

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, December 2, 2014 at 2:00 p.m.

**PRESENT:**

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

**ALSO PRESENT:**

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Rev. Arlen G. Vernava of the Old Steeple Community Church, Aquebogue.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the November 18, 2014 Town Board Meeting.

**CORRESPONDENCE**

CORRESPONDENCE FROM RESIDENTS REGARDING THE PUBLIC HEARINGS PERTAINING TO “HIGHWAYS, STREETS, SIDEWALKS” AND THE ADDITION OF CERTAIN PRIVATE ROADS AS 189 HIGHWAYS

- Letters and petitions listing eleven names wishing to keep their private roads private and requesting that the town remove those private roads from proposed list to be adopted as a 189 highway
- Twenty-five letters from residents expressing concern over municipal services to private roads and request that the town continue to provide the same services that have been provided for over ten years

**CONSERVATION ADVISORY COUNCIL (CAC) CORRESPONDENCE**

RECOMMENDATION OF THE FOLLOWING APPLICATIONS TO THE TOWN BOARD

- CAC Res. #2014-24, Devon Higgins, SCTM #0600-86-87-1-21
- CAC Res. #2014-25, Mary Pugliese, SCTM #0600-89-2-25
- CAC Res. #2014-26, McGuirk, SCTM #0600-87-1-31
- CAC Res. #2014-27, Martin & Dale Silver #0600-86-3-3

**REPORTS**

- Sewer District – Discharge Monitoring Report October 2014
- Town Clerk – Monthly Report November 2014 - \$9,908.73

### APPLICATIONS

- Strong Island Kids – Mountain Bike Race at Schiff Scout Reservation, Wading River, March 28, 2015
- East End Emerald Society – St. Patrick’s Day Parade, Main Road, Jamesport, March 21, 2015

### TOWN BOARD COMMITTEE REPORTS

Councilman Wooten commented that the Holiday Bonfire is set for Saturday night, December 13<sup>th</sup> from 4-8 p.m. on the Riverfront. Santa Claus will be there at 5:00 p.m. and fireworks display at 8:00 p.m. .

Councilman Dunleavy commented that Sunday, December 7<sup>th</sup> at 1:00 p.m. there will be a welcome Santa Claus parade. Santa will be handing out gifts to the children and will be sitting for pictures. Parade begins on Osborne Avenue and ends up behind the old Sweezy store on the Riverfront.

### PUBLIC HEARINGS

Supervisor Walter: “We have a Public Hearing scheduled for 2:05 which I’m going to open. It is now 2:09 and we open the Public Hearing for Consideration of a Proposed Local Law to Amend Chapter 106 of the Riverhead Town Code, Entitled “Waterways”, Article III, Anchoring and Abandoned Vessels and we’ve been at this a couple of times. This is to make it clear that no person shall use a boat equipped or operated with an electric motor in excess of ten horsepower in the Peconic River west of the dam in Grangeville Park or any gasoline motor in the same area and that’s it in a nutshell. We’ve actually had this public hearing before but the language has changed. Does anybody wish to be heard on this matter? Ok, not seeing anybody we’re going to close the public comment portion and leave it open for written comment until December 12<sup>th</sup>, 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 2:07 p.m.**

**Left Open for Written Comment Until December 12 2014 at 4:30 p.m.**

Supervisor Walter: “We have two Public Hearings scheduled for 2:10. It is now 2:10. The first public hearing is to hear all Interested Parties Concerning the Addition of Certain Roads attached to exhibit A within the Town of Riverhead in Conjunction with the Proposed Local Law to Amend Chapter 92 Entitled “Highways, Streets and Sidewalks”. I hereby open that public hearing and then I hereby open the second public hearing and this is the Consideration of a Proposed Local Law to Amend Chapter 92 of the Riverhead Town Code Entitled, “Highways, Streets and Sidewalks”, Article VI Highways by Use (Highways Law 189) and Article VII Severability. I hereby open that section. What we’re going to do, Gio would you like to speak first or do you want to wait till the end? Ok, Bob?”

Robert Kozakiewicz: “I have a couple of comments. I would have preferred the order of the public hearing to be the other way around that the first one would deal with the amendment of Chapter 92 to add a subsection entitled “Highways by Use” and then the second one be the one that would be adopting the road that would be incorporated into the Section 189; doesn’t matter because both are being called at the same time. Both hearings are open for your testimony and your testimony will be received in conjunction with both of those public hearings.

I’m hoping that maybe some of the initial comments will address some of the questions that have been raised, some of the concerns that have been addressed. I’m going to address first the proposed amended to Chapter 92 and what would result if the Town Board were to accept or adopt those changes.

First, as set forth in the proposed Section 92, new Section 92-21 of the Town Code, the Town Board is looking to establish by testimony and we’re going to be looking to swear all parties in today so that their testimony will be sworn to as to two prong test. The first prong of the test is whether the community in which you reside has been open to the public, the public at large as opposed to just the community members and guests. The second test is whether the Town of Riverhead has for and that’s for ten years or more; the second prong of that test as set forth in the proposed section 92-21 is to determine whether the Town has for a ten year period or more plowed snow, patched, done sanding or other storm related abatement type of measures.

The next Section, which I think is somewhat significant and I want to stress this one, is what happens if the Town Board were to adopt these changes and that’s the proposed Section 92-22 and it sets forth, I think in fairly clear terms what would be required, what would be deemed required, if you come forward and present testimony which I described just moments ago, and the Town Board chooses to take the road as a 189 under this legislation and that is that the public at large, not just the Town, will be *deemed to have the right* and I use the words right out of legislation, *the right to walk, bike, drive and conduct any lawful activity on the roads as if the roads were dedicated to the Town of Riverhead*. What does that mean for those who are in private communities, you will no longer be able to keep your private community signs up; they will have to come down if you wish to be accepted as a 189 road. As far as this legislation, the public will gain that right.

While we’ve been describing the roads as if they’ve been dedicated to the Town the language that 92-22 has proposed is only looking for the Town to acquire a surface easement and a surface easement as described in that legislation is over the roads where the width and the length as of the date they are adopted by the Town as part of this 189 legislation.

The legislation is not anticipating, I believe the Highway Superintendent will probably testify to the same thing, no widening of roads, no opening of roads, no drainage, no curbing, it will include only basic maintenance.

The legislation that is before you is similar to an upstate community’s legislation, the town of Cortland and that’s the way it’s been described in that website and I believe it will be the same here, it will be basic maintenance.

The final part of it, it’s sort of a repeat of what the law says. It indicates that and this is proposed Section 92-25 is that those roads that remain private it will be a violation of the law for them to be plowed or otherwise maintained unless there’s a state of emergency declared.

What we’re looking for is for testimony in conjunction with both hearings. First and foremost is to hear from you whether we have the right, whether this Town legislation to adopt the roads by 189 makes sense. If it’s not the way it should be done let us know that, provide us with

what you think may be a better solution or another way to deal with this issue. The second part which is again the incorporation of the roads into the system is to hear from you. I would ask that you identify your name, the community you live in, the road you live on. I'm going to ask you to be sworn under oath, to testify how long you've been familiar with the Town undertaking plowing, sanding and other practices and that I think, in a short summary. I probably could go on because I'm sure there's going to be other questions that are going to come out.

At this point, it is my understanding that the Board will weigh your testimony. It will weigh your consideration and will be looking to adopt by separate Resolution if the Chapter 189 legislation is adopted those roads that are to be incorporated as part of that amendment to Chapter 92 and become these Town of Riverhead Section 189 roads.

Did I get fairly, ok. Thank you."

Councilman Dunleavy: "Can I just ask one question? If a road is not on this, can we add it to it if the people on that highway or that roadway wants it incorporated after this hearing because I've had one phone call which a road is not on this list?"

Robert Kozakiewicz: "If the Code is adopted the way it is the Town Board will solicit testimony again to stop those two prong tests and add it to the 189 roads as well. The list, I think there are forty-nine roads that were included as exhibit A. There may be roads that may be coming off. I understand we did receive some written comments from some groups that want to remain private so they will not be part of the final resolution that adopts the roads but there may be other roads that."

Supervisor Walter: "Alright, so let's try to handle this systematically. Diane, we need to incorporate everything in the correspondence. Do I have the entire correspondence file or do you have your correspondence file?"

Diane Wilhelm: "I have, I think you have. Yeah, there might have been one or two that came late today."

Supervisor Walter: "Ok, so I don't think I have to read them but I want to Bob, just give the name and maybe the road so we get each one in on the records so it's in the record and if somebody wants them they can come see them at the Town Clerk's office. Diane, do you want to just kind of read the letters that came in because I want them part of the record?"

Diane Wilhelm: "Do you want me to read them?"

Supervisor Walter: "You don't have to read them, just the name of the individual who submitted the letter and the road if you can and the date of the letter."

Diane Wilhelm: "Ok. Let me start with the one that are. The one's that are opposed they want to remain as private roads and they want the name of the road to be removed from the list. Tony Alfano, spokesperson for the Cedar Court Civic Association and there was a list, like a petition of residents for Maple Lane in Laurel. Do you want me to read the names?"

Supervisor Walter: "No, I think that's a good synopsis. What's the date of that letter?"

Diane Wilhelm: “December 1st was the first one and then the petition was November 25<sup>th</sup> and then there was Ock-A-Bock Homeowners Association and that was Bay Avenue, Willow Street and Locust Street in Aquebogue and I received that on November 24<sup>th</sup>.”

Supervisor Walter: “And they don’t want their roads included?”

Diane Wilhelm: “Correct those were people who don’t want their roads included.”

Supervisor Walter: “We’re taking notes too so.”

Councilwoman Giglio: “How many people signed the first petition for Maple Lane and how many people signed the second one?”

Diane Wilhelm: “There’s only one petition. Nine names on the petition from Maple Lane, in Laurel.”

Councilwoman Giglio: “That are a no?”

Diane Wilhelm: “Correct and the other one was not a petition but Anthony Cravotta was the spokesperson. He’s the President of the Ock-A-Bock Homeowners Association so he wrote the letter on their behalf.”

Supervisor Walter: “Ok, what else you got? There are quite a few of them.”

Diane Wilhelm: “Yup, there are quite a few. These now are all the ones who want to be part of it. Irene Schillmaier, Breezy Point Road, Wading River; Mary veronica McKinnon, Breezy Point Road, Wading River; Roger Mosciatti, Bayside Avenue, Jamesport; Janet and Al Bartnick, Dougs Lane, South Jamesport; Patricia May, Overlook Drive, Aquebogue; Gary Crowther, Pye Lane, Jamesport; Ed Hocker, Overlook Drive, Aquebogue. Then there were phone calls, do you want me to mention them also?”

Supervisor Walter: “Yes, I, you can.”

Diane Wilhelm: “The Beach Club Civic Association, Forest Lane, Wading River; Hickory Court, Wading Riverhead and Primrose, Baywood. Then, all these letters here are from Oak Hill in Baiting Hollow. Judith Miller, President of Oak Hill Association; Patricia Johnson, Harper Road; Steven G. Achilich, Oak Drive; Robert & Deborah Doyle, Oak Drive.”

Councilwoman Giglio: “And they’re all for the roads being?”

Diane Wilhelm: “Right, right. Pretty much it was a form letter with a few exceptions but it was basically a form letter that they all sent in. Monica Gabrielle, Maple Road; Sue Ann Taylor, Harper Road; Ruth Avery Gibson, Park Place; Avery Gibson, I don’t know if that’s a different person. That’s also Park Place. Louis and Linda Pallyotto, Cedar Road; James and Marie Smith, Oak Drive; Arthur Henderson, Fern Road West; Ernie Lewis, Oak Drive; Marina Torre, Fern

Road; Stacie Smith, Oak Drive; John Lamendola, Oak Drive; Mr. & Mrs. Robert Barher, Glen Road West; George Dwyer, Laurel Lane; Richard Moyles/Gail Cole, Oak Drive; George and Eileen Edenfield, Glen Road in Calverton and that's about it."

Supervisor Walter: "So what we're going to do before the Highway Superintendent gets started, what I'd like to do is take all the people that are for roads first being included in the inventory and all the people that are against roads being in the inventory we'll take you at the end of the meeting and what we're asking is some very specific things. If you have questions and we can't answer them we're going to try to just take testimony to the extent we can answer a question that's short we will but we're trying to take testimony so. The kind of testimony we're looking for, Town Attorney Kozakiewicz gave you a good synopsis; the road you live on, how long you've lived on it and how long it's been plowed or not been plowed, been open to the public, not been opened to the public and it's kind of, I don't want to say short and sweet but that's what, we have to evaluate that testimony and so there's a lot of you and I know there's people out in the hallway and I want to try to move this along. My suspicion just based on the letters here from Oak Hills; how many people are here from Oak Hills? Ok, so I'm going to let the Oak Hills community go first and that may free up if they choose to leave some seats so we can move this along and then if you could if there are other communities which I think there are, if you can stay together and give testimony together it makes it a little easier for us and I don't know the next largest community but if you figure out the next largest community is here we would take you next and we'll try to move along and get you through this as soon as possible. So we have the Highway Superintendent, George Woodson. Bob I guess you're going to swear the Highway Superintendent in?"

Robert Kozakiewicz: "I am."

George Woodson: (Inaudible)

Robert Kozakiewicz: "You make your comments then after your comments I'll have you sworn in, correct."

George Woodson: "The day we get clarification on some things that have been going on here for years, the day we get it clarified so everybody knows where the Highway Department stands. A couple things, at no time was there going to be any safety issues here. There was a big snowstorm, you live on a private road and an ambulance, fire get down your road, we're coming down your road so don't let a big issue getting people, all that went out the window when it comes to the fire department or EMS personnel getting to your road so I just want to clarify that. Also, only the roads that we have been plowing over these years; I had a list of fort-one. I saw another list of seventy roads. I don't have the personnel to do all that so all it consists of; the roads we have been plowing. I will consider if people don't want to be under this 189 we'll consider adding roads to it but I can't take them all, we'll take some and that's all I have to say right now."

Robert Kozakiewicz: "Mr. Highway Superintendent if you could there I want to have you testify if you would. I'm going to ask you to be sworn under oath. Ok, if you will raise your right hand. Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God? Ok. State your name and position for the record."

George Woodson: “George Woodson, Highway Superintendent for the Town of Riverhead.”

Robert Kozakiewicz: Mr. Woodson, when were you elected Highway Superintendent?”

George Woodson: “2008.”

Robert Kozakiewicz: “Ok so that means you took office in January 2008? 2008 was the election, 2009 you took office?”

George Woodson: “Yes 2009 I became Highway Superintendent.”

Robert Kozakiewicz: “Ok. And you served in that capacity since January 2009?”

George Woodson: “Yes Sir.”

Robert Kozakiewicz: “Ok. And prior to being elected as and taking office as Highway Superintendent did you work for the Town of Riverhead?”

George Woodson: “I worked there prior, about twenty-five years prior to being elected into office.”

Robert Kozakiewicz: “What was your date of hire and what department were you employed?”

George Woodson: “The Highway Department I believe it was September 1985 I started.”

Robert Kozakiewicz: “Alright, so from September 1985 to today’s current date you’ve been employed in or elected and working within the Highway Department, is that fair to say?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Ok. So that’d be twenty-nine years?”

George Woodson: “Something like that yeah.”

Robert Kozakiewicz: “And are you familiar with the list of roads that were included as Exhibit A to the hearing today?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Ok. Have you had a chance to familiarize yourself with that list?”

George Woodson: “Pretty much so.”

Robert Kozakiewicz: “Ok. And in your role as Highway Superintendent and in your prior capacity working for the Highway Department what type of jobs, what type of things did you do for the Highway Department?”

George Woodson: “I started off as a laborer, worked my way to crew leader, passing paving, equipment, operations, pretty much a little bit of everything.”

Robert Kozakiewicz: “Would that include snowplowing and sanding?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Ok. And do you yourself, have you engaged in snowplowing and sanding operations?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Do you continue to do so?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Ok. So again for twenty-nine years you are familiar with the roads throughout the town that have been either plowed or sanded as well as patched?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Ok. With respect to the extent of Exhibit A today what would your testimony be with respect to them being plowed or have not been plowed?”

George Woodson: “Of the list I saw, the roads were plowed. Going back a minute, I believe 19, when I started there in ’85 the private roads were done as a curtesy only after six inches of snow. After that we changed up and plowed all of them. Up until the point where the Highway Department got threatened with litigation. Had to come out and see what this was all about and get information from the Town Attorney.”

Robert Kozakiewicz: “Ok. In addition to these roads being plowed, would they have been sanded or would there have been other steps of operation performed?”

George Woodson: “Some of them may have been sanded but it was mostly plowing.”

Robert Kozakiewicz: “Ok, how about patching and other basic maintenance?”

George Woodson: “On occasion. I wasn’t everywhere at every time. It could have been; some of them could have been patched or hard patched.”

Robert Kozakiewicz: “Are you able to identify any particular roads that you would be familiar with from the list that would have been patched from time to time?”



George Woodson: (inaudible)

Robert Kozakiewicz: “Can you identify them by name please?”

George Woodson: “I believe one may have been Woodchuck Hollow, Fox Court I believe in Wading River. There were a couple around. I don’t have the list in front of me.”

Robert Kozakiewicz: “Ok. Would you like to see the list; would it help your recollection as to?”

George Woodson: “Sure.”

Robert Kozakiewicz: “Ok. You can hold on to that. Take a second and look at it.”

George Woodson: “I believe at this time most of them probably were patched and the dirt roads were grated and at that time the intent was to make the roads, grated the roads as passive for safety as far as ambulances, fire trucks and things like that.”

