artery that generally travels on the southerly portion of the town. This intersection, on the course of a typical day, just for some scale, Old Country Road carries about twenty-five thousand vehicle trips per day. Osborne Avenue is just under about ten thousand so obviously the east/west artery is really what’s pumping the blood through this network here. As the result of the proposed development, the goal is essentially to take the driveways as they exist and rather atypical locations and relocate them to more efficient locations.

Now with gas station development of old, it was generally an afterthought in terms of where you located your access points. There’s a lot of focus on the internal circulation plan and understanding whether or not you can get vehicles in and out of the site; but now what we do when we work with the DPW, the Department of Transportation and certain other jurisdictions, is look to try to improve upon, in case of redevelopment, any access from a safety and efficiency standpoint. So as Mr. Tartaglia explained, along the bottom of the page is Old Country Road. So as you know if you patronize this gas station, that turning area that allows you to make the right turn from Osborne onto Old Country Road, that right turn, the whole idea of that is to allow for a free flow of traffic from Osborne moving in a southerly direction to Old Country Road. By having a driveway on that channelized right turn lane you immediately create friction in that movement. It’s something that drivers don’t expect. So the goal here is to take that driveway out of that area and put it in a more typical location.

In addition to that, what we’re proposing to do is take the driveway on Osborne Avenue and shift it as far away from the stop at the intersection as we can. Under the proposed plan that driveway, which again is running from top to bottom; Osborne on the sheet that is in front of you would be about a hundred ninety feet away from the stop arc. What that means is that about ten cars can queue at that stop arc and stack before that driveway would be impeded. It’s outside of the area of the left turn lane at the intersection itself and those are all guidelines that we use when we look to design safe access to and from a site. So certainly on Osborne we have a vast improvement over the traffic conditions that exist today.

Now also on Old Country Road what we’re proposing is a limited access point that allows us for right in about fifty to sixty feet away from the intersection proper but then again on Old Country Road we would have a driveway that’s approximately two hundred feet away from the intersection where you would have a majority of your customer traffic coming in and out of this site. So again you could accommodate a ten car stack before that driveway would be blocked. You also have a two-way left turn bay along Old Country Road that would facilitate movements in and out of the site. So from a safety perspective, there are certainly great enhancements and benefits to the proposed plan before you.

In many ways as Mr. Tartaglia mentioned, it’s a modernization and certainly a rethinking of the gas and convenience store element which is really becoming a very integrated use and gas stations of old are now starting to incorporated both a convenient store element with the gas to

allow for one stop shopping rather than grabbing your coffee some place then completing another trip somewhere down the road.

One of the nice things about these types of sites is, and I've worked on hundreds of gas stations with convenience stores and certainly conversions like this, is that you have an existing customer base that uses the gas station today the convenience offering is simply added on as a result of adding a convenience store. So you've already captured that trip today by changing and modernizing the site, you would experience very similar traffic conditions with the improvement and enhancement of the driveways that we have proposed here. So overall, some excellent improvements are proposed with the project."

Supervisor Walter: "I have a couple of questions. Do you think the DOT; the county DOT, Department of Public Works is going to allow you to have two curb cuts on Old Country Road? That's the one closest to Osborne Avenue. This is just my mind thinking you would not be able to make a left in there maybe it's only a right in only. I don't know. Have you had any feedback?"

Charles Olivo: "We've had some initial consultations with the DPW; certainly we're going to continue to that process as we go through the full engineering of this plan. But based on preliminary comments, they're generally agreeable to the location with some slight modifications perhaps relocating it slightly pulling it towards the west."

Supervisor Walter: "And that would be a right turn only into the?"

Charles Olivo: "A right turn only, they have asked for some further channelization so that it would be physically prohibited for someone coming down Old Country Road and making the left hand turns in."

Supervisor Walter: "And the last question is, do you think they're going to allow you, because there's not a light there, do you think they're going to allow you to make a left out from Osborne on Old Country Road from, you're allowed to now but I'm just wondering if they're going to continue that?"

Charles Olivo: "Well you pretty much hit both of their comments on the head Mr. Supervisor. There one concern was about the location of the driveway which I mentioned we're going to continue to refine. They did have some concern with the left turn egress movement out of this driveway since we have alternative access on Osborne Avenue. Anyone who would be making that left turn can also make the right onto Osborne."

Supervisor Walter: "I personally would go out Osborne. I do the same thing with the town garage I go around to the highway department and go out on Osborne. It's much safer."

Charles Olivo: "With this improved access plan, what I tend to find and certainly in my travels, the account that we do is when it's very difficult you have your major artery that has a lot of volume on it throughout the course of the day and you have an alternative access point and a primary access point the traffic tends to be self-correcting. When this is very challenging,

includes a lot of delay to get out of the site, the right turn is one of the easiest and safest movements and then you have a traffic signal at the intersection itself.”

Councilman Dunleavy: “I understand what you’re say but it will be a lot easier, a lot more calming if we didn’t have a left turn out of that entrance because you are going across two lanes of traffic and a turn lane to get to the eastbound lane where your making that left turn to and you are pretty close to that traffic light.

On a good summer weekend that traffic backs up more than two hundred feet so you’re thinking maybe you could not have a left turn out of there and direct people to the Osborne Avenue exit where it’s safer and we won’t have any accidents with people coming out. We have along 58 most of the new establishments that do not have a traffic light have no left turn. So it’s a good think to think about. I would recommend that to our planning department to think about a left turn coming out of that service station.

Keith Brown: “It certainly is something to take under consideration Mr. Dunleavy because of the fact that we will have to address it at a planning board session so Mr. Olivo and his team are working with the county DPW to try to alleviate some of your concerns.”

Councilman Dunleavy: “Because you always have the one or two people who think they’re going to beat traffic and get across there and especially we have an older population they do not give the gas fast, they give it slow and we’ve had accidents where elderly people are turning into places because they think they have enough space but they’re driving to slow and they can’t get across the two lanes of traffic.”

Charles Olivo: “These are points well taken and it seems to be a point the County has raised as well so as we continue through the process we will certainly take that under serious advisement.”

Supervisor Walter: “It might a recommendation of the Town Board in our deliberations as you are going to increase the scope and size of the; or the use. How opposed are you if the Town Board makes a recommendation that there’s no left turn out of there?”

Keith Brown: “At this stage there is; you know we would rather see that we take this up with DPW because of the fact that, and one thing I was thinking about listening to the dialogue was, that because of the light there, there are further gaps in traffic so it allows for easier exits from the left.”

Supervisor Walter: “I’m not a traffic engineer.”

Chris Tartaglia: “(inaudible) and Chuck back me up on this if you agree, but the fact is that I think it would be worse condition if it were further mid-block than where it is located now.”

