

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, March 3, 2015 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 Father Larry Duncklee from St. John's in Riverhead.

Councilman Dunleavy made a motion, which was seconded by Councilman Wooten to approve the minutes of the February 18, 2015 Town Board meeting and the minutes from the February 26, 2015 Special Town Board meeting. Motion carried.

CORRESPONDENCE

- Gregory Fischer - proposal to Purchase East Lawn Building (\$140,000.00)
- Kelly McClinchy - letter and emails of complain regarding road conditions on Old River Road, Manorville
- Lois Wahl, US Postal Service, Manorville - letter of request to the Highway Superintendent to keep roadway known as Old River Road, Manorville, free and clear of ice and snow
- Anne Marie Mareli – letter of request to deny the Special Permit Application of United Riverhead Terminal (URT)
- Mary & Pat Bello – letter of concern as to the Special Permit Application of URT
- Mark Maieli – letter of opposition to the Special Permit Application of URT
- Farrell Fritz, law firm representing Northville Beach Civic Association – letter of opposition to the Special Permit Application of URT, also includes a report titled “Report Relating to URT’s Application for a Special Permit”

CONSERVATION ADVISORY COUNCIL CORRESPONDENCE

- CAC Res. #2015-1, Porter, SCTM #0600-119-2-47
- CAC Res. #2015-2, Krakowka, SCTM #0600-68-4-55.3

REPORTS

- Tax Receiver Total Tax Collection to date as of February 18, 2015 - \$73,172,881.68
- Town Clerk – February Monthly Report - \$9,052.37
- Sanitation – Waste Disposal License Fees as of February 20, 2015 - \$6,400.00
- Building Department – February Monthly Report - \$61,518.25
- Police Department – October 2014 Monthly Report
- Sewer District – January 2015 Discharge Monitoring Report
- Town Historian – 2014 Annual Report

APPLICATIONS

Pending Town Board Approval

- Polish Town Civic Association – Annual Polish Town Fair, August 15th and 16th
- Starfish Junction Productions – Horseradish Festival, 817 Pulaski Street, Riverhead, April 19, 2015
- Douglas Wald – Sing East End 2015 (Karaoke) Grangebel Park, June 20, 2015

COMMENTS ON RESOLUTIONS

Supervisor Walter: “Alright Sal, we’re going to take comments on resolutions and Sal how did we do?”

Sal Mastropaolo: “Sal Mastropaolo, Calverton. Resolution 155; there was no schedule A attached.”

Supervisor Walter: “I have it. It’s our standard agreement. Do you want to see it?”

Sal Mastropaolo: “No it’s ok, as long as you have it there. Under the first Resolved the address under on first Resolved is 249 W. 17th Street but the address in the Consultant Professional Services Agreement is different. You may want to check. It calls for 1 State Street, 24th Floor, New York, NY.”

Supervisor Walter: “How did you know that if you didn’t have the agreement attached?”

Sal Mastropaolo: “No, no.”

Robert Kozakiewicz: “He didn’t have Schedule A.”

Sal Mastropaolo: “The Consultant Service Agreement calls for Schedule A which is not there.”

Supervisor Walter: “Oh, I apologize. I don’t have the Schedule A either.”

Sal Mastropaolo: “So therefore there’s no prices or what they’re going to do.”

Supervisor Walter: “Tara, do we know if there’s any changes to this?”

Tara McLaughlin: “(inaudible) I can go find out now”.

Supervisor Walter: “Ok, we’ll find out. If we have to we can hold it in abeyance until next month. You’re right. So I asked if this was the same thing.”

Tara McLaughlin: “(inaudible) is our background check people (inaudible).”

Supervisor Walter: “Alright.”

Sal Mastropaolo: “Resolution 156. I don’t understand why the Town is paying \$1750.”

Supervisor Walter: “We haven’t yet. The animal shelter is a joint animal shelter with Riverhead, it’s not a joint animal shelter; it’s the Riverhead Animal Shelter but we’re under contract with North Fork Animal Welfare League and because we lost two environmental planners in our Town Planning Department and we haven’t had time to complete the application so we budgeted thirty thousand dollars for a part time person to come. We’re doing interviews I think on Monday and since it’s already March we had seventeen hundred and fifty dollars to do this and North Fork agreed to pay the other half.”

Sal Mastropaolo: “Ok.”

Supervisor Walter: “We would normally do this in house unfortunately.”

Sal Mastropaolo: “159, isn’t it time we raised the monthly charge? I mean its been fifty dollars a month per FLUPSY for probably for the last ten years.”

Supervisor Walter: “George what do you say about that? I really don’t know what it goes for, a FLUPSY.”

Councilman Gabrielsen: “I think what’s she’s doing, and Jim would agree with this, is she’s been doing this for a number of years and it’s more or less a service she’s providing, you know. You’re not going to find anyone else probably to do this. We’re just fortunate to have her on board I would think.”

Supervisor Walter: “We (inaudible) and then you guys toss.”

Councilman Dunleavy: “That’s what happens. She grows them there and then we take them out and toss them in the bay.”

Sal Mastropaolo: “Wait, so in other words she has no income? She’s not selling any of the stuff coming out of there? “

Supervisor Walter: “We probably buy it.”

Councilman Wooten: “No I don’t thing we do buy it. She may sell some of it, yes (in audible)).

Sal Mastropaolo: “That’s my point.”

Supervisor Walter: “We’ll take that under advisement for next year.”

(Inaudible)

Sal Mastropaolo: “Alright, 160. There’s no mention made of travel time. Are we paying this contractor the first hour apart from the time he shows up or from the time he leaves Greenport?”

Supervisor Walter: “We’re not paying him from when he leaves Greenport. We pay them from when they get into Court.”

Sal Mastropaolo: “Ok.”

Supervisor Walter: “I mean they could be over in Supreme Court and come over here. It’s not a lawyer. Lawyers charge from the second they leave. Is that it?”

Sal Mastropaolo: “That’s it.”

Supervisor Walter: “Beautiful, I hear the dog.”

Supervisor Walter introduced Dallas who is residing at the Animal Shelter. Councilman Wooten said Dallas came to the shelter a year ago and is five years old. He loves to be with people however does not get along well with other dogs. If anyone is interested in adopting Dallas please contact the Riverhead Animal Shelter at 369-6189, Ext. 2.

Supervisor Walter acknowledged the students from Farmingdale State College who were attending today’s Board meeting. One student who lives in Hicksville came up to speak for the class. When asked why they were attending a Riverhead Town Board meeting and not Oyster Bay’s Town Board meeting he replied they were told that Riverhead’s meeting would be a good meeting to attend. The Supervisor also acknowledged the international students from the Dominican Republic.

PUBLIC HEARINGS

Supervisor Walter: “2:10 having arrived and it is now 2:15 we’re going to open a public hearing. (Inaudible) I’m sorry, is anyone else here for the 2:10; we’re adjourning it. We’re going to adjourn it for next week. I’m sorry is anybody else here for the 2:10 public hearing? We’re adjourning it till next week the attorney couldn’t show up so next week; I’m sorry, next meeting. It will be on March 18th at 7:00 so I’m going to open the public hearing for the Special Permit of East End Hospitality, LLC to convert an existing restaurant at 300 East Main Street Riverhead for use as a cabaret and the attorneys for the applicant could not be here today. There

is a scheduling conflict so the attorney for the applicant asked to have this adjourned until March 18th at 7:00 pm so I'm going to adjourn that and put it on for the first hearing 7:00 pm March 18th. We could do resolutions. Does the Board want to do resolutions first?

COMMENTS ON RESOLUTIONS

Councilman Wooten: "We might as well,"

Supervisor Walter: "Let's do resolutions."

Supervisor Walter: "Who else wants to be heard on Resolutions, Sandra?"

Sandra Lee Mott: "Sandra Lee Mott, Riverhead, Resolution 156. I just found out about this and but I've had enough time to think about the fact that this is reinventing the wheel again. We have spent years; I have spent over twenty years of my effort trying to get a new shelter and a new facility. You have moved forward and have done the right thing with North Fork Animal Welfare League overseeing and thank God for that because it's a, it's very good for the animals but the location still stinks.

You've heard this before but I'm going to repeat it for those who haven't heard it or maybe it didn't register. As far as I'm concerned you should not be having to go anywhere and paying any money and North Fork should not be dipping into their funds which are donated for the care and maintenance and medical treatment of the animals. Seventeen hundred and fifty dollars may be peanuts to some people but I don't think that would be peanuts to people who are donating their five dollars, their ten dollars, their fifteen dollars in order for this action to proceed to get a waiver against the Scenic Wild River Act to put that facility in a location that's totally inappropriate especially since you have other locations in the Town that would serve the purpose much better and you could save at least seventeen hundred and fifty dollars here.

You have two dog runs that everybody proclaims is wonderful and so on and I'm sure that they are for the people who own the dogs which already have homes. Either location would be outstanding for the location of the shelter or it would not have to involve this going through the DEC and getting waivers etc. I may not be using the particular and precise terminology but we're going to get the gist of it I'm sure.

I am so disgusted I don't know where to start. I have no idea what's become of the money that was donated specifically for Riverhead cats, that three hundred thousand dollars; I might be a little bit off on the amount to North Fork. We had to fight to maintain it. I don't know if there's a reverter clause after a certain period of time for the facility not to be built."

Supervisor Walter: "I can answer those questions if you would like to the best of my ability. That money, I think we wrote a letter to the Surrogate Court after the Town Board had the bequest. I believe if my recollection is correct that we wrote a letter to the Surrogates Court explaining that that bequest, we found a home for it and it would be at this location. To my understanding this money is still available to them to go to this location. I know you don't like the location.

Sandra Lee Mott: "No I don't like the location because it's not safe and you're having to spend more time and money to get it approved when you have the dog parks that are already there

in EPCAL that seem like a very good location to me. The one behind the Armory seems like a very good location to me and you won't have to go through these extras jumping hoops.

