

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, June 19, 2018 at 7:00 p.m.

PRESENT

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 7:03 p.m. by Supervisor Jens Smith with the Pledge of Allegiance followed by an invocation given by Reverend Wright.

Councilwoman Kent made a motion to approve the minutes of the May 5, 2018 Town Board meeting. Motion was seconded by Councilman Wooten and carried.

REPORTS

- Town Clerk May monthly report - \$10,818.02
- Tax Receiver – total taxes collected to date as of June 6 - \$152,650,063.64
- Tax Receiver– total taxes collected to date as of June 14 - \$154,546,561.65
- Tax Receiver April Utility Collection report - \$318,577.55

CORRESPONDENCE

- 5 letters in response to the Q&E hearing for CAT (EPCAL property)
- 4 letters emailed from residents giving word of a signing of a petition entitled “Project Riverhead wit Covenants in EPCAL Contract”
- Northville Beach Civic Association – letter concerning the proposed Special Permit application and public hearing of URT

Supervisor Jens Smith announced that maintenance will be taking place on East Main Street, 25A at the grade crossing in Riverhead tonight, June 19th. The road will be closed from 9:00 p.m. to 6:00 a.m. Crossing protection will be provided by LIIR and Riverhead police. Also, beginning June 24rd the bathrooms at Reeves Beach, Wading River Beach, Iron Pier Beach and South Jamesport Beach will remain open until 7:00 p.m. They will remain open, seven days a week until Labor Day weekend. However the bathrooms will be closed if it’s a full day of rain.

PUBLIC HEARINGS

Supervisor Jens Smith: “The first public hearing is scheduled for 7:05 and it is now 7:07. The first one is the Consideration of a Local Law to Amend Chapter 251 of the Riverhead Town Code, entitled “Noise, Public Nuisances and Property Maintenance”, Article III: Rubbish, Refuse and Rank Vegetation (Bamboo) so if there is anyone who would like to come up and comment on that public resolution I ask that you come forward now.

Carol Isles: “Good evening everyone and thank you again for having this public hearing. My name is Carol Isles and I am the current President of the Long Island Nursery & Landscape Association. We’re a professional organization of horticulturalists and we strive to educate and increase the level of professionalism in our industry. The association is comprised largely of landscape contractors, landscape architects and designers, some landscape maintenance contractors and nursery growers. Of that portion of our membership largely are in Riverhead Town.

I spoke at the last hearing before we had the redraft and I appreciate some of the changes that you made especially as it refers to agricultural production and having that exempted we really appreciate that. One thing that wasn’t addressed and I know that Nora Catlin over at Cornell Cooperative Extension and I do have her comments here that I will submit with my own, that she strongly recommended that the clumping bamboo be exempt, that it should be taken off the regulations. You still have it defined and you still have it outlined as being part and parcel of the running bamboo. This sub family of bamboo is something that has been studied by the Basic Species Council of New York State level and had been covered in the invasive species law and clumping bamboo was never even on the radar as being invasive or in any way aggressive, does not cause harm to property or to the environment. It is something very distinctly different. Although it is in the bamboo family like I said it is in a sub family that is not invasive. It does have horticultural value however and that horticultural value does directly impact the nursery industry here in Riverhead Town and across Long Island.

As you know they can grow it and they can sell it. Certainly it has an advantage and I thank you for putting that in this redraft but it does not help with the perception. So, if the perception is that all bamboo is bad then that will carry forward and we just strongly recommend that you consider taking that clumping bamboo off this regulation, off the (inaudible) you proposed. The running bamboo that is banned, the two major species that are banned through the New York State Invasion Species Law and that has been in effect since 2015 and Ag & Markets diligently enforces that so we can honestly say that the offensive bamboo that you have been getting complaints about was planted well prior to that and I’m sure it’s probably decades old and the people whose property it resides on haven’t been maintaining it and haven’t been containing it. The clumping bamboo does not fall into that category, so I will leave” my comments and a letter from LINLA as well as Cornell University and there will be one coming from the State College of Farmingdale, the Department of Urban Horticulture.”

Supervisor Jens Smith: “Thank you. Is there anybody else who wants to address the Board on this issue?”

Jim Glover: “Hi, my name is Jim Glover, I’m a grower in Cutchogue of bamboo among many other things. This is (inaudible) robusta, probably the most common (inaudible) in the

nursery trade. This plant will get about ten feet tall at maturity. I have three on my own property that I've had for ten years. Ten feet tall, at the base, the clump and where this clump and amply so because the clump is about three and a half feet in diameter. So I bring that to your attention because I can think of many plants in the nursery trade, I think of forsythia as an example, much more aggressive spreading tendency. I don't think we're here to ban forsythia today. This plant is among several species of (inaudible). There are other (inaudible) mentioned in your definitions of clumping bamboo for all intent and purposes the genus of clumping bamboos that the nursery industry, the horticultural industry in general is using. Anyway, we've been growing these for many years, both in the ground and in our nursery and I'm just here to underscore what Carol said that clumping bamboos are a completely different animal, plant if you will and that they should be considered a benign horticultural product, one that should be treated no different than a rhododendron or an azalea as far as the need for any regulations are concerned. I would be happy to email anyone a picture I took of my ten foot tall (inaudible) and what they look like right now after ten years in the ground but I'll just say this, they're an amazing hedge. If you want a privacy screen plant (inaudible). Because they don't spread you don't have to worry about the invasiveness and they stay evergreen, ten foot tall. They are so desirable because they really are an affective landscape plant. We only grow small ones. There are nurseries that grown large specimens, I don't but maybe others here in the audience will be able to talk about that but my pitch is for removing this from the legislation."

Supervisor Jens Smith: "Can I ask you a question? For the clumping bamboo, does the spread have anything to do other clumping bamboos that spread further or is it based on the height. You know you said they grow ten feet tall and spread three and a half feet, is that true for all kinds of clumping bamboo or do they have a larger reach than that for some of them?"

Jim Glover: "No, there is a very strong distinction between the species that are labeled clumping. They're labeled that because of simply each year the diameter increase is measured in inches not feet and all the (inaudible) I'm aware are very much so clumping. I cannot speak to all the species you mentioned in your legislation but (inaudible) being the genus that the in nursery industry grow, these are truly clumping. Now when I say there is three and a half feet at the base that's where the stems emerge from the ground. Well actually they shape out from there and it will be broader than that up in the (inaudible), six to eight feet to ten feet high but they're truly a benign plant that really should be stricken from the legislation, thank you."

Rodney Anderson: "Rodney Anderson, I'm here for a couple of reasons. I have a small nursery. I grow pseudosasa. I grow large ones. Some of them I sold were probably five, six feet across taken out with giant tree spades but they were there for probably twenty years or more. I don't have any left, they keep asking me for them but I don't have any left, everything I have left is small. Asking about some of the questions you had about the plants and the different types this is in reference to that. Pseudosasa is the genus that is generally the only one hard enough to grow here. There are many others that are out there but as far as our climate goes you can't grow them. I get a little bit confused because I've actually been a member of the American Bamboo Society so. I've been to Florida, California, to all over involved in this so I see a lot of them that I know can't grow here. Some of them are massive, they grow hundreds of feet tall but of course we can't grow them here, they're tropical, subtropical. So the pseudosasa that he has, the top of my head I want to say there are six to eight species that are like that. Most of them are lower. I grow some

of them that will max out at three to four feet, that's in height, that's all they grow and like he says they open up like an ornamental grass. There are ornamental grasses that are grown that will grow faster and spread faster than a pseudosasa will. Also here is part of Long Island Farm Bureau, Farm Select Committee for the town involved with that. As you all know I was involved the last time this came up, put some input into that. I want to know if I can ask a question because it is my understanding that the Town Attorney rewrote the legislation. The legislation went to Codes Committee and Codes Committee basically went back to the old one with a couple of minor changes. Is that a committee that the public is allowed to be involved with when that discussion happens? How does that work?"

Supervisor Jens Smith: "I think at the last meeting there was a (inaudible) to reach out to Cornell Cooperative Extension for advice on the code and I believe that that's who the committee had met with and then we of course have the public hearing"

Rodney Glover: "Who would they have met with because I know I talked to Nora and Nora said that nobody talked to her and she's been the one who's been talking with us."

Catherine Kent: "Actually Nora looked over everything, you know the changes on it. She made suggestions and then I passed those along to the Code Revision Committee and passed along her information to the committee and we did take a lot of, we put a lot of time and effort into this. I never thought I would be such an expert on bamboo. We had them, you know, listening to what the community had to say. Living in Riverhead is a fine line because it's an agricultural community, so we're incline, you know to be careful about that so we will listen to what people are saying tonight and I'll bring that information back as well and even though we worked on this a long time we want to get it right."

Rodney Glover: "All right, because I have a letter from Nora, I have a copy for each of you. I talked to Nora as well and she had a different understanding as to how things went but I have a letter from her because she couldn't be here tonight, so I came to represent, I just wanted to highlight two statement that she made out of it. I've got copies for each of you and one of them is, the understanding, the need to find the way to address situations in which bamboo is encroaching onto neighbors' property. However, there seems to be little current regulatory need to ban the planting or replanting of running bamboos. And in another paragraph she has, there is no scientific evidence to support the need to ban the planting of clumping bamboos which is some of the topics I wanted to get into a little bit with.

For one, I completely agree with landowners' rights and I agree with every person that is going to stand up and say they have an issue with their neighbor not taking care of a plant that is on their land. I know legally they're allowed remediation. I know there are court cases going across the country where landowners have been supported. Somebody has planted bamboo and it ran across other people's property, it got remediated and the land owner who originally had the bamboo had to pay the bill. I know if you look it up there are a lot of court cases involved that so there is remediation. I agree with making a town code stating that. I have no issue with that but, I stated that at the last meeting and I also believe in containment. If someone has it they should have containment. I still go back to a few issues I do have. For one, if it's on a roadside I still question, I haven't had a chance to talk to Geo about it, the Highway Superintendent about how he would feel someone taking a piece of machinery and having to dig up alongside of a road, not just the

roadway but utilities and everything else because they need to put in some kind of barrier because how I read this legislation if it's by a road you're responsible for it and you have to block it off to that road. That would mean someone would have to dig that up and some of these places that bamboo around are on hillsides which makes a whole other situation for someone to have to go in and dig things up. Like I said I haven't had a chance to talk to Geo to see how he would feel about that whole thing. I know the notes that I made last time said they should be responsible to maintain it and I agree with that. They need to cut it, prune it, whatever they need to do to maintain it but for the remediation going in, digging everything up, I really have to question that.

I know a lot of this goes back to miss information, hysteria about bamboo. People hear the word bamboo and they just go crazy. You know they think the worse of the worse when the state already banned the worse of the worse and that's already been taken care of because they know that it's an issue and meanwhile like I said last time, there are bamboos that literally grow three to four inches high and they are technically considered running bamboos. I've been to places where they have it as a lawn. Instead of planting grass they grow bamboo. They like the bamboo they grow, they don't have to mow it, maintain it. They don't have to do anything to it. It's just one of those oddities. It's not something I would do, I don't have an interest in but it's the idea that horticulturally there are a lot of things they're taking away from being allowed to be used for landscape, the landscape design or even a collector like myself with no real scientific need to do it. Again, I understand the homeowners that have an issue. I believe we should support them and they have the right to that. I have no question to that whatsoever.

The other part of this I didn't quite get is it says you're allowed to grow by and sell it but you can't plant it. So, as a grower I sell it to someone, they're going to buy a product that they can't plant. That's how I read it. Is that what it says?"

Robert Kozakiewicz: "You can have it as a house plant and you can have it as some kind of decorative but you can't plant it (inaudible). You can still buy it but it, but you will not be able to plant it in your garden both running and clumping. I'm look at some of the other towns that have had this discussion. Babylon is the one that bans bamboo without distinguishing between running and clumping. Brookhaven I see they banned running and they have a (inaudible) all bamboo must be confined whether it be running, clumping or otherwise. (Inaudible)

Rodney Anderson: "The best part of Nora's notes is the question why there would be a necessity to ban something that spreads, clumping bamboo that doesn't spread?"

Robert Kozakiewicz: "I'm looking at some of the towns and they say they have a duty to confine clumping as well."