Councilwoman Giglio: “I think that the layout is much better. I actually frequent this gas station, it’s right down the street from where I live and I really like the fact that you’ve eliminated the north access on Osborne Avenue and I would refer to Suffolk County DPW and

their traffic experts as far as coming out and making a left turn onto Old Country Road because if everybody is going out onto Osborne Avenue, that traffic is going to back up and you're not going to be able to get out onto Osborne Avenue to make the left to head westbound onto Rt.58. I would refer back to Suffolk County Planning and take their recommendations.

I think this provides for landscaping and it's a much better esthetic view from the roadways and it will give us an opportunity to enforce our landscaping plans that we're trying to improve the area on Rt. 58."

Keith Brown: "Absolutely and I also know too that the Planning Commissioner is here too and we're working excessively with the planning staff to come up with." (Inaudible)

Supervisor Walter: "The Commissioner, they might have that recommendation in their mind already. The seed has been sown folks."

Councilman Wooten: Mr. Olivo, I just have one question and it's very similar to what the Supervisor mentioned. How necessary is that second cut for just that one right hand turn in? How necessary is that? I mean if that wasn't there, you would probably widen the apron on the other side to, I don't even know is why you would even need that there."

Charles Olivo: "The reason for that driveway, quite frankly, is for the service vehicles entering the site as well as any delivery vehicles would use that driveway. So that the goal, this would be much less utilized than a driveway here which is occasionally used once or twice a day or during off-peak hours by some of the delivery vehicles to enter into an area where they could unload easily. It's great segregation between the activity of the store and the gas pumps."

Councilman Wooten: "Ok."

Councilwoman Giglio: "It also increases the flow because if you have somebody coming out on the east end you have to make a complete stop on Rt. 58 in order to not hit that car that's coming out to make the right hand turn into the development so that at an angle entryway into the facility will, the flow of traffic, I think, would be much better."

Charles Olivo: "I agree, there's certainly going to be a distribution here and here so it allows it to somewhat come to an equilibrium. We just want to make sure to get it out of the area where it is today."

Councilman Dunleavy: "I just wish you would show the Island they have there, where that Island is for that entranceway. See that line on the right hand? Not the big one, no, that one there. Where does that coincide with your entrance there?"

Charles Olivo: "The Island would be in this gray are right here."

Councilman Dunleavy: "That far back?"

Charles Olivo: ‘Yes, this is the intersection. It’s a little hard to see it without the striping laid out on it but the intersection proper is in this area here so the center of the intersection is about right here. That striped area is carved out right about here.’”

Supervisor Walter: “It is a tremendous improvement and we look, I look forward to seeing that it gets built.”

Councilman Dunleavy: “And I have to say you were right, that we have to go with the times and service stations shouldn’t be called service stations no more because they do not service vehicles. All they do, they are gas stations because they pump gas and they have to have a convenience store for the owners to make profit. It just beautifies the area more so I have to give you that credit that we’re just trying to do public safety as far as traffic is concerned.”

Supervisor Walter: “I have a feeling that County is going to take care of those concerns. Does anybody else wish to be heard from the audience on this application? Yes Sandra Mott.”

Sandra Mott: “Good afternoon, Sandra Mott, Riverhead. I just had a couple of questions. I just wanted to clarify in my mind; this is the station that’s on the north side of Rt. 58 and Osborne Avenue, across northwest? Ok. Now I can ask my questions.

My concerns are one, I can appreciate your need for additional income for whoever is going to operate this facility but I was wondering, I just want to clarify a couple of things.

From all the development, I can call it other things, along Rt. 58 over the past few months and the fact that we already have and I’m just trying to bring to mind, one, two, three, four, five gas stations already there and you’re also going to have Costco which is going to have a major gasoline center which is going to be built. Is that part of the plan still?”

Supervisor Walter: “Yes.”

Sandra Mott: “Ok, is Walmart going to have comparable?”

Supervisor Walter: “No.”

Sandra Mott: “No, ok, one less competitor for you.”

Supervisor Walter: “This is an existing gas station.”

Sandra Mott: “No, I know that but my concerns are basically the fact of the shifting, the number of gas stations already on Rt. 58 the fact that a lot of area to the west is going to be focused on between Walmart and the Costco Center, etc., and whatever the hell they’re building behind the Holiday Inn on Rt. 58, that’s major competition and if you have such a short, small amount of opportunity to make money on this deal, I think those considerations that your major competitor will probably be Costco bringing people from all directions and they’re not going to be that far away from this particular location. In a safety concern, this is going to be adjacent to the current EMS facility correct? The EMS is just north of that, right?”

Councilman Dunleavy: “Yes, there’s one lot vacant between then.”

Sandra Mott: “One lot vacant and it’s also adjacent to the Town Hall, Town Highway Department more or less. Well in between that there are wetlands, a lovely pond there and when the traffic is heavy and you can slow down and you’re not being rear-ended and pushed, you can actually see in front of the Highway Department the wetlands. Now I couldn’t really tell from the mapping because it wasn’t facing the audience what direction they are planning to push this current plan.”

Supervisor Walter: “This would be actually outside the wetland jurisdiction because if it wasn’t Planning Department would have brought that up to our attention.”

Councilman Dunleavy: “There is one lot between the service gas station and the wet lands. The empty lot where the cars used to be parked, that’s between, it’s a different owner, it’s not the same owner.” (inaudible)

Keith Brown: “We’re not expanding the size of the lot.”

Sandra Mott: “How many bays are you going to have at this location?”

Supervisor Walter: “There are not going to be any bays, oh, gas pumps. I’ll let them step up after, just take the notes and.”

Sandra Mott: “Ok, You know what my focus is really. One, the EMS can get in and out of their facility safely when you’re talking about cars and trucks and deliveries, etc. backing up; the last thing we need is anybody blocking EMS. This town is exploding. In one day, in three days we had the EMS in Glenwood. All the other developments around there, and the roads are not simple around here; you either know where you’re going or you don’t and fortunately our EMS people do and the fire and the police departments. I want to make sure that they’re protected, you know, so they’re not going to end up in jams and people are going to be harmed because they’re lack of ability to get in and out and I really want to be protected of the wet lands one hundred thousand percent.

Considering what we have just observed over the past two and a half months in Glenwood literally out our front window because everything gets obliterated whether it’s on, in your plans or not, every tree, every bush. I started laughing when I heard about Wading River and their concerns with their trees and their buffers and their this and that nothing were considered on development. Development is fine but a little bit of consideration for those of us.”

Supervisor Walter: “I understand.”

Sandra Mott: “So I want you to make sure that these people are not going to say oh gee whiz.”

Supervisor Walter: “I don’t think there’s a single tree on that property.”