In addition to Move the Animal Shelter which is another group that was established, a fairly recent group, has done a lot in collecting their monies. But what's become of their monies because my understanding is quite a bit of their money that they do collect they have to provide insurance premiums to cover the liability of their events. What kind of percentage is it for administrative costs are they utilizing for the collection of monies to move the animal shelter which hasn't moved to anywhere. It hasn't moved anywhere. You're misinforming the public. She's doing the right thing in her heart but I don't see anything moving and it goes back to this organization's having to pick up the tab for the Town. Now I know you don't have to do cats."

Supervisor Walter: "We're going to."

Sandra Lee Mott: "I know we're going to but you know who's going to already? We already have a foster care kitty who was abandoned in our yard again. She's a hundred and fifty ninth. Her name is Tiger Kitty."

Supervisor Walter: "Are you taking care of her?"

Sandra Lee Mott: "She's being fostered in my mother's bedroom in a large crate because she needs to get socialized because she's not."

Supervisor Walter: "How'd you capture her because I have one living under my deck at my office?"

Sandra Lee Mott: "So why don't you call North Fork Animal Welfare League. They're experts. They have staff. How do you do it? It's called patience perseverance. Remember the word you used at the tree at EPCAL?"

Supervisor Walter: "They just run away."

Sandra Lee Mott: You don't know. You have to be persistent. There's a whole process. It's not bend over, pick up kitty. I know the audience may not want to hear this but I'm sick of this crap. I can't believe anybody anymore and then I hear about this crap again; monies that should be utilized for the care of the little creatures. Thank God for North Fork they picked up the tab for her evaluation. Thank God she's negative feline, negative leukemia. She was already spayed they determined. What she needs is socialization. The sanctuary is where my approach has always been to allow this little one to have care.

My mother is going to be ninety in July. I just turned sixty-five. She's a one year old cat. No one will take her because is she friendly, not yet but she's getting there. She's come a long way in the past two months. It's despicable and I read in the paper and I'm sure you said it from your heart when you were talking about Kent and their needs. They too need a waiver to do what they want to do ok but they're Ad Hoc Animal Shelter. No they're not Sean. You're entire community in the Town of Riverhead is your Ad Hoc."

Supervisor Walter: "Ok."

Sandra Lee Mott: “No it’s not ok because it’s out of pocket; it’s out of pocket care. The people are having to put forward and I’m not talking about a nickel or a dime or even seventeen hundred and fifty dollars. It costs money and there’s no methodology to get any kind of food or any kind of care. Tiger Kitty needs a home.

Now my neighbor, her mother just went into a nursing home suddenly. There’s no other income; she’s going to be homeless. She’s got three cats. She’s on the phone asking me can I take them. Had we had this Sanctuary Animal Shelter up all, at least these four, would at least have an opportunity.

Now I don’t care if anyone likes me, hates me, doesn’t like me, doesn’t hate me, irrelevant because I have too many people presuming in the News Review in there goodness has been always covering the subject. They had an editorial “Move the Animal Shelter” and the shelter is moving forward. No it’s not.”

Supervisor Walter: “It is.”

Sandra Lee Mott: “In a circle.”

Supervisor Walter: “No it’s moving forward.”

Sandra Lee Mott: “Then why do I have a pussy cat in my mother’s bedroom? And don’t tell me I’m nice. I’m not nice. I just did not want her being out there dying of the cold.”

Supervisor Walter: “I am telling you you’re nice and.”

Sandra Lee Mott: “I’m not nice anymore and I’ll be the first one to tell you I was much nicer. I refuse to have people make me a fool and lie to my face for years and.”

Supervisor Walter: “We’re going to get a.”

Sandra Lee Mott: “And as good as you’ve been and you’re going to make me happy. That’s not your job.”

Supervisor Walter: “Yes it is.”

Sandra Lee Mott: “No it’s not.”

Supervisor Walter: My objective is not to just make you happy but I would like you to be happy.”

Sandra Lee Mott: “I would like to have been happy years ago because now they’re moving on their third year of management at North Fork. Have you been up there recently? They’ve got construction right next toward the fencing; those poor little dogs. You’re wondering why that poor little thing was jumpy. They have fabulous staff up there. You have got to move that stinking facility out of there.”

Supervisor Walter: “We’re going to, we’re going to.”

Sandra Lee Mott: “Yeah, when?”

Supervisor Walter: “As soon as we get this permit.”

Sandra Lee Mott: “Well this is a lot of bull, excuse my French.”

Supervisor Walter: “This is a family show, can you wrap?”

Sandra Lee Mott: “No, no, no, no and I want to know once you get your permit and once Kent does, let’s be positive, what do you think the other owners of the properties along the Peconic Scenic River are going to expect? This is setting a precedent. It’ll be considered discrimination and they will sue you as they always seem to do and it won’t be for seventeen hundred and fifty dollars because I tell you if I owned property along that area and you wouldn’t let me do what I wanted to do with my land I would have such a class action lawsuit against this town and it’s not inconceivable. You’re setting a precedent. I’m going to assume you can’t just do it for government agencies because.”

Supervisor Walter: “Yes we can.”

Sandra Lee Mott: “It won’t be for Kent if they get theirs.”

Supervisor Walter: “But we’re not Kent.”

Sandra Lee Mott: “Yeah but my understanding is that the person who did this, who’s going to do this because I’m going to presume it’s going to happen.”

Supervisor Walter: “Hopefully.”

Sandra Lee Mott: “Well there’s a lot of hope in the air. For years I’ve had hope. I don’t have any hope anymore.”

Supervisor Walter: “You should.”

Sandra Lee Mott: “I should, well I’d like to be at the opening ceremony one of these days.”

Supervisor Walter: “You will be.”

Sandra Lee Mott: “The Pfeifer Center stinks. That location stinks. You can supersede all this garbage if you would put it and I guarantee you with the kind, there are so many unites at least in the community we live that are unoccupied. I can pretty much guarantee there are probably manufactured home community owners who would very much like to off load some of these doubles and donate it to you so that they could get the land back because that’s the only thing of value.”

Councilman Wooten: “What would we do with that?”

Sandra Lee Mott: “And move it to one of the locations of the dog park locations because simply put that’s not a big deal and you’re not going to be building from scratch.”

Supervisor Walter: “We’re going to get at that. Sandra could?”

Sandra Lee Mott: “No Sandra is not going away until Sandra finishes because I’ve had it here because you know I’m not wrong.”

Supervisor Walter: “I know you’re not wrong.”

Sandra Lee Mott: “How come everybody here disagrees with me?”

Supervisor Walter: “I disagree with you about the location. You’re not wrong; we’ve taken a long time to do this.”

Sandra Lee Mott: “Well the location stinks. If it was stinko for a senior center where people could drive to. The facility up there, I mean this is the second real bitter, bitter cold winter we’ve had and those poor little creatures are up there and the staff is up there.”

Supervisor Walter: “Our animal shelter has good heat believe me.”

Sandra Lee Mott: “Yes but you know what maybe they’d like to go outside and play outside. You have no opportunity for them to safely play outside with any kind of a geodesic dome type of effect. That is what you should do if you don’t want to do this other path. There’s ways to do things. You’ve got so many solar companies in this town who literally popped up like mushrooms. Get them to help you with the heating of the facility.

As I restated twenty and a half years of this stuff and telling me I’m going to be happy sooner or later is not going to help the three little cats with my friend tomorrow. It’s not going to help Tiger Kitty and it’s not going to help the God knows how many other little cats in this town and dogs in need of a facility now, not sooner or later. Not the next campaign regime and might I add with all the crap going on in the world I really hope that everybody who owes any money to the Town will pay it because some people, Jodi I’m speaking to you Ok.?”

Councilwoman Giglio: “I know who you’re speaking to.”

Sandra Lee Mott: “Your favorite mantra is “the Town doesn’t have a dime”.”

Councilwoman Giglio: “Yeah.”

Sandra Lee Mott: “Well guess how many dimes you owe the Town?”

Councilwoman Giglio: “I don’t own the town any dimes. I’ve paid what I’m legally required to pay. I don’t have to pay the town one more dime.”

Sandra Lee Mott: “Well that’s wonderful news because I was going to tell you it’s a hundred and twenty thousand dimes because I multiplied.”

(Inaudible)

Councilwoman Giglio: “I don’t owe the town any money.”

Sandra Lee Mott: “That’s good news.”

Supervisor Walter: “Can we?”

Sandra Lee Mott: “No I’m going to summarize one more thing. I don’t care its open forum for me for twenty and a half years and going home to look at this poor little cat and not know what’s going to happen to her. It’s open forum for me.”

Supervisor Walter: “Good.”

Sandra Lee Mott: “The bottom line of the story is I would hope that any and all of you who are running the next time around for whatever position will make certain that your campaign contributors are also paid in full to the Town cause those pages and pages and pages of people owing money are very influential, well known people. If not their own effort your effort as the politician, as the leadership, have them pay their debt and then we don’t have to worry about nickel and diming and having the North Fork Animal Welfare League contribute monies for something they shouldn’t even have to do. You should be on your knees blessing God that they’re there.

Supervisor Walter: “Ok Sandra, thank you. Does anybody else wish to be heard on Resolutions before we take Resolutions up? Ok.”

RESOLUTIONS

Resolution 148

Councilman Dunleavy: “Riverhead Scavenger Waste Budget Adjustment, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #149

Councilman Wooten: “Awards Bid, Annual Distribution Maintenance, Installation and Emergency Services Contract – Contract D – Distribution, Riverhead Water District, 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 150

Councilman Gabrielsen: "Appoints Members to the Riverhead Industrial Development Agency (Elias Kalogeras, Thomas Cruso), 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 #151

Councilwoman Giglio: "Accepts the Resignation of a Part-time Police Officer (Luigi Luigini), 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 #152

Councilman Dunleavy "Appoints a Temporary Tax Receiver (Melissa Messina), so moved."

Councilman Wooten: "Second."

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

The Vote: "Giglio."

Councilwoman Giglio: "This person will replace the clerk that is currently there that is going out on maternity leave, yes."

Diane Wilhelm: "Is that title appropriate? Should it be deputy?"

Supervisor Walter: "No it's temporary, just part time."

Councilwoman Giglio: “She’s just replacing her for three months.”