Rodney Anderson: "I understand that I just and I ask (inaudible) science."

Robert Kozakiewicz: "Clumping bamboo there was an obligation to confine."

Rodney Anderson: "I would just out of the fact that it wouldn't make any sense. That's like the gentleman said like with forsythia saying you would need to put a barrier around forsythia because forsythia spreads so it doesn't make sense to say you need to put a barrier around a forsythia plant or ornamental grass. Again, I'm just looking at it from a science and common sense prospective. I don't understand that. So, I would have to say yes, I would be against the idea of

confining clumping bamboo that doesn't go anywhere. Confining a running bamboo, no problem, understood. Again (inaudible) people's property rights and things I know that the notes I gave last time made the same comments especially if your anywhere nears a property line it would be mandatory to put in some type of barrier. So, if you're planting it somewhere it would become mandatory to put in a barrier within a certain footage."

Supervisor Jens Smith: "I think part of the issue with the bamboo especially with the running bamboo is the difficulty in if it invades your property from somebody else property and the difficulty in removing it and keeping it at bay. I think that's why so places have addressed the bamboo because if the running bamboo goes from one property to the next, the difficulty in removing it is so great as opposed to some of the other plants."

Rodney Anderson: "Right and that's why you would make it financially burdensome on the person planting the bamboo, they would have to deal with the remediation."

Supervisor Jens Smith: "Right."

Rodney Anderson: "Like I said there are court cases about that that follow through because of that same reason so that becomes the whole thing. I mean I kind of look at it as, if you made a joke about an animal but it's like a dog. If you had a dog and the dog keeps on running on the other person's property, you're responsible for that dog and you have to do something to fix that situation. You're financially responsible for any damage that he does and everything else, but it doesn't mean the town would ban dogs. I look at it from that sense."

Supervisor Jens Smith: "Well I think that's why we're having the public hearing. I think that this is an issue with a lot of facets to it so I think that that's exactly why we're having the public hearing, so we can get the comments from everybody involved before the town would make a decision on it. So, we appreciate that."

Rodney Anderson: "I appreciate the fact that you guys looked at it again and like I said I just ask you take science into the whole thing. I have copies of Nora's notes for each of you."

Supervisor Jens Smith: "And I'll have Diane take them this way they go into the public record."

Councilwoman Kent: "And Rodney I just want to say we appreciate you guys coming and giving us feedback on it. We're happy to have it and I will take your feedback back to the group and we'll take another look at it. As I said we want to get it right."

Rodney Anderson: "We appreciate that very much."

Supervisor Jens Smith: "Is there anybody else who wants to address this topic?"

Adrian Hark: "How are you doing? Adrian Hark and I live in Wading River. I'm not a horticultural or any business like that. I don't know anything about bamboo. All I can tell you is due to the age of my house it's situated about six feet from the property line. My neighbor planted

it on their side a decade ago and now annually I have to go into my front yard and dig up the rhizomes, the roots from the plants that spread over the property line. I have to dig it up every year and make sure it's not going to go underneath my porch, invade my fieldstone foundation to the house and cause me even more money than it's going to cost me to dig up whatever I've got going on.

As far as suing somebody to recoup the cost, I'm not going to sue somebody over the couple of hundred bucks every year I've got to do it because that would just be silly, not doing it but what I need is an ordinance that like this one that spells out what you can and cannot do with proper fines to the person that is unwilling even though I've asked multiple times for them to abate if you want to call it that or just have the proper responsibility of their property and taking responsibility for something they did that's now causing me to do a task every year, it's ridiculous.

The problems I have with the law, you've written down that a barrier necessary for abatement needs to be sufficient in depth. What does that mean? I can tell you right now that some people say it's three feet deep. I never had to dig three feet deep, it's usually about eight inches is what I have been doing and I haven't found anything lower than that but if I have to go three feet deep that's a whole lot more cost than an eight-inch trench. What is an impervious barrier? Is it plastic? Is it some kind of landscaping cloth that's going to break down over time? Do I have to put a concrete, you know, wall sunken in the ground? What do you mean and then what, is there a limit to the cost I will be able to recoup from my neighbor in the event that I do that?"

Councilman Wooten: "It's your neighbor who has to do the remediation, not you."

Adrian Hark: "I mean how am I going to force her to do? I thought I was going to recoup the cost of what I would have to pay on my side. I would have to lay it out and then how would I get the?"

Councilman Wooten: "If this goes through the way it's going to go through, the property owner who has the invasive plant is the one who has to remediate the encroaching plants."

Rodney Hark: "So how do I get her to do that?"

Councilman Wooten: "The law would have to look into it."

Rodney Hark: "Or I would just call the town and an inspector is going to come in and."

Councilman Wooten: (Inaudible), absolutely.

Rodney Hark: "Ok, that's a yes, fine. That's fair enough. That doesn't stop the fact that if she just choses to pay the fine then I still have to do the task."

Councilman Wooten: "Well I don't know how far we'll take it. If we have to go in and remediate (inaudible) the bottom line is it has to be remediated and abated if we go in and we do it and charge it on her tax bill whatever."

Councilwoman Giglio: "That was one of the biggest hurdles in this legislation to begin with was it really is a civil action between two neighbors and the Town Attorney was very

concerned about the town going (inaudible) against civil matters but I think it's important and that's why I pursued it and I'm thanking Catherine for her help and being so diligent on it but it's important. You know you can't. We've heard, I think your wife came to the last public hearing."

Adrian Hark: "Yes, she was here."

Councilwoman Giglio: "So, it's a lot of good information. I think that the clumping is not as invasive as the running then that's something we need to consider also another property owner not maintaining their property properly."

Adrian Hark: "thank you."

Supervisor Jens Smith: "Thank you. Is there anybody else who would like to address this public hearing? Seeing nobody I'm going to close the public comment and leave it open for written comment until June 29th."

**Public Hearing Closed at 7:34 p.m.
Left Open for Written Comment until June 29, 2018, 4:30 p.m.**

Supervisor Jens Smith: "At this time I'll open our second public hearing. It was supposed to begin at 7:10 and it is 7:35 and this is a Consideration for a Special Permit Petition from North House Vineyards, Inc. To Establish a Bistro Use at 1216 Main Road, Jamesport, NY (SCTM #0600-68-1-12.1). Is there anybody who would like to come up and address this matter? Seeing no one I will close the public comment and leave it open for written comment until June 29th."

**Public Hearing Closed at 7:35 p.m.
Left Open for Written Comment until June 29, 2018, 4:30 p.m.**

Supervisor Jens Smith: "At this time I'll call for our third public hearing which was supposed to begin at 7:15. It is now 7:35. The public hearing to Consider a Lease Agreement with Bigbelly Smart City Solutions/Bigbelly Solar, Inc. for Telebelly Equipment (Smart Waste Compactor plus Cabinet for Radio equipment and Integrated 20' Antenna) at Jamesport Beach and Iron Pier Beach. Is there anybody who would like to come up and address this matter? Is there a representative from Bigbelly?"

Councilwoman Giglio: "Yes, there's three of them are here."

Supervisor Jens Smith: "Would you like to come up and speak at all at the public comment section? It's up to you."

(Inaudible)

Supervisor Jens Smith: "We did have a work session on this. Is there anybody who would?"

Councilman Hubbard: "I'm familiar with it."

Councilwoman Giglio: "I just want to say I'm very thankful to Bigbelly and Telebelly for reaching out to the Town of Riverhead. This is a pilot program and Riverhead is one of the first towns in Long Island that is actually going to be getting one of these telebellys which is a telephone wire, a Bigbelly solar trash compacters that will take the trash, it will compact the trash. It has a mechanism inside of it that will let Buildings and Grounds know when the garbage can is starting to get full so they don't have to go to the beaches every day and empty the garbage cans. They'll get an indication on their call phone saying the garbage can is getting full. So, it's going to pack the garbage. It's going to save time as far as our Buildings and Grounds crew. Hopefully it's going to keep our beaches clean because we're going to be getting several of them at the Jamesport Beach and we'll give it a trial run and we'll see what happens. We also have a lot of problems with telephone communication at the beaches, the signal just isn't strong so Bigbelly has partnered with Verizon to put the Telebelly which has a twenty foot tall from the ground to the top antenna that has a flag that you can see what surf conditions are from the flag of the day so you can kind of utilize it to also as an advisory to the people who are going to the beach. It will also provide telephone signal which is a big safety concern that a lot of people have at the beaches, at least people that I speak to who go to the beaches that say they can't get out on their cell phone if there is an emergency. So, it will help with that also and we're going to give it a shot and we want to thank you for bringing it to Riverhead. I've gotten several calls from several other municipalities that are interested and I'm sure you've gotten those calls too but we said Riverhead's first, so thank you."

Angela DeVito: "Angela DeVito, South Jamesport. South Jamesport Beach, you mean the one at East Creek?"

Supervisor Jens Smith: "Yes."

Angela DeVito: "Ok, thank you."

Supervisor Jens Smith: "Did anyone else want to come up and speak on this? Seeing nobody else I will close this hearing and leave it open for public comment. No actually if it's ok with the Board, is it ok to just close the hearing and not having anyone from the public comment so that we can vote on this resolution tonight because?"

(Inaudible)

Supervisor Jens Smith: "All right, I'm going to close this public hearing and that will be it."

Public Hearing Closed at 7:35 p.m.

Supervisor Jens Smith: "Now I will open the fourth public hearing of the evening that was supposed to begin at 7:20 and it is now 7:38 and it is for the Consideration of a Special Permit

Petition from United Riverhead Terminal, Inc. (URT) to Construct a New 28'X45' Pad with Six (6) Biofuel Tans at 212 Sound Shore Road, Riverhead, NY (SCTM #0600-7-1-2). Is there anybody from the public who would like to come up and address us. Is there somebody here from United Riverhead Terminal that wants to come up and present for the Special Permit first?"

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

Vic Prusinowski: "I do."

Robert Kozakiewicz: "Thank you."

Vic Prusinowski: "My name is Vic Prusinowski, 533 Elton Street, Riverhead, NY. I'm the consultant for United Riverhead Terminal. We're here tonight for our Special Permit to construct biofuel tanks that comply with the new state law to add five percent biofuel to home heating oil and also to provide biodiesel fuel for vehicles for customers. I have to present to the Town Clerk an affidavit of posting the property with a signed notice sending out certified mail as required by law. I also have for the Northville Civic Association a letter that was forwarded to us by the Supervisor, Laura Jens Smith, with some questions concerning our application and our Special Permit hearing tonight and I want to present because some of these corrections to our application which were noted by the Association's review So I'm going to give the Clerk copies for the Town Board, copy for the Association and there are some minor changes which I'm preparing and I will resubmit the corrections to the Planning Department for the staff as part of their review. There not changing the scope of this project or anything else it's just some questions that we did not answer. I also have one here for the Association President. So now I would like to turn the microphone over to Mr. Nelson Happy, our Vice President for (inaudible) United Riverhead Terminal who will give you a brief outline of the application and we're going to be available tonight to any and all questions from the public and the Town Board."

Supervisor Jens Smith: "Thank you."

Nelson Happy: "Good evening my name is Nelson Happy and I am the Vice President of the United Riverhead Terminal and."

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

Nelson Happy: "I do. I received this afternoon a copy of the letter from the Northville Civic Association and I prepared a response to them and I don't think there's really too many controversial issues if any but I might just take a minute to read the letter. It's not long and I think it covers most of the issues."

The reason for the one hundred and eight-thousand-gallon capacity of the biodiesel tanks is that in order to meet the heating oil need of our market we estimate blending about three point five million gallons of biodiesel per year into heating oil. In 2017 we had sales of forty point two million gallons of heating oil, which is almost double what can be handled at our Calverton Terminal.

In summer months people want to use higher blends of biodiesel, so we need the ability to custom blend different percentages of biodiesel at the truck rack. The volume of heating oil and diesel sales from Riverhead does not depend on whether or not it is blended with biodiesel. The volume of sales and of truck traffic from the terminal depends on market conditions.

With regard to mixing biofuel with other products, the biodiesel will primarily be blended with heating oil to make bioheat, but it may also be blended with ultra-low sulfur diesel, which is called ULSD, to produce biodiesel blends for motor fuel use. Biodiesel cannot be blended with gasoline.