Sandra Mott: “I’m concerned about the wetlands, the dirt and the fill. I want to make sure that the animals are going to be protected that already live there.”

Supervisor Walter: “I will ask them to address that. If they know the set back or the jurisdiction of the wetlands they can address that.”

Sandra Mott: “Ok, I would appreciate that.”

Supervisor Walter: “Ok, thanks Sandra”

Keith Brown: “Mr. Supervisor, we are not expanding the size of the parcel at all, whatever is the extent of the development, will be the extent of the future development.

As far as landscaping is concerned, let’s say it’s sparse on the site today. There are a couple of (inaudible). It constitutes landscaping to be honest with you.

There will be four pumps. There will be eight fueling positions for vehicles and with respect to the safety concern about the EMS facility and the Highway Department I will defer to Mr. Olivo to answer those questions.”

Supervisor Walter: “Ok.”

Councilman Wooten: “It actually makes it much better.”

Councilman Dunleavy: “Actually you’re only adding, I think there are six there now, fueling stations, so you’re only adding two more fueling stations; from six to eight.”

Keith Brown: “It’s from four to eight I’ve been told.”

Councilman Dunleavy: “It’s four to eight stations.”

Supervisor Walter: “Ok so what do we have on the EMS traffic now?”

Charles Olivo: “For the purpose of discussion, this areal exhibit, the northwest corner of the intersection is located as far as the left hand side of the page.”

Supervisor Walter: “Sandra you can come up and take a look if you want to.”

Keith Brown: “I tried to put it somewhere so both the audience and the Board can see it.”

Charles Olivo: “The site is located towards the left hand side of the board here. There would be a razing of the existing structure and then the reconstruction as was shown on the site plan.

The proposed driveway would generally be in the location here which is again about two hundred feet from the intersection proper. The EMS driveway would be approximately another one hundred fifty to two hundred feet away from that driveway and therefore, there would be no influence of the driveway that’s being proposed on Osborne to the driveway that exits already to the EMS.

As I mentioned in terms of traffic generation, these sites pull traffic from the roadways themselves meaning that these are pass-by trips that already are on the roadway system. Study

shows that as much as ninety percent of the traffic that goes in and out of these sites is already comprised of that twenty-five thousand and nine thousand a day that's happening right now before it's changed. There will be no impact from a proximity stand point or blocking.

Some ways I think this has improved the, there's one expansive driveway that encircles a utility pole that is located about a hundred fifty feet away from the intersection where trucks sometimes lay over and park. It's just an expansive unconsolidated driveway that will be formalized by the (inaudible) condition."

Supervisor Walter: "Yes and no overnight parking. (Inaudible) Do we know the distance to the wet lands?"

Councilman Wooten: "Is there any hours of operation? Is there anything for the stores and the hours? Is it going to be opened twenty-four hours a day?"

Chris Tartaglia: "Can we do wet land first?"

Councilman Wooten: "Ok."

Chris Tartaglia: "The lot that's between us, our lot ends approximately here on the map. The lot that's adjacent to us has two hundred sixty three feet of frontage along Old Country Road and I believe the wet lands are located on that adjacent lot that Councilman Dunleavy mentioned.

Supervisor Walter: "The Town owns them."

Chris Tartaglia: "The edge of our lot is two hundred sixty-three feet, plus whatever distance the wet lands maybe mapped in so we're well beyond any wet land jurisdiction."

Councilman Dunleavy: "Thank you."

Sandra Mott: "So your building is going to be from south to north?"

Chris Tartaglia: "The building is actually existing we're just expanding it."

Sandra Mott: "I know I've used it. So you're obliterating, taking that one down, putting in a new one but it's going to be basically south to north?" (Inaudible)

Chris Tartaglia: "No, there's no obliteration, no demolition, we're just adding to the building."

Supervisor Walter: "Ok. One at a time, all right, one at a time. Sandra I'll let you get back up."

Sandra Mott: "No that's ok, that's alright. Thank you."

Keith Brown: "Just for clarification, this is not a raze or rebuild, we're actually pushing out the building."

Supervisor Walter: “Ok.”

Keith Brown: “The building itself that’s there now, one of the walls will be coming down and expanded further out to the north.”

Supervisor Walter: “Ok, sounds good. Anybody else wish to be heard on the matter? Sal, did you want to say something?”

Bob Kozakiewicz: “Sal, do you? Raise your hand please.”

Sal Mastropaolo: “I’m going to ask questions, not make statements.” (Inaudible)

Bob Kozakiewicz: “Got totally distracted. Do you swear the testimony you’re about to give is the truth, the whole truth and nothing but the truth so help you God?”

Sal Mastropaolo: “I do. First of all I was going to ask the question about hours of operation but Jim beat me to it but I didn’t hear answer. So what hours of operation are you going to have?”

Supervisor Walter: “Ok. Is that your only question?”

Sal Mastropaolo: “No. Two is, I take it that this is another store that’s going to sell alcohol in town, ok, that’s my comment. Three is, if we add another convenient store on Rt. 58 all we’re going to do is take business away from the existing convenience stores. They just put one in at the station that’s right next to the Holiday Inn. You’ve got Hess Mart up the road; you’ve got Seven Eleven down the other end. There’s only so much business on 58, ok. So you’re going to inundating 58 with convenience stores and they’re just going to take away from each other.

Councilman Dunleavy: “I don’t think so Sal. If you go past them, every one of those gas stations on 58; I go down that road a lot every day and there’s never none that are empty and with a convenience store when you pull in for gas you can run in and get a cup of coffee or a donut and come back out and get back into the car and continue your travel. It’s not there for everyday shoppers to go there, It’s not like a deli. It’s a convenience store where you run in and get a cup of coffee, potato chips or pretzels or something that you can take with you.”

Sal Mastropaolo: “The other comment I would make is I would like to see the Town make it a requirement or a stipulation that there is no left hand turn out of the station; ok to go east on 58 before they get the special permit.”

Supervisor Walter: “Ok, thanks Sal. I guess there were two questions in there.”

Keith Brown: “I’ll take them in reverse order actually. As this Board is well aware, Mr. Kozakiewicz I’m sure can council you, that competition alone is not a valid basis to form a decision on a land use matter.

The second thing with regard to the sale of alcohol, yes we have applied for a beer license from the New York State Liquor Authority and as such with respect to hours of operation this Board is, I'm sure, well aware of the case law that that issue is actually taken off the table, it's preempted by state law because the state liquor authority regulates the hours of operation. As you know Sunday Blue Laws are still in effect. You can't have alcohol sales between midnight on Saturday night and noon on Sunday. I don't believe there are any other questions."

Supervisor Walter: "Hours, hours of operation for the store itself."

