

Minutes of a Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, September 4, 2013 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane M. Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was opened at 2:05 p.m. by Supervisor Walter with Councilman Wooten leading the Pledge of Allegiance. Invocation was given by Rev. Sean Murray from the First Congregational Church, Riverhead.

Supervisor Walter asked that Harriette Haas come up to the table and sing a song to The Board. To the delight of the Board members and the audience Harriette sang God Bless America.

Harriette was then asked to introduce Fiona who is a dog residing at the Animal Shelter. Fiona has been at the shelter for about a year and is hoping to be adopted. In honor of Fiona, Harriette sang "How Much is that Doggy in the Window."

Supervisor Walter introduced Karen Blackburn from AAA of New York and presented her with an award for the yearly *Schools Open Drive Carefully* Campaign sponsored by AAA. Karen thanked the Supervisor and then thanked the Riverhead Police Department for their help in monitoring this campaign.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen, to approve the minutes from the August 20, 2013 Town Board meeting. Motion carried, minutes were approved.

APPLICATIONS

(pending Town Board approval)

SPECIAL EVENT PERMITS

- Strong Island Kids – Mountain Bike Race at Schiff Scout Reservation, Wading River – March 29, 2014
- Polish Town Civic – Beer Bash at Pavilion, Lincoln St. Riverhead – September 14, 2013
- Darkside Productions – Haunted House, Rt. 25A Wading River – October 4 through November 3, 2013

REPORTS

- Sewer District Discharge Monitoring Report July 2013

CORRESPONDENCE

- Peconic Propane letter requesting a one year extension for existing Special Permit Application.

Public Hearing Opened: 2:20 p.m.

Supervisor Walter: “Let’s open our Public Hearing. Our first public hearing is scheduled for 2:05; it is now 2:20. We’re going to open up the public hearing which is the Consideration of a proposed application by Mattituck Laundry to extend the boundary of the Riverhead Sewer District to accommodate sewer connection of the Mattituck Laundry (1044 Parkway Street, Riverhead). I’m happy to see this building, which has been vacant and been an eyesore to the neighbors. Maybe some neighbors in here that were not happy with this building. Maybe will now get some use. Frank Russo, you would like to speak on behalf of the town with Michael Reichel. Ok. Please proceed.”

Frank Russo: “My name is Frank Russo, I’m an engineer with H2M. H2M is the consulting engineers for the Riverhead Sewer District. An application was made by Mattituck Laundry to connect to the sewer system. The problem is that the district lines, currently the property is not located within the district. So the application is not only the sewer connection but it’s also the extension of the sewer district boundary.

The Sewer District gets its authorization from the New York State DEC assuming that the, after the public comment period for this map and planning is over the DEC has to be advised of the sewer district extension and they can deny it so everything here is contingent on DEC approving the extension.

What the DEC looks for is the same criteria you look for which is, is there enough capacity? The flow from the facility is estimated to be about five thousand gallons a day. That’s for an eight hour shift. For two eight hour shifts, it would be roughly ninety-seven hundred gallons per day.

What we’re proposing in order to take the strain off of the system is to equalize that flow and discharge it to the system at a given rate. That rate is about ten gallons per minute which is very small considering the size of the district.

The capacity at the Treatment Plant does exist for that roughly ten thousand gallons per day. We analyzed the sewer system and the downstream gravity sewers and pump stations and there is sufficient capacity to handle this amount of flow.

As I said, the map and plan goes into the size of an equalization basin and other limitations like lint control and that’s all part of the map and plan.

The total costs of this project are to be paid by the applicant, not one dime coming from the sewer district. They paid for the map and plan, the no net nitrogen charges are also applicable should the district be extended exactly \$102,322.50 based on that two shift operation. An additional \$5,000.00 to review the proposed design of the equalization system for a total cost of \$107,322.50 that’s to be paid by the applicant in addition to the physical construction cost.”

Supervisor Walter: “Alright. Can we get a copy of the map and plan because I think that would be important and make it part of the public record?”