As to the six biofuel tanks, as stated at the work session, we consent to a covenant as part of this approval, that these tanks will only be used for biofuel additives for heating oil and diesel biofuel.

As to the questions about the application, we respond and correct our answer as follows:

A#16: We responded that Long Island Sound is one thousand feet to the north. Our correction is that Long Island Sound is over one thousand acres in size.

B#12: Our response should have been no.

Supervisor Jens Smith: “The response to twelve is there surface liquid waste disposal involved?”

Nelson Happy: “There is none.”

Supervisor Jens Smith: “Ok.”

Happy Nelson: Continues:

C#6: We answered Yes. The correct answer is No.

C#7: We did not answer. The correct answer is RA80 Residential Use.

C#8: We answered Yes. The correct answer is No.

With regard to the Full Environmental Assessment Form:

Section B: Government Approval:

(C) Riverhead Building Department to obtain a building and fire construction permit. Clarifying DEC Approval.

(G) Although our entire operation is subject to DEC regulation and approval, the DEC does not regulate biofuel.

(I) URT is within a Coastal Area.

Section C, 4 d: Should add Suffolk County North Fork Preserve.

Hopefully, this answers all of the questions raised. Please let me know if there are any other questions or comments.

I might say that the nexus I thought of the letter, really had to do with gasoline project which we at one time proposed and then proposed again really has nothing to do with the biodiesel project so hopefully that issue isn't going to slow down this process which is a completely different issue. Can I answer any questions?"

Supervisor Jens Smith: "I think this is the public portion of it so we'll invite you to go up. Does anyone else from the Board now have a question?"

Councilwoman Giglio: "You had indicated that this was a state mandate but you (inaudible) biodiesel into the fuel so why isn't that in your letter? Just out of curiosity?"

Happy Nelson: "Actually it is in the application and earlier we submitted the actually statute that requires it, but I was just responding to the issues that were raised in the letter from the Civic Association."

Councilwoman Giglio: "Ok. I'm just curious. So the state says we want you to do this and we're mandating you have to do it by, you have a year to do it. So what happens if you don't get approval from the Town Board, what do you do then?"

Nelson Happy: "Well, I think we'd have to probably abandon selling home heating oil since it's mandated that five percent of it include biofuels. I don't know. I think we'd have to go back and check but you can buy pre-blended biofuel but that is generally not economic. It wouldn't probably make sense by a business standpoint."

Councilwoman Giglio: "I was just curious, thank you."

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

Linda Prizer: "Yes I do. Good evening Madame Supervisor, Town Council members. My name is Linda Prizer, President of the Northville Beach Civic Association. Before I begin I would just like to give a very brief history. Before there was zoning both the town and the residents fought against the construction of these oil tanks in Northville Beach. Our predecessors were promised, there was a strict promise by the town that there would be no expansion of this nonconforming use if we consented to it. Unfortunately, now if you heard Mr. Happy, he's now discussing possible diesel and he's not ruling out gasoline use in the future. I think the problem here is that once there's a foot in the door that door is going to be pushed way open. We're not asking at this point to deny the request for the project, only not to vote on it yet until all of the questions are answered and I have many more questions unfortunately after a really, really in-depth review of the permit.

In the meantime there is mixing to take place in Calverton, this is the summertime, we don't have a high demand for heating oil and there very well may be some more truck traffic, but we'll live with that in the meantime. It's not our fault that (inaudible) stalled knowing that this law was taking effect and we shouldn't be the ones punished for it. For example, we not only need to know all of the storage capacity at the oil tanks, we need to know what the monthly sales. What's the highest amount that is sold in the wintertime or anytime and why do they need to have the

storage capability to mix every single gallon of oil in that oil farm. Why can't it just be what they need at the highest month of sales?

I respectfully remind the council that when we fought against the gasoline storage they were only asking for two nineteen thousand, five hundred-gallon tanks. Now they're asking for storage capacity of a hundred, eight thousand-gallon tanks and we are very fearful that this will degrade into storage for gasoline biofuel mixing.

The additional questions that I have here with regard to **(b)** the government approvals **(i)** this is part of the New York State Coastal Boundary's (inaudible). It's answered no that it's not in a coastal area. Under **(c)** Planning and Zoning **C2B** also said no but this is part of Long Island Sound Coastal Management Plan so the answer should have been yes and that should have been identified. "

Supervisor Jens Smith: "I'm sorry that was **C2B** and what was the other one?"

Linda Prizer: "The other one was **C2B** and I have to go back to, that was **B little I**."

Supervisor Jens Smith: "Ok."

Linda Prizer: "Under the project details, **D1B-C** there is no total acreage filled in. Also, under **D1** little h, there's a question here. Are they creating a recharge site, recharge basin or is this incorrect? It is very confusing and they're not sure if there's a recharge basin or what is going to be happening. Its just filled in storm water and concrete under **DI** so what exactly are they saying?"

Now under **D2** Project Operation under **A** is there going to be an excavation and if so how much and what is going to be done with the material from the excavation because this is not a level grade.

Under **D2C**, it says will the proposed action use or create a new demand for water? This should be yes because the questions that are following are answered as if it was yes so again this is very confusing. The same thing for **D**, if answered no then the following questions are answered as if it should have been yes. The skipping over to **M**, again this should have been yes and **O** this also probably should have been answered yes and **P** why is this left blank? And then **E** the site and."

Supervisor Jens Smith: "**E**, letter **E**?"

Linda Prizer: "Letter **E**, yes. **E1** under **B** is there going to be landscaping or vegetation removed? That's not answered. Then extremely pertinent on this under **E1H**. If you look at the DEC lists there are over twenty spills since 1985, the most recent spill being in 2017 and they're saying there's no data base? This is a public data base. Anybody can go on it and find these problems. We want to know what is being done to correct this and in the future, we may have a real problem with the biofuel. If there are spills what's going to happen if it goes into the Sound? Also, under **F2**, **little f** needs answers. It's asking for the appropriate in approximate proportion of proposed site with slopes. Nothing is filled in there and then under **E2Q**."

Supervisor Jen Smith: "**E2** or **F2**?"

Linda Prizer: “I’m sorry **F2Q** that should be yes with a description because the adjoining area is currently used for hunting and fishing and they say no. Ok, and then finally **E2H** we have to put in about the North Fork Preserve which I believe was addressed. So we do have these questions and we would ask again that nothing be determined tonight and nothing be determined until all these questions are answered. Thank you.”

Kathy McGraw: “Good evening Supervisor Jens Smith and members of the Board. My name is Kathy.”

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

Kathy McGraw: “I do.”

Robert Kozakiewicz: “thank you.”

Kathy McGraw: “My name is Kathy McGraw and I’m the Vice President of the Northville Beach Civic Association. First of all let me thank you for convening this public hearing. It’s very important for people who live in the area of the URT. Let me start by saying I’ve had the amazing good fortune of enjoying Northville Beach for a number of years as a child before the oil terminal was built upon its shores. Needless to say, I wish it never had ever been built but over the last sixty-three years we have for the most part lived fairly compatibly with the facility. We had a few spills. We’ve had some issues, but the trouble really started when Mr. Catsimatidis’ bought the facility.

You’re well aware of the application four years ago for a Special Permit and it was ultimately withdrawn. I have stated in a couple of emails to you that for us the line in the sand is gasoline at that facility and we’re not unreasonable people. The state law mandating five percent biofuel additive to heating oil seems like a valid justification to add biofuel fuel storage tanks but only of a capacity needed for the output of oil. Heating oil at the racks at the facility.

You just heard Mr. Happy say something that is not on the permit application. We are completely blindsided by it tonight. Mainly that those tanks will also be used for biodiesel fuel for customers. That has nothing to do with the five percent additive to heating oil, absolutely nothing and this is another example of how this facility is not straight up with the town or with the people living around it.

The hundred and eight-thousand-gallon capacity was mentioned of the six tanks and doing the math that would be at any given time enough biodiesel fuel if you’re only using it as a five percent additive to add to two million one hundred sixty thousand gallons of oil. Now we would like to know over the past year, over the past two years, how much heating oil goes out of that facility? Do they really need a hundred and eight thousand gallons for the biodiesel fuel to add to the home heating oil? I don’t know the numbers because I don’t have the answers and Mr. Happy didn’t give them to us tonight. It seems like the size is due to this additional use of selling biodiesel fuel to customers totally unrelated to state law. We also fear that these six tanks will be used by URT as a toe in the door particularly since URT’s attorney, Mr. Happy in a gathering after the May 31st work session told us aggressively, repeatedly and in no uncertain terms that gasoline is coming and will be stored and distributed at URT. Thus we have good reason for our fears and to allay those fears it’s essential that if you should grant this permit even though we didn’t have the

straight story when it was applied for, but if it were to be granted with the conditions tying the use of the new tanks and the contents of the new tanks solely to the State law mandating five percent biofuel additive to the heating oil would be necessary because that's what that permit started out as.

Turning to the environmental issues, I understand this is an unlisted action. Is that correct? Is that how the town is handling this? Can somebody tell me that?"

Supervisor Jens Smith: "Yes, an unlisted act."

Kathy McGraw: "Unlisted action. So I understand that as an unlisted action and I have reviewed URT's environmental assessment form. I have a few questions. The town has to get with all the other agencies who could have an interest in this and notify them of the action and make a determination of who's going to be the lead. Has that happened yet?"

Supervisor Jens Smith: "Jeff do you want to come up and explain some of this?"

(Inaudible)

Kathy McGraw: "We would like to know if that's happened yet and whether the town will in fact be the lead agency and if so has anyone in the town done a written assessment of URT's environmental assessment form? Because I know the last time they applied for a special permit such a written assessment was done by someone in the town and has the town completed parts two and three of the SEQRA and if so has the town determined if an environmental impact statement will be required from URT. I also note that on the EAM, the environment assessment form, URT said it did not need an air facility pump for this project and I have a question about that. I spoke to someone at the DEC. My question is it because these six tanks which will contain biofuel don't require such an air facility permit or is it because URT is relying on the air facility permit it got on June 11, 2014 to install equipment to store and dispense gasoline? So the question is, do they need a permit, they answered no. I don't know whether that means they don't need one or they're relying on the old one.

I also note that URT says in its project information concerning approvals that it needs EC approval but tonight we heard it doesn't. It said that it needs DEC biofuel approval. Tonight they say they don't need that. It's really hard to get ahold of the situation when the target keeps moving and the facts keep changing.

To sum up, we understand the need to comply with state law. We ask that any permit that is approved has all the questions answered that we have raised tonight and that ironclad conditions would have to be placed on that permit linking the contents of those tanks for use as a five percent additive in accordance with state law for no other purpose. And let me just say with our dealings four years ago, we have serious trust issues with Mr. Catsimatidi's and that's why you see so many people here who live in that residential area. Thank you very much for your time."

Supervisor Jens Smith: "Jeff, you want to just come up and explain the process for the unlisted and how the SEQRA process works and lead agency and just discuss what the Board goes through. It may clear some things up."

Jefferson Murphree: “Good evening, for the record Jefferson Murphree. The, pertaining to SEQR, the proposed application is an unlisted action which means that (inaudible) review is optional and not required. Staff has recommended that the town (inaudible) review and you have started that process. That requires a minimum thirty-day review and correspondence to the other involved agencies. I don’t know where we are within that thirty days but that has begun. Town has not established lead agency yet that would require an action by the Board with a resolution. We’re not at that stage yet. Has the town completed parts two and three of the environment forms yet? I would have to check with our Environment Planner, Jeffrey Seeman and the last question was, are we recommending (inaudible)? At this point we’re not making a recommendation until we get to that stage of the process and the town assuming it does will assume lead agency in which case we will review it again and make a recommendation to you.

Supervisor Jens Smith: “Ok, thank you.”

Jefferson Murphree: “Sure.”

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

John Cullen: “I do. Good evening. John Cullen, Northville Civic Beach Association. I was going to present you all a picture of the facility here where I goggled mapped the distances between the project that they want to make and to their calculations. They did admit today that they’re talking about a thousand acres verses a thousand feet from the project to the water. I was going to let you know that right here on goggle map it comes out to about six hundred twenty-five feet, the project for being to the water. To the (inaudible) I had it at four hundred and twenty-five hundred feet.