Keith Brown: "We're going to operate twenty-four seven."

Supervisor Walter: "Is that permitted in that district? We'll have to find that out. I'm not positive it is or it isn't." (Inaudible)

Councilman Dunleavy: "They close early now."

Keith Brown: "As far as I know there is no restriction."

Supervisor Walter: "If there's a restriction you're covered by it, if there's no restriction you're not. Alright, anybody else wish to be heard on this subject?"

Councilman Dunleavy: "I just want to ask one more question. Does the same owner own the ESSO station across the street?"

Keith Brown: "I don't know the answer to that."

Councilman Dunleavy: "They're your clients, you don't know the answer. Ok. Thank you."

Keith Brown: "Just to clarify Mr. Dunleavy, we actually represent a tenant who's going in, not the property owner. That's why I don't know the answer."

Councilman Dunleavy: "Oh, ok. I was told the tenants own the ESSO station across the street. I don't know."

Supervisor Walter: "If there's no further comments from the audience or the Town Board, we'll close this public hearing and leave it open for written comments until May 17, 2013 at 4:30 p.m. in the Town Clerk's office. Mr. Brown, thank you very much for coming. Mr. Tartaglia, Mr. Olivo enjoy the rest of the day. Do you want to leave copies of these site plans to make them part of the record too? If there's no further comment. Resolutions, let's take comments on Resolutions. Sal how did we do?"

**Public Hearing closed at: 3:50 p.m.
Left open for written comment until May 17, 2013 at 4:30 p.m.**

COMMENTS ON RESOLUTIONS

Sal Mastropaolo: “Resolution 366. If you look at the numbers in 366 they don’t add up. The total is fifteen thousand, three hundred but the sum of the two numbers is fifteen thousand three hundred and fifty dollars so, fifty dollars one way or the other has to be changed. Eleven eight fifty and thirty five hundred is fifteen three fifty and the amount is fifteen three.”

Councilman Gabrielsen: He’s correct, you’d be correct. An additional fifty dollars.”

Supervisor Walter: “So we have to contribute thirty-five fifty?”

Sal Mastropaolo: “No, no.”

Councilman Gabrielsen: “Thirty-five hundred when you add the two sums together.”

Sal Mastropaolo: “Either you contribute thirty-four fifty or you change the total to fifteen three fifty.”

Councilman Gabrielsen: “We change the total to fifteen three fifty, that’s correct.”

Sal Mastropaolo: “Ok then the numbers add.”

Councilman Gabrielsen: “Ok, it’s amended.”

Supervisor Walter: “What else do you have?”

Sal Mastropaolo: “That’s it.”

Supervisor Walter: “Steve Romano.”

Steve Romano: “Good afternoon, Steve Romano, Riverhead. Question on setting the Chief’s salary. Is there an increase and if so what is the increase and the percentage?”

Supervisor Walter: “This is not correct and the resolution is going to get tabled. Two percent increase. The Chief used to be covered under the SOA contract or state law rather and the Chief would get a percentage increase based on the SOA contract which was loosely based on the highest Lieutenant salary.

About the only thing that was removed from the tax cap was, I forget the number of this statute; 207. That was about the only thing removed from the tax cap; that the Chief’s salary in that department would not be covered by this. So while everybody in the department got a two percent raise, the Chief didn’t get anything. But that’s going to be pulled because there’s going to be further discussion on it.”

Steve Romano: “Ok, can you entertain any more questions on it or.”

Supervisor Walter: “Well it’s somewhat in the neighborhood of two percent.”

Steve Romano: “Generic questions in regard to the Chief’s salary, eventual salary. Generic. How does it compare currently with other towns of similar size and police forces?”

Supervisor Walter: “I’m going to say probably a police officer/chief that has been in the department for thirty years it’s comparable.”

Steve Romano: “Ok. Question in regard to, I don’t know if you can expand on the settlement of Mary Hopkins. What’s that all about?”

Councilman Wooten: “It’s not a settlement; it’s an extension of a per diem contract for her. She’s a nineteen A instructor with the state for motor vehicles and she’s doing safety training for our bus drivers at the Senior Center.”

Steve Romano: “Ok, great, and a question on the indemnification of the former Supervisor Richie Downs and George Bartunick. Can you expand on that, what’s that all about?”

Supervisor Walter: “That’s pursuant to our town code. They were sued, what number was that was that Larry Oxford thing? (Inaudible) We filed another law suit and our code requires.”

Steve Romano: “On the same property?”

Supervisor Walter: “Yes, so we’re just indemnifying employees and former employees pursuant to the code.”

Steve Romano: “Thank you.”

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

Bob Kozakiewicz: “I’d like to make a comment unless Jim is going to speak. Mr. Stark?”

Supervisor Walter: “Supervisor Stark, would you like to speak on the one or would you like Supervisor Kozakiewicz to do that?”

Supervisor Stark: “You have an attorney.”

Supervisor Walter: “Former Supervisor, we have two former Supervisors; Supervisor Kozakiewicz and in the back Supervisor Stark. Sandra?”

Sandra Mott: “Yes, Sandra Mott, Riverhead. Resolution 339, the general fund for the animal shelter budget adjustment. That’s strictly basing the transfer?”

Supervisor Walter: “Yes, it’s a transfer of our basic operating costs into an account that we can use to pay our contractual obligations.”

Sandra Mott: “Ok, now that will not involve the relocation of the animals?”

Supervisor Walter: “It does not. That’s a separate issue.”

Sandra Mott: “That’s separate. Ok. Well, you already know how I feel about North Fork. I just want to restate it on the record for God knows how many times. Thank you very much. Long overdue and I’m happy to read, is it Miss Lynch, there was an article in New Review.?”

Supervisor Walter: I think Pat Lynch wrote an article.”

Sandra Mott: “Pat Lynch wrote a letter and I’ll tell you it’s very satisfying to know that that has happened and I’m going to stick around. I want to comment on the relocation but so. Thank you very much.”

Councilman Dunleavy: “Ok, thank you.”

Supervisor Walter: “Supervisor Kozakiewicz?”

Supervisor Kozakiewicz: “A couple of years ago I was asked to get involved in a community organization. We thought it proper and fitting that we recognize somebody who did the most courageous think ever, gave their life for their community and a rather tragic occurrence, lost her life while serving in that capacity as an EMT and a Responder. That was Heidi Behr.

We did that because at the time the family was in dire need of more space as Jared was continuing to grow and, somebody in the back who refused to speak, corralled a few people together. Mr. Supervisor James Stark grabbed a hold of me and said *while you’re the attorney, so help us get his done*” and from a legal perspective, lo and behold we’ve come full ahead and a few moons ago the idea of naming a location in the Town of Riverhead came about and this location after some research was done seemed a proper and fitting location.