Robert Kozakiewicz: “In addition to the roads listed are there any other roads, you’ve already testified to that, strike that. Now you heard me mention earlier that the intention here is to take the in their width and their length as they presently exist. Is that your intention?”

George Woodson: “Yes.”

Robert Kozakiewicz: “Do you intent to install curbing or drainage?”

George Woodson: “No.”

Robert Kozakiewicz: “Ok. Does the Board have any questions?”

Supervisor Walter: “George, the only question; if, some of these roads, I think there may be only one or two that people want excluded you’re ok with excluding them?”

Supervisor Walter: “Ok. Did you want to have Mr. Caffrey speak, testify as well?”

George Woodson: “If you want to have. I just brought him down because (inaudible) and he was there before I was.”

Supervisor Walter: “Why don’t we have some testimony from Mr. Caffrey as well so we have you and the Deputy and that goes more than ten years. Is that ok, Ron, where are you? Ron, come on up. Ron’s been here before. Ok Mr. Caffrey, if you could raise your right hand?”

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

Ron Caffrey: “I do.”

Robert Kozakiewicz: “And your name and your position?”

Ron Caffrey: “Foreman, Town of Riverhead Highway. I’ve been there thirty-four years.”

Robert Kozakiewicz: “Ok. Have you been in any other capacity with the Highway Department in the past?”

Ron Caffrey: “I was Deputy Superintendent for approximately eight years.”

Robert Kozakiewicz: “Ok and, thirty-four years you said?”

Ron Caffrey: “Yes.”

Robert Kozakiewicz: “Ok. Now in that time did you do the same sort of thing that the Highway Superintendent testified to; to plowing and other maintenance type of things?”

Ron Caffrey: “Yes.”

Robert Kozakiewicz: “Are you familiar with the roads that are listed as Exhibited A? If not I would ask the Superintendent to hand that to you.”

Ron Caffrey: “Pretty much.”

Robert Kozakiewicz: “Ok. And?”

Ron Caffrey: “All the ones in Wading River.”

Robert Kozakiewicz: “Ok and now there are other roads that are outside of Wading River that’s included in that list. If you could just take a chance to look at them and tell me whether you would agree that the town has plowed or otherwise conducted snow operations for ten years or more.”

Ron Caffrey: “Oh yeah definitely.”

Robert Kozakiewicz: “Ok, and now due with respect to all of those roads on that list?”

Ron Caffrey: “Probably at one time or another we’ve done everything on here.”

Robert Kozakiewicz: “Ok, any more questions?”

Supervisor Walter: “No, that’s good. So thank you Mr. Caffrey. I neglected another group of people who might have questions that are just for the Board if we can answer them. Unfortunately we’ll take the questions not necessarily that are road related at the end. So I guess if we could start with the Oak Hills community first that would be great. If you line up; Oak Hills if you come up to the podium and line up behind the first speaker and we’ll try to be as systematic

as we can, positive first. Alright, if you'd step up Miss Miller. If you could state your name, full name and where you're from for the record and Bob will swear you in."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Judith Miller: "I do."

Robert Kozakiewicz: Ok. And again as the Supervisor pointed out, your name and your address and how long you've lived there."

Judith Miller: "Ok. My name is Judith Miller. I live at 21 Laurel Lane in Baiting Hollow and I am President of the Oak Hills Association."

Robert Kozakiewicz: "I don't want to get into a question and answer I'm going to ask you to go to a narrative type fashion what services the Town has provided over the years, whether it's been more than ten years and if you testify as to how long it's been great and secondly that second prong how long the community has been open to the public at large."

Judith Miller: "Yes. I'll just go through my, it's very short. I've been a member of the Oak Hills community for most of my life. Actually I was born into this community but only summered and visited on week-ends until my father retired from the NYPD. We then moved here permanently and I eventually built my own home and have lived in it for thirty-nine years.

During that time I worked and then retired from the Riverhead Schools. I never missed a day of work due to a snowstorm because the roads were always passable; plowed, sanded and salted.

Our Association has always been grateful for the services we received from the Town. They vacuumed drains, maintained lighting and water lines, picked up leaf and storm debris and patched our roads. We hope these continue.

The history of the Oak Hills Association can be traced back to 1947 when we received our Certificate of Incorporation which was filed with the Department of State. Despite many challenges and obstacles over the years, we strive to meet the needs of our members, our community and our town.

Our Community was deeply disturbed by the letter each resident received from Highway Superintendent Gio Woodson back in October. We were shocked that he was eliminating winter maintenance services without any discussion or advance notice. It took a while to understand how the implications from his announcement would affect our residents as well as hundreds of others in the town. We decided to take action.

I placed phone calls to Supervisor Walter, attended two work sessions and one Town meeting. I met with others and constructed a letter outlining our position, one that you have received. Other residents wrote their own letters.

Subsequently the Town Board adopted a Resolution that amends Chapter 92 of the Riverhead Town Code, one that includes determining highways that meet the criteria for a 189 Highway. However this Resolution includes restrictions that were not included in the previous 2004 Resolution that added seventy-four roads under 189. Why should there be additional restrictions for Oak Hill in 2014? Why did the Board adopt a Resolution that only identified two

of the ten roads within Oak Hills despite all roads receiving identical services? The roads are: Harper, Glenn, Hickory, Kings Highway, Maple, Laurel, Cedar and Park Place. Today's meeting is to receive input from the community regarding the Resolution and I hope these points can be addressed.

At a meeting last week with Mr. Walter, Mr. Woodson and Mr. Kozakiewicz, we were asked to provide letters from community members describing past services to the roads and have them signed by a notary. This was quite an undertaking, however, it was accomplished and I will present them to you. I understand that several residents would also like to address the Board.

The Oak Hills Association had a community meeting last Saturday to discuss the issues. There were many questions and some unresolved issues. The anxiety over the threat of not plowing was evident and it was agreed that inclusion in 189 would solve the primary goal of receiving vital services. However, the failure to include all roads must be addressed. Also, the restrictions should be examined and removed to reflect what the 2004 Resolution included.

Among many other important responsibilities, the Town Board is required to provide a safe and secure environment for all its citizens. Ceasing to provide basic road services is unthinkable and insures a dangerous situation will develop. We should not impose unfair restrictions on any one community within the Town. We should not be limiting services but instead providing all services that other roads within the Town receive. After all, we pay the same amount of taxes that everyone else in the Town of Riverhead pays.

The letter of October 13<sup>th</sup> from the Oak Hills Association Board of Directors and Officers is also included. It strongly and clearly expresses our concerns. Please read it again and consider what has been presented to you today. I am willing to meet with any of you, any time before a final decision is made. Thank you for your time and efforts."

Supervisor Walter: "Miss Miller, that list of roads that was all the roads in Oak Hills?"

Judith Miller: "Yes."

Supervisor Walter: "Everyone, even the two that we did include?"

Judith Miller: "The only two that you included was Oak and Fern."

Supervisor Walter: "And they were maintained as well?"

Judith Miller: "Absolutely."

Supervisor Walter: "Good. There's a lady right here that I think is going to be next if that's ok?"

Councilwoman Giglio: "Miss Miller? How many homes are there in the? How many homes are there?"

Judith Miller: "Eighty-two."

Councilwoman Giglio: “Eighty-two and is it your belief that the majority of the people would like the Town to continue to maintain these services and agree in taking down the private road sign?”

Judith Miller: “Yes.”

Robert Kozakiewicz: “The letters were made part of the record. It’s already part of the record.”

Judith Miller: “The letter that I read to you at the meeting?”

Supervisor Walter: “Yes, if she just gives her name and how long she’s lived in the community.”

Robert Kozakiewicz: “I’m going to ask you to swear under oath. Do you swear the testimony you’re about to give will be the truth the whole truth and nothing but the truth so help you God?”

Marie Smith: “Absolutely.”

Robert Kozakiewicz: “Ok.”

Supervisor Walter: “Ms. Smith, you want to testify as to where you live and how long you’ve lived there?”

Marie Smith: “Ok. My family, my mother was five sisters and they were from the Lewin Family in Baiting Hollow and they wanted to get together in the summer so they all built a summer place in Oak Hills and I had lots of cousins and one on my cousins was (inaudible) and he and I had horses right on Oak Drive and the day the town came in and paved the roads our horses were kind of nervous so we went and spent the time watching the horses and there was the Highway Department people working on the roads.”

Supervisor Walter: “The town paved Oak Drive; what year was that?”

Marie Smith: “Well I was thirteen and I’m seventy-one now, eighty-one and Lloyd recognized his uncle up on the sand truck. It was (inaudible) and tan no (inaudible) in those days and he recognized his uncle and that was about it. Now I did (inaudible) sister yesterday and she also lived up at Oak Hills in the winter of 1955 and the town plowed the road then. So that was about the earliest that we can remember. He lived in his father’s summer bungalow in the winter and that’s about it.”

Supervisor Walter: “Well thank you very much. Thank you for giving us that testimony. Ok, next person.”

Monica Gabrielle: “Hi, my name is Monica Gabrielle.”

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

Monica Gabrielle: “Yes. My name is Monica Gabrielle. I would like to offer my testimony for the record to the Town Board regarding the recent decision to stop snow removal services that my community has received for over twenty years.

Robert Kozakiewicz: “How long have you lived in the community?”

Monica Gabrielle: “Nine years.”

Robert Kozakiewicz: “Ok and where do you live?”

Monica Gabrielle: “Maple Road.”

Robert Kozakiewicz: “You’ve been there for nine years and prior to that did you reside in the community?”

Monica Gabrielle: “We relocated and the roads have been plowed, sanded and salted for the nine years that I’ve been there. In addition to my road, all the roads in Oak Hills have been plowed and sanded and that includes the roads that our President, Judy Miller, has mentioned.”

Robert Kozakiewicz: “And what road was that, I’m sorry I didn’t catch the road you live on.”

Monica Gabrielle: “Maple. Including the plowing, sanding and salting, the Town of Riverhead has also provided other services to our community. They include maintaining the street lights, water lines, road patching, leaf and storm debris pickup vacuuming our storm drains and of course garbage pickup.

I pay my fair share of what I consider high taxes to the Town of Riverhead and I find it disturbing that fundamental snow removal for our small community of tax paying citizens is suddenly being targeted for elimination.

I ask the Town Board to consider what might happen should a medical or any other kind of emergency arise during a major storm. Who would be held responsible and accountable if property damage or even death occurred because emergency vehicles could not traverse our roads?

When considering amendments, it is my fervent hope that the Town Board will include all roads within Oak Hills Community and designate them as Town of Riverhead 189 Highways under the Highways by Use local law.

Please recognize that snow removal is vital to the safety and security of the families living in our small community and I thank you for your time.”

Supervisor Walter: “Thank you very much. Next?”

Robert Kozakiewicz: “Ok, I’m going to ask you to swear that the testimony you’re about to give will be the truth the whole truth and nothing but the truth so help you God?”

Janet Achilich: “Yes.”

Robert Kozakiewicz: “Ok, and your name?”

Janet Achilich: “My name is Janet Achilich. I live at 99 Oak Drive in Oak Hills. I also own property on Fern Road in Kings Highway. I resided there for thirty-three years and I just want to add to the testimony that for the thirty-three years that I’ve been a resident the town has always come in. They have plowed, they have salted, they have sanded. They have done road patching, leaf cleanup and everything else that has been mentioned before. I would like to see this continue. We have some elderly residents in the community who would be hard pressed if the road were impassable. So I thank you for taking the time to listen to my testimony and I just want to confirm what was already stated.”

Supervisor Walter: “Thank you. Next?”

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

Robin Griffin: “Yes.”

Robert Kozakiewicz: “Ok.”

Robin Griffin: “Good afternoon everyone. My name is Robin Griffin and I reside at 30 Oak Drive in Baiting Hollow, NY. I am currently the treasurer and a Board of Director of the Oak Hills Association. I have lived at my address for the past nineteen years.

Since 1995 when I relocated here the Town of Riverhead has provided the following services in our community: plowing of snow, sanding and salting of roads as necessary, vacuumed our storm drains, patched our roads, maintained street lighting and picked up leaf and storm debris on the regular schedule and of course we get street side garbage pickup. I pay highway taxes and so does the Oak Hills Association. There is even a line item for highway taxes on our Association tax bill even though the Association does not own any vehicles and traverse any roads, we pay these taxes.

I can attest that Oak Drive, Harper Road, Glenn Road, Kings Highway, Fern Road, Maple Road, Laurel Lane, Cedar road and Park Place have, at least for the past nineteen years, been plowed, sanded, salted and patched by the Town of Riverhead Highway Department. Please include all of these roads within this Resolution.

Although I understand you are only offering a limited Highway 189 service, you are still asking all who reside in Oak Hills and others in this resolution to completely give up our private road status. I find this unfair in comparison to the Highway 189 Resolution passed in 2004, but do not oppose what you are offering as I believe it is in the best interest of our community and for me. You see, our community finds it extremely difficult to collect assessments and dues. We are not your typical Homeowners Association; we are a Property Owners Association that began in 1947. The only thing we all have in common is our roads and beach front. Our forefathers did the best they knew how at the time with the paperwork but unfortunately it fell short to adequately enforce the collection of money so we do the best we can. So I implore upon you to include all the roads I referenced in your current resolution.

In addition, it would be greatly appreciated if the other services such as leaf and storm debris pick-up, cleaning of drains, street lighting and garbage pickup continue. Thank you.”

Supervisor Walter: “Thank you.”

Robert Kozakiewicz: “Can I say just one thing because I know there’s been some reference to prior Resolution and whether there was a request that the private status be removed. It was not part of the Resolution; however it was understood that those roads were becoming public and no longer private so I want to kind of stress that. If the road was taken either by dedication or by 189 Highway Use, or it used to be called Highway Users, they were considered to be open to the public so that question posed a couple times was not part of the prior Resolutions but it was part of the process that those roads in fact be open to the public, they’re no longer private. So I just want to make sure that that distinction is brought out. When it was done previously those roads were made open and passable to the public at large similar to what is being proposed here to this change to this Code so that’s not a distinction; just to be clear.”

Supervisor Walter: “Sir?”

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

John Johnson: “I do. My name is John Johnson and I live on Harper Road. I’ve lived there for thirty-two years, Oak Hills. I’m on the Board of Directors and as everyone has said from our community in the entire time that I’ve lived there we received plowing, salting, sanding, some limited road patching and the question about our community being a private community; we get more traffic on Harper Road than probably many of the streets out in Riverhead Town because at the end of our road is Boy Scout camp and just down from us is the Order of the Arrow and there’s plenty of traffic on our road, it’s not a private road. We don’t have any signs up or anything like that. We don’t have a gate in our community and I also point out as the other people will have that we get leaf pickup and we have a lighting district there and so we’d like that to continue if possible.”

Supervisor Walter: “Thank you Sir. The lighting doesn’t change because; you belong to the Riverhead Lighting District. That doesn’t change nor does the water service or the garbage. Ok, Sir?”

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

Lou Pallyotto: “My name is Lou Pallyotto and I live at 24 Cedar Road, Baiting Hollow. I’ve been there; I’m going into my twelfth year. I’ve seen in the past and up till this year far they have been cleaning out the drains, they’ve been doing some road repairs also water. They’ve repaired water, the Town of Riverhead Water District. They repaired the road and I’ve seen a lot of maintenance up to this twelve years. I would also like to say Mr. Woodson has done a good job in the past and that is it.”



Supervisor Walter: “Ok, thank you very much Sir. Is there anybody else from Oak Hills? Alright is there another?”

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

Ed Goldstein: “Yes, good afternoon. My name is Ed Goldstein and I reside at 21 Laurel Lane, Baiting Hollow a part of the Oak Hills Association Community; my residence for over twenty years.

I have greatly appreciated the services provided all these years by the Highway Department, ones that allowed vital services to our community to be provided during winter storm months. These include mail delivery, garbage removal, repair of downed wires, meals on wheels deliveries, school busing and delivery of fuel oil and propane gas.

In addition to these services that are vital, there are issues requiring preparation for emergency service access, namely police, fire and ambulance vehicles and let’s not forget the need for residents to be able to get to their places or work, some with community safety jobs.

During each of my twenty years, the Town has continually provided all these necessary services throughout varies administrations. My first memory was during the tenure of highway Superintendent Charlie Bloss under Jim Stark’s term in office. I might add Mr. Stark recently told me that Mr. Bloss provided the services despite his budget being significantly cut. Mark Kwasna serviced under Supervisor Phil Cardinale and Gio Woodson under Mr. Walter. All provided the necessary emergency services to protect the health and safety of residents.

The primary goal of both the residents of Oak Hills and Town Board members are identical, to continue the vital services we and other Riverhead residents have received for twenty, thirty or more years. The support of the Board has been greatly appreciated. Sadly, this has apparently not been the goal of Mr. Woodson whose actions have been described by the Supervisor as disrespectful and outrageous. I agree.

Despite the good intentions of the Town Board, supported by the Oak Hills Association, the amendments proposed raise serious questions and concerns. It is a classic rush for adoption in order to beat the first snow storm. It is a solution to a problem that never existed. It is seriously flawed. I recommend the Board consider tabling the amendments to Chapter 92 for at least a year and in its place take necessary steps to insure all communities who have received these emergency services continue to receive them for 2014 and 2015.

The devil is said to be in the details and there are some pesky details included in the proposal. Amendments in 2014 are far more restrictive than 2004. Why? Should not all roads afforded 189 status be treated equally?