I also would just like to read this comment please and that is, there’s been discussion of placing written limitations on any special permit the town may grant United Riverhead Terminal specifically that these six new tanks be used solely for the purpose of storing biofuels to enable URT to comply with the state law mandating the addition of five percent biofuel to heating oil. They can be used for nothing else. Ethanol may never be stored in these tanks nor may any other substance that can be used or may be developed in future to be used as required additive to the gasoline. Further should the state law ever be rescinded the tanks would have to be dismantled. We ask that these limitations be in writing as a part of the permit and that our Civic be allowed to see these written conditions before any permit is approved by the Board. We would also ask that a mechanism for assuring compliance with these conditions be included in the written conditions, for example annual inspections.

I also made a phone call to their competitor and their competitor put in their bio tanks over eight and a half years ago. So they’re waiting for the last little itty, bitty second to go. They’re due to start July 1st which is right around the corner as far this state mandatory releasing heating oil to people’s homes. Obviously they have their other facility in Calverton and they’ll be using that much more but I just want to let you know other facilities have started this over eight and a half years ago and we’re getting crapped on in the last moment, thank you.”

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

Taquay Turchin: I do. Good evening Council and Supervisor. My name is Taquay Turchin. I'm from Riverhead. I'm representing the Greater Calverton Civic Association tonight as its secretary in full support of Northville Beach Civic Association President Linda Prizer and Vice President Kathy McGraw in their thoughtful, vigilant, well researched and reasonable position, thank you."

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

Phil Barbato: "I do. Phil Barbato, Riverhead Neighborhood Preservation Coalition. First, I would like to address the point of whether this is a changing use or special permit application. As far as I'm concerned even if the federal law or a state law requires that this mix to be put into a home heating oil it doesn't say it has to be done at this terminal, it could be mixed anywhere else and stored there. So the fact that their owner wants to put in tanks so it can be mixed at this terminal is a change in use. It's not an expansion, it's not a special permit, it is a change in use. That facility was allowed to stay there as a home heating oil storage and distribution facility, not as a mixing facility, not as containing biofuel. So, I think we're on the wrong page here. I think this is not a special permit, this is a change in use and needs to go back to the Zoning Board of Appeals where it belongs and there are very strict requirements for changing use as you know, especially for a nonconforming use.

As far as the environmental review, I think that was covered very well by Ms. McGraw. It's just that I think we need to carefully consider offloading at an offshore barge or ship platform and the storage and mixing in a residential zone the transport of large quantities of hazard materials which biofuels are and the use of local roadways not designed for large, heavy transport, the need for coordination with emergency response agencies and these are each an impact that could trigger untold environmental impact statement to be prepared by the applicant instead of just going with the EAF.

This application contains all of these impacts. Therefore, this resolution should be rescinded and an environmental impact statement should be required and prepared by the applicant prior to any further determination on environmental significance by the Town Board. This is not a nonsignificant action and as an example, in the town's code Section 108-133.3A, requires the applicant to demonstrate that the proposed specially permitted use quote "will be in harmony with the appropriate and orderly development of the district in which it is located." This has not been done and it cannot be done.

Secondly, the town's code, Section 108-133.3C requires the applicant to demonstrate that the proposed specially permitted use will not be more objectionable to nearby properties than would be the operation of any permitted use not requiring a special permit. This has not and cannot be done.

Finally, the use of a New York State bulk storage permit or (inaudible) permit or whatever the DEC is going to give us for this proposed construction activity does not preempt the town's code or the town responsibility to ensure the safety of its residents and the protection of its environment. So, whatever the DEC does doesn't preempt us from doing the proper thing.

It's more clear now that the real impetus for this application is that the URT owner has a desire to position the terminal as a regional supply location. They're own website still claims its status says quote, "the only deep-water loading/unloading platform in the US east coast that is

capable of handling DLCC tankers carrying crude, gasoline, diesel and heavy fuel”. That’s on their website, that’s what they want to do, hello.

We urge you to review this application in more detail and resist the impulse to rush to approval. It’s clear to our organization that the impacts of these proposed changes to the current nonconforming use are not in conformance with town code and if allowed will produce a number of negative safety and environmental impacts on the surrounding neighborhood and on the town in general. We don’t want or deserve nonresidential and nonagricultural industrial and commercial activities in zones where they don’t belong and which would endanger the safety or diminish the quality of life and the property values of our neighborhoods.

The overall objective of town government with respect to nonconforming use is to gradually and eventually discontinue them rather than to expand them and make them more of a hazard to this surrounding community and I urge you to do just that.’

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

Tom Hughes: “I do.”

Robert Kozakiewicz: “Thank you.”

Tom Hughes: “Good evening, my name is Tom Hughes. I’m a resident of North Walk, South Shore Road in Riverhead about three quarters of a mile from URT. I want to thank you first for the unanimous vote to have this public hearing and remember at the work session back in the spring Mr. Happy, sitting there at that table said “we didn’t need a public hearing.” He was revealingly frank on that occasion because he said that back in 2014 when they were up here the last time, there were many ignorant comments made at the public hearing. Really, you were there Mr. Wooten, you were there Ms. Giglio. The Board flipped that night and supported the neighborhood. So in effect he was referring to you as having listened to ignorant arguments which I thought was an insult and that’s why so many ignorant people are here tonight.

Mr. Catsimatidis’ is not going to give up. Now he’s back though, he’s posing as a portly, (inaudible) with his biofuels. Doesn’t that sound good, biofuel, it’s a state law. We have to do it he says but who profits here? One headline, I’ll just quote from one; Catsimatidi trying to slip pricey biofuel’s mandate into state budget. It may shock you that money gets things done in Albany but now he makes himself the biofuel, he mixes the biofuel, now he sells it to the local oil dealers and home heating bills on Long Island will only continue to rise. He’s in this for the long battle and so are we. Whether that clock that’s ticking is twenty nineteen or twenty-twenty or twenty twenty-one, if you approve this mixing plan he will be back or Mr. Happy or another highly trained advocate. They will say well, we’ve been mixing up there for years, we’ve had no problems. We’re just going to convert some of it over to ethanol. We already have the permit; no public hearing is necessary.

Mr. Catsimatidi sees that platform, wait a minute what am I saying, he doesn’t see it, he lives in Quogue. There are no platforms off his home, but he envisions Riverhead, if he thinks of it at all, as his gasoline mecca that he will have. John Catsimatidi and his advocates have zero respect for the beauty of our town, the safety of our roads and the respect due to you, the elected officials. He cannot be trusted. We do not trust him, our trust is in you, thank you.”

Supervisor Jens Smith: “Thank you.”

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

William Charles Von Helmond: “I do. Good evening Town Board Supervisor and all elected officials. My name is William Charles Von Helmond and I’m the current President of the Greater Jamesport Civic Association and I’m here to support our fellow civic group in Northville and I’m kind of new on this, so I’ve been paying attention to a lot of things that have been said and things that I’ve heard, you know, kind of strike me in different ways.

The one point I want to bring up here is that all of us have a need for URT to be here, it’s a business that does stuff in the town whether you’re on one side or another it’s an entity that’s been here for a long time and you know, if you don’t have natural gas you’re using oil obviously to heat your homes. But, I heard a lot from them saying the term “they need” and that’s a right that they have to have their own needs. So, as a resident in the area and a member of the civic group, what about the resident’s needs, our needs, all right and where do you draw the fine line to make them work. OK? It’s an unfortunate situation in that there is a state mandate that URT now has to utilize this five percent biofuel. It might actually even change their business model. As a businessman that I am, sometimes there are things that are mandated on you that really changes your outlook for your modeling of your own business.

That being said, I’d like to read a section from this town law manual that I have on page 157, Subsection 7-19, Nonconforming Uses and it says *sometime properties will be used in certain ways and zoning laws will be adopted that prohibits that use of that property*. In other words, properties no longer conform to the local zoning codes and thus referred to as nonconforming uses. Landowners have the vested right to continue to use their property in that way and I believe they are, *and thus the nonconforming use may continue however, it may not be expanded. Additionally, one nonconforming use may not be replaced by another nonconforming use. In certain circumstances towns may terminate a nonconforming use through ammonization. Ammonization period refers to a designation period of time granted the owners of nonconforming uses during which they may phase out their operation as they see fit and make other arrangements. The validity of the ammonization period depends upon its reasonableness* and I think this application is very unreasonable. It comes to a point that viability is not really here for this. Maybe it’s unfortunate for the entity but it’s not a viable use right now and maybe never. So, I think you guys know what you need to do, thank you.”

Supervisor Jens Smith: “Thank you.”

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

Michael Tochman: “I do. Madame Supervisor, Council people, Council persons, my name is Michael Tochman and I’m one of the Trustees at the Northville Beach Civic Association. I’m going to be very short and it’s going to be a hard act to follow with all my fellow residents who are so worried about what is happening here.

What I’m going to do is I’m going to read what everyone here might not have seen or had a chance to read the application what is on page one and typed in by the applicant.

It asks for quote, “*a brief description of proposed action*” parenthesis *include purpose or need*, end parenthesis. The answer is duration of approximately twenty-eight feet by forty-eight feet pad with six biofuel tanks totaling one hundred and eight thousand gallons connected to the terminal distribution (inaudible) to comply with New York State Law, July 1st of mixing biofuel with heating oil and other products. How wide open are they leaving this?”

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

Susan King: “I do. My name is Susan King and I am a resident at the Highlands at Aquebogue which is just south of the Northville Beach area but we, I as a resident and many, many other residents share in the concerns of these local Civic Associations.

Let me start with, I’m deeply concerned with environmental issues to be considered regarding the granting of this special permit by URT to construct a pad with storage tanks for biofuels and just before I got here I downloaded an article from the web, New York State Opportunity Department of Environmental Conservation. I’m going to read one paragraph from it.

Emissions, health effects and land use impacts associated with biofuels are not well understood. The State Task Force on Renewable Energy points out the need to examine environmental impacts of biofuel production, particularly on local water and air quality, as well as the land use impact from diversion of crops and the larger impact on the agricultural industry.

In Nassau and Suffolk Counties our ground water which is our drinking water has been designated a sole source aquifer by the State of New York. Unlike our neighbors to the west, the boroughs of New York City who get their drinking water from the upstate watershed of New York, we live, play and work on top of our drinking water.

We’ve all read of the ground water contamination and its subsequent spread throughout the aquifer that has occurred by processes that were done pre-regulatory by industry. We’ve also heard of recent illegal dumping of hazardous materials or wastes at our local parks and playgrounds. Cleanup is costly and the potential health impacts to people while this is going on are still to be determined.

Do we really need to add to this facility production, storage, mixing and transportation of these regulated, industrial materials to this environmentally sensitive area? Except for this grandfathered industrial facility, it’s residential, agricultural and recreational.

I urge the Town Council to not consider granting this special permit use.”

Supervisor Jens Smith: “Thank you. Did you want to share your article with the Town Board? If you did you can give it to the Town Clerk.”

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

Robert Skinner: “I do. Robert A. Skinner of Highland Circle in Jamesport. I have no affiliation whatsoever, I simply live in Jamesport and as such my wife and I were having a conversation and the one thing we are most concerned about at a hundred and eight thousand gallons to be blended from five, that’s a lot of trucks. It seems as though that’s a lot extra vehicles on the road. No matter what the tax break is or whatever the benefits are pricewise for our home

heating oil, when the trucks breakdown the roads it's usually our taxes in Riverhead Town that are going to have to pay for the roads and that is our primary concern.

Secondarily, and I know probably too much about this because my family is, my wife's family is in the agricultural business in Indiana, and the fears that people so far have expressed about the potential for gasoline coming in these are either the corn, the ethanol situation.

We all heard President Trump talking about wanting to push ethanol to fifteen percent and make it mandatory. The current price of corn on the Chicago Board of Trade is horrendous and because it is horrendous there are now movements in the Midwest to start buying up all this corn that's nobody's able to sell and in the state of Indiana alone there are three, according to my wife's family, there are three ethanol producing plants that are currently in mothballs that they're going to take out of mothballs because it's going to be a very profitable venture because the price of corn is so low. Now this is going to take time to manifest itself so it's not anything that's going to be done in a couple of days but between these two factors I think the fear for gasoline for entity that is run by a very astute business man is something that has to be taken into consideration and so any conveyance or verbiage that you put in to make sure that the products utilized in this facility are strictly for the intended purpose I think are mandatory and lastly what Mr. Von Helmond said about from reading the nonconforming use. I think that says it all right there. I don't see (inaudible). Thank you."