We applaud the Board for doing it. We hope that you, in fact, vote on this unanimously because it is the right thing to do for Heidi; in memory of Heidi’s service to the town and for the Behr family that’s dealt out there and I’m sure they’re watching and I’m sure Heidi’s watching so thank you.”

Councilman Dunleavy: “I just want to say one thing. I want to applaud again Ex-Supervisor Jim Stark. He was the guiding light behind this. I got a phone call from Jim when he was in Hawaii and he was pushing this. I just want to applaud Jim for bringing this up, for pushing it and getting the go ahead to do this. Thank you Jim.”

Supervisor Walter: “You know Jim, you did a wonderful thing here and there’s a Resolution that’s coming off the floor today so we’re going to do something for you today that

has nothing to do with the wonderful thing you did for Heidi Behr. This is our CDA Resolution Five.

I'm an outspoken Supervisor, Supervisor Stark was an outspoken Supervisor and he did something for this town that was tremendous. He got the EPCAL property given to this town at no charge. I hope you stay here because there's a Resolution No. Five for the CDA, where we are finally going to declare lead agency. The subdivision is laid out in a way that everybody agrees with and in less than a year your visions and your dreams will finally come true and we'll finally have done what the Town should have done many, many years ago.

So I thank you and my gift to you as the guy who made this happen is getting this Resolution passed. I really do appreciate what you've done with the Heidi Behr family. All right, not seeing anybody else let's."

Councilman Dunleavy: "I'd like to close the Town Board meeting and open the CDA meeting for one Resolution. 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."

Diane Wilhelm: "The Town Board meeting is closed and the CDA meeting is now opened."

Meeting Adjourned

Meeting Re-Opened

RESOLUTIONS

Resolution #338

Councilman Dunleavy: "2013 Chips Curbing and Resurfacing Road Improvement Project Budget Adopted. 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 #339

Councilman Wooten: “General Fund Animal Shelter Budget Adjustment. So moved.”

Councilman Gabrielsen: “And seconded”.

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

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

Resolution #340

Councilman Gabrielsen: “Calverton Recreation Park Capital Project 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 #341

Councilwoman Giglio: “Donation Received Weeping Willow Open Space Improvement Project Budget Adjustment. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #342

Councilman Dunleavy: “Highway Department Budget Adjustment. 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 #343

Councilman Wooten: "Recreation Fund Budget Adjustment. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #344

Councilman Gabrielsen: "General Town Senior Center Donation 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 #345

Councilwoman Giglio: Authorizes Release of Developer Money Stoneleigh Woods at Riverhead Phase II. So moved. "

Councilman Dunleavy: "And I second."

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

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

Resolution #346

Councilman Dunleavy: "Establishes Location for Farmers Market for 2013 Season. 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 #347

Councilman Wooten: “Re-Appoints Members to Suffolk County/Town of Riverhead Empire Zone Administrative Board. 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 #348

Councilman Gabrielsen: “I make a motion that we Table Resolution #310. So moved.”

Councilwoman Giglio: “And seconded”.

Councilman Dunleavy: “Moved and seconded. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 348 is tabled.”

Resolution #349

Councilwoman Giglio: “Appoints a Public Safety Dispatcher to the Police Department. (Christine Miloscia) So moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: We’ve been down Public Safety Dispatches so I’m happy to replace this position and get our Force back together, yes.”

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

Resolution #350

Councilman Dunleavy: “Awards Bid for 2013 Fertilizer & Law Chemicals. So moved.”

Councilman Wooten: “And seconded.”

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

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

Resolution #351

Councilman Wooten: “Extend Bid Contract for Lubricant Items. 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.”

Resolutions #352

Councilman Gabrielsen: “Authorization to Publish Advertisement for Work Clothes for the Town of Riverhead. So moved.”

Councilwoman Giglio: “And Seconded.”

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

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

Councilman Dunleavy: “This is a contractual agreement for work clothes so I vote yes.”

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

Resolution #353

Councilwoman Giglio: “Appoints a Seasonal Assistant Beach Manager to the Recreation Department. (Amelia Dzelatka) 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 #354

Councilman Dunleavy: “Appoints Seasonal Beach Attendants to the Recreation Department. So moved.”

Councilman Wooten: “Second.”

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

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

Resolution #355

Councilman Wooten: “Appoints a Seasonal Senior Lifeguard to the Recreation Department. So moved.”

Councilman Gabrielsen: “And seconded.”

Councilman Dunleavy: “Moved and seconded. Vote please.”

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

Resolution #356

Councilman Gabrielsen: “Appoints Seasonal Lifeguards to the Recreation Department. So moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: I think we have one of the finest life guards in Suffolk County or Long Island. They saved someone’s life last year and they’re doing a good job so I vote yes.”

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

Resolution #357

Councilwoman Giglio: “Appoints a Seasonal Beach Manager to the Recreation Department. (Elizabeth Flood) 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 #358

Councilman Dunleavy: “Authorizes Execution of Contract with Seed Clam Administrator. 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 #359

Supervisor Walter: Resolution 359 we are going to withdraw because we’re only going to do it as a CDA resolution. It’s the same Resolution we passed for the CDA.”

Councilman Wooten: “I move that Resolution #359 be withdrawn. 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 659 is withdrawn.”

Resolution #360

Councilman Gabrielsen: “Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (101-7. Turns – Elton Street and Roanoke Avenue). 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 #361

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (101-8. Weight Limit of Eight Tons). 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 #362

Councilman Dunleavy: “Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (101-11. No Parking Certain Hours; School Zones – Edgar Ave.). So Moved.”

Councilman Wooten: “Second.”

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

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

Resolution #363

Councilman Wooten: “Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (101-13. Parking Time Limited, Section D, Three Hours). So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #364

Councilman Gabrielsen: “Adopts a Local Law Amending Chapter 18 Entitled “Code of Ethics” of the Riverhead Town Code. 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 #365

Councilwoman Giglio: “Appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement. 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 #366

Councilman Dunleavy: “Authorizes the Acceptance of Donation for Painting the George Young Community Center as amended. So moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Giglio, yes; Gabrielsen.”

Councilman Gabrielsen: Once again I would like to thank Helen Duruy for a donation close to \$12,000.00 to paint the Community Center and it’s one of many she has given out there. Yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “I’d like to thank Helen Duruy too. Absolutely, yes.

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “Again, I would like to thank her she’s been a great supporter of the Town of Riverhead donating a lot of stuff to the town. So I say thank you and I vote yes.

Vote Continued; “Walter.”

Supervisor Walter: “I want to thank Ms. Duruy and Councilman Gabrielsen for pushing this forward and finding the \$3,500.00 to match that. Yes.”