Diane Wilhelm: “Right but is it Temporary Tax Receiver or Temporary Deputy Tax Receiver?”

Councilwoman Giglio: “It should be Deputy

Supervisor Walter: “Yeah it probably should be.”

Councilman Wooten: “It says Deputy in the body.”

Supervisor Walter: “Ok so as amended.”

Councilwoman Giglio: “Yes as amended.”

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

Resolution #153

Councilman Wooten: “Amends Resolution 706, 2014 and Authorizes the Supervisor to Issue an Amended Letter to the Suffolk County Department of Health Services, so moved.”

Councilman Gabrielsen: “And Seconded.”

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

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

Resolution #154

Councilman Gabrielsen: “Approve Extension of Security Posted by Campo Brothers in Connection with the Subdivision Entitled “Birchwood at Wading River – Section 3” (Road and Drainage Improvements), 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 #155

Councilwoman Giglio: “Authorizes the Supervisor to Execute an Agreement with Sterling Infosystems, Inc. to Provide Pre-Employment Background Screening and Drug Testing. We are attaching Schedule A to the Resolution so I’m amending it to include Schedule A, so moved.”

Supervisor Walter: “Tara here? These are pretty much the same as last year.

Tara McLaughlin: “The same as last year.”

Supervisor Walter: “Ok, good.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #156

Councilman Dunleavy: “Authorizes Supervisor to Execute Agreement with Land Use Ecological Services, Inc. for Services Related to Application to New York State Department of Environmental Conservation for WSRR Variance Approval Related to Town Animal Shelter and Accepts donation from North Fork Welfare Animal League in the Amount of \$1750.00 for Services Related to WSRR Variance, so moved.”

Councilman Wooten: “And I’ll second it.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “After the comments by Ms. Mott saying that this facility doesn’t belong here I have to vote no.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “All along I’ve got to agree with Sandra on this. I’ve always said it’s a hostile environment. It didn’t work before for the different programs we had out there and I don’t think this is a start. Possibly back in the dog park and I think it has potential to be maybe the gateway to the Energy Park someday so I think the potential for me to be realized by not having it there so I’m voting no.”

Vote Continued: “Wooten.”

Councilman Wooten: “You know we’ve been down this road before and you know what it flips flop like a pendulum which I guess people have the right to do. The bottom line is it’s a perfect location for an animal shelter. I think it’s a perfect location for it. It’s not suitable for, well it proved itself not to be suitable for any other use. To me this building, we do have the NPAS who has been doing fundraising and there money is used strictly to move the animal shelter so I don’t know what you’re talking about administrative fees but she has the money saved for that. That’s going to be going to the site improvement to the existing building to make room for cats. To make room for a spay and neuter clinic. To make room for temporary care of animals that may have diseases or need to be quarantined.

North Fork Animal League is going to build in addition to that a brand new facility to handle the dogs, to handle the care and maintenance of not only dogs but cats as well. This town is far behind the times when it comes to how we care about our animals. I always say you can judge a community by how it takes care of its senior citizens and how it takes care of its animals. We are so far behind the times it’s unbelievable and to wish for that building to be anything other than a municipal use, which it still is and will remain. (inaudible) It should be an animal shelter. There’s a lot more invested in this than and (inaudible) right now I’m going to say the reason North Fork is kicking in half the price of this particular expert to handle this application is because it’s fatuitous to them. They had the (inaudible), they had the money to go ahead and start building a new facility and they want to move forward with this so they’re willing to pay half the price so I vote yes absolutely.”

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “This is the fastest way possible for us to have an animal shelter. If you wait for us to put it in EPCAL it’s going to take years. It’s going to cost more money. This is the cheapest and the fastest way and it’s out of everybody’s domain. There are no houses that are next to this or nothing so I think this is a great location so I have to vote yes.”

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

Robert Kozakiewicz: “Before you go forward, going back to 155 there’s a question raised with regard to the address in the resolution being different from the agreement, The address that’s on the Consultant Professional Service Agreement is the address that should be reflected on the resolve.”

Diane Wilhelm: “The one in the first paragraph?”

Robert Kozakiewicz: “Yes.”

Supervisor Walter: “Ok so why don’t we recall 155 and amend it? Diane can you recall 155 so we can amend it?”

Diane Wilhelm: “Recall Resolution 155.”

Resolution 155

Supervisor Walter: “Authorizes the Supervisor to Execute an Agreement with Sterling Infosystems, Inc. to Provide a Pre-Employment Background Screening and Drug Testing. I’d like to offer that resolution up and amend it. Bob what’s the appropriate address?”

Robert Kozakiewicz: “The address should be 1 State Street, 24th Floor, New York, NY and the zip code should be 10004.”

Supervisor Walter: “Can I get a second on that?”

Councilman Dunleavy: “I second as amended.”

Supervisor Walter: “Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 155 is adopted.”

Resolution #157

Councilman Wooten: “Designates the EPCAL-Bike Trail as a Recreation Trail Pursuant to Chapter 48 Entitled “Beaches and Recreation Areas” of the Code of the Town of 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 #158

Councilman Gabrielsen: “Extends Bid Contract with Charles Greenblatt, Inc. for Police Uniforms, 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 #159

Councilwoman Giglio: “Authorizes the Supervisor to Execute a License Agreement with AEROS Cultured Oyster Company to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creek, 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 #160

Councilman Dunleavy: “Appoints Interpreter for Police Department and Justice Court (Diego Casanueva), 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 #161

Councilman Wooten: “Approves Chapter 90 Application of Riverhead MTAS Inc. (9th Annual Hogs and Hot Rods Fundraiser – Sunday, April 12, 2015), so moved. Don’t know how it could be the 9th. I think it’s the 4th.”

Councilman Wooten: “It’s the 4th.”

Supervisor Walter: “Make it the 4th.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is giving them the showmobile and I don’t have a problem with giving them the showmobile because all the money that they raise for all these events goes right back to the town and right back to the town services so I’ll vote yes.”

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

Resolution #162

Councilman Gabrielsen: “Waives the showmobile Application Fee for Riverhead MTAS Inc. (Hogs and Hot Rods Rock the Shelter), so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “Like I’ve said there’s been twenty, thirty thousand dollars that she’s donated based on these fundraisers to build the animal park, the programs at the parks and she does a wonderful service for the Town so I’ll vote yes.”

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

Councilman Dunleavy: “Yes, it’s like a town department. We give (inaudible) fund for this and we don’t charge any fee to other town departments for using the showmobile so I’ll vote yes.”

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

Resolution #163

Councilwoman Giglio: “Appoints a Detective Sergeant (Edward Frost), so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is a promotion but it’s a wash as far as the monies expended because he will no longer get his night differential so his pay will increase but the night deferential will decrease so I’ll vote yes.”

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

Councilman Dunleavy: “I’m glad this person is being promoted. He’s a good police officer, he’s a good Sergeant and so I am definitely voting yes for this.”

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

Resolution #164

Councilman Dunleavy: “Appoints Hearing Officer, so moved.”

Councilman Wooten: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I don’t know what this is about so I’m going to vote no.”

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

Councilman Dunleavy: “I was not involved with any discussion about this Hearing Officer so I’m going to abstain.”

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

Resolution #165

Councilman Wooten: “Increases to Hourly Rate of EISEP Employee (Elizabeth Dobrolski), so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “We’re legally required to do this but I’m told by our Personnel Director so I’ll vote yes.”

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

Councilman Dunleavy: “I’ll vote yes but I think we’re reimbursed by the County for this anyway.”

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

Resolution #166

Councilman Dunleavy: “Pays the Bills, 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.”

Public Hearing

Supervisor Walter: “So now we come to the final element of our public meeting and that was a public hearing that was continued from February 18th. This is a public hearing to hear interested persons regarding an alleged unsafe and abandoned structure at 162 Founders Path, Baiting Hollow. It is now 2:45 and I will open that public hearing and I believe we’re going to start with testimony from our Town Engineer.”

Robert Kozakiewicz: “Before we do that there are four items that I would like to ask this Board to make part of the public record and they are as follows. The first is a certified copy of the short form Order that was entered into the record by Judge Garguilo in the matter of the Town of Riverhead vs. Eugene Lafurno.”

Supervisor Walter: “What is the sum and substance of that Order?”

Robert Kozakiewicz: “The Order was that after taking apart all the evidence that was submitted he concluded the structure should be removed.”

Supervisor Walter: “And you’re doing that in lieu of submitting the entire record which is.”

Robert Kozakiewicz: “Yes.”

Supervisor Walter: “Is there any objection by anyone in submitting that Order?”

Councilman Dunleavy: “Where is that Order from?”

Robert Kozakiewicz: “Certified copy of the Supreme Court Order.”

Supervisor Walter: “Supreme Court.”

Robert Kozakiewicz: “The second document I’d like to introduce is a certified copy of the Town Board Resolution, certified to by the Town Clerk and that was Resolution 66 that was adopted on 21st day of January and that was the Resolution by which the Board authorized the publishing and posting of a public hearing which was part of the last Town Board meeting.”

Supervisor Walter: Ok, that’s fine. Any objections, ok.”

Robert Kozakiewicz: “The third would be the Affidavit of Publication which was sworn to on the 3rd day of February. It’s from Karen Kline of the News Review stating that part of Resolution 66 was in fact published by that newspaper as per that Resolution.”

Supervisor Walter: “Ok, any objections, none? Ok.”

Robert Kozakiewicz: “And last but not least would be an affidavit posting by our Town Clerk certifying and swearing to the fact that it was duly published, I mean duly posted for that same Resolution.”

Supervisor Walter: “Any objection, none? Ok.”

Robert Kozakiewicz: “Thank you.”

Supervisor Walter: “Ok, you should provide copies to Mr. LaFurno if he so desires.”

Robert Kozakiewicz: “Ok, I will do that.”

Supervisor Walter: “Are you going to call the first witness?”

Robert Kozakiewicz: “Yes. I would like to have the Town Engineer Kenneth Testa.”

Councilman Dunleavy: “Can I ask a question real quick?”

Supervisor Walter: “Yeah, go ahead.”