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

Vincent Lyons: "I do. My name is Vincent Lyons and I live at 37 Foxglove Road in Riverhead which is in the Highlands. I am a neighbor of Susan King who spoke earlier and I have a couple of questions that hopefully either you or Mr. Happy can answer them. Can you assure me that biodiesel itself is not being fabricated at the facility or is part of the plan?"

Supervisor Jens Smith: "Is it going to be fabricated? That is not what the special permit is asking for."

Vincent Lyons: "Ok, so they're not creating biodiesel and mixing the components of biodiesel?"

Supervisor Jens Smith: "The special permit is to have the storage tank, have it come in unmixed and then it will be mixed up onsite with (inaudible)."

Vincent Lyons: "I appreciate that information. I was very concerned initially when I heard about the mixing tanks and whether they were fabricating biodiesel but it does seem they are fabricating a product and as the gentleman before me and the gentleman a few minutes ago spoke about, it's a change in use. I think it's very important that it go to the Zoning Board of Appeals and not be considered as a special permit. Thank you very much."

Supervisor Jens Smith: "Thank you. Mr. Happy did you want to come up and answer some of the questions that were raised?"

Nelson Happy: “Thank you for the opportunity to answer some of the questions. I made a list of a few and I’m sure you may have some as well.

First of all, as to some of the other products that may be blended at the rack, the only other product is diesel fuel and it’s a very small part of the business compared to the forty million gallons of heating oil that we sold last year. The diesel fuel part is less than ten percent of that.”

Supervisor Jens Smith: “I’m just going to ask you a couple of questions. The forty million gallons were at all of your facilities or?”

Nelson Happy: “Just at the Riverhead. It’s less than half of that at the Calverton facility but when biofuels were adopted it really is an improvement to the entire environment. Part of the use of biofuels isn’t diesel and so some customers, it’s not mandated, but some customers of diesel fuel want the bio product because it does reduce emission so at the rack we can easily blend diesel fuel with biofuel as well as the heating oil so those are the only two uses that could be made of the biofuel at that facility.”

Supervisor Jens Smith: “And you currently store diesel there?”

Nelson Happy: “Yes, we store millions of gallons of diesel and by the way I’m surprised that the audience doesn’t seem to know that we’re permitted for storing gasoline and stored gasoline there, millions of barrels, for many years. In addition to that we have the right to store ethanol as well. So, those are not really issues of whether or not we’re permitted to have gasoline. No one here has complained about any of the gasoline storage, never been a problem. It’s very noninvasive or problematic and it’s not an issue tonight.”

Supervisor Jens Smith: “Are you currently storing gasoline there?”

Nelson Happy: “We don’t have any there now but in the past we’ve stored hundreds of millions of barrels of gasoline there. There are three tanks that are permitted for gasoline.”

Supervisor Jens Smith: “And when was the last time you stored gasoline there?”

Nelson Happy: “We bought this company about four years ago and never stored it during the time I’ve been there but the time before, it was built in ’66, prior owners, they had an extensive gasoline business there.”

Supervisor Jens Smith: “(Inaudible), what year?”

Nelson Happy: “I don’t know. I only know mine period which is none but the air permits we had to share with you that permit us to store that and we can also store all the ethanol we want as well. Secondly what is the volumes? Like I mentioned, last year we sold forty million gallons of heating oil from the Riverhead facility and roughly a hundred and five-thousand-gallon tank for biofuel is a tiny number compared to the total that we sell but I’m a lawyer, I’m not an engineer but engineers are determined to do the volume of business that we do for only five percent of the product it requires tanks of that size. Also to the issue of additional trucks, there is no volumetric change. If we put five percent of diesel in the heating oil, that’s five percent less of heating oil so

the total volume stays the same. In other words, if we sell next year forty million gallons of heating oil, five percent of it will be biofuel but it won't increase the number of gallons that we're selling just because we're blending it. It all remains all the same in terms of autometrics."

Supervisor Jens Smith: "I think one of the other questions and you don't have to answer it now that I think maybe could be supplied was the average monthly sales for the size of the tanks for the mixing so I guess your highest capacity months which I assume would be during the winter how much biofuel would be mixed in your high capacity months."

Nelson Happy: "Forty million, almost all of it is sold during the cold months. During the summer people don't buy heating oil. So do just to fill, because the price goes down so people buy heating oil in the summer because it's cheap and then they store it in their homes, in their tanks but the vast majority of our sales occur starting in October and ending in March so virtually all of it goes out during that time."

Councilwoman Giglio: "Biofuel is constantly infused into the heating fuel."

Nelson Happy: "Correct."

Councilwoman Giglio: "So, you use those storage tanks so if a heating fuel tank runs low you just bring in more heating fuel and then you have the storage of the biofuel to infuse into it."

Nelson Happy: "Correct. It's just a constant flow. You're always having to add more, put biofuels in those six tanks in order to mix with the regular heating oils. It's a constant renewal of supplies, the flow."

Councilwoman Giglio: "I noticed in your letter that, I didn't see Suffolk County Department of Health Services which I know that sometimes you need an Article 12 Permit for the containment rights for the oil tanks. Is that an approval you will be seeking also?"

Nelson Happy: "I don't know. I'm sorry, I just don't know the answer."

Councilwoman Giglio: "Well, I've heard a lot of concerns about spills and things of that nature and I know that anytime you're putting any type of heating fuel or any type of oil into tanks that they're specified containment tanks and Suffolk County Department of Health Service regulations to make sure that if there is a spill there's bells and whistles that goes off and there's calls that are made to the local fire departments, things of that nature so I'm sure you're going to be required to get that permit as well through Suffolk County Department of Health Services."

Nelson Happy: "I think we already have all those. This is really just really small, little slab with just six small tanks on it and it's encompassed by the dikes that are the containment facility. I don't think it's necessary to do it again because it's already protected. Any other questions?"

Supervisor Jens Smith: "I think a couple of the questions that were asked by the audience, there were some with excavation, how much will be done, landscape of vegetation removal. There

were some questions as to that, I guess putting in the concrete base in there and how would that be done?"

Nelson Happy: "We have our engineer here to answer that question because I don't know."

Supervisor Jens Smith: "I think under application it was referring to D2A and then the other one was E1B on the application."

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

Stanley Coates: "I do. My name is Stanley Coates. I'm a licensed, professional engineer and a consultant to United Riverhead Terminals. I'm afraid I don't have the documents in front of me that you're referring to but if you have a specific question I'll be glad to answer it."

Supervisor Jens Smith: "I don't have the document in front of me either it was one of the questions that somebody from the audience asked. I think we could probably provide you with that information. If you could have those questions answered before we close out."

Stanley Coates: "I could certainly address, you talked to the excavation for example, that one I think I can address fairly easily. The six tanks are envisioned to be standing inside of what looks like a very small swimming pool. That's roughly thirty by fifty, I'm not sure I'm saying the right numbers but roughly it's eighty by fifty-foot swimming pool. The purpose of the swimming pool is for secondary containment. It's absolutely not a requirement of the, I believe you said Suffolk County Department, because biofuel isn't regulated by them. Nevertheless United Riverhead Terminals is planning to have secondary containment which is what that's called and it will be a concrete spill containment for those tanks. The sizing of the spill containment is, as if it were a requirement which it isn't, it holds the amount of one tank if one tank were to spill plus a reasonable amount of rain water. I suspect that's about six inches of rain water. Does that answer that question?"

Supervisor Jens Smith: "I'm not sure."

Stanley Coates: "There was a question as to."

Supervisor Jens Smith: "I think with the soil. Where is the soil going?"

Stanley Coates: "Ok. The soil is going nowhere. Right now that is a sandy area and the idea is to excavate down approximately three feet so you can put in foundations just like you would on a small home. This isn't even a small home, it's just the size of just a couple of sheds you might have in your back yard and excavate down just to put the foundations in so the tanks are structurally sound and then backfill the very same soil into the very same place right up against the foundation. So no soil is being brought in, no soil is being brought out. I'm using the work soil generically, it could be sand or whatever is there. No earth of any sort is being taken out or brought in."

Councilwoman Giglio: “And the topography of this particular area, is it flat or is it sloped?”

Stanley Coates: “It’s right sort of at the transition between the slope that’s there today and a flat area between two existing storage tanks so it’s going in that flat area right at the bottom of that sloop.”

Councilwoman Giglio: “So you won’t be cutting into the slope?”

Stanley Coates: “We’ll be cutting into the slope only long enough to put in the containment wall and then backfilling the slope to where it was.”

Supervisor Jens Smith: “I have a couple more questions about because you know when I understood this I understood that the heating oil, the biofuel was just being used to be mixed with the heating oil and then I see here it’s for the diesel biofuel also and why that change? Is diesel regulated to have biofuel? Is it a state regulation? Just come clarification on this.”

Nelson Happy: “The answer to that is some customers want biodiesel to be added to the diesel that they’re buying because (inaudible) corporate policy that they want cleaner fuel so.”

Supervisor Jens Smith: “Is it a current State regulation. Is it a state mandate?”

Nelson Happy: “No requirement of biofuel for diesel at all. That’s just customers who would like to have it for their quality issues. Big trucking fleets are particularly interested in that.”

Councilwoman Giglio: “So you’re not going to have individual cars pulling up? You’re going to have the big tankers coming and?”

Nelson Happy: “Right, absolutely. It’s just regular tankers that go today to get our diesel will just have, at the same rack, have some biodiesel added to it which again doesn’t change volumetrically it’s just another use of the biofuel.”

Councilman Hubbard: “In terms of flammability, where does biofuel fit in like in comparison to gasoline to heating oil to diesel?”

Nelson Happy: “Well it’s much, much less voluble.”

Stanley Coates: “Biofuel is combustible and it’s much less combustible than any of the other products we’ve been talking about. So, if I can put some perspective on it, as an engineer and you may not share my opinion, what Mr. Happy has been saying all along is if for example you were putting a thousand gallons of product into a fuel truck that was driving away, before it was all petroleum fuel. I think the purpose of the mandate from the state is to reduce that total petroleum demand and supply by putting in some bio product. Bio product is about five percent so instead of having this thousand gallons being put into a truck you’re putting in only nine hundred and ninety-five gallons. I’m sorry, am I doing the math right. I said that wrong. You’re putting in five percent biofuel instead of petroleum fuel and so that’s what the whole mandate is about

because you're trying to put in a product that's (a) slightly less combustible, (b) much less, has much smaller effect on the environment as it's being burned. That's the purpose of this mandate if you will."

Councilwoman Giglio: "Just out of curiosity, where are you getting the product to make the biofuel from? Is it from New York State or is it from the Midwest. Is it, how many acres? Is any of it from New York State?"

Nelson Happy: "Very little is made in New York State. Most of it is in the Midwest but it depends on, if it's biodiesel much of it is (inaudible) used cooking oil and yellow grease that comes from rendering plants and whatnot, very little of it is soybeans because the expense is so high so traditionally biodiesel manufacturing is done with various kinds of with what they call yellow grease, which sounds horrible but it includes the recycled vegetable oil (inaudible) most of it comes from that."

Supervisor Jens Smith: "I think one of the concerns comes from the last time you were here and asking for a special permit, I think one of the concerns being raised by people here is having some of the tanks with gasoline and then adding ethanol to that and then changing nonconforming use to the gasoline that is not currently done. So then what kind of, I know when you had come before the Board you had asked just for the home heating oil for the biodiesel so what, when you put these tanks in will it just be for the diesel that you're currently doing? Do you have plans to add either ethanol to that to try and convert some of your tanks over to gas? What is the plans?"

Nelson Happy: "Well I know there are two possible plans. One is the gasoline plan which we came here four years ago about and the other is this biofuel plan which is totally different. We agreed earlier that we would only use them for biodiesel not ethanol so it's not, no one should be concerned about that because we're not planning to use it for ethanol and you can't even use it, you can't put ethanol in home heating fuel either, it's strictly a gasoline additive."