Frank Russo: “Sure.”

Supervisor Walter: “If you can just submit that to Diane. Do you have one with you? Mike, I’m going to hold it open anyway. Ok Diane, if you can make that part of the public hearing?”

Diane Wilhelm: “Sure, absolutely.”

Supervisor Walter: “Does anybody else wish to be heard on this matter? Not seeing anybody we’re going to leave this public hearing open for written comment until September 13, 2013 at 4:30 in the Town Clerk’s office. Alright, thank you.”

Public Hearing Closed: 2:25 p.m.

Left open for written comment until September 13, 2013 at 4:30 p.m.

COMMENTS ON RESOLUTIONS

Supervisor Walter: “At this point I’d like to take comments on Resolutions. Does anybody wish to be heard on the Resolutions?”

Sal Mastropaolo: “Sal Mastropaolo, Calverton, Resolution 617. Are we actually adding \$368,500.00 to our debt?”

Supervisor Walter: “This is a reconciliation of the Town’s budget based on the audit that’s being done for 2012 so that, it’s better for Bill but I don’t see Bill out there. What’s happening is we’re finishing up our audit right now and these budget transfers have to be made to reconcile the ledger against what was actually expended in 2012.”

Sal Mastropaolo: “So we overspent.”

Supervisor Walter: “Well, if you look at what you overspent. Bill you’re going to have to come up to the microphone. If you look at what you overspent, some of your police department personnel, we had Hurricane Sandy. A large majority of this over expenditure was overtime for the police department from Hurricane Sandy but it’s going to be better for me to have our Chief Financial Officer, well our Financial Administrator. Explain what each one of these is.”

Bill Rothaar: “Ok, so the \$67,000.00 was just overtime in the Police Department and that could be contributed to Hurricane Sandy or any other emergency that they had responded to. *Police Non Uniform* overtime, that’s the white collar positions in the Police Department and

Police Personnel is the seasonal blue collar police officers in the police department. So that was the amount spent in those lines in 2012 over what we budgeted.”

Supervisor Walter: “Right, and the bulk of that. I mean I know what it is because I approved it.”

Bill Rothaar: “If you remember, we didn’t have a contract with the police until December of 2012. So we budgeted in twelve, in eleven we budgeted for them to have the same salaries they had in eleven but they got a two percent retroactive in December which we paid in December.”

Supervisor Walter: “And that’s the one forty seven?”

Bill Rothaar: “And that’s a large part. It’s two percent and that’s a large part of the one forty seven that we overspent.”

Supervisor Walter: “It transfers from debt service and that was in debt service.”

Bill Rothaar: “Yup. That was money we said that we did a refunding in 2012, in February 2012 when we saved money on our bond indebtedness. That’s what it was, we’re taking money from that loan.”

Supervisor Walter: “And so Sal, one of the things we didn’t do because we’re in the middle of negotiating the police contract was put the raise right into a place where somebody can say, “oh I know what we’re going to get as a raise because it’s right there.”

Sal Mastropaolo: “So we did add to the debt?”

Supervisor Walter: “Umm, no this is a refinance. We didn’t add to the Town’s debt. The Town, let me back up. The Town has been operating in, with a structural deficit probably twelve years, thirteen years so the Town’s budget hasn’t been balanced over that period of time so we constantly take out of the reserve funds we replenish it we take out of the reserve funds. When we refinanced the Town in 2012 there was a savings, we budgeted, was it December of eleven?”

Bill Rothaar: “We refinanced in February of 2012.”

Supervisor Walter: “In February twelve when we did the budget, the budget came in in September eleven we budgeted for what our debt service was going to be. We also refinanced in November, December of eleven we got very favorable rates so we went out and refinanced the remaining debt that the town has at very favorable rates so there was a savings in debt service and that’s the savings sitting in that account. We didn’t add to the debt. Truthfully other than the Water District expenditures this town has not bonded anything, just the Water District expenditures in four years.”