Councilman Dunleavy: “If Supreme Court said the structure should be removed why do we have this hearing then?”

Supervisor Walter: “We have to be able to put it on the tax bill.”

Robert Kozakiewicz: “Correct.”

Councilman Dunleavy: “Ok, just for putting it on the tax bill. Ok, I just wanted to know. If the court says it has to be removed then we have remove it so this is just to put the removal cost on the tax bill.”

Robert Kozakiewicz: “And also I want you to hear from Mr. Testa of what he observed so you can make findings and fact of the Chapter 54.”

Councilman Dunleavy: “Ok.”

Supervisor Walter: “I can’t see that so I’m going to move to here so I can see so.”

(inaudible)

Robert Kozakiewicz: “I’m going to ask you to raise your right hand and do yuo swear the testimony you’re about to give is going to be the truth the whole truth and nothing but the truth so help you God?”

Kenneth Testa: “I do.”

Robert Kozakiewicz: “Ok and would you please state your name for the record? Full name and middle initial.”

Kenneth Testa: “Kenneth Testa.”

Robert Kozakiewicz: “Middle initial?”

Kenneth Testa: “No middle initial.”

Robert Kozakiewicz: “Ok and your current title with the Town of Riverhead?”

Kenneth Testa: “Town Engineer.”

Robert Kozakiewicz: “Ok and how long have you been Town Engineer for the Town of Riverhead?”

Kenneth Testa: “Since 1990, twenty plus years.”

Robert Kozakiewicz: “Ok and I’m not going to, I’m going to let you go a little bit with the narrative here. Can you tell us a little bit about your education and your training and your background?”

Kenneth Testa: “Sure. I hold Bachelor and Master’s Degrees in Engineering. I’m a licensed professional engineer in the State of New York. Have about thirty-five years experience including the twenty plus here with the Town of Riverhead. I’m also a Certified New York State Building Code Official and I keep that certification current by attending the twenty-four hours a year required in-service training. I performed approximately fifty-five by best count structural inspections as a professional engineer in buildings and homes to determine Code compliance and structural integrity.”

Robert Kozakiewicz: “So you’re currently a Certified Code Enforcement official with the Sate of New York and you have current certification?”

Kenneth Testa: “That’s correct, yes.”

Robert Kozakiewicz: “Ok and when did you graduate?”

Kenneth Testa: “The undergrad was in 1982 and the Masters were in 1985 and 2009.”

Robert Kozakiewicz: “And what schools were those?”

Kenneth Testa: “New York Institute of Technology and Stony Brook University.”

Robert Kozakiewicz: “New York Institute for the undergrad and Stony brook for the Masters?”

Kenneth Testa: “Correct.”

Robert Kozakiewicz: “And do you currently also teach?”

Kenneth Testa: “I hold a position as an Adjunct Professor of Engineering at Stony Brook University, yes.”

Robert Kozakiewicz: “Ok. Now are you familiar with the property that’s the subject of today’s hearing 162 Founders Path, Baiting Hollow?”

Kenneth Testa: “Yes I am.”

Robert Kozakiewicz: “And how are you familiar with the property?”

Kenneth Testa: “I performed a structural inspection on April 8th of 2013.”

Robert Kozakiewicz: “And. Ok. We’re going to go right to that structural; do you have that structural report with you?”

Kenneth Testa: “I do.”

Robert Kozakiewicz: “Ok.”

Supervisor Walter: “Is he going to submit that Bob?”

Robert Kozakiewicz: “I’m going to ask him at the end, I have a clean copy and I’m going to ask him to submit it and we’ll make it part of the record.”

Supervisor Walter: “Ok, thank you.”

Robert Kozakiewicz: “All right now that was April 8, 2013 you said?”

Kenneth Testa: “That’s correct.”

Robert Kozakiewicz: “And were you with anyone else when you performed that inspection?”

Kenneth Testa: “Yes, Richard Downs from the Code Enforcement Department.”

Robert Kozakiewicz: “Ok and why were you at the premises on April 8, 2013?”

Kenneth Testa: “At the request of the Town Attorney office I performed a structural inspection with the assistance of Richard Downs.”

Robert Kozakiewicz: “Ok. Now you have a report in front of you. I also have the report up on the projector. Are there photographs that you would like me to point out? They were previously identified by Town Investigator Richard Downs. He was the one who took the photographs. Is that correct?”

Kenneth Testa: “That’s correct, yes.”

Robert Kozakiewicz: “And those photographs were taken at your request as you were doing the inspection?”

Kenneth Testa: “Yes that’s correct. I specifically took photographs of issues that I felt were potential structural issues or fire safety issues.

Robert Kozakiewicz: “Ok. Now is there a particular photo you would like to start with?”

Kenneth Testa: “Yes. If you could flip to photo four?”

Robert Kozakiewicz: “Ok and I would just note that I have it up on the screen so tell me what that photograph depicts and again was that a picture of what you saw on April 8, 2013?”

Kenneth Testa: “Yes that’s correct and that is the room which leads to the tower or cupola on the roof of the structure; a little hard to see in the photograph because the photos kind of small. Obviously there’s some debris and things around that creates a means of egress issue but primarily what I was concerned with is along this top header there are some angle brackets that appear to be holding the structure above to that framing and they don’t seem to meet the New York State Building Code.

Robert Kozakiewicz: “Now you say they do not meet the State Building Code. What would be the method under the State Building Code to work?”

Kenneth Testa: “There would be hurricane ties above that ceiling to the joust inside the wall which I could not access but by evidence of these brackets it gave me concern that perhaps those straps are not there.”

Robert Kozakiewicz: “Ok. The next photograph would be photograph six.”

Kenneth Testa: “That’s right.”

Robert Kozakiewicz: “I just want to note there’s not a photograph five in the report, is that correct?”

Kenneth Testa: “That’s correct. It looks like I made a numbering error on the photographs but here again, actually all four of these photographs if you could scroll up a little bit more you’ll see evidence of angle brackets that appear to be holding that header up to the wall and potentially supporting the ceiling and that would be something I would not expect to see in structure that was built to code.”

Robert Kozakiewicz: “OK.”

Supervisor Walters: “Could I ask a question while we’re on this point Bob?”

Robert Kozakiewicz: “Yes Mr. Supervisor?”

Supervisor Walter: “Shouldn’t the weight of this structure be transferred down to the foundation in some manner Ken?”

Kenneth Testa: “Yeah that’s another concern that I had. There was no evidence that any re-supporting was done on the first or second floor of the building to accommodate the additional weight. That’s something I’d expect to see on a set of architectural plans or a set of engineering drawings with the calculation.”

Supervisor Walter: “So this weight then is just sitting on this ledger board here.”

Kenneth Testa: “Correct. The roof was cut out; the peak of the roof on the second floor, the existing roof was cut out and this tower was built. I think you could see some better pictures of it as we move ahead as we get into the upper section.”

Supervisor Walter: “It should be tied back down into the foundation at some.”

Kenneth Testa: “At some point yes. So these all show the room leading up to the tower. The next sets of drawings actually show my trip up through the tower itself through a stairway. This is a stairway leading up and that stairway does not appear to have the right pitch per building code nor does the framing around the sides of it meet codes as far as spacing and there’s a header on the top you have to basically duck down and crawl up there or you’ll whack your head on this upper beam. So there’s not enough headroom per the New York State Building Code.”

Supervisor Walter: “What are the beams, I’m sorry spaced out. You said twenty-four on center or?”

Kenneth Testa: “Sixteen on center should be the wall beams.”

Supervisor Walter: “What are they?”

Kenneth Testa: “They vary. They were all over the place. They were not consistent. You’ll see some other photographs of that in a minute. These are just some exterior photos showing the structure all the way up on the top and now as I got up further inside you can see that the wall studs here are not sixteen on center and you can also see this planking on the top right here is holding up that very, very upper structure. I don’t see any support beams. It’s not plywood. There’s no framing, there’s no floor joists; it looks like just planking that was spanned across the room to hold the weight above which includes whoever happens to be up on the upper level.”

Supervisor Walter: “For my own benefit can you just; what is above that. Do you have a picture outside of this point? What is above that?”

Kenneth Testa: “Yeah if you go back Bob, if you go back down we are in this piece right here with the windows and then this is the upper piece that sits up on top of that.”

Supervisor Walter: “And that’s sitting on?”

Kenneth Testa: “On these planking, ok? Keep going forward. See what else we have. Now here again there’s the use of some angle brackets that are holding these roof jousts in place. Those are not typical hurricane straps that you would normally use per the New York State Building Code. You can scroll up.”

Robert Kozakiewicz: “To be clear, what part of the structure is this that you’re looking at right now?”

Kenneth Testa: “This bracket right here, there should be a bracket on each of the jousts and it should be from the jousts down to the header to hold it in the event of a hurricane. This picture is, if you go back up please. This beam around this window, you can scroll down, scroll, scroll, keep scrolling. That beam right there between the windows is carrying the load over the windows if you scroll up those jack studs do not extend all the way down to the floor plate. A little hard to see here but these jack studs on either side of this beam are not sitting on the bottom plate. There’s a gap of several inches between the bottom of that stud and the base plate so the loads not being carried all the way down to the base plate. And this is just up above where the planking was. Now we’re up higher into the structure. You need to use a ladder to get up there. This is the planking that didn’t appear to me to have sufficient support below it.”

Robert Kozakiewicz: “That would be the top level, the very top level?”

Kenneth Testa: “No that’s not all the way to the very top level yet. This is like a midsection floor.”

Robert Kozakiewicz: “Ok?”

Supervisor Walter: “Is this heated and is that a bed up there?”

Kenneth Testa: “That’s a mattress yeah which was an obvious concern as well. I didn’t see evidence of heating, no. Now this is leading up into the very, very, very upper section so those planks that we saw earlier are down below. The ladder is resting on them. You go up the ladder open this plank and your into the very upper area. Hard to see on the picture but there are signs of water damage there. That plank has been damaged by rot and here again just some L-brackets some angle line that looks like it was acquired at a hardware store holding this floor up which gave me great concern that there’s not sufficient support of this floor right here.