Diane Wilhelm: “Resolution adopted.”

Resolution #367

Councilman Wooten: “Authorizes the Supervisor to Execute Agreement with UCLA Lakretz Center for California Conservation Science to Conduct Field and Genetic Studies Related to Tiger Salamanders at EPCAL. So moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “It says in the CDA Resolutions regarding EPCAL that *study and scoping of environmental impasse related to the development within EPCAL began as far back as 1998*. In the last 90’s and early 2000, there was a comprehensive environmental review regarding development at EPECL which the DEC and other state agencies participated in. Two years ago we hired VHB as our experts in development plan and (inaudible) and during that two year period the DEC has reviewed and reviewed and redrafted our map and planned for the development to the point where we as a Town Board are adopting the DEC’s recommended map changing location of lots and location of office space. The Town has spent hundreds of thousands of dollars and I just don’t know if this Tiger Salamanders understudy is intended to delay subdivision and economic development. I hope it is well intended but VHB and the DEC, who have years of experience in review of environmental issues at EPCAL, are well aware of all endangered species and we have to rely on them as our experts. So I will vote no.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “I think I’m looking at this a little differently, that this is really just kind of a research project that they do as a recertification and studying of the species, not so much of a delay in the process so I’ll vote yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “Actually it’s pretty well articulated within the Resolution. I’m comfortable with the fact that it says that Mr. Saben acknowledges the town’s plan to subdivision and development and that the study is not related to the (inaudible) development instead the

purpose is to study tracking so. I'm comfortable with the fact that the study is purely scientific and it's only a couple of day out of the year. So I don't see it being any lengthily study that will prevent us from moving forward to I vote yes."

Vote Continued: "Dunleavy."

Councilman Dunleavy: "I'm going to vote yes because this gentleman knows the Tiger Salamander. He has foundations all over the United States that he funds. He's going to help us with the grass lands because Tiger Salamanders don't like grass, they like woods so he's going to talk to the DEC about the excessive grass lands. Plus with the bike path, we'll find out where the Tiger Salamander is crossing because the DEC wants us to put signs up for the Tiger Salamanders so when you're biking or running you can avoid them. So I think he's going to track where they go from wet lands to forest and forest to wet lands so we can find out just where. He's going to count them, he's going to see just how many we can get and he's going to tag them. So he's going to do a lot of stuff out there that's going to benefit the Town, it's going to benefit our requirements with the DEC and all I can do is. It costs \$50,000.00 and he's paying for it. He's going to be responsible for the bill so I have to vote yes. I think he's going to do a great job for the Town of Riverhead and not hold us up. These people come from California to do this study, from UCLA and I want to thank them."

Councilman Wooten: "Mr. Supervisor, before your vote can I have a clarification please before I rescind my vote? He's doing this for his own, he's not working for the Town of Riverhead?"

Councilman Dunleavy: "He's not working for the town but he's going to help us."

Councilman Wooten: "He's not working for the DEC to justify grass lands or what."

Supervisor Walter: "He's, there's fifty acres of grass land that the DEC might want us to plant and take down some early growth trees. He'd rather us leave the trees because he likes trees better so he said he would go to the DEC and try to lobby the DEC and help us not have to plant the grass lands. But the study doesn't have anything to do with. (Inaudible)"

Councilman Wooten: "I just want to be clear." (Inaudible)

Supervisor Walter: "Ok, let's continue the vote."

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

Resolution #368

Councilman Gabrielsen: "Approves the Chapter 90 Application of Martha Clara Vineyards, LLC (Overflow Tend – June 25, 2013 through August 20, 2013). 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 # 369:

Councilwoman Giglio: “Approves the Defense and Indemnification for George Bartunek. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Councilman Dunleavy: “Yes, it’s a town decision that he made so we have to support him and give him indemnification of defense, for the stuff he does for the town. I hope when I’m out of here that they do the same thing for me and the rest of this Town Board. So it’s nothing to laugh about, we try and people do sue us privately so I vote yes.”

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

Resolution #370

Councilman Dunleavy: “Approves the Defense and Indemnification for Richard W Downs. 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 #371

Councilman Wooten: “Approves the Defense and Indemnification for Philip Cardinale. 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 #372

Councilman Gabrielsen: “Approves the Chapter 90 Application of East End Rowing Institute Ltd. (Sunday, November 10, 2013). So moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: “Yes, I think everybody should write this date down and come out for this regatta November 10, 2013. If you ever saw these young people and there are a few older people, that do this rowing in the regatta all day on the river. It’s a great day and I wish everybody would come down. I vote yes.”

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

Resolution #373

Councilwoman Giglio: “Approves the Chapter 90 Application of Hallockville Inc. (Country Style Fair – May 18th and 19th, 2013). 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 #374

Councilman Dunleavy: “Offers Support to New York State Legislature to Amend Chapter 399 of the Laws of 2008 Relating to Giving the Riverhead Town Board the Discretion to Change Speed Limits. (Senate Bill #S.4577) So moved.”

Councilman Wooten: “And seconded.”

Supervisor Walter: “I just want to also thank Assemblyman Fred Field. As everyone knows, we don’t have an Assemblyman which is really disconcerting, should be disconcerting to the residents of the First Assembly District, and Assemblyman Field from the Second Assembly District has carried not only this legislation but the EPCAL Planning District Legislation and other things and nothing in Riverhead is part of his District. So moved and seconded. Vote please.”

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

Councilman Dunleavy: “Yes, this is something that’s very needed. We have almost forty thousand people living in this town and it takes two years for the state to do a survey and give us a speed limit on roads and we just think that we should be able to put our own speed limits like we do stop signs and traffic lights on the roads that we find are hazardous to the public. I vote yes.”

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

Resolution #375

Councilman Wooten: “Authorizes Amendment to Agreement with Mary Hopkins. 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 #376

Councilman Gabrielsen: “Approves Chapter 90 Application of Jamesport Fire Department (5K & 10K Race – Sunday, August 25, 2013). 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 #377

Councilwoman Giglio: “Terminates a Maintenance Mechanic III in the Riverhead Sewer District/Riverhead Scavenger Waste 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 #378

Councilman Dunleavy: “Authorizes the Naming of the Roadway that Runs Along the Peconic River to Downtown Riverhead the “Heidi Behr Way.” So moved.”

Councilman Wooten: “And seconded.”

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

The Vote: “Giglio, yes, long time coming; Gabrielsen, yes; Wooten, just a start of a few nice projects we have for Heidi, yes; Dunleavy, again I want to thank Ex-Supervisor Stark for pushing this along, I vote yes; Walter, yes. Resolution adopted.”