First and foremost, the Board approved a measure that only included two of the many streets in Oak Hills; all of which received the same services for the past twenty or more years. My street was left out. Why? Apparently it was not a typo or inadvertent omission. The reason, as Mr. Woodson stated was he doesn’t have the resources to do more. The solution was for Oak Hills residents to write a letter stating the obvious and have it notarized and presented to the Board. His obvious bias was evident.

Quite disturbing is the inclusion of wording that now defines services to be provided private roads only when it is decked by the Superintendent to be a state of emergency. This is far more serious than the interpretation that has been in effect for countless years, ones that allow our roads to be maintained in order to allow emergency vehicles to provide for the health and safety

of residents during snowstorms. It is an extreme measure that should be removed. It characterizes any proactive measures necessary and sensible ones as illegal.

I do not understand and am concerned with the working of the Resolution; namely the right of the public to traverse the area is made permanent. The public has always had the right to enter and leave Oak Hills. There are no restrictions, limitations nor any consideration of trespassing. The sign placed years ago did overstate the details of a private community, it was made to discourage trespassing and solicitation but not exclude. Politicians have solicited votes and petition signatures within Oak Hills for years without a concern. It is similar to a neighbor's beware of dog and protected by alarm system signs on his property, though he does not have a dog and does not have an alarm system. It is a sign that can be changed. My concern is what rights do we retain to continue the ability to control parking for residents and others is vital especially for Park Place which is home to the Oak Hills Association overlook and staircase to the beach and our venue for annual parties. A full discussion is necessary. Also, I do not understand what acquiring a surface easement over the roads entails. I am not sure anyone here does. It deserves an explanation.

A tabling of the Resolution would give our Association the time to consider and present to the membership a broader proposal that would allow the roads to be turned over permanently and completely to the town and provide a lasting solution to the problem. This is an option that deserves to be explored, one I would possibly be in favor of.

An important question lingers. Have Town Boards, Supervisors and Highway Superintendents been breaking the law for decades by taking measures to provide for the health and safety of its citizens in case of emergencies? I think not. All, including Mr. Woodson, up to July 2014 have maintained that these undedicated roads can legally obtain services because of the emergency nature inherent in plowing, sanding and salting. Why the need for change? Again, why a rush to solve a problem that does not exist? And as Mr. Walter has stated, "the Town could face a lawsuit if it stops plowing a road that it has plowed for more than ten years, even if it is a private road.

I would like to conclude by reviewing the actions taken by Mr. Woodson. He has always been held in high esteem by myself and the Oak Hills Association. He has been a highly effective and hands on Superintendent. He has been welcomed and praised when he attended our Park Place block parties. When he spoke at the Riverhead Rotary last spring and outlined his accomplishments, I personally thanked him for the excellent service he has provided Oak Hills. When he met with the Oak Hills Association President and Board members last July, he stressed that his obligation and long standing legal practice of providing vital emergency services during the winter would continue.

At that meeting he was advised that the Oak Hills Association represents the community and that the President should be notified should there be questions or problems, individual residents are not representative of the larger community. So what happened? At some time it seems, an Oak Hills resident complained about damage from a snowplow and threatened to sue.

I heard Mr. Woodson speak at recent work session in which he described payments of many hundreds of dollars annually for mailboxes damaged during plowing. Why not an attempt to solve the resident's problem if it was valid and negligible, but certainly notify the President who would look into and try to solve it? She with other Board members have solved numerous problems and effused many situations brought to their attention. Or why not just let the person know that anyone can sue another? Suggest he put his problem in writing and leave it at that. Instead he took it upon himself to not solve but instead create a problem by putting the health and

safety of hundreds of residents in danger. He proposed an absurd solution. In an emergency call the police who in turn will call someone at the Highway Department, who will then try to assemble the necessary equipment. That might be successful in saving a life. He suggested that roads are private because they have no exits to the outside, a position best characterized as having no basis in fact. His actions were described in a far better way in a letter that our Oak Hills Board sent out to residents.

Oak Hills residents pay the full amount of taxes for roads and maintenance as other Town of Riverhead residents. We have consistently for thirty or more years received salting, sanding and plowing services required for the health, welfare and safety of our residents. Mr. Woodson's concerns with the lack of necessary funding, spurious claims of legality, reaction to a possible law suit for damage to a driveway by his plows and an ongoing and public feud with the Supervisor would not put the lives of hundreds of Riverhead citizens in danger.

Again, we have many questions to be answered but keep in mind the present interpretation of an emergency within the law, I believe, allows for necessary and sensible emergency actions to be taken. I urge the Board to stand by your perfectly legal and sensible actions over the past thirty years and direct Mr. Woodson to continue the services he has been providing.

Tabling this solution and solving this winter's problem makes sense. Approving a Resolution in haste, before a winter storm arrives, is not in the best interests of all. Thank you for your attention."

Supervisor Walter: "Thank you. Is there anyone else who wishes to speak from Oak Hills? Ok. Are there other Board Presidents here? If you're a Board President raise your hand. Alright, why don't we start down, can you assemble whoever you, each President assemble your community together and come on up. Let's start with the next Board President. Still inclusions; I think we still have quite a bit to go on the inclusions."

Mary Epperlein: "My name is Mary Epperlein and I do not wish to come under false pretense but the President is away, the Vice President is away. You have the Treasurer of the Great Meadows Property Owners Association."

Supervisor Walter: "Happy to have you, thank you."

Mary Epperlein: "Thank you. I'm also a resident of lower Tuts Lane."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Mary Epperlein: "So help my God."

Robert Kozakiewicz: "Ok, and again I think we may have misspelt your name for the record."

Mary Epperlein: "That's easy enough to do. My name is Mary Epperlein. I have a letter here that you have already received or if not will receive by tomorrow.

When the Great Meadows property was developed, it was agreed that the Association would be formed to preserve the beach at the end of Tuts Lane. To that express purpose, a portion

of Tuts Lane often referred to as lower Tuts Lane was designated a private road in order to preserve the beach at the end of the road.

The Homeowner's Association has continued to maintain the road since its inception in 1953. This has been a net savings for the Town as they would otherwise have had to incur this expense. All residents, including those on lower Tuts Lane, of which I am one, pay the taxes that support our Highway Department.

We have several residents with serious health concerns and an elderly neighbor who has a health aide who must get there every day. We also have a member of the Jamesport Fire Police who needs egress in order to aid the Fire Department. Rather than have to call a plow to proceed an ambulance in an emergency situation it simply makes sense to have the plow continue the length of the road when it is already on Tuts Lane.

As a matter of public safety, we respectfully request that you continue to plow this portion of the road as you have been doing for over ten years. Thank you for your consideration of this request."

Supervisor Walter: "Thank you. Are there other Tuts Lane Association folks? Well thank you. You said plow but did they maintain the roads as well?"

Mary Epperlein: "Well yes, we're having leaf removal today. On occasion there has been a patching, salting. All of the words that have been used today we have benefited from them but this concept of breaking Tuts Lane that the upper Tuts gets plowed and lower Tuts does not I feel is ill-advised."

Robert Kozakiewicz: "I'm just a little confused whether the lower Tut's been plowed or has not been plowed."

Mary Epperlein: "It has been plowed. It's been plowed every year; several times last year when we had so many snowstorms."

Robert Kozakiewicz: "How long have you lived there?"

Mary Epperlein: "I've now lived there for twelve years."

Supervisor Walter: "Thank you, next. How are you doing Sir?"

Michael Schroeder: "Fine. My name is Michael Schroeder. I live at 91 Lockett Drive. I'm Vice President of the Locket Drive Homeowners Association. The Association is comprised of thirty-one homes.

Let me first start out by saying I think it's important to understand what the concept of the Association is. Much like the testimony you just heard I'm a resident for twenty years."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Michael Schroeder: "I do and everything I just said should go under that as well. I've lived there for twenty years. I believe the Association was created to maintain a very small private beach at the end of Lockett. It's about fifty or sixty feet wide.

The obligations of the Association are to maintain the road and we maintain all aspects of that road; the Town provides no service but snow removal.

We had to repair our beach which was devastated in Sandy. We had significant drainage issues. These are all things our Association has taken care of on their own. But it's a voluntary Association. We had no enforcement provisions that compel any owner to pay which is one of the problems with I think many of the Associations here. If this were a condominium or a Homeowners Association, there would be the ability to enforce the risk of loss of property, monthly maintenance. There would be a managing agent who would be watching out for all aspects of the community. We're now faced, if we don't wish to join your program and I'll be frank when I say I don't know what my constituents wish to do. We're all caught a little bit by surprise time wise.

If we don't want to give up our private road status we're now faced with soliciting bids for snow removal. We're faced with billing our constituents with the cost of snow removal and with the hope that a hundred percent of the individuals who live here will do it but we have no way to prevent anyone from enjoying the road or having their road plowed if say seventy or eighty percent of our owners can afford to pay the increment or the increase.

So one of the things we're going to ask, the Board is, as we speak, will we be able to get plowed this winter but for some further action. We just don't understand what the time line is or chronology. If you would permit a question?"

Supervisor Walter: "OK, so what folks may not understand is the five people including the Town Supervisor, does not have the authority to order the Highway Superintendent to plow the roads. I know then Supervisor Romaine of Brookhaven was keenly aware of it. It all falls back to his, Supervisor Stark used to say, big C but we, the Town Board, this much control over plowing so there's no way for us to enforce it. The only think we can do is incorporate it into the road inventory by state statue then he has an obligation, his obligation but even if he didn't do it I couldn't force him to do it; it's not a power the Supervisor's office has so this seems to be a quick rush to a quick fix. It is because it's the only mechanism the Town Board has. It's a strange system when you have elected Town Boards and an elected Highway Superintendent so that's why we're here quickly."

Michael Schroeder: "And what would be our time frame to opt out of this Resolution. Lockett Drive, I believe, is currently on the list. When would we be able to opt out if we decide we don't want to be a 189 road?"

Supervisor Walter: "I think Michael, for the Board, we haven't deliberated on this but Michael, for the Board, is to have this resolved by the last Board meeting in December which is Tara do you know what date that is?"

Tara McLaughlin: "December 30<sup>th</sup>."

Michael Schroeder: "So if our Association decided on December 29<sup>th</sup> to opt out we could notify you to leave us off of the December 30 resolution?"

Supervisor Walter: "Absolutely"

Michael Schroeder: "Ok. I also just briefly want to address the private road status. While we have a private road we never barricade that road. We have no security on the road. It is more

a concept and a desire that most of us, all of us, who live in this community wish to retain. It's a very important fact, its intangible. It tells we have something so unique. We have a little beach we take care of, it's part of the thing that makes us want to live there and I don't know that most of the people who live there want to give up that status. Again that creates a very awful dilemma for us because of the increase cost that we would have to bear which we think is unfair. So we, I would ask, if the Board would consider the Resolution as on the record right now, without the obligation to give up what we call by name, our private road status and again I'm just going to share with you. We don't block people from coming on our road, we have no security, we don't ask people to leave. Just like basically any other summer community every now and then people come down, they take a look and they go. Maybe they're coming down to see how beautiful it is or what our view is but it's something that's very, very important and tangible for us and if you'll bear with us just one minute. This is Diane Stuke from our Association."

Diane Stuke: "Hi guys, how are you?"

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Diane Stuke: "I do."

Robert Kozakiewicz: "And your name?"

Diane Stuke: "I live on Lockett Drive off and on over twenty years. I always remember it being plowed. It never had service to maintain the road, to fix the drainage or anything. I'm concerned. We are a very small community, thirty-one homes of most of them are probably summer residents so the snow removal probably doesn't affect them; it affects me, it affects my neighbor and my other neighbor at the end of the road. I'm concerned. I've got to get to work. I've got bills to pay just like everybody else.

It is a private community. I also am concerned that we do have a private beach. Is that going to be open to the public now? Who's going to enforce that if people do come down and park on our roads?

Supervisor Walter: "We're not going to."

Diane Stuke: "You're not going to enforce it but you're going to open the roads."

Supervisor Walter: "We're not taking any beaches. If there's a private beach at the end of the road that will remain a private beach. If you have no trespassing signs and you call the police department, the police will enforce the no trespassing sign."

Diane Stuke: "So then the police would enforce it? They will come down?"

Supervisor Walter: "As long as you have no trespassing signs. The problem for us is the State Statute requires the road to be open to the public; we're taking this under a State Statute. I can't change that. We have very few mechanisms to fix this problem. It's the only mechanism we've come up with."

Diane Stuke: “Ok. As Michael did say, we are a private community; our dues are voluntary. We do not have a hundred percent to take on snow removal that has been done for as long as I can remember. My parents built our house in 1968. From that day forward I remember it being plowed. Thank you.”

Supervisor Walter: “Thank you. Ok, anybody else from Lockett Drive? Sir.”

George Goode: “Good afternoon.”

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

George Goode: “I do. Good afternoon, my name is George Goode. I’m the President of the Wellswood Civic Association in Baiting Hollow and I’m representing the twenty-four property owners on Meadow and Summit Drive in Baiting Hollow and a couple of questions about some of the details of the Resolution.

I tend to agree with the gentleman who said earlier the devil is in the detail and I kind of was supporting his idea in tabling the Resolution to afford us a bit more time to discuss this more thoroughly with our residents, but a couple of questions; the Section 92-23 with Town obligations continued.

The section there a couple of sentences that says *if determined by the Town Board to be necessary, a set of improvements shall be performed in accordance with the provisions of law* and I’d like to understand more what that exactly means. My fear is that that means that the Town or someone else can determine that improvements are necessary for the road. For example if the Town or someone needs to pave the road and that the Town could have that done and that would be at the expense of the property owners.”

Supervisor Walter: “Well what happens is this is trying to give us more power than we normally would have, than we have currently. If we were to pave your road or any of these undedicated roads it doesn’t go as a separate item on your tax bill, you may the Riverhead Highway taxes same as everybody else and it would just come out of the Riverhead Tax Fund.”

George Goode: “I’m a little bit concerned about that language because it seems to be pretty open ended; *that improvements you deem necessary would be taken as provided by law*. I’m not quite sure what that entails.

Our Association does collect fees from all the homeowners there. It is voluntary but we have a good rate compliance. We spend approximately fifteen thousand dollars every four years with Corozinni Asphalt. We pave the road, we oil and bluestone the road. The town has never done that however in all the time I’ve lived there since 2001 the town has always plowed those roads in all conditions.”

Supervisor Walter: “I’m sorry, what were the roads Sir?”

George Goode: “These were Summit and Meadow Drive in Baiting Hollow so these roads have always been plowed. There have been residents that have lived there since the forties and confirm the fact that the roads have always been plowed.”

Supervisor Walter: “How many years have you lived there Sir?”

George Goode: “I’ve lived there since 2001 so that’s thirteen years. Those are of Bedford Avenue just past Silver Beaches and. It’s a small, private community and we’ve always maintained the roads ourselves at pretty considerable cost but we do it but we have always enjoyed the town plowing those roads and we hope to see that continue in the future.

I think most of our residents would agree that that’s a service we want to continue. We don’t have any private, keep out signs; we never have. People drive in, people walk in, people bike in but one of the other provisions that I was also concerned about was Section 92-22 *Rights Acquired* and there’s a section there that talks about the rights; it talks about automobile traffic, biking, traversing on foot *and conduct any other lawful activity on the highway*. That’s pretty broad and to me that could include parking; we’re close to the beach. This is a narrow road which is only passable by one vehicle in one direction. If we have two vehicles, one entering, one leaving, one has to sort of pull off on the side and let the other person pass. If we were to have a bunch of people parking in that road it would make it impassable for two way traffic on that road. It would be a great detriment to the people that live there; we wouldn’t be able to get in and out so I’m a little bit concerned about the kind of activities that would be allowed if these roads were conveyed under this section.”

Someone: “Private Beach.”

George Goode: “It has a private beach but not associated with that section down, all the way down at the end. It has nothing to do with those two roads.”

Supervisor Walter: “I’m not even sure, you may not meet the requirements for 189 because it was open to the public, maintained, plowed for ten years and we never maintained any of the roads in there.”

George Goode: “You have plowed them forever as far as I.”

Robert Kozakiewicz: “Is that across the board when there have been large snow events or six inches or more?”

George Goode: “Across the board.”

Robert Kozakiewicz: “Ok.”

Supervisor Walter: “If we took it into the inventory we would be taking the inventory the way we have with most other roads and if there are parking problems the Town Board Traffic Safety Committee, Councilman Dunleavy, the Police Department, the Police Chief rather and they have a committee and they would make the recommendation for no parking which is probably more enforceable than what you have now. So those types of things could be handled but you’re right on the border as to whether we even make out that 189 showing the fact; are there other people from your community here?”



George Goode: “No, I’m representing all of them. Most of them are, we have one Bill Kappenberg; he lived there since 1962.”

Supervisor Walter: “Is he going to speak?”

George Goode: “No?”

Supervisor Walter: “No?”

George Goode: “We’ve always taken on the large maintenance projects if you will but the plowing of the roads has always been a service provided by the town which we hope will continue.”

Supervisor Walter: “How many residents are here from your community?”

George Goode: “There are twenty-four property owners. There are not that many houses on Summit and Meadow, some are empty lots.”

Supervisor Walter: “Ok.”

Robert Kozakiewicz: “If I could make one comment because I know we’ve heard a couple of times all the details and opening it up to the public and as the Supervisor who earlier said the State Constitution contains a provision that basically says that if you’re a private road or even a driveway that the town is not supposed to by law plow and expend public funds on private enterprises. This is why the public aspect has been incorporated into law so that we can address the constitutional issue. I think its Section 1 or Article 1, Section 8. If you would look at it that’s been something that has been in place since New York State adopted the Constitution and the idea is that public funds would not be used.