Sal Mastropaolo: “Ok, Resolution 618. Don’t we have rules about transferring in and out of major accounts?” I can understand we can transfer, ok, but how do we transfer in and out of two different major accounts?”

Supervisor Walter: “Ok, I’ll explain what this is and Bill can back me up if I run afoul and I’m going to take a shot at NYSHIP. When you do your budget I don’t get the final NYSHIP numbers before the budget is due and I mean that’s almost a little insane that I have to guesstimate what NYSHIP; they give you estimated numbers but they don’t give you the final numbers so when we budgeted, we budgeted a certain rate increase based on what NYSHIP was telling us. NYSHIP came back after the budget was due and said the rate increase was less so there was more money in our budget we didn’t know about until they come in with their final numbers and that’s what the \$180,000.00 is part of.

IT equipment; the town is running a cobalt based computer system. I don’t know, you would know what that is. A lot of people don’t know what that is. All the switches in the town, in the buildings are fifteen years old. We’re trying to upgrade the town. My goal is to beat Steve Bellone’s cobalt based system in the county. We’re trying to upgrade the computer system to get into the twentieth century. In order to do that we have to replace all the switches in the town offices because we tried to do a small upgrade and everything crashed so we’re going to use this money to upgrade the switches because what’s happening with the cobalt based system we buy a new main frame every four years, eventually you’re never even going to get a main frame. So that’s where that money is going.”

Sal Mastropaolo: “Ok. My only question was shouldn’t we have rules about in and out of major accounts? Ok? Another words if somebody’s budgeting a major account and they’re responsible for that account, ok; how they move that money around in that major account is fine because they own that major but we shouldn’t be subsidizing one major from another, ok?”

Supervisor Walter: “Well, all IT falls under Bill Rothaar so does the (inaudible) hospitalization.”

Sal Mastropaolo: “But (inaudible) hospitalization has nothing to do with IT, that’s my point, it’s still a major account.”

Supervisor Walter: “Still, it kind of falls under.”

Bill Rothaar: “The budget itself obviously as we’ve discussed is an estimate and a plan of what we’re going to spend. Back when we did the budget as the Supervisor mentioned, in 2011 NYSHIP told us we were going to have a thirteen percent increase in the rates for our health insurance. After the budget is passed NYSHIP comes in and says the increase is now six percent or six point eight percent, that gives us a savings.

We did not anticipate or plan to replace these switches so now that we realize, the Town Board realizes we need to replace these switches to go forward in our IT plan; we have to find the money somewhere.

The Board, Supervisor presents his tentative budget, the Board approves it by voting on it by November 20th or letting it go, letting the Supervisor’s budget get adopted, that’s your plan but those plans change. We now have a plan to spend money on IT infrastructure and the Supervisor

asked me where we can find the money. He knew that we had saved seven percent or so on health insurance, that's where we're taking it from. So a major account; the budget is passed by the Board, it's being altered by the Board, or amended by the Board."

Supervisor Walter: "And its' all general funds so. The general fund, if you will, is just under forty-five million dollars I think for 2012 so that would be the major fund. We can't transfer, obviously from Highway to Water to Sewer. Those things can't transfer because those things are within the special districts."

Councilman Dunleavy: "We had to find \$180,000.00 and this way we're helping the tax payer out because we already have it in our budget for this year for the medical expenses so we can use that money and not raise taxes to get that money for next year."

Supervisor Walter: "Hopefully we'll be able to computerize certain things that other people in other towns take for granted like paying your tax bills on line through our department, not offsite vendors and things of that nature."

Sal Mastropaolo: "Ok, Resolution 619. Can you explain that?"

Supervisor Walter: "Alright Bill, you're up again."

Bill Rothaar: "As explained, we did a refinance in the year 2012. When you refinance bonds you may pay a premium on the bond itself because you're calling it in earlier so you pay a premium but the interest rates are lower and over the term of the bond you spend less money. Ok?"