I think the next photograph shows the same thing a little closer. Just odds and ends pieces of steel used just to support things throughout and then the very upper level. These wall studs are not properly spaced nor are they jack studs to support the spans for the windows. There should be

double boards coming down on the side to hold the roof up at the locations of the window. So this is the very, very top structure and there was an issue also I brought up about the chimney but I believe that may have been addressed but when I did the inspection, this is the top of the chimney that exhausts the heating system and that house; a direct violation of the code in that the gases from that could get into that window if that window is opened. It's required to be three feet away from a window and three feet above the highest peak and just some more photographs of the upper structure. I think that's pretty much it."

Supervisor Walter: "Can you go down again Bob? I want to see what was on top."

Robert Kozakiewicz: "Which way? Scroll back up?"

Supervisors Walter: "I want to see what's on top."

Kenneth Testa: "The antenna?"

Supervisor Walter: "What is that, an antenna?"

Eugene Lafurno: "It's high range digital antenna. You can get a signal from any city (inaudible)."

Robert Kozakiewicz: "I think that's it for the photographs. If I could I would like to approach Mr. Testa with a clean copy of his report. If you could look through that from the beginning to the end and when you're done let me know."

Kenneth Testa: "Ok."

Robert Kozakiewicz: "Ok and you've had a chance to compare that document that was handed up to you which is known as an inspection report?"

Kenneth Testa: "Yes"

Robert Kozakiewicz: "And is that the same inspection report that you prepared?"

Kenneth Testa: "Yes."

Robert Kozakiewicz: "And was that prepared by you in your normal and ordinary course of business?"

Kenneth Testa: "Yes."

Robert Kozakiewicz: "And was it in fact prepared in the normal and ordinary course of business?"

Kenneth Testa: "Yes."

Robert Kozakiewicz: “And did you prepare it on or about the time when you did the inspection which was April 8, 2013?”

Kenneth Testa: “April 8th, yeah, it was within a few days.”

Robert Kozakiewicz: “Ok. I would ask that that be also made part of the record.”

Supervisor Walter: “I don’t think there’s any objections. Are there any objections? Not hearing anybody let’s make that part of the record.”

Robert Kozakiewicz: “Thank you. Now I have one final question for you and it’s going to be; based upon all the items that you observed as well as other items that are written in your report what is your recommendation as far as this particular structure Mr. Testa?”

Kenneth Testa: “Well either an engineer or an architect is going to have to do an analysis and come up with remedial plan or it should be removed for fear of the possibility that there could be a collapse.”

Supervisor Walter: “This particular juncture Mr. Testa do you feel that this would withstand hurricane force winds?”

Kenneth Testa: “I’d be very concerned that this would not especially with the water damage that’s taking place since I’ve inspected it.”

Supervisor Walter: “Ok.”

Robert Kozakiewicz: “I have nothing further.”

Councilman Wooten: “I just have one question now. Mr. Testa your report was from April, almost two years ago actually. Have you been back to the site in the last twenty-three months?”

Kenneth Testa: “No.”

Councilman Wooten: “So it’s probably deteriorated even more.”

Kenneth Testa: “Possibly.”

Supervisor Walter: “We could ask Mr. Lafurno if it’s changed. Ok, Bob.”

Robert Kozakiewicz: “I have nothing further at this time.”

Supervisor Walter: “Ok, Mr. Lafurno would you like to ask any questions of our engineer?”

Eugene Lafurno: “Yes I would.”

Supervisor Walter: “Mr. Lafurno you have to address the Board and if you can stand up by the microphone that would be better.”

Eugene Lafurno: “Ok. I want to give copies of these to you.”

Supervisor Walter: “You can just hand them to the Clerk; she’ll give them to us. Oh we have special ones.”

Eugene Lafurno: “They’re in order. Try to keep them in order. They’re time progression.”

(inaudible)

Supervisor Walter: “Do you want us to make this part of the record these five reports?”

Eugene Lafurno: “Yes.”

Robert Kozakiewicz: “I haven’t seen them. I would just like to note that last hearing you were sworn in to give testimony. You’re still considered to be under oath. If you would please state for the record again your name.”

Eugene Lafurno: “My name is Eugene Lafurno and if you catch me in one lie you can dismiss my whole testimony.”

Councilman Wooten: “Alright, we’ll pay attention to that.”

Supervisor Walter: “Go ahead, you can precede Mr. Lafurno.”

Eugene Lafurno: “Ok. I just gave you copies of the same thing that I have. It has the synopsis in the beginning. It’s describing something that is not apparent in the structure itself. It describes something that has to do with religion. I want to bring your attention to what Ken Testa said, he said *this cupula*. He was testifying against the cupula. Is that right Mr. Testa?”

Kenneth Testa: “The structure that is supporting the cupula, yes.”

Eugene Lafurno: “Cupula, what term did you use after you said cupula in the future references to that structure?”

Kenneth Testa: “I believe I said tower. Was it tower?”

Eugene Lafurno: “I don’t know, you said it. What was it?”

Supervisor Walter: “He said tower.”

Eugene Lafurno: “He said tower. It went from cupula to tower. So first he said cupula then every other reference you said tower, right? Ok. There’s a reason why I’m standing here at

the podium today. I showed you the law last time. It said that nothing shall restrict the height of a cupula. Now why do you think that rule was made? It also applies to a flag pole.”

Robert Kozakiewicz: “Just to be clear at the last hearing, just to be clear, you had a section of the code that was not the Town Code. It was some other code, just to be clear.”

Eugene Lafurno: “You posted that.”

Robert Kozakiewicz: “I have it up here.”

Eugene LaFurno: “That’s our Town Code?”

Richard Downs: “That’s our Town Code and I would ask the Board to take.”

Eugene Lafurno: “That’s our Town Code; it’s got the same number OK. It says the height (inaudible).”

Councilman Dunleavy: “Town Attorney I thought he was supposed to be questioning not us.”

Eugene Lafurno: “Are flag poles in there?”

Robert Kozakiewicz: “I would for the purpose of this hearing Mr. Lafurno, stipulate that this is from our Town Code, Section 108-65 which has an exception for height. However that definition as I pointed out at the last hearing applies to structures that are not to be used for human occupancy, so I just want to point that out to you. That’s clear in the code. It’s a cupula or any other structures which are noted; church spires, belfries, penthouses, masks and domes by the very definition that cupula (inaudible) structure that has an ability to be occupied by humans. So that just. I’ll stipulate that that is the code and that is our current definition.”

Eugene Lafurno: “Ok so.”

Supervisor Walter: “Mr. Lafurno please speak into the microphone.”

Eugene Lafurno: “So if I sealed that structure, closed it off does that comply completely with the word in that law?”

Supervisor Walter: “I’m going to ask; this is the question that I’m going to ask you.”

(inaudible)

Supervisor Walter: “Hold on a second, hold on a second. If that cupula was constructed properly would you not agree we would have to leave it up?”

Eugene Lafurno: “Yes.”

Supervisor Walter: “Ok, so the converse of that statement would be true. If it’s constructed, Mr. Lafurno, if it’s constructed improperly we’d have to take it down. So I didn’t mean to trick you but so you’ve said if it’s constructed properly it has to be taken down. Mr. Testa testified not as to whether it is a cupula or a tower but how it was constructed.

Now I fancied myself a builder when I was thirteen years old and I built tree forts and ground forts and dug tunnels and everything else and I’m going to say to you I’m not an engineer but what you built looks like the tree forts I used to build. So please limit the questions you ask of Mr. Testa to the structural integrity of that cupula/tower or whatever you want to call it. It’s irrelevant for this purpose because if it’s not constructed properly we have to take it down so that’s the questions you should be focused on.

Eugene Lafurno: “Are you familiar with Thomas Reilly?”

Kenneth Testa: “No.”

Eugene Lafurno: “He’s an engineer. I asked Thomas Reilly to come to this meeting. I asked Robert Stromski to come to this meeting. I asked Richard Searles to attend this meeting. Mr. Searles signed an acknowledgement that he received the registered mail request. Mr. Reilly signed an acknowledgement that he received the registered mail request. Robert Stromski was here at the last meeting when the Supervisor requested that I bring these men into this meeting, my professionals into this meeting. Are any of them here today?”

Supervisor Walter: “Mr. Lafurno I think we can all agree they’re not here and that’s the point. You’re right on point now let’s just bring it to the finish line. You need to prove to us that that’s structurally sound. How are you going to do that because if you can’t the Board may be left with no choice but to issue an Order similar to the court’s Order tearing it down?”

Eugene Lafurno: “I filed the appeal. You said to file the appeal in the paper. I filed the appeal. The appeal is filed.”

Councilman Gabrielsen: “To where?”

Supervisor Walter: “What appeal was that?”

Eugene Lafurno: “The appeal to stop the progression of this until I’m heard in my appeal and Robert Kozakiewicz, I spoke to him on the phone, the Town Attorney and he said that he received the appeal so he acknowledged receiving the appeal and he just shook his head no that he didn’t know about the appeal.”

Supervisor Walter: “Did he make an appeal to the Code Division in timely fashion?”

Robert Kozakiewicz: “I’ll answer the question. I did learn that there was a notice of appeal filed however I was not served nor was my office served with a notice of it within a timely fashion. We learned about it from the Appellant Division.”

Supervisor Walter: “When was that?”

Robert Kozakiewicz: “I don’t have an exact date but I know that we learned about it through the Appellant Division. We got notification from them that had been received and they, Let me see if I can find a copy of it, but we were never served with the Notice of Appeal.”

Supervisor Walter: “Ok, so we have, know there’s no stay.”

Robert Kozakiewicz: “Correct.”

Councilman Wooten: “I just, I know we should.”

Councilman Dunleavy: “We’re only following an Order from the court. The Supreme Court judge after a trial said this structure has to be, the fourth floor and the third floor have to be taken down.”

Eugene Lafurno: “There is no third and fourth floor.”

Supervisor Walter: “That’s correct John.”

Councilman Dunleavy: “Wait a minute. The rule *immediately of the third tower and the fourth story platform.*”

Eugene Lafurno: “There is no tower or third story platform, it’s a cupula.”