I know we’ve heard a lot about highway taxes. Highway taxes as pointed out are part of a whole general fund for highway improvements.

George Goode: “We drive on public highways as soon as we pull onto Edwards Avenue and so of course we would pay highway taxes.”

Robert Kozakiewicz: “That’s right so I mean again I heard the comment a couple of times about the (inaudible) details but the fact that it’s going to be open to the public. Part of the reason for that is because in absence of it being a public thoroughfare or open to the public (inaudible) it private and under the constitutional prohibition under the State of New York those municipal funds are not supposed to be utilized in that fashion.”

George Goode: “I’m not so much concerned about it being open to the public what I’m concerned about is losing control to the point where someone else besides our Board decides what maintenance is required and we have to foot the bill for it.”

Supervisor Walter: “Thank you Sir. Any other community Presidents wish their roads, yes Sir? Step up and be included in the inventory.”

Richard Stevenson: “My name is Richard Stevenson; I’m the President of the Waterview Terrace Civic Association.”

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

Richard Stevenson: “Yes Sir.

Robert Kozakiewicz: “And where do you live and how long you have lived there?”

Richard Stevenson: “I live at 83 Brookside and I’m there for approximately nineteen years.”

Robert Kozakiewicz: “Ok and as far as Town services can you testify to the Town services you received?”

Richard Stevenson: “Yup, the Town services were we got garbage pickup, we got leaf pick up a couple times a season, we got snow plowing every year and that was pretty much about it to be honest with you. Occasionally the utility companies would come in and prune the trees and stuff but it wasn’t the town.”

Robert Stevenson: “What are the roads that are in Association?”

Richard Stevenson: “We have East Street, Center Street, Brookside Avenue, Oak Street and Bayside. I think that’s all, right? Ok. Like I said the roads have always been plowed since, I’ve grown up on the North Fork my whole life, they’ve always been plowed in that area since I could remember as a kid and it was always expertly; we never had a problem with any of that and much of our concern is again is opening our community to the public and does that really mean? Do we, does this grant people the right to our little private beach to which we have and do our best to maintain?”

Supervisor Walter: “No, they’ll be; it has nothing to do with beaches. Even if the beach is at the end of the road we’re not looking to take beaches, beach access, nothing. You have a no trespassing sign on your beach and somebody’s trespassing, you can call the police department, we’ll have the person removed. You may have to swear out an affidavit or something but we’ll have the person removed through lawful means.”

Richard Stevenson: “Ok, either way you know, we’ve got signs that say no dogs allowed on the beach but we got community members that don’t abide by that either. You know, some people choose not to read also. My other concern is we have a private boat ramp in our community.”

Supervisor Walter: “It’s yours, all yours; we’re not having anything to do with that.”

Richard Stevenson: “I’m sure you’re not coming down with your skiff Sean. My problem is other people say it’s a private road, I can park and again we have a community where there’s not a lot of people in winter, most of that who are there are elderly, myself getting that way included but we have to have a little control over this. People who have the ability to come in and no ones around yeah they can utilize our ramp and we have to maintain insurance for all that stuff and it creates another liability issue for me and our whole community.”

The other problem with all this, you know, fire drill if you will to get the snow plowing issue resolved, is I haven’t had time to get all of our constituents in a row, some of them are out of country, some of them you know, holiday whatever it may be we have fifty-five residents and it’s tough to get everybody on the same page at the same time.”

Supervisor Walter: “Are you on the list of roads, I’m sorry. Well, it’s going to be easier to get off the list then to get on the list.”

Richard Stevenson: “Well, that’s my problem; I don’t know which way we’re going yet. I can’t give you a responsible answer. I’m not at liberty to speak for fifty-five homeowners. Some of the ones I’ve spoken to I know which way they’re voting but I’m not at liberty to divulge that either. (inaudible) This is what we haven’t been able to decide on. If the sign’s got to come down to comply with the snow plowing. (inaudible) I understand that.”

Supervisor Walter: “We’re willing to work with you. I would say that if we included them now and wanted to exclude them later you wouldn’t care right George? (Inaudible). They’re on the list so if we included you know and you came back to the Board and say “hey no way take us off” I think the Town Board would be inclined to do that with the recommendation of the Highway Superintendent, right Gio?”

Richard Stevenson: “Ok so my next question is “what’s the time frame?” How much time we got?”

Supervisor Walter: “We’re going to try to do this, to resolve it before the real snow starts falling in January, by the last Board meeting in December. I’ll leave it open for ten days for written comment until December 12<sup>th</sup> let anybody else add other facts, affidavits. I would ask if you’re going to do something do it in an affidavit form or at least notarized and send it to the Town but if we. Like it said it will be easier to get off the list than get on the list.”

Richard Stevenson: “Ok, fair enough and now if you don’t mind if we can, we’ve got a couple of other Board members and residents who would like to speak I’m sure.”

Supervisor Walter: “Absolutely.”

Alice Zapf: “My name is Alice Zapf. I live on East Street in Waterview Terrace and I’ve been a resident for twenty-five years.”

Supervisor Walter: “Can we just swear you in Ms. Zapf?”

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

Alice Zapf: “I do. There really isn’t anything that hasn’t already been said. It’s been very interesting to attend this meeting and understand the thinking process of many of the other communities who have brought to my attention many other things that I haven’t even considered or thought of.

I think this whole situation is, it’s very, very quick for us to be making decisions. Some communities are small and some communities like ours with fifty-five residents like Rich has said is very, very difficult. We have not had the opportunity to speak to all of our residents and get their feeling about which way we should go. What I understand here today, and I’m going to hold you to that commitment, that if we go and say we’re going to turn our roads to you and at some point we all decide that that’s not the right way to go, I’m holding it that you said we can come away from this particular thing. I’m sure gentleman would like to have us off the roads but I want to understand that that would be an option we would have.”

Supervisor Walter: “You have my word, I’m here till next year depending on re-elections, that’s all I can give you if you come back next year and you decide that you don’t want to be in this I would offer up a Resolution to the Board, I think the Highway Superintendent indicated he would be willing to take you out. Could you just spell your last name?”

Alice Zapf: “Z-A-P-F.”

Councilman Dunleavy: “We would have to pass a Resolution to take you off the list.”

Alice Zapf: “Beg your pardon?”

Councilman Dunleavy: “What we would have to do is pass a Resolution to take you off the list and you’ll be taken off the list.”

Alice Zapf: “There is a certain aspect to the fact that we have a private community. Waterview Terrace in particular has really never asked for the Town of Riverhead to do anything for us other than what you’ve been providing for some, I don’t know how many years, I’m aware of twenty-five years. We’ve never asked you to do anything more for us than plow our roads and pick up the leaf removal. We pay the taxes as I said, I’m not going to become redundant, with everything that had been said, it’s been said but we ask for nothing and all we do at this point I time is ask for the continuation of the road plowing and it seems to be a little sad that we have to compromise getting the roads to be plowed and then changing the complexion in changing what we perceive to be our community as a private community and that’s all I have to say.”

Supervisor Walter: “Thank you.”

Councilman Dunleavy: “I wish we could continue in doing it too.”

Supervisor Walter: “Ok, next.”

June Tuthill Bassemir: Ok. My name is June Tuthill Bassemir and.”

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

Supervisor Walter: “How do you spell your last name?”

June Tuthill Bassemir: “B-A-S-S-E-M-I-R. I am the granddaughter of Fred H. Tuthill who bought the property in South Jamesport in 1926 called Waterview Terrace. He laid out the streets, developed the lots and called it such.

When our roads were first installed they were only hard packed earth. Now they are blue stone and oil and when they need to be repaired each household is assessed equally to pay for the work. As I see it, we have taken these roads off the Town Highway Department’s maintenance responsibility and received nothing in return paying taxes like everyone else in the Township.

The Town has also seen fit to exempt us from leaf pick up and we must now bag our own leaves or pay to have someone else do it for us. Everyone else in the town gets their leaves picked up at the curb. Raking leaves is a fun fall project for younger folks but as we get older it’s hard physically and financially for us. Now you’re saying no snowplowing. Is this fair, what next?

We are not a gated community but we consider ourselves a private one. Roads are small and there is no parking on them. Isn’t it the responsibility of our elected officials to provide all of their constituents who voted for them with the same benefits as each other living in the same district? I can find no sound reasoning within the scope of justice for our Highway Superintendent to refuse us the same rights and privileges as other homeowners of the Riverhead Township and I would like to see them continue the snowplowing as they have been doing for over twenty years. Thanks for listening.”

Supervisor Walter: “Thank you very much.”

Robert Link: “The name is Robert Link. I live in Waterview Terrace on Center Street.”

Supervisor Walter: “Raise your right hand please Mr. Link?”

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

Robert Link: “I do and I’m not going to repeat what these fellow residents said but there’s just one point I want to make and it seems that we’d be handing over roads to the town and this is our land, we’ve been paying for it and if you come to think about it those roads are a lot of land and we’ve been doing just fine really without the town and we would really just like to keep it ourselves. We haven’t had a problem in the past and I’m sure we all would like to keep it just the way it is and not hand over all this land to the town for free without any type of compensation whatsoever.”

Supervisor Walter: “What are the roads Sir if you don’t?”

Robert Link: “Waterview Terrace?”

Supervisor Walter: “Yup.”

Robert Link: “Oak, Center Street, East Street, Brookside and Bayside.”

Supervisor Walter: “ok, thank you.”

Robert Link: “Thank you very much.”

Supervisor Walter: “Thank you Sir. Ok, next. How are you doing Sir?”

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

Kevin Winch: “I do.”

Robert Kozakiewicz: “My name is Kevin Winch. I am at 11 Freds Lane in Jamesport and I’m also President of the Fairhaven’s Property Association. Briefly regarding our Association we are a private Association. We have signs on Peconic Bay Blvd. We have been maintaining our roads in terms of paving and patching ourselves at our expense.”

Supervisor Walter: “What roads are they?”

Kevin Winch: “Freds Lane, Oak Drive, Downs Blvd. and Beach Road. To the best of my knowledge, I’m not there in the winter, to the best of my knowledge we have been plowed over the years and we also receive a leaf pickup.

I have three concerns or questions. The first one, given the list that was in the paper, we concluded that the errors on this list look evident to us were just that. In standing here today I’m not so sure because one of our roads in our community is not listed and that’s Beach Road in Jamesport or South Jamesport depending on who you’re talking to.”

Councilman Gabrielsen: “That’s the road that comes out into the Town Park by the beach there?”

Kevin Winch: “It runs from Peconic Bay Blvd. down to the Bay and it intersects Downs and it intersects Freds.”

Supervisor Walter: “The other roads are on this list?”

Kevin Winch: “Yes, however Downs Blvd. is listed as Downs slash Pie and Pie I think misspelled and they are parallel roads. Pie is in our Association. Pie is on the other side of the hedges and it’s not so I just want to make sure that our Association is not somehow being fractured by this.”

Supervisor Walter: “It’s probably an oversight. Which one is the one that should be on the list?”

Kevin Winch: “Beach and like other people I have reached out to my thirty-eight households and I haven’t received back, silence is consent that’s fine but I have not had the opportunity to have a meeting. People are now away for the winter, etc. and on that point I would like to point out we are a largely seasonal community and therefore we tread pretty lightly on the town’s services in terms of garbage and what have you.

The other question I have is we have two private community signs and we consider ourselves a private community. We have a beach area. We spent a lot of money after Sandy to fix it. We have a park area above the beach and we will still consider ourselves a private community to that extend, you know linked households, linked properties so I’d like to say that we do not want to have to remove our signs from Peconic Bay Blvd. They don’t say private roads, they say a private community. It’s our distinction and lastly I have made.”

Supervisor Walter: “That maybe ok. (inaudible)

Robert Kozakiewicz: “How long have you lived in (inaudible)?”

Kevin Winch: “I have been there since 1998.”

Robert Kozakiewicz: “1998 and you’ve been plowed?”

Kevin Winch: “Yes.”

Robert Kozakiewicz: “Is that across the board or only when a large snow event?”

Kevin Winch: “I really can’t honestly answer that question because I’m not there but I’ve been told by the year-round residents. Ok. Lastly, the residents, one question I have had is what is the impact on our property taxes? We all have a line item on our taxes now for highway and will there be.”

Robert Kozakiewicz: “As pointed out by the Supervisor, highway is the district of covering the whole town, of all the highway system. That’s what the highway tax is for or not whether you’re on a private road verses the town road, verses a road by dedication so that’s what I think, we’ve heard a lot of I’m a private road why am I paying highway taxes.”

Kevin Winch: “Well to echo another speaker, we maintain the road if we are going to lose that property that we own are we going to get some relieve tax wise?”

Robert Kozakiewicz: “Well again I’ve heard that and the reason for why the town is taking it public is because for example I live on a public road. I can’t put up a sign that says private community on one side of my property and put a roadblock on my property and say you can’t come down my road any further. The idea is to put all these roads on an equal basis so they’re open to the public. That’s kind of the reasoning and rationality behind it.

Again it comes back to the same thing I alluded to earlier. Under the State Constitution if you’re not a public road which is a road that is either dedicated to the town by a developer or road that’s been taken by use we shouldn’t have been there plowing in the first place and I know that sounds cruel and hard to accept but that’s what the State statue’s says and we’re stuck with the

State Constitutional provision and I know there's been a lot of questions raised pointed to the Highway Superintendent. I want to take some of the blame here because he brought this situation to my attention and caused me to look at the private communities. The Highway Superintendent says it's a private community and the State Constitution says except where it's an emergency as he alluded to earlier and I think he's prepared to continue plowing if it's an emergency. So that service would be provided regardless of whether you want to be a private community and regardless of whether you want to be a 189 road or so that service will continue and I think he's prepared to reinforce that, restate that so. I'm not sure I answered the question, I think I rambled a little."

Kevin Winch: "I'm finished. My last point I would, how do we understand whether those streets that I referenced are or aren't part of this project? Is it by design or by accident?"

Supervisor Walter: "I'm thinking there should be a few, that Beach."

Kevin Winch: "Beach and the Downs."

George Woodson: "I believe Beach was left off accidentally. You have three Beach Roads and Downs."

Kevin Winch: "Right, ok, then Down/Pie."

George Woodson: "You have Beach then Laurel (inaudible) and you have three Beach Roads down there and then you've got (inaudible)"

Kevin Winch: "And again the distinction that Downs Blvd. and Pie Lane are two parallel roads and not the same. Thank you."

Supervisor Walter: "We'll have to fix that if it's taken in. Mr. Winch though I'm not sure do you want the road in or?"

Kevin Winch: "I personally, I'm speaking personally as a resident yes I do want the roads included. I cannot speak for the Association at this point."

Supervisor Walter: "Ok, thank you Sir. Any other communities who want their roads in; Presidents, communities? Yep, alright Sir. Well we're taking regular people if you want your roads in the inventory. Go ahead Sir."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Greg Muth: "My name is Greg Muth, M-U-T-H; 16 Kimmel Lane, Jamesport. I'm just here to see that our street gets included on the list of roads to be plowed by the town."

Supervisor Walter: "Ok, how long have you lived there?"



Greg Muth: “Eleven years.”

Supervisor Walter: “Has that road been plowed over the past eleven years?”

Greg Muth: “Every year.”

Supervisor Walter: “That’s a dirt road?”

Greg Muth: “It fits the criteria, open on both ends, always has been and it’s been plowed every year for the eleven years I’ve been there. I don’t see why it was excluded to begin with, but.”

Someone: “There are issues with that road.”

Greg Muth: “What issues? That has nothing to do with whether it’s plowed. Somebody explain it to me because I’ve asked this. We’ve been trying to get.”

Supervisor Walter: “I think that’s going to be a private conversation with the Highway Superintendent.”

Greg Muth: “Yes, that’s what I’m saying.”

Supervisor Walter: “Maybe at the Town Attorney’s office.”

Greg Muth: “Yes but we should be included on the list because we fit just like everybody else who fits in those two, the criteria for.”

Supervisor Walter: “You’ve been open to the public. You’ve been plowed for thirteen years.”

Greg Muth: “Eleven that I’ve been there.”

Supervisor Walter: “Eleven and you’ve had no maintenance or have they been maintaining the road?”

Greg Muth: “Twice they came and put some RCA to fill some holes.”

Supervisor Walter: “Ok Sir. Thank you.”

Greg Muth: “Thank you.”

Supervisor Walter: “Ok, next?”

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

Irene Schillmair: “My name is Irene Schillmair. I live on Breezypoint Road in Wading River. Property has been in my family since the early forties. I’ve been there fulltime for the last fifteen years and since the Town has plowed, sanded and patched the road for at least those fifteen years that I’ve lived there I request that Breezypoint Road be incorporated into the town highway system as a 189 road.

There are fifteen houses on the road. Even though it’s a dead ended road we get a lot of foot traffic especially from campers in Wildwood State Park; people walking their dogs, bicycling or just sometimes driving down the road to see what it looks like.”

Supervisor Walter: “Town paved that road did they not?”

Irene Schillmair: “They have fixed potholes. The road is paved yeah”

Supervisor Walter: “Who paved the road? Was it paved when the numbered streets were paved?”

Irene Schillmair: “I believe so, yeah, the town, yeah.”

Supervisor Walter: “Ok, thank you.”