Supervisor Jens Smith: "And would there be a way to convert some of these tanks to ethanol at some point?"

Nelson Happy: "Well you could put ethanol in them. They would hold ethanol, but we said we won't. You wouldn't put ethanol in heating oil or in diesel. It's a gasoline additive."

Supervisor Jens Smith: "But I think some of the concerns of the community and certainly something that the Board is struggled with before is that in some point as you said you can put gasoline in some of the larger tanks that you have and that some of these tanks can have ethanol and then that one concern that the community has will come to fruition. So how are you going to address that? Will you decommission these tanks that they will no longer be used for the diesel you're currently doing in the home heating oil? What is?"

Nelson Happy: "Well these six tanks are only good for injecting a product into our rack so at the present time we aren't, if we wanted to create a gasoline project we would have to have a lot more permits. There are other things like in our prior permit that you would have to do to do gasoline. I mean theoretically today, we could with our three tanks that are licensed, we could put

gasoline in one tank, ethanol in another and blend them in a third tank and then send it the rack but that hasn't been our business plan and that's not what we're intending to do but we could and that doesn't require any permitting and that has nothing to do with your permitting process. So, that's out there so if anyone doesn't understand it that's already been established many years ago."

Councilman Wooten: "That's the great thing of a special permit for the town, we put the conditions on it."

Nelson Happy: "Right, we don't need a permit to do that. If we wanted to we could so that's why we're not coming to you asking to do a gasoline project and if we did want to do a gasoline project, which I fully expect that we will, we will be back here with a plan for gasoline. There won't be anything secretive about it and to do gasoline you have to have ethanol because legally you have to put ethanol in the gasoline."

Supervisor Jens Smith: "I guess that's my question. For these tanks here I think what the community was asking was will they ever be converted over to ethanol?"

Nelson Happy: "Not unless we came before you because I said and we will agree that the permit will provide that we can only put biodiesel in them so as a result we'll never, if we wanted to do ethanol then we would have to come back to you and ask for a permit to change the use of the tank from biodiesel to ethanol."

Supervisor Jens Smith: "And then you would be willing to put a condition on it for monitoring?"

Nelson Happy: "Yeah, well certainly. There is no attempt to evade anything and this is just exactly what it is. What we want, that's what we're asking for and we have no problem standing behind it."

Councilwoman Giglio: "So if this special permit should be issued do you have any objection to random testing by our fire marshals coming and taking a sample and testing to make sure?"

Nelson Happy: "Not unless (inaudible)."

Councilwoman Giglio: "Or ethanol?"

Nelson Happy: "There is zero problem and our records are available for the fire marshal, that's not an issue."

(Inaudible)

Councilwoman Giglio: "Yes put you're saying he can put gas in the tank, he can convert one of the tanks to gasoline under the permits that they have."

Nelson Happy: “Well those six little tanks would never, couldn’t be used for gasoline. They could be used for ethanol.”

Supervisor Jens Smith: “Right, and do they work independently with each one going to the rack or are they connected?”

Nelson Happy: “They’re connected together to the rack. How I don’t know. The engineer here.”

Supervisor Jens Smith: “Can each tank hold something different?”

Nelson Happy: “Each tank can hold different products, they’re just a vessel so you can put anything in there that you want to but in terms of permitting what we’re saying is that we will agree that permission provides that it is for biodiesel only.”

Supervisor Jens Smith: “To be used for home heating oil?”

Nelson Happy: “Well I would like it to say home heating oil and diesel because it makes no sense not to allow the diesel to have higher quality products with less air pollution but the reason we’re doing it is because of the heating oil but then as a side benefit we learned that that would also help in terms of getting biofuels in diesel which I think is an environmental plus. And again, not increasing truck traffic or any (inaudible) any kind. Any other questions?”

Supervisor Jens Smith: “One of the other questions somebody brought up is the Air Facility Permit, not needing to do it or the one that was issued in June of 2014.”

Nelson Happy: “It’s not needing to do it. The 2014, we did get a (inaudible) permit for blending gasoline at the rack. It is legal from the standpoint of our permitting but that’s not why, this has nothing to do with gasoline.”

Councilwoman Giglio: I know when Metro first came to town I think it was in 2010 at the Grumman facility and there was every politician from the Governor down to the state elected officials and the county elected officials and environmentalists that were you know very pleased to see a cleaner burning oil which is the biofuel so I understand the State’s reasoning for wanting to put a cleaner biofuel into the heating fuel so that it cuts down on the (inaudible) fuel consumption and everything else so it’s a tough decision that this Board has to make because we do listen to the constituents and their concerns but it sounds like the biggest concern that they have is gasoline so (inaudible).”

Councilman Wooten: (Inaudible)

Nelson Happy: “I think their biggest concern is gasoline.”

Councilwoman Giglio: “And the trucks, you’re saying there aren’t going to be any trucks (inaudible)”.

(Inaudible)

Nelson Happy: “Well, we never violated the law yet.”

Supervisor Jens Smith: “Another question that was asked. I guess in the application that you filled out about the description, the area used for fishing and hunting. I think the answer might have been no and the question was should it have been yes?”

Nelson Happy: “I didn’t fill out the form. The reason I think no was right, we don’t permit fishing or hunting. We have around three hundred acres there and we don’t permit any fishing or hunting on our property so I’m sure that was the reason they said no. I’m sure somebody may be fishing or hunting around us but what we’re concerned about and what the permit relates to, is I believe it’s two hundred and eighty-eight acres and that’s all I can speak to.”

Supervisor Jens Smith: “And then one things that was brought up was in one of the questions was about spills and the answer was, I don’t know where the area was (inaudible) it was listed as no spills and then somebody was saying there was a database of spills that I guess get reported and why wasn’t any of that included?”

Nelson Happy: “We haven’t had a spill since I’ve been involved. I don’t know. I didn’t fill out the form, but it is true there is a database that’s maintained about all spills in any petroleum facility even gas stations so, it’s all available to the public if there is a spill.”

Supervisor Jens Smith: “I think there was a question on the application and it was put no spills instead of a, maybe you can go back and take a look at it.”

Nelson Happy: “We’ll take a look and see. I think it was accurate but.”

Supervisor Jens Smith: “And then one of the other questions was the project detailed total acre, I’m not sure that was total acreage for the (inaudible) or if it was the project total size.”

Nelson Happy: “I interrupt that as the size and it’s not even a tenth of an acre. It’s a very tiny, a few hundred feet that’s all it is (inaudible).”

Superintendent Jens Smith: “And I know that you guys have agreed, I think originally the plan was to (inaudible) the parking lot area over by the racks that you guys have agreed to move it back over by the berm so it’s not visible (inaudible).”

Nelson Happy: “The site plan has that change in it.”

Supervisor Jens Smith: “And my other question, how do you track trucks coming in and out when you say there is going to be no increased truck traffic?”

Nelson Happy: “Well I was just going on mathematics because if we sell. The only differ in the truck traffic is how much our sales department sells. Last year we sold forty million gallons. The fact that five percent of it is biofuel makes no difference on truck traffic because the volume

is still forty million gallons it just happens that five percent of it is biofuel. If our sales department does a great job and we sell fifty million gallons they'll be more trucks but this has nothing to do with that it's not a function of how many gallons of fuel we sell."

Councilwoman Kent: "I think I had asked before if surface liquid, waste disposal involve?"

Nelson Happy: "No."

Councilwoman Kent: "Ok because there was no response."

Happy Nelson: "Somehow we left that out but in my letter we corrected it."

Councilwoman Kent: "Ok."

Vic Prusinowski: "A couple of points to clarify. Let's go right to the truck traffic which was addressed at the work session. Currently we send trucks, tractor trailers to the facility from Calverton empty and they fill up and bring the material back to Calverton for distribution as it's part of our distribution network. When we say there is no increase truck traffic to be created from this particular special permit application, the empty trucks will then have biofuel which will fill up the six tanks because the biofuel will be sent to Calverton either by truck or by rail. As Jodi knows we have a rail spur there and so those empty trucks, the same empty trucks that go there now, they're going to come back with material now but they go there empty. So, they'll bring biofuel there. As far as the total project area, the total is twenty-nine acres. We have two hundred eighty acres totaled. The project area is in this particular section of our eight parcels that we have on the property which is twenty-nine acres which is north of Sound Shore Road. That is one area there, one tax map, one individual lot. That's twenty-nine acres and that's how we listed it on the application."

Supervisor Jens Smith: "Ok, thank you."

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

Michaela Graham: "I do. My name is Michaela Graham and I am a resident at 268 Sound Shore Road and I was just a little bit perplexed on two things that Mr. Happy had said. In the question of when or specifically how much biofuel are they selling, he said they sell it during the winter, we know that, I think every business team would have a very specific answer for that but I think he's just (inaudible) the entire conversation (inaudible) people. I think we should ask for a very specific answer. Equally he's saying there's no more truck traffic, he's implying that they already sold forty million barrels or tons or whatever and he's implying an additional five percent increase with the biofuel then he's mathematically implying there's going to be a five percent basically increase in sales, increase in traffic already."

(Inaudible)

Supervisor Jens Smith: "I think, I'm going to let Mr. Happy answer that but I think."

Michaela Graham: “Ok, maybe I misunderstood that but to me it implied basically forty plus another five percent of.”

Supervisor Jens Smith: “I don’t think it’s five percent increase in sale. What it is, is that each gallon that is being sold will be mixed with five percent biofuel. It doesn’t automatically mean an increase in the total volume of sales (inaudible).”

Michaela Graham: “Maybe I misunderstood that but to me.”

Councilman Wooten: “Five percent of the forty million is.”

Michaela Graham: “It’s not forty plus five percent. Oh, I’m sorry, thank you,”

Kathy McGraw: “I think it’s really important to remember that what we’re dealing with here is a request for an expansion of the nonconforming use and as Phil Barbato pointed out this is even a different use. It is definitely an expansion of a nonconforming use and the law says you look to reduce nonconforming uses not expand them. And let’s also remember Mr. Catsimatidis is a big-time businessman in the business of pushing and selling biofuels. You put these tanks up there and there will be many, many more trucks of biodiesel going out of there. He wants to expand this incredible resource of his that has the deepest water platform on the east coast and he’s pushing to expand. Your obligation of the Town Board is to contract nonconforming uses not expand them and this is definitely inconsistent with the surrounding area. Mr. Happy nonchalantly tells you that they have the permit and they have the right, right now, to store gasoline, to store ethanol and to combine them. He stood up here and said that. Yes they have a state facility permit from the DEC that says they can modify two tanks and that they can put in ethanol tanks for blending. But they can’t do that without the town’s permission of a special permit. They can’t do that. That is an expansion of a nonconforming use. So for him to say they can do it and they have been doing it, it’s just not true.

I talked to a former manager of the URT, it wasn’t URT then, Gene Bernstein, he was the manager of the oil terminal for many years as was his brother and he told me that they very rarely had gasoline in those tanks and they never, ever had gasoline dispensed from the rack into gasoline trucks because the racks were not equipped to do that, they never did it. Well clearly then that would be an expansion of a nonconforming use and further the storage of gasoline, if you go to your town code, if you abandon a nonconforming use for a year, you can’t resume it. You have to go through the Zoning Board, you have to get permission. You cannot, once you abandon the nonconforming use for more than a year you have given it up. So Mr. Happy may believe that he can store gasoline there but that is a nonconforming use and there was one other thing I wanted to say about the gasoline but clearly it is a nonconforming use and a much more dangerous use but that’s neither here nor there at this particular time. We’re talking about a nonconforming use expansion, mixing things, expanding biofuels which is what Mr. Catsimatidis business is and you can be sure there looking to expand their business here. Why do you think they didn’t tell you in the permit that they were going to be selling biodiesel and they simply relied on the State Law. I just don’t trust these people and I don’t think you should either, thank you.”

Linda Prizer: “I would just like to present these to the Board.”

Supervisor Jens Smith: “Thank you.”

Linda Prizer: “It’s a list of the spills. On the application they say they don’t, they can’t get it but go to the DEC website.”

Supervisor Jens Smith: “Thank you.”

Councilwoman Kent: “Mr. Happy you had corrected one thing. You corrected that the Sound was a thousand feet to the north but you said the sound was a thousand acres but what is the distance from the project?”