Supervisor Walter: “We’re not worried about what it’s called. Can you prove to us today that that is built pursuant to the New York State Building Code because Mr. Testa has testified that it is not and quite honestly Mr. Lafurno there’s four engineering students sitting here that if I brought them up here they probably could testify that it’s not. You have a heavy burden.”

Eugene Lafurno: “Right but there’s mitigating circumstances here and one of the major concerns that I’m concerned with is that Robert Kozakiewicz, the Town Attorney, is best friends with Robert Stromski the architect that drew the plan for this mansion that surrounds that center cupula.”

Councilman Wooten: “That cupula is not really a cupula. It’s really a smaller piece of a bigger puzzle, is that what you’re saying?”

Eugene Lafurno: “That’s exactly.”

Councilman Wooten: “Then it’s not a cupula?”

Eugene Lafurno: “No, no, no, no. In the design it’s a cupula but it’s also, the lower part the center support of the epiphany.”

Councilman Dunleavy: “That’s a support.”

Eugene Lafurno: “No, the lower part.”

Councilman Dunleavy: “The top part. So it’s not ornamental?” It’s a structure supporting something?”

Eugene Lafurno: “No, the top part is ornamental. There it is right there. It’s the same thing. It’s the same exact thing. It’s the same height as the church spire, as the church tower.

Supervisor Walter: “Ok Mr. Lafurno.”.

Eugene Lafurno: “Ok look everyone’s got one, alright?”

Councilman Gabrielsen: “Could I just step in here for a second?”

Councilman Wooten: “Could I just ask one question I’ve been wanting to ask and then I get interrupted every time.”

Eugene Lafurno: “(inaudible) a problem is me.”

Councilman Wooten: “You didn’t answer my question. My question is very simple.”

Eugene Lafurno: “I’m the victim.”

Supervisor Walter: “Mr. Lafurno can you let him ask the question?”

Councilman Wooten: “You were saying that this is absolutely properly built and engineered and built exactly to spec. Is that what you’re saying?”

Eugene Lafurno: “Yes.”

Councilman Wooten: “You’re out of your mind.”

Councilman Gabrielsen: “I think we’re here to establish the structural, you know the structural integrity of it and an engineer made it clear that the existing structure, even me looking at it, is totally not up to the code at all. So how is this supposed to support another structure on top of itself when it can’t support itself?”

Eugene Lafurno: “It’s not supposed to; it’s supposed to work in synergy with the rest of the structure. The problem I’m having right now is that when the center support structure with the cupula on top was completed Stromski, Robert Stromski and Rick Searles were supposed to chime in right at that moment for to frame the surrounding part for the, to put onto the footings, the steel footings, the twenty-three tons of steel that are underneath the deck. Ok? And that was supposed to encapsulate the whole lower part of that structure.”

Supervisor Walter: “Ok, stop you right there. Mr. Testa did you see twenty-three tons of steel, any kind of steel superstructure or something like that built in that structure?”

Kenneth Testa: “No.

Supervisor Walter: “Ok.”

Eugene Lafurno: “Is it the plan?”

Supervisor Walter: “Mr. Lafurno.”

Eugene Lafurno: “Is it on the plan submitted by Robert Stromski?”

Supervisor Walter: “Mr. Lafurno we’re not talking about the plan. We’re talking about how it was constructed. Who constructed it? Who had the hammers and nails? Who did it?”

Eugene Lafurno: “The carpenters.”

Supervisor Walter: “Who is the carpenter, you?”

Eugene Lafurno: “Well I hired them and they performed it.”

Supervisor Walter: “Did you construct part of this?”

Eugene Lafurno: “No, no.”

Councilman Gabrielsen: “Were they licensed?”

Eugene Lafurno: “Huh?”

Councilman Gabrielsen: “Were they licensed carpenters?”

Eugene Lafurno: “The ones that did the steel work were licensed.”

Councilman Gabrielsen: “Well we’re looking up top; the wood construction’s up on top. Were they licensed carpenters, construction company? Nobody’s going to not have jacks that don’t touch the shoe. I mean nobody’s, impossible and that’s.”

Eugene Lafurno: “It does touch the...”

Councilman Gabrielsen: “Headers aren’t supported.”

Eugene Lafurno: “From what I understand when I was in prison Thomas Reilly came to a meeting with Robert Kozakiewicz and he said that he saw nothing wrong with that structure.”

Supervisor Walter: “So this is what we’re going to do. I think we’ve heard enough testimony here. Do you have any other further questions for Mr. Testa?”

Eugene Lafurno: “Yes.”

Supervisor Walter: “Ok, proceed.”

Eugene Lafurno: “Alright. Can you go back to the first picture?”

Robert Kozakiewicz: “Which one, this one or do you want to go to the one before? Which picture?”

Eugene Lafurno: “I don’t know let’s do the same iteration way that he performed.”

Robert Kozakiewicz: “Alright, hold on.”

(inaudible)

Supervisor Walter: “Mr. Lafurno, Mr. Lafurno could you please refrain from that. Mr. Lafurno we want to give you all the time you need but we need you to focus on the task at hand. So what is your question?”

Eugene Lafurno: “Alright so let’s go. I’m going to comment on everything he said.”

Robert Kozakiewicz: “Are you questioning him or commenting?”

Eugene Lafurno: “Maybe he can answer some of my questions. It will be give and take between me and him.”

Councilman Dunleavy: “No it can’t be give and take. You have to ask him a question, ok?”

Robert Kozakiewicz: “You either need to question him or testify, one or the other.”

Eugene Lafurno: “Alright, was that the first picture?”

Robert Kozakiewicz: “That was the first photo, number four, yes.”

Eugene Lafurno: “Ok what did you say was wrong with that picture?”

Supervisor Walter: “Mr. Lafurno would it be easier for you to sit at the table because.”

Eugene Lafurno: “That’s alright, I’ll talk into the microphone. So what would you say was wrong with that picture?”

Kenneth Testa: “Well besides the fact that the means of egress is hindered by all the debris in the jammed room I also saw small angle brackets up along the header at the top of the ceiling that appear to me not to be strong enough to be holding up that ceiling.”

Eugene Lafurno: “Ok and in the plan that Thomas Reilly drew those angle brackets were outside the outer wall.”

Kenneth Testa: “Then it’s not built the way the plan was shown.”

Eugene Lafurno: “That’s where they usually go, on the outside of that wall right?”

Kenneth Testa: “That’s not what I saw.”

Eugene Lafurno: “Right, ok but suppose I told you that they’re there.”

Kenneth Testa: “(inaudible) supposed to be. I mean it should be what your architect (inaudible).”

Eugene Lafurno: “Under the siding. Did you look under the siding outside the wall?”

Kenneth Testa: “I can’t look under the siding.”

Eugene Lafurno: “Oh, oh, you can’t look outside and see if they’re there?”

Kenneth Testa: “I can tell you.”

Eugene Lafurno: “But you can say they’re not there a few minutes ago.”

Kenneth Testa: “Yeah but there’s inside ones and they don’t belong on the inside.”

Eugene Lafurno: “So are the inside ones extra, redundant.”

Kenneth Testa: “I don’t know that. I can’t tell that.”

Eugene Lafurno: “Ok so why did you dismiss the possibility that there’s not others outside the wall?”

Supervisor Walter: “Ok that’s fine. Move on Sir.”

Eugene Lafurno: “Ok next picture. Let’s go.”

Kenneth Testa: “Same thing, same thing, nonconventional brackets.”

Supervisor Walter: “So I have a question. There’s a lot of weight above that ceiling. Where is that weight being transferred down to the foundation?”

Eugene Lafurno: “Thomas Reilly told me that because the walls are 2x6 construction in the whole home ok, that you could they add. The support is divided amongst all of them, not a point load.”

Supervisor Walter: “Got it.”

Eugene Lafurno: “Ok so that’s why the outer edge is reinforced, to make sure that’s it’s not a point load that’s on a 2x6 sill on a 2x6 wall going right down.”

Supervisor Walter: “Ok so hold on for a second. Mr. Testa if you were to design and construct this according to New York State Building Code with what Mr. Lafurno’s said would be an accurate statement and an accurate way to design it so you wouldn’t have to have additional supports in there that you could just use the existing walls?”

Kenneth Testa: “If it was a properly constructed 2x6 wall, yes to carry that load down through that wall.”

Supervisor Walter: “Ok.”

Councilman Dunleavy: “We can’t take hearsay evidence. The fellow is not here to be questioned so whatever you say that he says to you I can’t take that as evidence. I’m just letting you know you can say all you want but it’s hearsay and we cannot question him, he’s not here.” that .

Eugene Lafurno: “Ok, ok, so Mr. Testa agrees that if those are 2x6 properly constructed walls which the house had a CO originally when it was constructed so that means that the Building Inspector came, back in the day thirty-four years ago, and said yes the 2x6 walls were properly constructed.”

Supervisor Walter: “How do we know they’re 2x6 walls Sir?”

Eugene Lafurno: “It’s said it in the original plan of the house. I learned that 2x6 construction from Jodi Giglio’s husband, Michael Giglio. I used to work for Jodi Giglio’s husband Michael in the Shelter Technology homes and I used to carry the boilers for Strathmore Village East on my back down to assemble them in the basements.”

Councilwoman Giglio: “How many years ago was that, thirty years ago?”

Eugene Lafurno: “I don’t want to let people know how old I am but that was way back in the day.”

Supervisor Walter: “Ok so are you offering any proof. What proof are you offering that they’re 2x6 walls? We need proof that they’re 2x6 walls.”

Eugene Lafurno: “Ok so look at the original plan of the home. It says 2x6 construction.”

Supervisor Walter: “No we would have to look at the wall. You’d have to open a wall and show us or.”

Eugene Lafurno: “Fine so come over. We’ll have an open wall party.”

Supervisor Walter: “Mr. Lafurno please proceed.”

Eugene Lafurno: “So ok so you’re satisfied that if that’s properly constructed 2x6 walls that that could support a cupola?”