Irene Schillmair: “Thank you”

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

Helen Richichi: “My name is Helen Richichi. I live at 356 Oakleigh Avenue, its Baiting Hollow Cottage Condominium. Our Board member’s here and I’ve been authorized by him to speak for the Board in our Community. We’re not on the list.”

Robert Kozakiewicz: “You’re a condominium community, correct off the east side of the road?”

Helen Richichi: “We’re off of Oakleigh Avenue. We have been plowed, up until about two or three years we had been plowed since I had been out there as a fulltime resident since 1998. I’ve lived.”

Supervisor Walter: “What community are you in? What’s the name of the community?”

Helen Richichi: “Baiting Hollow Cottage Condominium. We don’t have a name on our road.”

Robert Kozakiewicz: “If you go up Oaktree Avenue past the golf course entrance. It’s a private community (inaudible). The community that’s the last one on the right hand side (inaudible).”

Helen Richichi: “That’s correct. There’s Woodcliff Park is on the west side, we’re on the east side of Oakley.”

Robert Kozakiewicz: (inaudible)

Helen Richichi: “Yes, it’s a horseshoe shaped road. I don’t know where we stand. It’s been plowed and yet we’re not on the list.”

Someone: “What’s the name of the road?”

Helen Richichi: “Well it’s off of Oakleigh Avenue. We don’t have a name. Our address is 356 Oakleigh Avenue. I know I met you maybe; I’m going to say five or six years ago. You went through our community because there was a problem getting your plows through and we had moved back some of the retaining walls so it wouldn’t be on the private homes, there are private homes there so that we could.”

George Woodson: (inaudible) I’ll have to check on that please because I remember coming down and talking to you.

Helen Richichi: “Right, so.”

George Woodson: “I was taken off prior to that and then making sure the proper work was done.”

Helen Richichi: “And I also wrote you a letter saying that the people had complied and moved their retaining walls in the back so I don’t know where the community stands right now. We’re not on the list yet we were plowed.”

George Woodson: “I will check into that.”

Supervisor Walter: “Ok, speak to Highway Superintendent back there.”

Robert Kozakiewicz: “Are you open to the general public.” Can the general public?”

Helen Richichi: “We have no barriers, it says private community on our sign but we get foot traffic, we get cars, we get bicyclists.”

Robert Kozakiewicz: “For how long?”

Helen Richichi: “All the time.”

Robert Kozakiewicz: “For how many years?”

Helen Richichi: “I’ve been out there since 1981.”

Robert Kozakiewicz: “Year round?”

Helen Richichi: “Year round since 1998.”

Supervisor Walter: “And it’s been plowed since then?”

Helen Richichi: “Yes, well as far as I know since I’ve been out there as a year round resident, yes and maybe even before that but I can just say it’s been plowed since I’ve been out there.”

Robert Kozakiewicz: “And that would be all the time, every snowfall or just when there’s a major storm?”

Helen Richichi: “Honestly I can’t say, I would really have to, it would be a guess on my part.”

Robert Kozakiewicz: “Has the Town done any patching or repairs?”

Helen Richichi: “No we maintain the road, we pay for the road. We pay for our own leaf removal which costs us in the thousands of dollars a year and most of our residents are seasonal but there’s more and more who are coming out making there all year round homes. Thank you.”

Supervisor Walter: “Alright, thank you, how you doing Sir?”

C.T. Kanelopoulos: “Yes, first of all I want to thank the Supervisor and the Councilmen and woman and Mr. Woodson. My name C.T. Kanelopoulos and I’ve lived in Riverhead since 1988. I moved twelve years ago.”

Supervisor Walter: “Raise your right hand.”

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

C.T. Kanelopoulos: “I do.”

Robert Kozakiewicz: “Where do you live?”

C.T. Kanelopoulos: “I live on 247 Overlook Drive in Aquebogue and since I’ve been living there early on we used to get plowing occasionally from the Town. Once in a while I’s see a little white truck with the green sign come down and we do have people walking all the time. Although it says private road which we will take down if need be, people walk down all the time, they ride their bikes all the time. It’s always open to the public. We see people all the time.”

Supervisor Walter: “But we have not been plowing it on a continuous basis for the last ten years?”

C.T. Kanelopoulos: “It’s been on and off since I’ve been there. It’s been plowed in the beginning when I went, when I first moved in occasionally, on and off, from time to time and sometimes what would happen is some of the residents that had a plow they would plow it so I guess the town wouldn’t come in; they would see it was plowed and that was it and I would hope that you would put us on the list.”

Supervisor Walter: “Who maintains your road?”

C.T. Kanelopoulos: “We basically maintain it.”

Supervisor Walter: “You pave it?”

C.T. Kanelopoulos: “It’s been paved you know, on and off with some paving, etc. so it’s just a matter of getting on a list if you would please put us on.”

Supervisor Walter: “I don’t know that you meet the criteria. You had to have been continuously plowed and maintained for a period of ten years.”

C.T. Kanelopoulos: “Straight ten years prior to I was there, I don’t know, Pat May might know she’s been living there forty-four years and I know it’s been maintained, graded a little here and there, on and off. George was nice enough to come down and sweep it one time when we needed some sweeping so the town did maintain it a little bit. We would really appreciate it to get on the list. We have twenty residents. It’s a dead end road and it gets hazardous if the snow gets deep and you can’t get down there it would be a problem; there’s no way out it’s just one way in and one way out, it’s a half a mile long.”

Supervisor Walter: “Ok, is that one of your neighbors?”

C.T. Kanelopoulos: “Yes, that’s one of my neighbors. Thank you very much.”

Supervisor Walter: “Miss, if you could step up?”

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

Pat May: “I do. My name is Pat May and I’ve lived on Overlook Drive for forty-four years; owned property for sixty-one years. My aunt owned the whole point at one time and we need you to come and plow us when we have a lot of snow because I can’t shovel it myself.”

Supervisor Walter: “Have we been plowing the road?”

Pat May: “On and off, yes, on and off; all those many years.”

Robert Kozakiewicz: “The prior gentleman testified that from time to time you had hired a contractor to plow. Is that correct?”

Robert Kozakiewicz: “That’s what I heard. Did I mishear it?”

Pat May: “They came out of the good of their heart apparently.

Robert Kozakiewicz: “I thought I heard that, I’m sorry. Ok.”

Supervisor Walter: “Ok, thank you. Anyone else from Overlook Drive?”

Ed Hocker: “Ed Hocker, 242 Overlook Drive.”

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

Ed Hocker: “I do. The two criteria is being open to the public? I’ve had property out there since ’85.”

Robert Kozakiewicz: “Not open to the public, used by the public.”

Ed Hocker: “Used by the public. Trucks, cars, people sightseeing, delivery, landscaping.”

Robert Kozakiewicz: “Deliveries coming to the property owner.”

Ed Hocker: “You name it and there’s people going up and down the road. When there was property for sale people come up and down and look. As a matter of fact in ‘09 you insisted, the Kopps, Kopp put up gates to block the road. The town, you were here I think Sean at the time, had those gates removed to keep the road open. The road has been open I think for, like Pat says at least forty-four years.”

Robert Kozakiewicz: “I think those gates; that was part of a subdivision plan and those gates were not shown on the subdivision plan and that’s why they were removed. I’m not sure (inaudible) private road or a public road but my recollection was it had to do with the subdivision.”

Ed Hocker: “It had to do with a right-of-way, am I right?”

Robert Kozakiewicz: “A right-of-way is not a town road. (Inaudible)

Ed Hocker: “It’s not a town road; it’s a right-of way. It’s not a town road that’s why we want it to be included for maintenance.”

Supervisor Walter: “How many years has the town plowed and maintained that road for the past ten years on a continuous basis?”

Ed Hocker: “I will say this; Gio. They plowed intermittently. You know, it’s not our regular thing. We’ve had Gio there when he was still an operator. He graded the road on numerous occasions. We’ve bucket loaders down there. We’ve had intermittent. It says here in Section 92-20 paragraph B; *the legislature has determined that any highway that is utilized by the public for*

*a period of ten years or more and over which the local authority exercised some degree of control and former maintenance. Isn't that some degree of control?"*

Supervisor Walter: "It may be."

Ed Hocker: "So, what else have I got here? Yeah and again, I see roads on that list; they're ten feet wide, they're dirt. We got a nice road. Why they're included in this new 49 streets and we're left out, it makes no sense."

Supervisor Walter: "Which road are you talking about?"

Ed Hocker: "There's a bunch of them along Hubbard Avenue, there's (inaudible), Hobson, Bell, you can go on and on and here we are with a twenty people on our road or eighteen, whatever it is and we're left out. I mean they put water in, they put public water in for us back in the day. You know, they dig it up, they patch it. I don't know if the Water Company does it or the Highway Department but it gets done. We don't do it on our own."

That's it, oh and one more thing, the snow plowing. They were doing it occasionally. I had a plow and I was sort of anxious so, you know, I plowed it. I didn't ask for no money and we have a landscaper on the road now that would do that occasionally so thank you for your time."

Supervisor Walter: Thank you very much; anyone else on Overlook? Ok Sir, go ahead."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Dennis Warchola: "I do."

Robert Kozakiewicz: "Thank you."

Dennis Warchola: "My name is Dennis Warchola. I live on Shady Lane. I bought my house in 1974. I had an outhouse and a hand pump and I was on a dirt road."

Supervisor Walter: "Shady Lane in Wading River."

Dennis Warchola: "Yes Sir, Shady Lane in Wading River. We have a unique, crazy road. We have two roads side by side both Shady Lane and the story is that the people on side south and the people on side north didn't want the utility poles on their side so they put them right down the middle. George has been down my road many a time and his whole crew."

I don't know when we got the city water but the town did pave the road with city water, after the city water was put in which was a godsend.

I was a New York City Fireman for twenty-eight years and I never missed a day's work because I couldn't get out of my road. They've always taken good care of all of us down there. They always plowed the road, patched the holes and sanded. I used to laugh, wow, look at this they're sanding our road but there is a little bit of a downgrade at the end of the road and the service has been extraordinary and I know I speak for everybody on that block, both sides, it's like the Civil War, the North and the South, that we appreciate very much the services we've been rendered and

like I said I've been there since 1974. By the way, we have indoor plumbing. Thank you very, very much and thanks for listening to us."

Supervisor Walter: "Thank you, next."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Ray Czenszak: "My name is Ray Czenszak. I own the home on 26 Breezy Point Road. I've been there for approximately twenty years. The town's been paving, maintaining the road over there. They've also been plowing the road and I kind of found it a little disheartening to find out that possibly we wouldn't be paved. I see we're on the list now which gives me a little hope that we will have that done."

The other thing that disheartened me was in the past I've had a health issue and one of my neighbors confronted me and says "well if this doesn't happen we're going to have a problem with you." I said they've been doing it for twenty years. It will be a burden for me to be paying into plowing and paving this road at this point. They said it's come to twenty years passed, I just can't do it so I'm hoping that the town will bring us into that fold. One of our neighbors lost the sale of her home and I helped all of the neighbors put up mailboxes, do things in that neighborhood and since the time I was there and I'm just hoping that things continue the way they were."

Supervisor Walter: "Thank you Sir. How are you doing Sir?"

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth?"

John Hauser: "My name is John Hauser. I live at 22 Benjamin Street, Wading River. I've been a resident there since the street was opened in 1973; it's forty-two years. There are nine homes on the street. I think I can confidently speak for seven of those homeowners that we want plowing to continue. The street has been plowed and patched. There is public access to this street. We have an elementary school on the street, people come down the street and park when there are school events because they can't accommodate all the cars at the school and (inaudible). Yes there is a Suffolk County National Bank."

Supervisor Walter: "I don't understand how this was never in the town's inventory."

Councilman Dunleavy: "Yeah, I don't understand that."

Robert Kozakiewicz: "It probably was."

John Hauser: "So, there's no signage to prevent anybody from coming down the street. I've been here for forty-two years and I've got to say the snow removal in this town has been exceptional. The leaf pickup has been exceptional. Gio, I don't know why the people who elect you choose to deny people of services. I don't understand it but."



George Woodson: “I think he explained it earlier how this all came about. In case somebody does (in audible)

John Hauser: “Well, I go back to the days of Alex C. Horton, a long time ago; plowed, paved, did things. Why all of a sudden it’s an issue now, maybe an issue of competence, I don’t know, (inaudible), you don’t know what the law is but I understand you have a reduction in manpower, maybe the Board should look into that; how many people you need in your department ok because if they could deploy that many plows all those years ago and they can’t now maybe there’s a management issue I don’t know but, that’s all I have to say.”

Supervisor Walter: “Alright, thank you Sir. How are you doing Sir, if you could raise your right hand?”

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

Stan Drozd: “I do. My name is Stan Drozd. I live at 32 Caroline Court in Aquebogue. I lived here my whole life. I moved into this development, it’s a small development of about six homes and I’ve been there for a little over twenty years.

I just want to get it on the record that our road is on the list, Caroline Court, but I just want to get it on the record, the road has been maintained fully since the day I moved into the house. It’s been snowplowed, paved, sanded, swept and I just want to have it clarified that it’s been done for at least ten years.”

Supervisor Walter: “Over ten years?”

Stan Drozd: “Yes.”

Supervisor Walter: “You said you’ve been there twenty-two years?”

Stan Drozd: “Around twenty-two years, I don’t know exactly. I forgot the exact year we moved in.”

Supervisor Walter: “OK, thank you Sir, next.”

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

Steven Swiatocha: “I do. My name is Steven Swiatocha. I live at 5 Scallop Lane at South Jamesport. We’re a small community of nine homes. Until the last few years I’ve been the only fulltime resident living on that street. The town in the past has come down, I believe it were considered an emergency issue after all of the roads are done they will then come back as a courtesy and do our road.

What I want to know is if we remove the sign that says private road will my road be plowed at the same time the town is doing a town owned road at this time?”

Supervisor Walter: “I think Gio.”

George Woodson: “No. These roads on here were always plow less, all these private roads they were always plowed after we were done with all our other roads. Like I said earlier, (inaudible) an emergency we’d break off and go to the emergency. Somebody said earlier what happens in the event of an emergency, fire, ambulance call; you call the police, the police contact me, I’ve guys in the area we get you out so I’m just getting kind of tired of people saying “you’re going to take too long to get there whatever”, that’s how it works and since I’ve been in office I’ve never seen the Highway Department not get to somebody and get them out.”

Steven Swiatocha: “No, I’m not saying that you haven’t.”

George Woodson: “I’m not saying that you did but I’m just saying (inaudible).”

Steven Swiatocha: “I understand what you’re saying but my concern is if we as a small community give up that private road status, are we going to continue to be on that emergency list, is that what you’re telling me?”

Supervisor Walter: “If you adopted.”

George Woodson: “You’re on this list already.”

Supervisor Walter: “If you get adopted in this, you’ll be; you really are tertiary roads. He does our primary roads, our secondary roads.”

George Woodson: “Primary, secondary, main roads.”

Supervisor Walter: “Secondary roads, Lewin Hills where I live we don’t get plowed out quick so.”

Councilwoman Giglio: “Me either.”

Supervisor Walter: “So you’d be; you know your primary, your secondary then all the small roads are afterwards. I don’t think he’s plowing shady or scallop any differently than he’s plowing any other street.”

Steven Swiatocha: “Oh no, I know they’ve done it in the past but there have, two years ago or whatever I know we had tremendous amounts of snow and it was two days before a plow came down that road and I just had open heart surgery and we have a young lady behind me who just moved in so we’re the only residents on that road so I don’t see any benefit of us giving up that private road status if it’s going to stay status quo.”

Supervisor Walter: “If you’re not on this list you won’t get plowed at all.”

George Woodson: “Did you have an emergency on that road?”

Steven Swiatocha: “Well, we haven’t had an emergency at this time but I mean it’s kind of like saying here I am on the floor having a heart attack, call the police, the police will call the Highway Department and the Highway Department will send a truck, I’m dead.”

Supervisor Walter: “That’s why we want you on the list and just so everybody understands Wading River took two days to get plowed out when we had twenty-four inches of snow. We got a lot more snow than Jamesport got. The Highway Superintendent was in, you know within two days but when we get hit with two feet of snow it’s going to take time.”

George Woodson: “We were one of the first town’s to have all our roads open by Sunday.”

Steven Swiatocha: Oh, no, no, I’m not complaining, you did a wonderful job but with what we’re proposing here at this point in time I don’t see any, as I said before, reason to give up that status if I’m going to be eventually plowed on an emergency basis.”

Supervisor Walter: “You won’t be.”

Councilman Wooten: “Well you will be on emergency basis.”

George Woodson: “Under this you’ll be plowed on a regular basis.”

Steven Swiatocha: “Oh, ok.”

Councilman Dunleavy: “Even town roads, if the ambulance or police department can’t get through they call the Highway Department and even on town roads the highway department plows in front of them so they can get through because sometimes it takes up two days to plow out regular town roads so in that two days an emergency can occur so that’s why they’re on call for emergency plowing.”

Supervisor Walter: “Gio keeps heavy equipment at all the fire houses throughout the town and that equipment is on reserve basically for the emergency so if; I understand your first call is not the highway department if you call 911 but we’ll take care of the rest.”

George Woodson: “Hopefully the Highway Department will be there before the Police Department or the ambulance gets there.”

Steven Swiatocha: “I’m just saying right now with our road being on that list we will receive plowing as it’s been done in the past?”

Councilman Dunleavy: “Yes, that’s what we’re trying to do, keep it status quo.”

Steven Swiatocha: “Does this mean we have to, all these people who are involved in this, have to remove that private road or private community sign?”