Vic Prusinowski: “We made an error in the application the way we answered it because that’s not what the question is. The question is, *are you located near the body of water?* The answer is the Long Island Sound, They didn’t ask you, remember SEQR application forms are for not just coastal areas but for inland so you might be near a lake so they want to know so the real answer is what we provided you in the letter. It is “*what is the size of the body of water*” and it’s in excessive of a thousand acres. I don’t know how big the Sound is but that was the correct answer, we answered it correctly. It never was about the distance from the bluff.”

Councilwoman Kent: “I know but I’m asking you.”

Vic Prusinowski: “It’s about five hundred feet, four hundred and forty feet to the bluff and probably another six hundred feet to the shore. That’s going to be part of the site plan application. Those details are in the next phase because as you know, after tonight or in the future if we get a special permit approval we still have to go through Site Plan which will also require another public hearing.”

Nelson Happy: One other thing I would like to correct and that is the fact that John Catsimatidi or our company is in the biofuels business. It’s true that we bought a company a few years ago called Metro and Metro is planning to build a biodiesel plant in Brooklyn. Over time that plan has been abandoned so we’re not in the biofuels business at all. Everything we would be buying here is strictly on the market from other producers and again it’s absolutely nothing about us. We have no desire for this at all but it’s a State law and that’s why we ended up with it. Any other questions?”

Supervisor Jens Smith: Any other questions from the Board? No, ok. The question is whether to close the public comment portion and leave it open for written comment or to adjourn it to the next Town Board meeting to allow the applicant to answer some of these questions that were on the permit application that were brought up for correction. I think some of them were.”

Councilman Wooten: “I think, the way we’ve always done it is to close it and leave it open for written comment. As far as resolution approving that can be held abeyance until we’re satisfied with all the questions that have been posed.”

Supervisor Jens Smith: “Ok, I think it allows the public to come back and comment on it once (inaudible).”

(Inaudible)

Angelo DeVito: “I have a final question if I can be sworn in.”

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

Angela DeVito: “Yes I do. My question is that it has been raised this evening that perhaps this application is for a change in use of a preexisting nonconforming use and therefore a Special Permit is not the appropriate avenue to pursue for this and my question with regard to this is that when will the Board make this determination as to whether it is indeed a special permit application is appropriate or it is a change of use application and therefore needs to be done in a different avenue. When will that happen because if you continue just with the public hearing it’s almost as if you made a decision that it is a special permit use period and that is it and the question has been raised.”

(Inaudible)

Jefferson Murphree: “That decision rests with the Zoning Officer and that would be Brad Hammond. He has made that decision that this is an expansion of a preexisting nonconforming use and thus requires a special permit from this Board. So he has made that decision.”

Supervisor Jens Smith: “All right, I am going to close the public comment portion but I will leave it open for written comment until June 29th but we will ask Mr. Nelson some questions that have been raised by the public. I hope you have taken notes on them and if anybody from the public can submit their written comment and maybe you can then directly address some of those.”

Vic Prusinowski: “As a follow up to what I said in the beginning when I handed you the letter that we responded to from the Northville Civic Association. We’re going to correct some of the questions that were either left unanswered or need to be correcting and I’m going to hand another document over to the Planning Department and for the Town Board. I’ll file it with the Clerk and we’ll make it available to the Association too as part of this keeping the written comment going till the 29th.”

Supervisor Jens Smith: “And will you be attaching the State legislation to your special permit?”

Vic Prusinowski: “We did already.”

Supervisor Jens Smith: “Ok but you’re looking to go beyond what the State is requiring?”

Vic Prusinowski: “Well actually we said that in the application we sell the other fuels and we should have said diesel. That was our mistake. We currently distribute diesel fuel up there so

it's just to add the biofuel. It's not required by State law but its something that some of our customers want, maybe one or two percent of our customers so this is the time to disclose that during this process."

Supervisor Jens Smith: "So will you be amending the application?"

Vic Prusinowski: Well it is amended already. It says other fuels but we will clarify diesel fuel only and as far as the Covenant goes Councilman Wooten is correct. Town Board writes the Covenant. We consent to have the covenant on these tanks only for this purpose. The heating oil and the biodiesel fuel and never to be used for ethanol. So whatever language that the Town Attorney and the Town Board is comfortable with in cooperation with, in consultation with the Association, we're fine with. Mr. Happy already said we would consent to any type of inspection on a regular basis by the Fire Marshal, anybody. Our records are public except for our Homeland Security protocol which is locked in a safe and approved by the Federal Government everything else is available."

Supervisor Jens Smith: "Ok, thank you."

**Public Hearing Closed at 9:20 p.m.
Left Open for Written Comment until June 29, 2018, 4:30 p.m.**

COMMENTS ON RESOLUTIONS

Supervisor Jens Smith: "At this time if anybody would like to come up and comment on any of the resolutions for this evening?"

Sal Mastropaolo: "Sal Mastropaolo, Calverton, Resolution 493. This resolution is for a notice for a public hearing and it's for Chapter 301 Zoning and Land Development and my question is why did you delete the entire section and rewrite the entire section making it almost impossible for anybody who wants to comment on it to find out what changed between the two and in addition to that, you're going to pay to have both of them put in the public notice in the newspaper. I tried looking at this to see what was different and everything I read was the same with the exception of the last section which is 301-210 which doesn't appear to be in the rewrite."

Robert Kozakiewicz: "I don't know if I can explain it in very short terms but part of this is getting this piece to our code, the general code so that you understand there was a repeal of what's currently on the books in order to readopt this legislation. It's recited in a lot of the *whereas*' what happened here."

Sal Mastropaolo: "I read all the *whereas*' and I understand that things changed over time but if you want the public to comment on it, the way you did it makes it almost impossible unless you put them side by side and read line by line to find out what changed whereas our old method which is underscore or cross out what's being deleted."

Councilman Wooten: "I don't think (inaudible) subject to changes on this."

Robert Kozakiewicz: “There’s not. It’s a re-adoption to cure what happened in court. We were unsuccessful in court and we have to put it back on the books. So it’s a readopt but the only way to make sure that when we send it up to the State Department of State and send it to General Code is that they understand that what’s on the books are being cleansed and what’s being put on the book was done in 2004.”

Sal Mastropaolo: “Ok, then let me ask the question. Did you purposely leave out 301-210 or was that a mistake?”

Robert Kozakiewicz: “That was done, that was a later revision that was not part of the 2004 legislation.”

Sal Mastropaolo: “So that was by design taking 210 out?”

Robert Kozakiewicz: “Yes.”

Sal Mastropaolo: “Ok, thank you.”

Supervisor Jens Smith: “Let’s move on to resolutions.”

RESOLUTIONS

Resolution #463

Councilman Wooten: “Budget Adoption for the Water District Test Well Program, so moved.”

Councilwoman Giglio: “I’ll second.”

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

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

Resolution 464

Councilwoman Giglio: “Authorizing Removal of Fixed Asset Records from System, so moved.”

Councilman Hubbard: “I second it.”

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

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

Resolution #465

Councilman Hubbard: “Authorizes Fire Marshal to Attend Fire Sprinkler Plans Review Class, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #466

Councilwoman Kent: “Authorizes Highway Superintendent to Attend 2018 APWA PWX Conference, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #467

Councilman Wooten: “Accepts the Retirement of a Police Officer (Mark F. Roberts), so moved.”

Councilwoman Giglio: “Second.”

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

The Vote: “Kent, yes; Hubbard.”

Councilman Hubbard: “Yes, I wish Officer Roberts the best in his retirement.”

Vote Continued: Giglio.”

Councilwoman Giglio: Yes, he's a good officer, he'll be missed."

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

Supervisor Jens Smith: "Yes and thank you Officer Roberts for twenty-four years of service to the town. We appreciate it."

Diane Wilhelm: "Resolution adopted."

Resolution #468

Councilwoman Giglio: "Amends Resolution #5 (Sets Salaries of Police Officers for the Year 2018), so moved."

Councilman Hubbard: "Seconded."

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

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

Resolution #469

Councilman Hubbard: "Accepts the Resignation of a Maintenance Mechanic I (Michael Quick, so moved."

Councilwoman Kent: "Seconded."

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

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

Resolution #470

Councilwoman Kent: "Appoints Seasonal Traffic Control Officers (Brian Boden, Patrick Kruszon-Oeffner), so moved."

Councilman Wooten: "I'll second."

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

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

Resolution #471

Councilman Wooten: “Ratifies the Change of Status of Part-Time Police Officers (Joseph Crosser, Mathew Suprina), so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #472

Councilwoman Giglio: “Extends Bid Contract for Diesel Fuel, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #473

Councilman Hubbard: “Authorization to Publish Advertisement for Food and Meat Products for the Town of Riverhead, so moved.”

Councilwoman Kent “Seconded.”

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

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

Resolution #474 – 479

Supervisor Jens Smith: “Can I have a first and second for Resolutions 474 which Appoints Seasonal Beach attendants to the Recreation Department, 475 Appoints Seasonal Lifeguards to the Recreation Department, 475 Appoints Call-In Park attendants to the Recreation Department, 477 Appoints Call-In Recreation Aides to the Recreation Department, 478 Appoints a Seasonal Assistant Beach Manager to the Recreation Department and 479 Appoints a Call-In Park Attendant II to the Recreation Department (Patrick Barrett).”

Councilwoman Giglio:
“I’ll move them.”

Councilman Wooten: "I'll second them."

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

The Vote: "Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution 474 through 479 are adopted."

Resolution #480

Councilwoman Giglio: "Awards Bid for Snack Vendor (Stotzky Park), so moved."

Councilman Hubbard: "Seconded."

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

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

Resolution #481

Councilman Hubbard: "Awards Bid for Snack Vendor (Wading River Beach, Iron Pier Beach and South Jamesport Beach), so moved."

Councilwoman Kent "Seconded."

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

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

Resolution #482

Councilwoman Kent: "Resolution to Change Town Board Meeting Time, so moved."

Councilman Wooten: "I'll second."

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

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

Supervisor Jens Smith: "This was at the beginning of the year we had to schedule two daytime meetings in July. This is just changing one of the meetings, the July 17th meeting from 2:00 p.m. to 6:00 p.m."

Diane Wilhelm: “Resolution adopted.”

Resolution #483

Councilman Wooten: “Accepts Donation of a Tree in Honor and Memory of Pauline Sandmann, so moved.”

Councilwoman Giglio: “I’ll second.”

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

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

Councilwoman Giglio: “I just have to say something about Pauline. She was a great representative and she was really great for the Manufactured Homeowners Association and the parks throughout Suffolk County that would meet here once a month and she was a very strong advocate along with the Board of Directors Manufactured Homeowners Association and may she rest in peace and I want to thank her and everybody for putting this tree forward and in memory of her, yes.”

Councilman Wooten: “Where are we putting it?”

Supervisor Jen Smith: “We’re actually going to put it on Town Hall property, right here. I’m not sure of the exact spot, to be determined.”

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

Resolution #484

Councilwoman Giglio: “Authorizes the Supervisor to Execute a Lease Agreement with Bigbelly Solar, Inc. for Telebelly Waste Containers, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #485

Councilman Hubbard: “I’d like to make a motion to Table Resolution 485.”

Councilwoman Giglio: “I’ll second.”

Councilman Hubbard: “I put in a call to Brad and I wasn’t able to have a conversation with him about this and I have some questions about it so I would like to make a motion to table this.”

Councilwoman Giglio: “And I’ll second it because in the spirit of transparency, this is legislation that was drafted between two members that was directed to draft this legislation by the Supervisor. It did not go through Code Revision and it was never discussed publicly by the Town Board, so I will definitely make a motion to table until we can discuss this publicly.”

Supervisor Jens Smith: “Ok, motion to table, first and second.”

The Vote: “Kent, no; Hubbard, yes; Giglio, absolutely, transparency; Wooten, yes it’s good government, yes; Jens Smith.”

Supervisor Jens Smith: “I’m ok to table this until we can put it on for next work session.”

(Inaudible)

Supervisor Jens Smith: “Yes, that’s absolutely fine. I think it’s a great plan for the environment and.”

Councilman Wooten: “Looking at the meat and potatoes of it it looks like a great deal, I just know nothing about it (inaudible).”