Councilman Gabrielsen: “Above that, it’s exposed there’s no jacks going down so how do we know in that picture, whatever you’ve got up the wall that it’s supported, that jacks are all in and actually around the window?”

Eugene Lafurno: “There’s LVL’s that I’m going to show you later.

Councilman Gabrielsen: “Because the other construction doesn’t show it. (inaudible) pattern might not have been done here.”

Eugene Lafurno: “Because that was awarded a CO thirty-four years ago so the town said that was properly constructed thirty-four years ago.”

Supervisor Walter: “So here’s my question.”

Kenneth Testa: (inaudible)

Supervisor Walter: “That’s my question. Those walls that we’re looking at, the window that we’re looking, that’s the original part of the house?”

Eugene Lafurno: “Yes, yes, the ceiling of the second story.”

Supervisor Walter: “That doesn’t. How big is the span of that ceiling that this cupola is on?”

Eugene Lafurno: “It’s nineteen feet by eighteen. The whole second story is nineteen by eighteen, the whole second story. It’s a little tiny house and that’s why it looks cluttery. There’s no place to put anything. There’s no room in there. That’s why I’m trying to expand the house and you’re trying to come along behind me and knock down the pieces that I try to build.”

Supervisor Walter: “Mr. Lafurno I’m just trying to say that I’m a treehouse, tree fort builder and so I’ve got to get my mind around this.”

Eugene Lafurno: “Well a treehouse is bigger than that thing probably especially your treehouse.”

Supervisor Walter: “Not my treehouse. Ok so now if we, if the original part of the house is 2x6 construction which it may be what is supporting a nineteen foot span without a support and two floors on top of that?”

Eugene Lafurno: “This is what the Town Engineers, Jim DeLuca and everybody did thirty-four years ago ok?”

George Gabrielsen: You've got to beef up those ceiling beams." (inaudible)

Eugene Lafurno: "Ok, ok, you see that's where this is going because if the Town enters that house they have not only beefed up the ceiling codes they've got to beef up all the codes in the whole house and you're going to (inaudible) give me a bill for it."

Supervisor Walter: "Let's focus again."

Councilman Dunleavy: "Can I just say something? We're here to see if we can put this on you. The Judge in Supreme Court has told us to remove those two structures."

Eugene Lafurno: "Because he was misinformed."

Councilman Dunleavy: "It was a trial, it was a trial. We're here to see if we could put the cost on your tax bill. I don't know why we're going all through this stuff when already a Supreme Court Judge listened to this trial and told us you have to remove the two floors."

Eugene Lafurno: "It doesn't have two floors, it doesn't have two floors. It doesn't have a third and fourth story, it doesn't exist. It's that the Judge wasn't told the truth from the get go."

Supervisor Walter: "Mr. Lafurno. We've got the walls.

(inaudible)

Eugene Lafurno: "Because they're calling this platform here a third story and they're calling that someone can stand up here, right here a fourth story. It's a cupola, it's a cupola."

Supervisor Walter: "Mr. Lafurno I don't care what it is."

Eugene Lafurno: "Because it's religious expression and the Town, the government is attacking its own code."

Supervisor Walter: "Ok, can you hold that thought. Now shouldn't there be some sort of, maybe George you'd know."

Councilman Gabrielsen: "I'm looking, either a header supporting the center or else."

Supervisor Walter: "Shouldn't there be something here supporting this, this whole?"

Councilman Gabrielsen: "A 2x6 would never take that span and put something on it, I would say."

(Inaudible)

Eugene Lafurno: “No, no, no it’s supporting it because there’s LVL’s up there. In the drawing for the cupula the engineer put double LVL’s going along that wall.”

Supervisor Walter: “This way or one of these ways.”

Eugene Lafurno: “Well there’s double LVL’s above that ceiling going along that wall. Do you see the wall that’s right above the window, yeah, yeah, right above that window and above the other window.”

Supervisor Walter: “Ok but what’s holding, shouldn’t there be something here holding the weight above it?”

Eugene Lafurno: “It’s does, it has LVL’s double LVL’s going straight across in the center of that room back to the other 2x6 exterior bearing wall, low bearing wall, so it’s like an H and those double LVL’s grab those ceiling jousts and they’re actually fused right into that LVL.”

Supervisor Walter: “Ok what’s your next question for Mr. Testa?”

Eugene Lafurno: “Because he’s testifying to things that he can’t even see; he doesn’t even know exist and he’s saying that there not even there. He’s just assuming they’re not there.”

Supervisor Walter: “Ok what’s your next question?”

Eugene Lafurno: “Ok let’s go to the next picture we’ll find the next question.”

Supervisor Walter: “What’s your question Mr. Lafurno?”

Eugene Lafurno: “Ok, what he said about that, the egress there.”

Supervisor Walter: “That’s the staircase.”

Eugene Lafurno: “What, it’s too narrow, fine. Seal it. It’s a religious structure called a cupula. Seal the opening, seal it. You don’t need the stairs because no one goes up there. That’s it, seal it so it complies with the code. Seal it.”

Supervisor Walter: “Ok what’s the next question?”

Eugene Lafurno: “Just like a tomb, seal it.”

Supervisor Walter: “Ok what’s the next question? What is that gun turret looking thing up there?”

Eugene Lafurno: “That is a safety railing that doesn’t require a permit. It’s a safety railing. It’s a four foot safety railing. He’s describing it as windows.”

Supervisor Walter: “Let me ask you a question. When the rain hits that is there a rubber roof on this surface here? How does the rain stop from going inside the building?”

Eugene Lafurno: “I was going to put the roof on it but I didn’t have Mr. Stromski’s picture for the rest of the house because the rubber roof would have to carry over from the flat part that you’re looking at.”

Supervisor Walter: “How long has water been going in there, two years?”

Eugene Lafurno: “Those tarps keep it out pretty good.”

Supervisor Walter: “About two years it’s been like that?”

Eugene Lafurno: “Yeah but its’ not critical, ok it’s just windblown mist.”

Supervisor Walter: “Ok, good. What’s your next question?”

Eugene Lafurno: “Ok so that solved that problem. Now what part would you like to remove, just that four foot railing or is he trying to remove the white part as well?”

Supervisor Walter: “When we go, that will be the last question. What’s your next question? We’ll put the picture of the house up and we’ll make. What’s your next question?”

Eugene Lafurno: “Ok what did he say about this, I forgot what he said?”

Kenneth Testa: “Well down the bottom right hand side those wall spacings are not sixteen inch on center.”

Eugene Lafurno: “Yeah those carpenters were very good. Ninety-nine percent of those beams are sixteen on center. I can measure them with you myself or you can bring some other witnesses with you but most of those beams, maybe around the door frame it’s not sixteen on center.”

Supervisor Walter: “Ok what’s the next question?”

Eugene Lafurno: “Ok so what’s his next concern?”

Kenneth Testa: “Photo twenty-two of the wall jacks.”

Eugene Lafurno: “Now look at this, no, no, no. Ok, ok. So he’s complaining about the wall jacks right? So the wall jacks are the pieces of wood on each, in between each window adjacent to each window right? Is that what a wall jack is? “

Councilman Dunleavy: “I don’t know I’m giving it to him. I’m a lawyer.”

Kenneth Testa: “You have this header supporting the jousts above.”

Eugene Lafurno: “Yeah you’re right but inside your report you said there were no headers.”

Robert Kozakiewicz: “Excuse me, would you let him answer the questions please.”

Kenneth Testa: “On this exterior piece there happens to be a header on this side holding up these jousts. It sitting on a jack stud which is this 2x4 or 2x6 and it goes.”

Eugene Lafurno: “That’s a 2x8.”

Kenneth Testa: “And it doesn’t go all the way to the floor. You have that beam sitting on top of that stud.”

Eugene Lafurno: “It goes to the double LVL’s on the floor. It sits on top of them. They’re plated and there’s probably two or three thousand nails in that thing.”

Supervisor Walter: “Are you sure you didn’t build this Mr. Lafurano?”

Eugene Lafurno: “No but I bought the nails and they kept saying more, more.”

Kenneth Testa: “It could be nailed in but the point is that that’s not what the code says.”

Supervisor Walter: “What’s the next question?”

Eugene Lafurno: “Alright so they’re all fused and sitting on the fused thing, that’s fused to the ceiling jousts on the second story ok? Everything is plated with those thick (inaudible) plates. Everything is plated alright? Now look at the different color between what’s over the window and what’s behind that first piece of wood. Those are double LVL’s, double going all around the structure. Mr. Reilly overbuilds everything ok.”

Robert Kozakiewicz: “Mr. Reilly didn’t build this. Mr. Reilly didn’t come out and.”

Eugene Lafurno: “Mr. Reilly, believe me, when I poured the bridge outside

Robert Kozakiewicz: “Quick question. Mr. Reilly did not do the construction right?”

Eugene Lafurno: “Right but Mr. Reilly looked at it after it was constructed and said there’s nothing wrong with this cupula.”

Supervisor Walter: “Ok, that’s, (inaudible) Mr. Lafurno let’s focus on the next question please.”

Kenneth Testa: “This is one of the things I was pointing out. It’s hard to see but these studs on the side don’t go all the way to the base late. It’s a little hard to see on that photograph but it’s in the report where it’s a little more visible.”

Supervisor Walter: “Why don’t they go to the base plate Mr. Lafurno?”

Eugene Lafurno: “The base plate?”

Kenneth Testa: “It should be sitting on the plate.”

Eugene Lafurno: “The front one does. Its’ timber locked right into the LVL’s, the double LVL’s going.”

Supervisor Walter: “Timber locked, what is timber locked?”

Eugene Lafurno: “It’s these, the construction field came out with these better fasteners that actually, it has a hugh head on it and it goes right in with an impact tool. It impacts into the whole thing and every timber lock was dipped in PL before and a hole was predrilled, dipped in PL and then sunk so you’re not taking those out without snapping the heads off that’s impossible.”

(inaudible)

Councilman Gabrielsen: “Yeah but it’s not even touching.”

Eugene Lafurno: “What? It is touching. It’s fused to it.”

(Inaudible)

George Gabrielsen: “The engineer said, some of them are not even touching. You glued them against each other but it still has to sit there.”