Supervisor Walter: ‘yes.’”

Steven Swiatocha: “Yes, ok.”

(Inaudible)

Councilman Dunleavy: “If you live on a road that only has nine houses that dead ends, are you going to get people to drive down there?”

Steven Swiatocha: “Oh year, we do now.”

Councilman Dunleavy: “Occasionally you’re going to get a curiosity seeker but you’re not going to be for me to get to the deli or for me to go to Main Road to come down there but you will get occasional people that go down there just to be curious.”

Steven Swiatocha: “Which we accept. Now it’s been brought up and mentioned in conjunction with say the private beaches in that area that is it possible if we put up the Scallop Lane sign and remove the private road sign then just underneath it say no beach access?”

Supervisor Walter: “That’s fine with us, we have nothing to do with your beaches.”

Steven Swiatocha: “Which I agree with you but in another words it would prevent some people who drive around South Jamesport who may be looking to go to the beach and they saw that sign and say well we got to go someplace else to get to a public beach. Alright, thank you.”

(Inaudible)

Supervisor Walter: “Right.”

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

Kate Williamson: “My name is Kate Williamson. I live at 19 Scallop Lane; that’s property my parents bought in 1955; we’ve always had it, that was Don and Catherine and I started living there full time, this will be my second winter. Steve asked the questions that I was going to ask but I want to make sure I’ll be able to get in and out but if we don’t do anything and we stay on the list and it’s treated the way it always was. Ok, thank you.”

Supervisor Walter: “Thank you. Hello.”

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

Jeannette Pennacchia: “Hi, I do and I reside at 9 Scallop Lane, South Jamesport and hopefully barring any complication I will be the third year round resident on Scallop Lane. We were ready for it about two years ago and the Sandy hit so I got damaged and then for two years we’ve been trying to repair the house so hopefully by next summer it will be finished, two years, and I will be a year round resident. We’ve had the house since 2003”

Supervisor Walter: “Welcome.”

Jeannette Pennacchia: “Thank you, I’m trying so hard.”

Supervisor Walter: “Where are you from?”

Jeannette Pennacchia: “Up west. I’m dying to be here year round. So far I’ve been spending summers. We’ve been spending as much time as we possibly can. So far we spend until at least November here. We have been spending since 2003 here until Novembers and coming here during the winters so I’ve been seeing snow here and hearing all about the snow coming and seeing it afterwards so I do know that we have to wait for the snowplows and stuff like that but I do want to get the snowplow coming all the time so that when I am a permanent resident it will be plowed and I can get out because being snowbound at my age is something I do not want to face.

I was in the Town of Brookhaven and with that last snow last winter we were in the house for about four days before we got plowed so two days, no, I don’t want to see it so I’m also; Steve handled it very well and I like the idea of no beach access. We, down on that road we also have a problem with fire trucks. They sold the fire truck that reaches down our street. It was a small one. They sold it so now if we get a fire down there we’re shot, they can’t get a truck down there.”

Supervisor Walter: “They’ll get a truck down there. Jamesport will get it down there.”

Jeannette Pennacchia: “Ok I hope so, so please, I understand now that we will get plowed if we get this approved.”

Supervisor Walter: “If you stay on the list you will get plowed.”

Jeannette Pennacchia: “Ok, so please keep us on the list and get us plowed. Ok, thank you, thank you for listening.”

Supervisor Walter: “You’re welcome, next.”

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

Joe Colandra: “I do.”

Robert Kozakiewicz: “Name and address.”

Joe Colandra: “My name is Joe Colandra. I reside at Laurel Hollow Court, there’s no number, its’ a private road. I’m one of five residents.”

Supervisor Walter: “Laurel Hollow Court where?”

Joe Colandra: In Wading River. I’m one of five residents on the road. I live at the end of an eight hundred foot road and from time to time over the past twenty years that I’ve been there

the town has patched, salted, sanded and done some drainage repair throughout the years. Most of the time we've had our own trucks. I've maintained my own for a number of years. It's just not economical to have just one truck plowing that road and paying for insurance and the upkeep of the machine. I got rid of it. One of my neighbors who had moved out was plowing it for years but from time to time the town would come in and plow it over the years

My real concern is back to the emergency situation. Being at the end of the road with the winters they've been really building up with the snowfall, I'm concerned. I've got two kids with disabilities and my concern is that I need an emergency vehicle that I have to make a call and the police department is going to know my road and they're going to know to get me access from the Town Highway Department."

Supervisor Walter: "That's a different question and I don't know that our Police Chief is still here. You can speak to that gentleman there."

Joe Colandra: "I'd like to know how they all tie in though. You know when you're in an emergency situation you're just going to want to make a call."

Supervisor Walter: "See that gentleman in the back corner; he'll give you a lesson on how that works."

Joe Colandra: "Ok so what I'm really concerned about is that we do the right thing for the people. We've heard a lot of people talking in here. I see a lot of gray haired people in here; we're all getting older and time is of essence in an emergency so the lead time from when we make the call to getting the emergency vehicle to the home is going to be critical. We can't be foolish and not keep these homes on the list and making sure we maintain the roads. Alright, thank you for your time."

Supervisor Walter: "Thank you, next."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Robert Crozier: "My name is Robert, my wife Gloria; we live at."

Supervisor Walter: "It's Robert and Gloria?"

Robert Crozier: "Yes, it's Crozier."

Supervisor Walter: "Ms. Crozier, if you could just be sworn in."

Robert Kozakiewicz: "Ms. Crozier; do you also swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Gloria Crozier: "Yes."

Robert Crozier: Ok, again, we live at 19 Woodchuck Path, Wading River. From what I understand this was an Association with several houses built. There are nine on my block and I believe seven on Red Fox which is next door. It was built by two attorneys that I believe work for the Town of Riverhead in 1973. The Association was never ever formed and there was never ever any dues collected. The block is only about three or four hundred feet long on both streets and it has been maintained by the Town of Riverhead since I've been there. We've been there since 2006, eight years correct."

Robert Kozakiewicz: "When you say maintained, how has it been maintained? What have they done?"

Robert Crozier: "(inaudible) which was once a month. They had leaf pickup. They had snowplowing, sanding, salting and also cleaned the storm drain. There is a problem at the end of Woodchuck Path and Red Fox. It's the only drain and they had problems with that. They always maintained. Mr. Woodson's always did a good job. He should not be chastised for this because it's not his problem this whole situation. I'm sure it's the economy in the Town of Riverhead so, but I would like to remain on the list and as far as my block is concerned we own part of the street, if you want it I'll give it to you and everybody on my block will give it to you and if you could just fix some of the potholes. That's it but I would like to remain on the list."

George Woodson: "The problem with your road is its' so spider cracked. Basically what you have to do with that road is grind it up into a (inaudible) before we pave over it. That's why when we would come down and patch it, it wouldn't stay. The road is completely shot and we try to help you out the best we can"

Robert Crozier: "Ok because you put in a new apron in the front and right behind the apron"

George Woodson: "We wanted to get that because the water sitting there, we were trying to get it off to float out into the road."

George Crozier: "Ok, but that's all, we just want to be maintained on the list. Thank you."

Supervisor Walter: "You are."

Gloria Crozier: "If I could just reiterate; there are only seven homes on our block and I feel confident being the spokeswoman for all the homeowners we would like to continue to have our services. As my husband said there never was an Association. There's no dues that were ever contributed or collected. There is no sign on this private road. It was just private in name only. Our closest intersection is Wading River Manor Road and if you ask me Woodchuck Path is like U-turn Central. We get so much traffic in there people just make a U-turn so."

Councilman Wooten: "Which?"

Supervisor Walter: "Over by the Boy Scout."

(Inaudible)

Gloria Crozier: “Yes, exactly. It was private in name only, it’s really a very public road so if we could continue to have our services which have been wonderful. One question, would it be beneficial if all the homeowners in Woodchuck submitted a letter? Is that necessary?”

Supervisor Walter: “I think we’re ok.”

George Woodson: “You’re on the list.”

Robert Crozier: “Is there a policy to donate the street to the town or?”

George Woodson: “The way it would be done is if you wanted your road dedicated to the town we would come down and inspect the road, make sure the asphalt was correct, make sure drainage is proper and then we would take over the road. Your road in particular, I don’t want to tell you but, spider cracked as your road is we have to be very delicate (inaudible) because it’s not long for paving so that’s going to be another issue that we got to look into. Paving doesn’t come under the 189, only patching does. (inaudible) we could, I don’t know.”

Supervisor Walter: “A big patch. Alright, thank you very much. Ok, next.”

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

Mary DeCatano: “Mary DeCatano.”

Supervisor Walter: “Hello Ms. DeCatano; if you could just state your road?”

Mary DeCatano: “37 Breezy Point Road.”

Supervisor Walter: “How long have you lived there?”

Mary DeCatano: “We actually moved in there in’91 but we actually owned the property since ’74.”

Supervisor Walter: “And has the Town plowed the road and maintained it since you’ve been there?”

Mary DeCatano: “Yes.”

Supervisor Walter: “You are on the list.”

Mary DeCatano: “I’m sort of unique because I lost the sale of my house because of this whole thing. I hate being unique. Mr. Woodson talked to me from the beginning about his problems. I’m a senior citizen on a fixed income, I know about budgets and it’s been rough. I wouldn’t want it to happen to anybody else because it really hurt. I find out at the twelfth hour



and I thought I was ready to go to contract in a couple days and I was all packed, ready to go and this came out. Not only that, in all the years I've been there I've needed an ambulance four or five times because I'm bad asthmatic and since I'm by myself I can't take a chance that I'll pass out in the house; nobody would know about it and that would be late so it's like lots of luck if that ambulance is going to reach you in time. Thank you and thank you for treating me so good when I came down here. I want to thank the Town Attorney also; I still can't pronounce your last name but thank you so much you made me feel good that somebody would hear me out.

Mr. Woodson, you've got a lot of shaking up to do. It's really, it's hard. I understand the whole point about budgets but I want to put my house eventually up for sale again because one week I sold the house at a good price and it really hurts. I just want to get out of there because after twenty years on my own without my husband it's hard, it's really hard. I just want to go to Leisure Village and sit back and not have to worry about the guys cutting my grass or any other problem so I hope we get this resolved. Thank you."

Supervisor Walter: "Thank you, next."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Jason Collins: "My name is Jason Collins, Hickory Court, Wading River. I was probably the one that had one of the phone calls that you referred to earlier. I'm looking to get on the list so I just want to get some concrete details on how on to get onto the list."

Supervisor Walter: "Where is Hickory Court?"

Jason Collins: "Hickory Court is"

Robert Kozakiewicz: "How long have you lived on Hickory?"

Jason Collins: "Twelve years."

Robert Kozakiewicz: "Ok and during the twelve years, I'm sorry, where's Hickory?"

Jason Collins: "Northside and Hickory Court, they're right by Little Flower."

George Woodson: "That area was slated to be taken over five years ago and we went in and did some work and we were told not to do it so that's why it is what it is."

Robert Kozakiewicz: "How many residents are living on Hickory?"

Jason Collins: "Seven."

Supervisor Walter: "Why were they told, said?>"

George Woodson: "I think we had to raise drains or some work we had to do in there and we were told no, they didn't want to have it done so."

Supervisor Walter: “Who build the neighborhood?”

Jason Collins: “Schembri.”

Councilman Wooten: “That’s Schembri Homes.”

Jason Collins: ‘Schembri Homes.

Supervisor Walter: “Schembri still have the deed to the neighborhood?”

George Woodson: “I don’t know. We moved in to do the work we were told they didn’t want it done and we left.”

Jason Collins: “Who didn’t want it done?”

George Woodson: “This was five years ago, a couple of the neighbors I guess.”

Jason Collins: “Probably just one and her house is for sale so.”

Supervisor Walter: “Laura could you just check to see if there was any (inaudible)

George Woodson: “I don’t know whether it was drainage or something we went in there.”

Jason Collins: “Aside from that I’m really just looking for snowplowing, sanding.”

Supervisor Walter: “Let’s hold that thought for a second. I’m going to have; Laura do you remember this? Laura does most of the pre-road dedications. Do you remember anything about Hickory Court?”

Laura: “My recollection we never took Hickory Court. I do (inaudible) I have a file on it. I can check and see whether (inaudible) sometimes in the very beginning the Planning Board (inaudible) a subdivision they specifically put in whether it’s private and cannot become a Town road (inaudible).”

Supervisor Walter: “We’re going to look to see why we didn’t take it because it seems to me that would have been one we should have taken, it’s probably because somebody didn’t do the work they were supposed to do in the road and.”

George Woodson: “We were told they didn’t want it in there so we left.”

Jason Collins: “I mean, you know a lot of these conversations, they want to keep their private road, you know, that’s not my issue. I would really just love the Town to come down and plow and sand. One of my issues I have I have school buses coming down so that’s always an issue with them slipping and sliding.”

Supervisor Walter: “You’re at the bottom of Northside? You’re in that col-de-sac at the bottom of the hill?”

Jason Collins: “It goes, the top of the hill so leaf pickup isn’t an issue, that’s not my concern; it’s really just the plowing and sanding.”

Supervisor Walter: “Alright we’re going; you may have a separate issue. We’ll look at why that road wasn’t dedicated. If you could touch base with the Town Attorney’s office, Laura Calamita is going to look into it, she’s a paralegal in the Town Attorney’s office. Laura if you can get Gio and me that information, Bob that was 16 Hickory Court?”

Jason Collins: “Yeah, 16 Hickory.”

Robert Kozakiewicz: “Ok, you’ve been there, you said twelve years.”

Jason Collins: “Twelve years.”

Robert Kozakiewicz: “And during that time the town has plowed?”

Jason Collins: “Never.”

Robert Kozakiewicz: “Ok, never, ok.”

Supervisor Walter: “You say you don’t want us there?”

Jason Collins: “Not we, someone, maybe one person.”

Supervisor Walter: “Let’s just see what the problem was; why it wasn’t dedicated because that’s a relatively new subdivision. Could be that we weren’t supposed to take it but let’s find out.”

James Collins: “Alright, thank you.”

Supervisor Walter: “You’re welcome. How are you doing Sir?”

Bob Clemens: “Hi, my name is Bob Clemens.”

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

Bob Clemens: “Yes I do. I represent Tony Alfano which we wrote a letter too gentlemen and we have a couple of people here and we’d like to reconsider our application whether to do private or go public.”

Supervisor Walter: “Which roads are we talking about?”

Bob Clemens: “Cedar Court.”

Supervisor Walter: “In which hamlet?”

Bob Clemens: “I live 24 Cedar Court. Tony Alfano, you read his name in the beginning.”

Supervisor Walter: “Is that Laurel?”

Bob Clemens: “Yes, Laurel.”

Supervisor Walter: “Ok.”

Robert Kozakiewicz: “What’s your address?”

Bob Clemens: “24 Cedar Court.”

Robert Kozakiewicz: “How long have you lived there?”

Bob Clemens: “Thirty-four years.”

Supervisor Walter: “And you want to be taken out of the private?”

Bob Clemens: “Nope, nope we want to rescind that letter right now that’s because this meeting was very informative and we’re, some of us who live on that corner want to reconsider our application that’s all. Just leave it the way it was before Tony wrote that letter. That’s not difficult, is it guys?”

Robert Kozakiewicz: “How many are in favor of being on and how many are in favor of coming off?”

Bob Clemens: “Well we don’t know. We have five people here right now in favor to reconsider, we’d like to talk about it.”

Supervisor Walter: “Ok, let’s do this. Cedar Court, if you want to be on the list raise your hands. If you want us to take you off the list raise your hands. Ok, he doesn’t know what to say.”

Bob Clemens: “Well we haven’t heard. You just explained to us our beach we could put a sign saying private beach.”

Supervisor Walter: “We’re not touching beaches.”

Bob Clemens: “We could put up a sign saying private community.”

Supervisor Walter: “You can put up a sign saying private beach, private road is a problem, private community probably is a problem, and private beach is not going to be a problem.”

Bob Clemens: “It’s a ten foot road. Can people come down and park on our lawn to go, to walk around; walk down the beach. Are they allowed to park on our lawns?”

Supervisor Walter: “You would have to talk to traffic safety and we could make it no parking. That’s actually.”

Councilman Dunleavy: “They can’t park on your lawn.”

Bob Clemens: “Well, that’s what I’m asking.”

Councilman Dunleavy: “Your lawn is private property.”

Bob Clemens: “It’s only a ten foot road. We can’t get two cars going down at one time so.”

Robert Kozakiewicz: “How wide is the pavement in your?”

Bob Clemens: “Ten foot.”

Robert Kozakiewicz: “Ok, so that would be, this legislation is proposing to take an easement over the ten foot web. That’s what the town would propose to acquire under the 189 legislation. One of the speakers pointed out that if the Town’s Board saw fit to do other improvements the Town Board could so I can’t make a commitment for what would happen in the future, I can’t bind the future Board.”

(Inaudible)

Councilman Wooten: “There are still the two prongs to apply.”

Robert Kozakiewicz: “That’s right, that’s the other issue. So they can’t park on your lawn because that would be your property. I don’t know that a private community verses private roads issue makes me comfortable because the whole concept of this is that it’s supposed to be open to the public and part of the legislation again to put people on equal footing whether you’re a town dedicated road or whether it’s been a road that’s been laid out historically back in the seventeen hundreds is that it’s open to the public and in order for us to be able to plow or enter or do basic maintenance it’s the concept to get around that State Constitutional issue is to make it public so again the ability to put up a private community sign troubles me because it takes away the concept of it being public and we’re playing around here. We’re starting to have harsh words and it’s starting to get a little bit slippery.”