Resolution #379

Councilman Wooten: “Approves Chapter 90 Application of PC Richard & Son (Tent Sale – May 22, 2013 through May 28, 2013). 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 #380

Councilman Gabrielsen: “Approves Chapter 90 Application of Peconic Bay Region of the Antique Automobile Club of America (To benefit the Wounded Warrior Project – May 25, 2013). 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 #381

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXVI, Site Plan Review). 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 #382

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 62 Entitled “Excavations” of the Riverhead Town Code. 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 #383

Councilman Wooten: “Ratifies the Reappointment of a Member to the Riverhead Landmarks Preservation Commission. (Gary Jacquemin) So moved.”

Councilman Dunleavy: “Can we do the rest of them too?”

Supervisor Walter: “You want to move them, it’s fine to move them all, 383 through 386.”

Resolutions #383, #384, #385, #386

Councilman Wooten: “Ok, Ratifies the Reappointment of Members to the Riverhead Landmarks Preservation Commission, Resolution #383 through #386. (Gary Jacquemin, Georgette Keller, Richard Wines, Stephanie Bail, Peter Lucas) So moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded as to moving all forward. Vote please.”

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to say we are very lucky in the Town of Riverhead to have such dedicated people to run our Preservation. We were able to designate downtown as a National Registry and they’re working on several other areas throughout the town for a National Registry designation. It really is a draw. People come and they look for

those historical sites and they look at the historical buildings and I think it will help our downtown and revitalization. We're very lucky to have these volunteers who are very dedicated and they do a fabulous job. Yes."

Vote Continued: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 383 through 386 are adopted."

Resolution #387

Councilman Wooten: "Ratifies the Accounting Department to Proffer Payment of \$49,300.00 to the Riverhead Business Improvement District Management Association, Inc., Regarding 2013 Calendar Year Events and Services. 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 #388

Councilman Gabrielsen: "Approves Chapter 90 Application of Railroad Museum of Long Island ("Toy Train Play Days" – October 12th and 13th, 2013. 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 #389

Councilwoman Giglio: "Approves Chapter 90 Application of Railroad Museum of Long Island. (Riverhead Railhead Festival 2013 – August 24th and 25th, 2013) So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Yes, I implore everyone to come downtown on August 24th and August 25th. They have a train that runs around for the kids to get on and ride around so I think it's all good and you'll see what they're doing the Railroad Museum, I vote yes."

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

Resolution #390

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article VIII Accessory Apartments). So moved.”

Councilman Wooten: “Second.”

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

Councilman Dunleavy: “One question. It says amnesty; *detached single family dwelling that illegally has a separate apartment the owner shall have two years from the enactment of this article to make application without penalty set forth in 52-18 and preconstruction fees, public fees as set forth 52-10 shall be waived upon receipt of.* Shouldn’t it be removed from this because, is it starting now again or is this from when we first adopted it and should be removed out of here?”

Councilwoman Giglio: “I think we should leave it in because it’s down to encourage people. We are beefing up our code enforcement and we’re coming out looking for accessory apartments so this is your opportunity to get them legalized.”

Councilman Dunleavy: “So then it has to be restated.”

Supervisor Walter: “What number is that?”

Councilman Dunleavy: “Eleven, amnesty.”

Supervisor Walter: “I don’t know, I don’t know that you want to offer amnesty. We never talked about amnesty”

Councilman Dunleavy: “We never did talk about it and this was just amending the original one.”

Bob Kozakiewicz: “This to amend the original.”

Councilman Dunleavy: “So if you want to continue it, then we would have to amend eleven to continue with this amendment.”

Councilman Wooten: “I think the real question is whether we changing the structure of how we enforce this without actually changing the intent of the.”

Supervisor Walter: “Reputing this amnesty forward.”

Councilman Wooten: “But the amnesty was in the original code. Are we changing the code’s substance enough to, or saying this is a new code?”

Supervisor Walter: “That’s right, my thought is yes because we’re putting it in here and we’re changing that particular paragraph. So if we’re not prepared, maybe we should table this

Councilman Wooten: “This is called for a public hearing but your right, that amnesty probably should come out.”

Supervisor Walter: “All right, let’s table this. Can you withdraw your motion?”

Councilman Wooten: “Yes. I would like to table 390 for further discussion. So moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes to table; Walter, yes to table.” Resolution 390 has been tabled.”

Resolution #391

Councilman Wooten: “Authorizes the 10% Foundation Security Saber-Riverhead LLC to be Applied in its Entirety Towards the Building Permit Fee. 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 #392

Councilman Gabrielsen: “Waves the Showmobile Application Fee for Riverhead Central School District. (Phillips Avenue Elementary School) So moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: “Again, this is what the state wants us to do, join forces with other districts that pay taxes and help them out and waiving this fee will help Riverhead School District out even though Phillips Avenue School is in the Town of Southampton. So I vote yes.”

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

Resolution #393

Councilwoman Giglio: “Authorizes Supervisor to Execute Planned Maintenance Agreement with Cummins Power Systems, LLC, for Generator Maintenance for the 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 #394

Councilman Dunleavy: “Rejects Bids and Authorizes Town Clerk To Republish and Repost Notice to Bidders for Annual Diesel/Generator Maintenance. 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 #395

Councilman Wooten: “Increases Rates for the Riverhead Water District. So moved.”

Councilman Gabrielsen: “And seconded.”

Councilman Dunleavy: “Another question. Ok, when we were in the work session, no one told me.”

Supervisor Walter: “Yes, these top rates are exactly the same as they were. They’re just mentioned again and the other rates are the bottom rates, those are the ones that are increased to seven percent.”

Councilman Wooten: “Our Water District Supervisor is here, do you want?”

Supervisor Walter: “Do you want to confirm that Gary? The service meter charges are all the same as they were?”

Gary Pendzick: “That’s correct. The only rates that have been changed are the bottom that goes to \$1.50 per thousand and the bulk rate that goes to \$1.75 per thousand. All of the minimum bill, hookup fees, turn on - turn off fees remains the same.”

Councilman Dunleavy: “I agree, but I just think that Exhibit A rate increases for Riverhead Water District and everything; you don’t know what rates are increased, what rates are decreased and what we’re paying the same so I think that the turn off – turn on should be honest.”

Gary Pendzick: “Well this is the rate sheet the way our attorney wrote it up to pass the Resolution. It includes all the rates whether they’re being raised or not.”

Councilman Dunleavy: “It’s confusing though. I just saying it’s confusing.”

Supervisor Walter: “We agree but it’s just the monthly billing rates accordingly those are the ones that are the same, those are the flat rates and we didn’t reduce the gallon ageso they’re exactly the same.”

Councilman Wooten: “This is strictly a usage correct?”

Gary Pendzick: “Exactly. If you don’t go above the minimum bills, this has no effect on you.”