So what we have to do for accounting purposes, we have to record a premium that we sold the old bonds for and then we have to pay additional fees in order to do that. Over the term of that refinancing we're saving four hundred thousand dollars a year in debt service from that refinancing but we have to record the premium that we paid, the three point six million dollars that we received and three point six million dollars and then increase the amount of principle interest that we paid during 2012.

It was a four million dollar savings of which we only had to spend three point six in 2012 so we netted a four hundred thousand dollar savings in 2012 and we will net roughly four hundred thousand dollars in bond payments 2013 for the next nine years. This was only being put on the books to show we earned income that we did a budget in 2011 and we spent debt service that we didn't budget for. It's really just cleaning up the books accounting wise."

Sal Mastropaolo: "Resolution 622. This Resolution and there's another Resolution later on about street poles on Main Street. My first question is what's wrong with the street poles that were there ok? My second question is; should this really be under the street light maintenance since you're buying new poles? I mean maintenance."

Supervisor Walter: "What was the other Resolution?"

Sal Mastropaolo: "There's another Resolution later on where you accept a bid for fifty-nine thousand, six hundred something dollars to buy the poles."

Supervisor Walter: “Well, we’re doing two things. The Town, the State, is going to take down all the street poles and street lights and put up new sidewalks on Main Street. All of those street light poles are ancient and if you try to take them down you’re not getting them back up because the bases are all rotten and periodically they fall over broken so nobody, it wouldn’t be sound for the Town to try to put old poles, I think these poles are fifteen, twenty years old, back up in the same place. I believe, Chris, did we obtain a grant for the street light poles?”

Chris Kempner: “Yes, for the downtown revitalization which the county legislature should be approving the committee recommendation shortly, and then get an official announcement on that and then we had close to thirty (inaudible) So the county is a little behind on the contracts but that’s in the budget (inaudible)

Supervisor Walter: “Ok, so we may not even be paying for it.

Chris Kempner: “We shouldn’t be paying for it at all.”

Councilwoman Giglio: “And these poles accommodate the LED heads for the poles right? They accommodate?”

Chris Kempner: “(Inaudible) it’s part of the same (inaudible) it’s heads, poles. First they were going to try to keep the poles.”

Councilwoman Giglio: “I know there was discussion that it was difficult to retrofit the LED heads on to the same poles.

Chris Kempner: “That would be inefficient in the long term because there is no parts to fix the old poles and this way when we do the improvements with the OT to the sidewalks (inaudible) capital improvements to the sidewalks (inaudible) any of those fixtures, it would be another twenty years.”

Councilwoman Giglio: “Good.”

Sal Mastropaolo: “So is it safe to assume if the Grant comes through that we are going to see a Resolution putting the sixty thousand back into the fund balance?”

Supervisor Walter: “Yes.”

Sal Mastropaolo: “Ok, Resolution 623. I realize that you’re settling for like two thirds of what they claim you owe but my concern is who’s controlling the projects and the change orders to allow this to happen that Dunn wants sixty-eight thousand dollars more than what we approved? I mean is somebody falling down on the job and not managing the way they should be?”

Supervisor Walter: “It was a five million dollar project so I will suffice it to say that we will not use Dunn Engineering again and leave it at that. But Sal, let’s put some economics of scale here, a five million dollar project.”

Sal Mastropaolo: “But we do everything by purchase orders and contracts.”

Supervisor Walter: “The first thing I said about the contractor, they will not be used again.”

Sal Mastropaolo: “Ok, Resolution 649. We keep renewing these contracts, the license agreement; do we ever raise the price for inflation or are we giving it to them for the same price every year? I’m assuming this is the parking lot down in Wading River that the restaurant leases from us.”

Supervisor Walter: “I honestly can’t speak on it. He was a client.”

Sal Mastropaolo: “Well, does somebody want to speak on it that’s not a client?”

Bob Kozakiewicz: “It’s at the same amount.”