Bob Clemens: “But that’s why we’re asking the questions. We’d like to know the answers. I mean you did answer; the beach is private, right, that’s what we understood. Everybody knows the beach is private.”

Robert Kozakiewicz: “And if the Board were to enact no parking people can’t park down at the end of the road but again it’s supposed to be open to the public so.”

Councilman Dunleavy: “But you may get the curiosity seeker who comes down there to look but you’re not a public road where you’re going from one road to another road and where I would have had to go around you to get there and now I’m going to cut through your road. You’re not there. You’ll get the occasional, like the people you get there now.”

Bob Clemens: “I just want to know what we’re allowed to do and what we’re not allowed to do, that’s all I’m asking so when we go and have our meeting again we can explain it to all the residents and they can make their decision. That’s all I’m asking; yes, no or maybe.”

Supervisor Walter: “So do you want us to keep on the list? It’s easier to get off the list than on the list.”

Bob Clemens: “Yes Sir. We’d like to get our letter back like we never sent you a letter.”

(Inaudible)

Supervisor Walter: “That we can’t. We would like you to send us a letter rescinding that letter.”

Bob Clemens: “I’m hoping to be the last guy but I’m not. Mr. Woodson has been, he knows Cedar Court. We’ve spoken to him a lot and he’s always responded on time and helped us out tremendously. Being on the end of Riverhead, almost the last lane, we’ve had a lot of problems with farms. He’s come out every time and helped us out, he’s even called us on Saturday and I don’t too many public works work on Saturday but he has called and responded to us on Saturday. So my thanks goes to Mr. Woodson.”

Councilman Dunleavy: “Stay on the list and he’ll do the same things he’s been doing.”

Bob Clemens: “Well I can’t lose. I’ve got a private beach and I’ve got a restricted road and you’re going to pave it, (inaudible), you could pave it right, you could pave it.”

Supervisor Walter: “We’re not paving, it’s only patching.”

Bob Clemens: “I don’t know, it says right here you’re going to maintain the road right?”

Supervisor Walter: “They’re not, the only maintenance they’ll do are cold patching. They’re not going to come in and pave roads.”

Bob Clemens: “Well he knows our road needs cold patching.”

Supervisor Walter: “That’ between you and Gio. Ok, are we almost near the end of the people who want to stay in? Ok:

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

Solomon Zhodzishsky: "I do. My name is Solomon Zhodzishsky; I'll spell it for you. I am at 367 Oakley Avenue; Helen Richichi represented us already. It's a Baiting Hollow Condominium. We have thirty-seven cottages there. I live there from 1994 on weekends and since I retired in 2006 I maintain year round residents there except when I go to Florida. One of the first speakers who spoke mentioned the letters they received. I have no knowledge of anyone in our community receiving a letter from highway department or the Town considering this matter. So, I would like to that to be on the record that we didn't receive a letter and we would like to be on the list.

We have one no name road which is horseshoe shaped entering from Oakleigh Avenue and existing north of that existing on Oakleigh Avenue. Forty years the road was sanded and salted and plowed."

Robert Kozakiewicz: "By the Town?"

Solomon Zhodzishsky: "By the Town and I have a rhetorical question and it is; we've received Town's sanitation services, don't Highway Department people have to maintain the roads for the sanitation trucks? I think they should."

Robert Kozakiewicz: "Sanitation Division is not part of the Highway Division Sir, no."

Solomon Zhodzishsky: "No it's not but its' part of the same town."

Robert Kozakiewicz: "It's part of the same town but it's not part of the highway services.

Solomon Zhodzishsky: "I understand."

Robert Kozakiewicz: "You are a condominium, am I correct?"

Solomon Zhodzishsky: "Yes we are."

Robert Kozakiewicz: "then that would explain why you didn't receive a letter. Condominiums that were private roads, I don't believe they received the letter. If you were part of a condominium complex where the roads were to be kept private those individuals did not receive letters from either the Highway Superintendent or from the Town Supervisor. That's why you didn't receive a letter."

Solomon Zhodzishsky: "Well then how do we get on the list?"

Supervisor Walter: "Had we been plowing that road continuously and maintaining it for ten years or more?"

Solomon Zhodzishsky: "Since 1994 I was there it was plowed and salted."

Robert Kozakiewicz: "Every year continuously, every year?"

Solomon Zhodzishsky: "Every year except."

Robert Kozakiewicz: “Every snowfall?”

Solomon Zhodzishsky: “Yes.”

Supervisor Walter: “Except what, every year except?”

Solomon Zhodzishsky: “Except last year I believe.”

Supervisor Walter: “Why didn’t they plow it last year?”

Solomon Zhodzishsky: “I don’t know, I wasn’t there, I was in Florida. (inaudible) Even I go to Florida soon I would like us to be included and the road maintained.”

Supervisor Walter: “I’m sorry, Gio what?”

George Woodson: “I will check on it, the road doesn’t even have a name. That’s probably why.”

Supervisor Walter: “Are you a condominium?”

Solomon Zhodzishsky: “Yes.”

Supervisor Walter: “A filed condominium?”

Solomon Zhodzishsky: “Yes we are. It’s a unique condominium consisting of separate houses with each of us own our own house inside and out. (inaudible) Bob know about our place.”

Robert Kozakiewicz: “Yes I do.”

Solomon Zhodzishsky: “It was built, Helen maybe will help.”

Robert Kozakiewicz: “In the thirties or forties.”

Supervisor Walter: “Ok.”

Solomon Zhodzishsky: “It was converted to condominiums in 1977 and I believe Mr. (inaudible) said at the time that he maintained it as a resort community for twenty-five years or so.”

Supervisor Walter: “What we’re going to have to do now is, you’re going to have to talk to Gio. Condos are separate because I don’t think there’s any condos ever we’ve really plowed and although the Town Planning Department has tried to get us to take some of these yeah but it’s a condo matter. You’re going to have to; you and your President speak to the Highway Superintendent to really review this although I will say the Planning Board has tried to get us to take condo.”



Councilman Dunleavy: “That’s why your road is not named, it’s a no name?”

Solomon Zhodzishsky: “No it’s no name. If we get the services we’ll name it after Sean.”

Supervisor Walter: “Thank you Sir, next.”

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

Ray Rieder: Yes, Ray Rieder. ;

Supervisor Walter: “What road are we talking about Sir?”

Ray Rieder: “I’m on Locust Street and I’m talking on behalf of the Ock-A-Bock Homeowners Association which is Locust and Willow and Bay Avenue right near the old motel there. I’ve been there for; I lived on that property for twenty-three years.”

Councilman Dunleavy: “You’re the ones who want out of this, they want out?”

Ray Rieder: “Yes.”

Supervisor Walter: “You still want out?”

Ray Rieder: “Yeah. You know I’ve sat here with everyone else. The majority of what we’ve polled a lot of these people close up Labor Day we don’t see them until Memorial Day haven’t responded yet. It appears that we’re going to stick with that decision to have out but I want to make sure that there is this option to opt right in to opt. If they come back and say to us by the end of the month no, no, no and the majority rules in our Association I’m going to go the other way but at this point we’re out, ok.”

Supervisor Walter: “These road on the list (inaudible).”

George Woodson: “If you’re on the list, you stay on the list until everybody gets back. Once you’re out I’m considering other places to take over.”

Ray Rieder: “I hear that but I also heard the Supervisor say there’s a little bit of leeway here for three or four weeks.”

Councilman Dunleavy: “By December 30<sup>th</sup> we’re going to pass the Resolution.”

Ray Rieder: “Ok, so nothing is coming off or going on until December 30<sup>th</sup>.”

Councilman Dunleavy: “Until the Resolution gets approved.”

Councilman Wooten: “Approved officially.”

Ray Rieder: “The issue we had, when the Board met last week was the timing of this whole thing and I don’t want to be redundant on what other people have said but this seems to be a subject that should be addressed in the spring because if you do opt out you have a chance to hire someone to do the work, you have the chance to get all the monies that you have to collect from your neighbors versus now, we don’t know budget for this thing. We only have four homes that are year round residents out of forty and now, you know, it’s going to be like trying to get blood from a stone. If this could be a spring issue; if there’s any way this issue could be by-passed until April I think it makes a heck of a lot more sense.”

Supervisor Walter: “We don’t disagree but we are where we are. Circumstances have led us to the position so we’re trying to resolve the issue for this winter so if you stay on the list and you get plowed this year and then you come off the list because you don’t want to take down your private road sign then we would more easily take you off the list in the spring if that’s what you so choose.”

Ray Rieder: “Ok, well, I’m going to take that, the President has already happened to have left for Florida. I’ll contact him and we’ll get as many of our members as we can but I’m not one hundred percent sure that I understand, what was the trigger that precipitated this? Was it strictly a budget? What was the trigger that kicked this whole thing off?”

Councilman Wooten: “Litigation.”

Robert Kozakiewicz: A call from someone saying that they had some damage. I looked at their community according to our records they were a private community. I then pulled open the New York State Constitution, Article 1, Section 8, that says if you’re a private community the Town is not supposed to be plowing, making improvements, expending public funds for a private community. So that’s how it came about.”

Ray Rieder: “It seems to be we’re killing a community with a howitzer here.”

Supervisor Walter: “I’m not going to belabor how it came about.”

George Woodson: No, let’s get it on record on how it was. You see so they don’t think it was one person.”

Robert Kozakiewicz: “It’s not a question of someone’s apron being damaged as opposed to a large claim coming in. The question of whether the Town should be there, a private community versus a private road, that’s the question.

I’m a lawyer, that’s what I got paid for, that’s how I get my salary. I went to school to study law and study the constitution. Maybe I get it right and maybe I don’t, that’s why they call it a practice, sooner or later you get it right but I still know how to open up a book, I do it better than the internet, so when I opened up the book I looked at the Section and said “why are we doing this” because the State says we’re not suppose. I called the Association of Towns and they said “should we be plowing private roads?” The answer from the Association of Towns is going to be Mr. Kozakiewicz you should have known that, that was first year law school, the answer’s no so that’s how it came about. It’s not a sledgehammer looking to squash a fly and it’s been characterized, it’s been taken out of proportion. I know I might be getting a (inaudible) but it

wasn't meant to kill a fly, it was meant to answer a question which was basically the question, should we be doing this at all and I didn't ask the next question which was how long have we been doing this?"

Supervisor Walter: "Once you ask the next question. Alright, so you have till the 30<sup>th</sup>, I guess we'll keep you on the list unless you tell us."

Ray Rieder: "You will definitely have a letter from the community. For the time you can keep us on the list but my guess is that you're going to get it that we're coming off the list but that's just."

Supervisor Walter: "Let us know by the 30<sup>th</sup>."

Ray Rieder: "Ok, you've got it."

Councilman Dunleavy: "Your community is all dead end."

Ray Rieder: "It's all dead end, there's no place to go. There are eleven to thirteen feet wide. Anyone that do comes in there they've got to either back out or turn around in your driveway."

Councilman Dunleavy: "Yeah, you can't make a U-turn in your street."

Ray Rieder: "Those streets go nowhere but to the water. Thank you very much."

Supervisor Walter: "Thank you. Ok so are we starting people who want to come off the list? Ok, let's start the people who want to come off the list, Sir, raise your right hand."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Neil Mayglothing: I do. My name is Neil Mayglothing. I'm the President of the Baywoods Property Owners Association; Lovers Lane, Bay Harbor Road, Leafy Way, Primrose Lane. Primrose Lane is left off the list."

George Woodson: "We added it back."

Neil Mayglothing: "Ok."

Supervisor Walter: "Give us those roads again Sir."

Neil Mayglothing: "Bay Harbor Road, Leafy Way, Lovers Lane and Primrose Lane."

Supervisor Walter: "And you want off?"

Neil Mayglothling: “Based on your comment to the gentleman from Ock-A-Bock we may want to reserve until the end of the month, we’re leaning that way.”

Supervisor Walter: “Did you send us a letter to that effect?”

Neil Mayglothling: “No, no I did not. An esteemed resident also an attorney and I had a meeting with the Town Attorney yesterday.”

Robert Kozakiewicz: “I did go visit your roads.”

Neil Mayglothling: “One thing I haven’t yet heard mentioned in almost the three hours I’ve been here is why Sean you don’t declare a State of Emergency when there’s a great than a four inch snowfall because from what I understand if that was the case if you did we wouldn’t need these hearings.”

Supervisor Walter: “We’d have, because that’s really killing, swatting a fly with a sledgehammer. When you declare a State of Emergency, let me back up. When the Town Hall is open and the plow trucks and everybody are plowing nine to five or seven to three, they’re on straight time. If I declare a State of Emergency for four inches of snow what I’m signaling is that everyone should be off the roads period. If I’m signaling everybody should be off the roads period how do I keep my Town Hall open? I can’t keep my Town Hall open because I’m telling everybody they have to get off the roads. When I don’t keep my Town Hall open everybody that is plowing the roads goes on time and a half so we keep the Town, as the County stays open as most other bigger towns stay open we keep the Town open so what we’ve done because the State of Emergency is just, it’s not something for four inches you would do. What we’ve done is created a snow cone and we will declare a snow emergency.”

Neil Mayglothling: “Ok, what about for a foot of snow? I mean I’ve been here when there’s been a foot of snow and a snow emergency hasn’t been declared either.”

Supervisor Walter: “If the County or State declares a snow emergency it doesn’t matter if we declare it or not, we’re caught up.”

Neil Mayglothling: “So you’re not looking locally, you’re counting on the State?”

Supervisor Walter: “I’m looking at what is the purpose of the snow emergency? Again, if I declare a snow emergency I’m telling everybody, get off the roads, you’re not allowed on the roads, you can’t open Town Hall, you can’t open anything and so that’s not the way to determine whether your roads get plowed. That’s a terrible way to determine whether your roads get plowed.”

Neil Mayglothling: “Ok, I’m not looking to belabor that point. I’m just looking for some clarification.”

Supervisor Walter: “If I were looking to declare a State of Emergency, when I declare an emergency there’s emergency. I’m not the Supervisor to the south that maybe declaring an

emergency two days before the snowflakes hit. So when I declare an emergency you better run for cover.”

Neil Mayglothling: “I hear you there. One of the topics of conversation that I had yesterday with the Town Attorney was the possibility of leaving the classification of roads in Baywoods as private but offering to the Town an easement for the current width and length of our roads specifically for snowplowing. The Town Attorney asked me to bring that up today and present it to the Board that would allow the Town to continue to plow our roads but leave our community private.

We’ve got a number of concerns with the public classification for our area. We had deeded rights to our roads that are private granted by the original home.”

Supervisor Walter: “Who owns the deeds to the roads?”

Neil Mayglothling: “The Baywoods Property Owners Association.”

Supervisor Walter: “I guess if you deeded, I shouldn’t be lawyering.”

Robert Kozakiewicz: “What I told him was I had to research it to see if it was permissible.”

Supervisor Walter: “Or the Highway Superintendent would have to accept the easement.”

Neil Mayglothling: “And the drawing of that easement would be at our expense. You would just have to accept the easement. You know we have a great many concerns about our roads becoming public. The Town Attorney said this afternoon; he also said yesterday that he can’t, that he’s not able to speak for the Board five years from now what the Town Board may decide to do five years from now.

We don’t want our roads widened, it would change our community. We don’t have a safety and health issue we maintain our own roads. The Town has plowed them for greater than ten years consistently every snowstorm but we don’t want our roads widened, it would change our community.

Now I totally understand the Board, the Town doesn’t have the money to do that but five years from now who knows what the Town Board could decide to do.”

Supervisor Walter: “And this wasn’t necessarily a money issue, I mean.”

Neil Mayglothling: “No, no, I totally understand but the Town Board five years hence; we don’t want to take the chance with the Town Board five years hence what that Board could decide.”

Supervisor Walter: “It would be the Highway Superintendent who would really request the widening of the road but I.”

Neil Mayglothling: “You know when Gio came down to our annual meeting in July and we got an initial indication that this was coming down the pike he complimented us on the way we maintained our roads. Over the past three years we spent forty-five thousand dollars paving our roads. So we maintain our roads, our roads are in good condition. The Town has decided and

graciously plowed them and we're happy to have them plowed but we don't want to give up our private ownership of the roads so it's great that we have another month to possibly have the Town Attorney evaluate the deeded status of our roads and whether or not this public identification or status of the road would affect that and what if any the Town Highway Department, what rights that public status would grant the Highway Department."

Supervisor Walter: "I don't know."

Councilwoman Giglio: "We would have to inspect the constitutionality of it. (inaudible) is an expert on that."

Supervisor Walter: "I think we'll reserve judgment and let Bob do some research."

Neil Mayglothing: "Ok, alright great. Ok, thank very much."

Supervisor Walter: "Thank you. Next."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

George Richards: "I do. My name is George Richards. I live with my wife at 17 Beach Road in Laurel which has been included on your list. We've been there for, we retired from living in Mattituck some fourteen years ago and we have been living there fulltime since. It's a dirt road about a tenth of a mile long and there are about sixteen family houses there. I personally have done about ninety-nine percent of the road maintenance myself; most of the time at my expense. We do have a private contractor who does, has done the plowing in the past and hopefully this year as well.

We're on this list and I have not been able to talk to all the people on the road but those I have spoken would prefer that we're not included on the list because we kind of value our private status and fear that in the future there may be a quite an entourage going down our road to our little beach if we don't continue our private status."

Supervisor Walter: "So, can you let us know as best you can by the thirtieth if you want to be in or out?"