Kenneth Testa: “Those boards in your opinion structurally connected to the center column maybe but that’s not.”

(Inaudible)

Eugene Lafurno: “Structurally connected to the center column and the left and right 2x8’s that that are sitting on the double LVL’s are L bracketed into that LVL.”

Supervisor Walter: “Mr. Testa is that to code right there?”

Kenneth Testa: “No, the building code

(inaudible)

Eugene Lafurno: “Thomas Reilly over builds beyond the code.

Councilman Wooten: “Just answer the question.”

Supervisor Walter: “He answered the question, it’s not built to code.”

Eugene Lafurno: “It exceeds the code.”

Supervisor Walter: “Good. Next question Sir. What’s your next question?”

Eugene Lafurno: “What? Ok let’s see the next picture.”

Councilman Wooten: (Inaudible)

Supervisor Walter: “Why is there a bed up there Sir?”

Eugene Lafurno: “Because that’s storage. There’s no place to put anything in my little house and that’s why I’m trying to make it bigger because there’s no room; it’s twelve hundred square feet. It’s the smallest house in the subdivision. I’m trying to make it look great and be functional and everyone has a problem with the truth of what happened. The architect, he was supposed to chime in. Robert Kozakiewicz buddy was supposed to chime in.”

Supervisor Walter: “Mr. Lafurno, please, what’s the next question??”

Councilman Wooten: “Just ask a question?”

Supervisor Walter: “Next question.”

Eugene Lafurno: “Huh?”

Supervisor Walter: “Are you done?”

Eugene Lafurno: “Well that’s a place to put somewhere cause there’s no place to put anything.”

Supervisor Walter: “Ok. What’s your next question? You answered my question what’s your next question?”

Eugene Lafurno: “Oh because he said that the house is filled with clutter. Because the house is basically the size of a closet and every time you clean it up you just move the stuff from one place in the closet to another place in the closet but it never gets any bigger ok? So that’s why I’m trying to make this happen.”

Supervisor Walter: “Ok, good. What’s your next question Sir?”

Eugene Lafurno: “Ok so what major concerns does he have about it?”

Supervisor Walter: “He gave you a lot of them so what’s? Do you have another question for him Sir or are you done with your testimony?”

Eugene Lafurno: “Ok so he said that there’s a way to bring this to code right? Is that right?”

Supervisor Walter: “If you tore it down and rebuilt it is what I’m thinking.”

Kenneth Testa: “What I said is an architect and engineer would have to be retained to do an analysis to see if there is a way to make it code compliant or if it needs to come down. Right now in my opinion it’s a safety hazard. It’s a risk of collapsing or blowing apart and landing on neighbors’ homes.”

Eugene Lafurno: “But you know it sustained hurricane Sandy and hurricane, what was the other hurricane before Sandy? It said it in the newspaper.”

(Inaudible)

Supervisor Walter: “You must have used a lot of PL is my guess.”

Kenneth Testa: “Part of the reason is that the walls are open on the very top section so the winds were able to blow through it. You close off that top piece, if it’s closed in.”

Eugene Lafurno: “No that top piece is coming off as soon as I get the architect’s drawing that I paid for.”

Supervisor Walter: “Mr. Lafurno are you done with questions?”

Eugene Lafurno: “No, no. What piece is he talking about? What piece do you want to remove?”

Supervisor Walter: “Let me have that pointer back so I can show him exactly. Give me the first picture of the house. This is going to be very east. Just go right to the picture of the house.”

Robert Kozakiewicz: “The picture of what exists today?”

Supervisor Walter: “That whole thing right there needs to come down, right there.”

Eugene Lafurno: “The white part too?”

Supervisor Walter: “This whole thing needs to come down. Is that correct Ken?”

Kenneth Testa: “Well yeah. Some of the deficiencies that I showed you are in that.”

Supervisor Walter: “Are there other deficiencies in this?”

Kenneth Testa: “Not that I could see, no.”

Supervisor Walter: “Ok so basically everything above.”

Eugene Lafurno: “So that everything that’s on the center support structure of the epiphany.”

Supervisor Walter: “Has to come down.”

Eugene Lafurno: “Has to be destroyed?”

Supervisor Walter: “Correct.”

Eugene Lafurno: “And I have to pay for it?”

Supervisor Walter: “Correct.”

Eugene Lafurno: “Ok. So everything in the center of the cupula has to be destroyed?”

Supervisor Walter: “Everything from this reverse, see this reverse gable here? Everything above this reverse gable has to come off.”

Eugene Lafurno: “Yeah, well.”

Supervisor Walter: “When can you have that done Sir?”

Eugene Lafurno: “I can’t touch it, it’s against the law.”

Supervisor Walter: “Ok so are you done with your testimony?”

Eugene Lafurno: “It says that nothing shall restrict the height of a cupula so how can I touch that structure?”

Supervisor Walter: “We can.”

Eugene Lafurno: “You can? Ok so you’re saying the Town Board can vote against its own code and not call it hypocritical.”

Supervisor Walter: “I’m saying it’s not constructed correctly. So this is what.”

Eugene Lafurno: “Ok so let’s do it right. So let’s get the engineer, let’s get Reilly, what? I asked for him to come, he wouldn’t come.”

(Inaudible)

Supervisor Walter: Mr. Lafurno this is what; because hurricane season is rapidly approaching.”

Eugene Lafurno: “Yeah and it survived the other two hurricanes. It’ll survive five hurricane seasons.”

Supervisor Walter: “Mr. Lafurno this is going to be taken down before hurricane season starts if it’s not constructed properly. So I think there might be one or two other people in the audience, although I’m not quite sure what they could add to this, but I will invite them up but this is what I’m going to do. I’m going to close the public hearing out today and I’m going to leave it open for written comment for ten days. What is today, the third? I’ll leave it open until the thirteenth, I’ll do one better. I’ll leave it open till the twentieth for you to provide a report of an engineer certifying that that entire structure is built to New York State Building Code. Should you not do that by the twentieth I would venture a guess and I can only speak for myself that the Board would vote to have this torn down and put the cost of it on your tax bill. I think that’s fair. You have until the twentieth. Mr. Lafurno you’re done with your questions, yes, no?”

Eugene Lafurno: “Do you recognize that structure as a cupula?”

Supervisor Walter: “It’s irrelevant what it is. You have to prove it’s build to New York State Building Code. It’s irrelevant what it is.”

Eugene Lafurno: “Well when I paid the Town for that permit it said permission to construct a cupula at 162 Founders Path; just like this person said can I have permission it to build this cupula, this cupula and this cupula ok. I did the same thing they did so why is everyone? So they don’t like the way the tarps look, fine. I’ll take the tarps off. I’ll put a flat roof above the white part so just he white ceiling is there, just the ceiling part is there and I will put the rubber roof, the EPDM up there and let’s call it a day until I get the rest of the plan from the architect that I paid thousands of dollars to finish this big house.”

Supervisor Walter: “Mr. Lafurno this could be what happens if and only if by the twentieth you get us an engineer’s sealed report, stamped report, that this part is built properly and supported properly by the rest of the house.”

Eugene Lafurno: “I have given all my money to those engineers and architects for their professional advice.”

Supervisor Walter: “Perfect, so.”

Eugene Lafurno: “And they took my money so that account is still open so.”

Supervisor Walter: “Ok, good. Get us a written report by the twentieth. There’s other people that might want to speak. Is there anybody that would like to address the Town Board just raise your hand? I don’t know what you’d add to this. Doesn’t look like it. Ok, Mr. Lafurno if there are no further questions I’m going to close the public hearing. Are there any further questions by you?”

Eugene Lafurno: “I would like to know why I was in prison for seven months?”

Supervisor Walter: “That’s not an issue before the Town Board.”

Eugene Lafurno: “And I didn’t do anything wrong.”

Supervisor Walter: “Not an issue before the Town Board. Are there any other questions about this? Are there any other questions?”

Eugene Lafurno: “I have another question. If the rest of this design is built around that center structure and only the cupola is sticking up above it would you have any equivocation to say that that is not a rock solid construction?”

Supervisor Walter: “As long as you submit a report on the twentieth that says from an engineer that that’s a rock solid New York State’s certified building, New York State Building Code compliance structure and yes Sir you’re a rock star and you can keep it. But you’ve got to get that report to us by the twentieth. If you don’t the Town Board will make decisions I daresay are going to mirror the decisions of the Supreme Court.”

Eugene Lafurno: “Could the Town put an engineer report presented by me onto my tax bill?”

Supervisor Walter: “No.”

Eugene Lafurno: “So you would put debt from destroying the epiphany on the tax bill but you wouldn’t put debt to support the epiphany; a homeowner’s epiphany, an individual’s epiphany on their tax bill. So you work to counteract free enterprise but you won’t work to support free enterprise.”

Supervisor Walter: “I don’t have the legal authority to hire an engineer for you Sir but I do have the legal authority to tear down unsafe structures and that’s what we’re here for. So, no other questions, yes, no? No other questions so I’m going to close out the public hearing. I’ll leave it open for written comments from everybody but especially Mr. Lafurno. You have until the 20th of March to submit an engineer’s report that shows that that’s New York State Building Code compliance and as you said, rock solid on the 20th.”

Eugene Lafurno: “How about what it needs to be New York State compliant and then the Town puts a lean on my tax bill to make it what his report says to perform? How about that?”

Supervisor Walter: “I only have the ability to take down unsafe structures. We only have the ability to take down unsafe structures. So I close the hearing, you have to the 20th Sir and I wish you the very best of luck, thank you.”

Eugene Lafurno: “Luck has nothing to do with this.”

**Public Hearing Closed at 3:49 p.m.
Left open for Written Comment until March 20, 2015 at 2:00 p.m.**

Supervisor Walter: “Does anybody else wish to address the Board on any other issue that may be before the Board unrelated to this? Not seeing anybody can I get a motion to adjourn?”

Councilman Wooten: “So moved.”

Supervisor Walter: “All in favor?”

Collective ayes. Meeting is adjourned.

Meeting Adjourned 3:50 p.m.