Councilman Dunleavy: “I’m agreeing with you. I’m just saying this is very, you know, it’s not” (inaudible)

Gary Pendzick: “Yes, our attorney just said he wrote the resolution with the entire rate schedule present.”

Councilman Dunleavy: “All right, thank you.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes because it’s just on the usage; Walter, yes. Resolution adopted.”

Resolution #396

Councilwoman Giglio: “Authorizes the Chief of Police to Submit a Grant Application. 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 #397

Councilman Dunleavy: “Awards Bid for 2013 Annual Irrigation and Maintenance Contrast. 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 #398

Councilman Wooten: “I Make a Motion We Pay Our Bills. 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.”

Councilman Dunleavy: “I want to make a motion that we take Resolution 399 off the floor. 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 is taken off the floor.”

Supervisor Walter: “And that is an Authorization to Publish Notice of the Public Presentation of the Town of Riverhead’s Annual MS4 Stormwater Certification Report.” We have to get the Certification published by May 30th so it’s time sensitive and Mr. McCormick didn’t meet our cutoff date. So yes to taking it off the floor and can we move the resolution?”

Resolution #399

Councilwoman Giglio: “Authorization to Publish Notice of the Public Presentation of the Town of Riverhead’s Annual MS4 Stormwater Certification Report. 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.”

Supervisor Walter: “We’re done with the regular scheduled portion of our meeting and now we’re on to public comment. We ask that you limit your comments to five minutes.”

GENERAL COMMENTS

Sandra Mott spoke of her concerns with the Animal Shelter care, location, etc.. She stated that Sean met with her and her mother over major concerns she now has with the location of the Animal Shelter. She is afraid that malicious people would make attempts to harm the animals.

Since she moved twenty years ago to Riverhead she has had concerns regarding the care of animals and the location of the animal shelter. She feels it is isolated and has a lack of security. Also the fire department, not being from Riverhead but from Manorville and the police department are both a substantial distance from the shelter which means a longer response time. She recommended several alternative locations for the shelter. She said she is looking for people friendly protected environments so that she doesn’t have to wake up some morning and hear about trauma happening.

Supervisor Walter assured Ms. Mott that he did talk to North Fork regarding the installation of cameras which he believes is feasible for the town to do. He also told her that the building does have security.

Ms. Mott again stressed the isolation of the location of the shelter and her concerns regarding the isolation. Supervisor Walter again stated that the Board will do everything it can to keep the animals safe.

Councilman Wooten stated that several of Ms. Mott’s suggestions were worthy suggestions and he will definitely look into some of them.

Mr. Steve Romano ask if there is a notification protocol that the district uses to notify its customers that a rate increase is going to be implemented.

Supervisor Walter told Mr. Romano that the increase was discussed at a work session about a month ago, that it was on channel 22 and it will probably be in the Riverhead Local News Review but there is not a formal notification. He said he believes that a notification of some type may be written on the water bill prior to the actual increase.

Councilman Dunleavy said that the increase is geared towards the commercial customers who water all the time, not the homeowners who water occasionally.

Mr. Romano next question concerned new police dispatcher. He asked if he was hired to replace someone. He was assured that he was a replacement.

He stated he hoped that the phone system provides more detailed information regarding time of call, how long the call was, and the type of emergency. He said by his calculations he determined it was approximately two calls an hour.

Councilman Wooten stated that you may have (example) 30,000 police responses but in actuality you probably have 300,000 phone calls. Mr. Romano just wanted to know if the phone system Riverhead is using provides the administrator with detailed information regarding how many people are in need. He said when the Lieutenant was talking he did not have a breakdown as to the type of emergency, break in, robberies. He was told that he had that information but did not bring it with him to the meeting. Supervisor Walter told Mr. Romano that a monthly police report is available to anyone interested in seeing one.

Mr. Romano's last concern was regarding the phone system/phone bills that were recently audited. He wanted to know who was held accountable for the fact that the Town was paying for phone lines no longer being used.

Supervisor Walter assured him that each department head is held accountable for the workings of their department.

Patricia Holland from Northville came to the podium to discuss the sumps she heard were going to be put on a hill east of where she resides. She felt this makes no sense since she lives in low area and the sumps were being put up on a hill.

Supervisor Walter said he felt terrible that she sat through the Board meeting when Al Krupski was the person she should be speaking with since that was a county project and the Board has no control over that situation.

Ms. Holland stated that the town of Riverhead owns five percent of the area she is referring to and since this is a low point several environmental groups will support putting something there across from where she lives opposed to putting it way up the hill.

Supervisor Walter stated that he is not sure what portion of that property the town of Riverhead actually owns and the question she is posing must really be presented to the county because he believes that Riverhead doesn't even own five percent of that entire lot just a portion of either the front or the back.

Councilman Wooten said he will check with Anne Marie to find out just what the county is going to do there. Councilman Wooten said he will take her name and number and notify her after he talks to Anne Marie.

Eric Biegler from the Association from the Reeves Park area commented on the Zombie Mud Run recently held on the 4H Camp grounds.

He stated that he was amazed at the number of people who turned out for the Zombie Mud Run at the 4H Camp this past Saturday and Sunday. He also sent kudos to Chief Hegermiller and the police department on the outstanding job they did controlling the traffic situation on Sound Avenue during this event. He also thanked the EMS units from the county who came in support of the Riverhead EMS unit.

He said he was totally impressed by the ATV/EMS unit that was patrolling the beach area and wondered if Riverhead's EMS unit has the capability to access down to the remote parts of the beaches in case of an accident.

Councilman Dunleavy told Mr. Biegler that they are trying to talk to the Chief to see if one of their ATV's could possibly be used.

Mr. Biegler then asked if the Fire Department has the ability to get down to certain parts of the beach. He stated that there was a recent bonfire that the department responded to but they were unable to get their trucks onto the beach to attend the fire.

Members of the Board told Mr. Biegler that the Fire Commissioners have an open meeting that he could attend. He asked if someone could give him the date and time of the meeting.

Mr. Biegler's last concerns pertained to Hurricane Sandy which, as we know, caused quite a bit of damage. He said there is a cove down by the wrecks just west of his community that holds a tremendous amount of water that got pushed up into the lower lands along with drift wood, processed lumber, trash, weeds etc. Due to the lack of rain, this debris is drying out and becoming a fire hazard.

Supervisor Walter told him that the Board and the Fire Department know of this situation and are already looking into the matter.

Supervisor Walter: "Does anybody else wish to make a comment. Not seeing anybody can I have a motion to adjourn?"

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

Supervisor Walter: "All in favor." Ok, thank you very much, meeting adjourned."

Meeting adjourned: 5:03p.m.