George Richards: "Well, I can tell you right now that we want out."

Supervisor Walter: "Ok, that works."

Councilman Dunleavy: "Is he on the list?"

Supervisor Walter: "You're on the list, Beach Road in Laurel, I guess that's out. Next."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth the whole truth and nothing but the truth so help you God?"

Gardner Werking: “Yes I do. My name is Gardner Werking. We sent in a letter opting out, Maple Lane, Laurel, New York. There’s only seven houses on the whole road. We’ve had a sign out there private road and we’ve had no trespassing underneath it. We maintain, the seven residents on the block, maintain this road, it’s paved. We’ve spent in the last few years at least fifteen thousand dollars on this.”

Councilman Wooten: “We’ve already got a letter asking to.”

Supervisor Walter: “We’ll take you off, not a problem.”

Gardner Werking: “That’s fine but also what we’re afraid of and you say you can’t do it but this road is only ten feet wide. If this goes public I can see cars parking on my lawn to get to a right-of-way to the beach which is also private just for those residents. I have real concerns of, you know, giving up the road to the Town for snow removal and also in the future if we needed drainage we have to come to the Town because now it’s a public highway and Town’s not going to do that, Town’s not going to repave our street even though it’s claimed a public highway so there’s no benefit.”

Supervisor Walter: “Ok.”

Gardner Werking: “Thank you. Can we be removed?”

Supervisor Walter: “Yes, that’s easy.”

Gardner Werking: “We have, here’s another question. Cedar Court is the next road next to Laurel Lane, not Laurel Lane, Maple Lane. It’s a horseshow around. Now one gentleman opted out, he wants to reconsider that. What should happen if we opt out? We say private and then go public?”

Supervisor Walter: “And you get two feet of snow and it doesn’t get plowed out at all.”

Councilwoman Giglio: “You’re saying Cedar connects to your road?”

Gardner Werking: “It goes around and in the horseshoe, in the middle of the horseshoe it stops. One is Cedar Court and the other is Maple Lane.”

Councilman Dunleavy: “You can go in and ride around?”

Gardner Werking: “I’ll tell you what happened a few years ago. One of the gentleman that lives or lived on Maple Lane needed an easement for a deck. Cedar Court came to the hearing, we knew nothing about it and the road used to be blocked off in the middle. The Town gave him an easement but he had to open the road to Cedar Court and make it a thoroughfare which I thought was inappropriate at the time because not one resident from our street knew anything about this and the Town just automatically granted the easement.”

Supervisor Walter: “I can’t speak for that Sir. All I can do is take you, if your community wants to be off the list we can take your community off the list. If Cedar wants to be on the list, they don’t? I can’t keep track that’s why we have some people taking notes. They want to stay on the list they’ll stay on the list.”

Gardner Werking: “Well there’s no way to turn around in that road either.”

Supervisor Walter: “I would make a guess and my guess is that when the operator is plowing it’s going to be very difficult for him to lift the blade just not to plow your area because in theory it could get stuck.”

George Woodson: “I think what’s going to happen is so we don’t create an issue is to leave both of them alone because if you plow that road and stockpile the stuff up on Maple then they’re going to be calling complaining, you’re opening up a can of worms with that so you either do it all or you do it none. If it were a straight dead end road that would be one thing but your both roads meet in the back so when he pushes all the snow and blocks this end now you’ve got issues so you’ve either got to do it all or you do it none.”

Gardner Werking: “I think you’re going to have to make Cedar Court residents advised on that but as we stand now Maple Lane we want to get off the list.”

Supervisor Walter: “Ok.”

Gardner Werking: “Thank you very much.”

Supervisor Walter: “Thank you Sir. Is there anybody else who wants to be heard tonight?”

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

John Peck: “Yes I do. My name is John Peck and I live at 14 Campground Circle in Jamesport and we’re not on the list and we don’t want to be on the list. We treasure our privacy; a lot of people don’t even know where we are and that’s the way we like it.

Supervisor Walter: “We’re not putting you on the list, today is your lucky day.”

John Peck: “Good. So we’ll pick up the cost ourselves then for plowing. (inaudible) He did an excellent job for all the thirteen years I’ve been living there.”

Councilman Wooten: “You’re not on the list now?”

John Peck: “No we’re not on the list and we don’t want to be on the list.”

Supervisor Walter: “Ok, does anybody wish to get off the list? We’re going to open it up to resident comment. That’s anybody who wants to comment from the public. Yes, Ms. Downs.”



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

Laurie Downs: “My name is Laurie Downs, Pulaski Street, Riverhead. I’ve lived in Pulaski Street for twenty-nine years.”

Supervisor Walter: “It’s on the list.”

Laurie Downs: “My husband has been there over forty at the same residence. I speak for myself and for my husband. My husband is a retire highway worker. He was thirty-two years; in fact he retired under you, he retired in two thousand. He worked under Horton, Horton was brought up however what’s happened over the years the Highway Department, the Town’s gotten bigger with all these developments and roads but the Highway Department’s gotten smaller and I’m concerned that if, now we only have so many men, you have a hard time doing what you got to do with the plows right? So now.”

Supervisor Walter: “Laurie, it has not gotten smaller under this Town Board; it’s maintained the same number as it’s maintained.”

Laurie Downs: “Well when my husband retired it was over forty people and that was in two thousand.”

Supervisor Walter: “Under this Board it’s maintained the same and under this Board I really don’t think we’ve taken any (inaudible) in because there’s been no subdivisions.”

Laurie Downs: “But I’m saying in the eighties there were these, that’s when the developing started. Now you got less people. You’ve got at least fifteen to twenty less people working the Highway Department. Back in the Horton days it was who you knew and who lived on the street that you got plowed. You know this. Anybody who’s been in Riverhead a long time knows this. That’s why some of these people are like wait a minute how come you’ve been doing it and you’re not supposed to be doing it? Because it was just who you knew and who lived on there; who owned the road and stuff like that. You understand that? Things have changed over the years and there’s this law that they should have known of back then but they ignored because it’s Riverhead.

However, another concern of mine is I would like to see the Highway Department get bigger so this way I don’t have to worry about my street because they have all these extra streets to do now. Ok, all these little roads. That’s one thing.

The second thing that also was taken away years ago, what else was taken away, the Highway Department no longer plows the sidewalks. Now we have safe walks to school. I live on Pulaski Street. We have thirty fourth graders walking down Pulaski Street. Going to school isn’t so bad because the traffic is not so bad but when they come out of school you got all those buses, you got all those cars, all those parents that do pick up. There are a lot of kids whose parents are not home when they leave for school.”

Supervisor Walter: “The school district supplies plows the sidewalk that we built for them and that is their responsibility under our (inaudible).”

Laurie Downs: “Ok, so how do you get from Roanoke Avenue? You got to walk; some of these kids are walking over a mile, over a mile. You also got high schoolers and middle schoolers over a mile to get to school. They got all those sidewalks now.”

Councilman Dunleavy: “They got to walk past the cemetery, past your house.”

Laurie Downs: “The cemetery does not plow.”

Councilman Dunleavy: “They got to walk there.”

Laurie Downs: “Right but they don’t clean the sidewalks.”

Councilman Dunleavy: “No they don’t

(Inaudible)

Laurie Downs: “But I do in fact we had, because our neighborhood is mostly rentals now or elderly what’s happened now is we had one gentleman who went out and bought a snow blower to do the sidewalks. The poor guy had a heart attack two years in a row doing the sidewalks so that’s done. So now you’ve got me you’ve got my neighbor, you got a person over here, a person over there so the kids are in the road, on the sidewalk, in the road, on the sidewalk. That whole time from my house to the school they’re in the road.”

Supervisor Walter: “The person sitting right here who could plow the sidewalks I’d be very happy. Listen, I’ve got personnel in the Town from his department who would plow the sidewalks.”

Laurie Downs: “However no it’s a Resolution that we don’t, John was in, so was you. It was under Cardinale.”

Supervisor Walter: “Laurie, if the Highway Superintendent wants to plow the sidewalks we have the personnel within the Town that would be willing to work on overtime, on the Highway Department’s overtime to plow the sidewalks we’d be happy to do it. I’ll supply him the personnel.”

Laurie Downs: “Well I’d be happy to see you up his manpower and give him a little bit more money to do these things. I’m not up here to argue with you Sean. I’m a resident making a comment.”

Supervisor Walter: “Laurie, the Highway Department because of the change in our administrator charge facts that we got rid of has now, between the Town budget and the Chips money, nine hundred thousand dollars a year to pave; before we got in office that seven hundred thousand dollars used to fund the general fund. Gio just had Chips money and he used to bond paving the roads so we now pave the roads with Highway Department money that goes through the annual operating budget instead of paving roads.”

Laurie Downs: “I’m not talking about paving roads. But why are you arguing with me Sean.”

Supervisor Walter: “Laurie, I’m trying to explain. You’re making misstatements. You’re saying things that are not accurate that, or you’re implying that the Highway Department’s been cut. The Highway Department has not been cut. The Highway Department has money. If the Highway Superintendent wanted to add additional, an additional person to he could come to the Town Board and ask. He’d have to do it within the funding that he has but he does a very good job with his overtime. You underspent your overtime budget last year, I commend you for that. If we needed to put additional personnel I stand ready to turn over Town personnel to the Highway Department to do the sidewalks. I wasn’t aware we had a sidewalk machine which is cool. Our B and G guys have a sidewalk machine. Unbeknownst to them they’re going to be doing some of the sidewalks downtown this coming year on a regular basis so we’ll try to do more then but I didn’t know.”

Laurie Downs: “At least the sidewalks where the children walk and it would be the same sidewalks that Safe Walk to School covers. It would be that same area right? It would be Griffin Avenue, Pulaski, Polish Town. (inaudible)

Supervisor Walter: “Does it run?”

George Woodson: “oh we’ll get it running. It’s kind of hard, like I said, like she said we have so many people and you’re trying to satisfy everybody and then you have the rule. (inaudible). Are the cemetery people responsible.”

Supervisor Walter: “Ok, we’re so far afield from this public hearing.”

Laurie Downs: “The thing is now that at least Pulaski Street has been widened, now when I go to shovel I’m not just shoveling my sidewalk; I’m shoveling everything that he just through on my sidewalk. So now you’re not just talking about this much I’m trying to shovel all this much. It never was like that. (Inaudible) Thank you.”

Supervisor Walter: “Thank you Laurie. Does anybody else wish to be heard tonight? We’re going to close the public comment period or public comment portion and leave it open for written comment until December 12<sup>th</sup>, 4:30 in the Clerk’s office. Thank you to those of you who stuck it out for the whole meeting. Gio thank you for attending.”

**Public Hearing Closed at 5:10 p.m.  
Left Open for Written Comment Until December 12, 2014 at 4:30 p.m.**

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### **COMMENTS ON RESOLUTIONS**

Supervisor Walter: “Now we’re going to do Resolutions. Does anybody wish to be heard on a Resolution? Sal you stuck it out to the bitter end.”

Sal Mastropaolo: “Yeah I was tempted to leave. Resolution 828; the agreement lacks the amounts that Tanger is going to pay the Town for the utilization of police personnel.”

Robert Kozakiewicz: “I’m waiting for the hourly amounts to come to me.”

Sal Mastropaolo: “Ok and under Section 4 this must have been a copy of an older one. They talk about Labor Day sales.”

Robert Kozakiewicz: “It should be Black Friday sales.”

Sal Mastropaolo: “Yeah that’s it.”

Supervisor Walter: “Anyone else wish to be heard on Resolutions only? Is it a Resolution Sir? State your name and Resolution.”

Rex James: “Rex James and Resolution 824. Explain what the details of that PILOT were?”

Robert Kozakiewicz: “That’s going to be withdrawn.”

Supervisor Walter: “I didn’t reach an agreement yet so stay tuned.”

Robert Kozakiewicz: (Inaudible)

## **RESOLUTIONS**

### **Resolution #809**

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

Councilman Wooten: “And 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 #810**

Councilman Wooten: “Golf Riverhead LLC Water Services Capital Project Budget Adoption, 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 #811**

Councilman Gabrielsen: “Riverhead Highway District Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

**Resolution #812**

Councilwoman Giglio: “2013 Wading River Dredging Project Closure, 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 #813**

Councilman Dunleavy: “Authorizes Bloomberg Philanthropies Public Art Challenge Grant Application, 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 #814**

Councilman Wooten: “Authorizes NDA with Barnaby Evans, 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 #815**

Councilman Gabrielsen: “Authorizes “Our Town” Grand Application to NEA, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #816**

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

Councilman 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 #817**

Councilman Dunleavy: “Authorizes Community Development Department to Prepare Grant Applications for New York State Department of Environmental Conservation Clean Vessel Assistance Funding and Authorizes Supervisor to Sign Contract, 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 #818**

Councilman Wooten: “Appoints Police Officers to the Police Department, 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 #819**

Councilman Gabrielsen: “Ratifies Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2015 Community Development Block Grant Funds, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #820**

Councilman Gabrielsen: “Awards Bid for Town Wide Printing, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #821**

Councilman Dunleavy: “Awards Bid for Propane, 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 #822**

Councilman Wooten: “Establishes Time of Regular Meetings of the Town 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 #823**

Councilman Gabrielsen: “Amends Resolution 381 of 2014 (Special Use Permit Petition of 626 West Main Street, Realty, LLC), 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 #824**

Councilwoman Giglio: “I make a motion we withdraw Resolution 824, so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 824 is withdrawn.”

### **Resolution #825**

Councilman Dunleavy: “Authorizes the Town Supervisor to Execute Agreement Between the Town of Riverhead Darby Group Companies, Inc., 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 #826**



Councilman Wooten: “Ratifies Co-Sponsorship of Weekly Saturday- Sunday Craft Vendor Market from November 22, 2014 to December 28, 2014 with the Riverhead Business Improvement District Management Association, Inc.; Authorizes Approval of a License Agreement with Designated Craft Vendors; Authorizes Amended Lease Agreement with Property Owners Regarding Real Property Located at 221 East Main Street, Riverhead, 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 #827**

Councilman Gabrielsen: “Authorizes the Supervisor to Execute a Lease Agreement with Kiwanis Club of Greater Riverhead for Storage for Toys for Tots, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #828**

Councilwoman Giglio: “Ratifies Agreement between Tanger Properties Limited Partnership and the Town of Riverhead in Connection with Black Friday Sales (Utilize Parking Police Personnel and Police Cars) as amended, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

### **Resolution #829**

Councilman Dunleavy: “Pays Bills, so moved.”

Councilman Wooten: “Seconded.”

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

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

Supervisor Walter: “There are four Resolutions to come off the floor. Is everyone ok with all four?”

Councilman Dunleavy: “I make a motion we take Resolutions 830, 831, 832 and 833 off the floor, so moved.”

Councilman Wooten: “I second.”

Supervisor Walter: “Moved and seconded as to taking 830 through 833 off the floor.”

The Vote: Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 830 through 833 are taken off the floor

### **Resolution #830**

Councilman Wooten: “Authorizes the Supervisor to Execute an Agreement with Flynn Stenography & Transcription Services for Court Reporter Services for December 16, 2014 Town Board Meeting, 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 #831**

Councilwoman Giglio: “Rescinds Award for Onsite Grinding of Town Yard Waste and Re-awards Bid to Second Lowest Bidder, so moved.”

Councilman Wooten: “Seconded.”

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

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

### **Resolution #832**

Councilwoman Giglio: “Approves Participation in Peconic Land Trust Grand Application, 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 #833**

Councilman Gabrielsen: “Authorization to Publish Advertisement for Onsite Grinding of Town Yard Waste, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **PUBLIC COMMENTS**

Supervisor Walter: “Ok, now we open up the Town Board meeting for public comment. Does anybody wish to be heard on any matter?”

Rex James a developer from Regent Solar came forward stating he was representing Melissa Daniels and Tony (inaudible) regarding the solar connection application to the Zoning Board of Appeals.

He stated that Melissa and Tony would like to arrange a meeting with the Board members between now and the 11<sup>th</sup> of December to discuss the fact that the ZBA has not made a decision yet on their application for relieve from the Zoning. He continued by saying that the ZBA felt this was a Town Council issue and that Melissa and Tony should return to the Town Council to discuss this issue further.

Supervisor Walter said he would only meet with them if their attorney, Steve Angel was present. Councilwoman Giglio said she felt all the Board members felt the same say, that a meeting should be held with the Town Attorney and Mr. Angel present seeing as how there might be a potential problem.

Councilman Gabrielsen said that if they still had an active case with the ZBA he was wondering if a meeting with the Town Board would interfere with that. Mr. James responded by saying that the ZBA specifically stated that Melissa and Tony needed to go back to the Town

Council. He said the request was not to rezone the property. He said the aspect is that the ZBA could either grant a Use Variance or Accessory Structure.

Councilman Dunleavy asked what exactly was the Council supposed to do. Mr. James said that the Town Attorney was not present at the ZBA meeting but said he left something for the ZBA which made them question whether Melissa and Tony's request should be granted.

Supervisor Walter said the Town Board prohibited the solar arrays in the APZ Zone and when they did that the Zoning Board of Appeals does not have the authority to act on it. He continued by saying this was not the appropriate forum for this discussion but said he would speak to Mr. Angel regarding this matter.

Supervisor Walter: "Can I get a motion to adjourn this Town Board Meeting?"

Councilman Dunleavy: "I make the motion that we adjourn the Town Board Meeting."

Supervisor Walter: "All in favor?"

Collective ayes. Meeting is adjourned.

**Meeting Adjourned 5:30 p.m.**