Supervisor Jens Smith: “Well, people have questions absolutely. I think originally somebody from Suffolk County was supposed to come and discuss it with us and at the last minute they couldn’t come, I think there was a schedule to go and actually look at the system.”

Councilman Wooten: “Basically you know just from being here so long I get leery when I see new legislation because I don’t know what spurs it sometimes or where it comes from. We talk about different things and (inaudible) estuary watersheds (inaudible).”

Supervisor Jens Smith: “That’s absolutely fine. If there’s a question about it we can certainly have some more information before we vote on it.”

Diane Wilhelm: “Resolution 485 has been tabled.”

Resolution #486

Councilwoman Kent: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Procurement Policy Pursuant to General Municipal Law, so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Kent.”

Councilwoman Kent: ‘I’m very pleased to move forward with this. I think it’s very important to get a (inaudible) language in place, certainly promotes education and training and insures that we’ll have better safety and strengthen the middle class so all good. I vote yes.’

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

Resolution #487

Councilman Wooten: “Approves the Application for Fireworks Permit of Riverhead Business Improvement District Management Association (Thursday, July 5, 2018), so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #488

Councilwoman Giglio: “Approves the Application for Fireworks Permit for Joseph Kick (Private Wedding at Georgio’s Baiting Hollow – Saturday, June 30, 2018), so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #489

Councilman Hubbard: “Authorizes the Supervisor to Execute a License Agreement with Eastern Bays Company, Inc. to Allow the Installation of Floating Upweller Systems (Flupsy) in East Creek, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #490

Councilwoman Kent: “Ratifies the Appointment of an Interpreter for Police Department and Justice Court (Johnny Chih), so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #491

Councilman Wooten: “Ratifies the Appointment of an Interpreter for the Police Department and Justice Court (Ipek Acar), so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #492

Councilwoman Giglio: “Authorizes a One Year Renewal to the Professional Services Agreement with Queues Enforth Development Inc. (Q.E.D.) the Town Clerk to Publish and Post Notice for a Public Hearing for a Special Permit, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #493

Councilman Hubbard: “Authorizes Town Clerk to Make Referral to Suffolk County Planning Commission and to Publish and Post Public Notice to Consider a Local Law to Add Article XLII, Transfer of Development Rights of Chapter 301 Entitled “Zoning and Land Development” of the Riverhead Town Code, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #494

Councilwoman Kent: “I make a motion to table Resolution 494 to take another look at it.”

Councilman Wooten: “What is it?”

Supervisor Jens Smith: “I think this is the one we had talked about, trailers and the boats.”

Councilwoman Kent: “A few things need to be cleaned up.”

Councilman Wooten: “I second to table.”

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

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution 494 is tabled.”

Resolution #495

Councilman Wooten: “Authorizes Town Clerk to Publish and Post a Notice for Request for Proposals for Comprehensive Energy Management Services, so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution 496

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled “Zoning and Land Development” of the Code of the Town of Riverhead, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #497

Councilman Hubbard: “Grants Appeal and Authorizes Issuance of Taxicab Operator’s Permit, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #498

Councilwoman Kent: “Amends Policy Restricting the Use of Aerial Surveillance Including Unmanned Aerial Systems (Drones), Virtual Globe Map and Geographic Information Programs, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Supervisor Jens Smith: “Bob, do you to explain this one?”

Robert Kozakiewicz: “In, this was in the packet.”

Supervisor Jens Smith: “Where are we? Oh, we’re in the middle of a vote?”

Councilwoman Giglio: “Yes but we can have a discussion in the middle of a vote as we’ve done before.”

(Inaudible)

Robert Kozakiewicz: “This was to add drones to the current policy which was adopted in 2010. Remember there was some discussion with the use of Google Earth (inaudible).”

Councilwoman Giglio: “Yes because we didn’t want eye in the sky (inaudible).”

Robert Kozakiewicz: “Correct so in 2010 the Town Board adopted a policy with respect to the use of that technology to do high in the sky surveillance. This is adding drones to the list so that drones will be similarly regulated.”

Councilwoman Giglio: “Ok, yes.”

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

Resolution #499

Councilman Wooten: “Sets Date and Time of “Great Riverhead Cardboard Boat Race”, so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #500

Councilwoman Giglio: “Approves Chapter 255 Application of Riverhead Foundation for Marine Research and Preservation (21st Annual 5K Run for the Ridley – Saturday, October 20, 2018), so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #501

Councilman Hubbard: “Appoints One-Time Marriage Officer, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #502

Councilwoman Kent: “Amends Resolution #253, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #503 - 504

Councilman Wooten: “Reappoints Members to the Conservation Advisory Council (Robert Fox, Sean McCabe Sr., George Woodhull), so moved.”

Supervisor Jens Smith: “Do you want to do 503 and 504 together since they’re both the same?”

Councilman Wooten: “Yes and 504 also Reappoints Members to the Conservation Advisory Council the difference being different term limits (Alex Galasso, Robert Kujawski, Duane Lewin), so moved.”

Councilwoman Giglio: “I’ll second.”

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

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolutions 503 and 504 are adopted.”

Resolution #505

Councilman Hubbard: “Extends Bid Contract for Well and Pump Service for the Riverhead Water District, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #506

Councilwoman Kent: “Riverhead Budget Adjustment, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #507

Councilman Wooten: “Awards Bid for Removal and Disposal of Sludge Cake and Grit/Scree Waste, so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #508

Councilwoman Giglio: “Ratifies Sewer District Capital Project #20049 Adjustment, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Resolution #509

Councilman Hubbard: “Awards Bid – 211 East Main Street Sewer Improvements Riverhead Sewer District, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Resolution #510

Councilwoman Kent: “Approves Chapter 255 Application of Big Bounce America LLC (Long Island Sports Park – June 22-24, 2018; June 27-30, 2018 and July 1, 2018), so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Kent, yes; Hubbard.”

Councilwoman Giglio: “How is it with their site plan?”

Supervisor Jens Smith: “They have their preliminary site plan and they’re going for their final site plan approval the day before this, the 21st.”

Councilman Hubbard: “This was just scheduled, just brought to the town’s attention yesterday. This operation at Long Island’s Sport Park has done this time and time and time again over the past couple of years. They don’t want to play by our rules, I don’t want to support their programs so I vote no.”

Vote Continued: “Giglio.”

Councilwoman Giglio: “I know we’ve asked them to come into compliance and they finally did file a site plan which I was happy to see and the Supervisor is saying they will have their site plan approval the day before this event and if that’s the case I’ll support it and vote yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “Yeah, I think it’s important that we can use this as leverage to get them to comply with that’s probably a good thing. It’s a perfect location for these types of events.”

Councilman Hubbard: “I couldn’t agree with you more but do it the right way.”

(Inaudible)

Councilman Wooten: “Well I think that, I’m going to vote yes but I’m going to make sure I go down there and (inaudible) big bouncy house and see what happens.”

Councilman Hubbard: “Well let me tell you, they have other things scheduled to occur up there and we’ve received nothing on it. It puts our Planning and Building Department behind. There may be some overtime involved, now we’re sending police officers up there. I have a problem with this property because they do not play by the rules.”

Councilman Wooten: “Well I vote yes now (inaudible).”

Councilwoman Kent: “We understand what you’re saying Tim.”

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

Resolution #511

Councilman Wooten: “Authorizes the Termination of the License Agreement and Terminates all use of Town Property for the location of Garbage Dumpsters and use of Are as a Solid Waste Collection site between the Town of Riverhead and downtown Riverhead Southside Business Owners, so moved.”

Councilwoman Giglio: “Before I second I want to thank Tim for all his hard work on it. I second.”

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

The Vote: “Kent, yes; Hubbard.”

Councilman Hubbard: “You want to get my Irish up again? This has been a long time coming. We have tried and tried working with the business owners downtown, predominately the restaurants to take care of that garbage corral that’s in the Peconic parking lot on the south side.”

Councilman Wooten: “That was absolutely horrendous.”

Councilman Hubbard: “And it’s been more disgusting now than it’s been in recent time. Our town workers have gone down and cleaned it up because it’s been so bad they have no business, they should have no business cleaning up that mess. We’ve tried working with them. This was set up a few years back to try to have a central location. So, some of the restaurants are tight in their rear spaces where they have to maintain a dumpster but they’ve taken complete advantage of it and it’s a disgrace to go down there so I’m very happy to put this up and we’re going to rescind their use for that town piece of property, town owned property so the dumpster corral so now each business is going to have to go out and provide their own dumpster right behind their own facility and let’s see if they take better care of it because if I’m going into your restaurant and I’m walking past a dumpster where there’s stuff shred all over the place I’m not going in your restaurant. So, it’s going to hopefully kick them in the butt and make them clean up their own act so yes, I’m very happy to vote yes for this.”

Vote Continued: “Giglio.”

Councilwoman Giglio: “Definitely a good thing and (inaudible) downtown, yes.”

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

Supervisor Jens Smith: “Well, I mean it is disappointing to have to go this route but if we’re revitalizing downtown we cannot have a parking lot full of trash with gates open. As Tim said he’s tried to work through this with the business owners, I’ve tried to address it, Code Enforcement has tried to address it, our Buildings and Ground has tried to address it and to no avail so.”

(Inaudible)

Supervisor Jens Smith: “I know I was there and someone was bringing their trash out and there were steak bones in the middle of the parking lot that I had to go back and ask them to go clean up. So, unfortunately it’s come to this so I vote yes.”

Diane Wilhelm: “Resolution adopted.”

Councilwoman Kent: “And I’m just going to jump in on all that. The town workers told me that they cleaned that up probably a million times so it’s been a problem a long time and like I’ve said to some people, what I want to see back behind in town along the river really is green space, not green dumpsters. I was there the day the town worker was cleaning it up and it isn’t just restaurant stuff people are dumping there. It’s a bad location for it. The day I was there, there was a mattress there so it’s obviously. I’m so happy we’re moving forward with this. I think we’re all in agreement.

Diane Wilhelm: “Resolution 511 is adopted.

Resolution #512

Councilwoman Giglio: “Pays Bills, so moved.”

Councilman Hubbard: “Seconded.”

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

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

Councilwoman Giglio: “I make a motion we take Resolution 513 off the floor. This ratifies the Appointment of Seasonal Summer Recreation Staff to the Recreation Department, so moved.”

Councilman Hubbard: “Seconded.”

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

The Vote: “Kent, yes; Hubbard, yes; Giglio, yes; Wooten, yes; Jens Smith, yes. Resolution 513 is taken off the floor.”

Resolution #513

Councilman Hubbard: “This ratifies the Appointment of Seasonal Summer Recreation Staff to the Recreation Department, so moved.”

Councilwoman Kent: “Seconded.”

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

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

Councilman Wooten: “I don’t like generally when we take stuff off the floor especially things that could have been done in a timely fashion but because these are our beaches and it’s forever, no pun intended, flowing back and forth with our employees is probably a last minute thing so I’ll vote yes.”

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

PUBLIC COMMENTS

Supervisor Jens Smith: “All right, we’re done with the resolution. If there is anybody who would like to come up and address the Board, please come up and state your name. Oh, and before anyone leaves, we have the art show outside. Take a look, we have a new art exhibit outside. It will be up there for a bit.

John McAuliff, from the *Coalition Against EPCAL Housing* came forward asking if the Board could give any timeline about the ethics question or the Q&E.

Supervisor Jens Smith responded by saying the Board is waiting for a decision from the Ethics Board adding that the Ethics Board has met and that they are still investigating and trying to answer to some to their questions. She added that the Board is scheduled to meet again on July 10th and would then update the Town Board on the status. Councilwoman Giglio said that as of this time the Board has not asked her any question regarding her meeting.

Mr. McAuliff informed the Board that they will be receiving responses from people who have signed the petition calling for inclusion of covenants in the contract for the sale of EPCAL.

Mr. McAuliff thanked the Supervisor for representing the Riverhead community very well during the public hearing with URT.

Supervisor Jens Smith: “Is there anyone else? Seeing no one else can I have a first and second to close today’s Town Board meeting?”

Councilman Wooten: “So moved.”

Supervisor Jens Smith: “All in favor?”

Collective ayes.

Meeting Adjourned at 9:47 p.m.