Sal Mastropaolo: “Well, shouldn’t we be raising the price every year? I mean just for inflation. It’s not costing us the same every year to maintain it.”

Bob Kozakiewicz: “We’re not doing a lot of maintenance on that lot. There’s a portion that we do maintain. We have to put some new signs because of the settlement but there’s not been a lot of cost to the town.”

Sal Mastropaolo: “But if and when we have to repave it it’s going to cost us. My point is the price, inflation raising everybody’s price every year and we keep giving him the license agreement for the same price every year. I’m just bring it up. We should be looking at raising the price.”

Councilman Wooten: “I agree with you. I think it’s a year to year. We keep it a year to year just in case we do have to do improvements to the lot.”

Sal Mastropaolo: “Resolution 650. The statement in here that says *to include a food concession, music and the sale and service of alcoholic beverages*, but I see nothing in this Resolution about any kind of a liquor license being required. Who manages or who enforces a liquor license on, outside at a 4-H camp?”

Bob Kozakiewicz: “They are required to get a, if they don’t have an on premise license, they are required to go to the SLA to get an off premise approval for the day.”

Sal Mastropaolo: “Shouldn’t there be something in here that says contingent upon.”

Supervisor Walter: “The SLA enforces it but the police chief is not here but the police chief will shut them down without a license.”

Sal Mastropaolo: “So we don’t put a statement in here that says contingent upon an SLA license. I mean we always put in contingent upon a Suffolk County Health Permit for food.”

Bob Kozakiewicz: “I think it’s subject to all permits.”

Supervisor Walter: “I don’t think we usually do have that in there. Well, if they don’t have it the police will shut them down.”

Sal Mastropaolo: “Alright. That’s it.”

Supervisor Walter: “Thanks Sal. How are you doing Sir? Your name and hamlet for the record? Can I have your name and hamlet where you live?”

Cole Mezynieski: “Cole Mezynieski from Driftwoods, Family Farms in Calverton. My family, Steven Mezynieski, owns four working farms.

We purchased the property in Calverton in July of 2012. My father and I plan to farm the property and get it to the condition it could be farmed because it was a disaster. We worked day and night restoring the barns, cleaning the fields, fencing around the entire property and restoring the house, the farm house that was there so I could live there when I graduate high school.

In January of this year we were ready to think about finally farming. We realized that none of the fields were in a condition where they could be farmed in a modern way that they would be profitable.

The application, we sent in an application in January to restore the fields so they could be more profitably farmed. The application wasn’t even presented here until June.

Many of the Board members have seen the farm and walked the premise. I personally met with Mr. Dunleavy and showed him around the farm. Anyone who has seen the farm seemed to me has acknowledged that it has to be re-graded in order to be properly farmed.

Riverhead Town has rich heritage in farming. If you drive down County Road 58 at the moment all you see is strip malls, parking lots. In the future I don’t want all the farms in Riverhead to disappear as I’m sure you don’t. I want people to drive through the Riverhead area, Riverhead Township see at least one working beautiful farm. I would be honored if in the future I could pursue my dream of farming, as my family has for generations in Riverhead Town.

I’m asking you to keep both my future and the future of farming in Riverhead in mind when you vote on this Resolution. Thank you.”

Supervisor Walter: “Thank you. Does anybody else wish to be heard?”

Steve Mezynieski: “Good afternoon. My name is Steve Mezynieski, Driftwood Family Farms, Calverton. I guess my son says a lot when he comes to speak to you guys.

When we did this whole project we really put a lot of time, thought and effort into it. It wasn’t something we halfheartedly went into. We invested over three million dollars so far into this property between purchasing and cleaning up and it’s still ongoing. We went to the Soil Conservancy Agency and New York State Agricultural Agency and asked them for their input.

We asked everybody to help us come up with a plan that would help us be suitable for this and they did. We submitted it here to the Town; for six months no response. We get a response from the Town, the next day there's a Code change put forward to try and stop this from happening.

I think whoever is putting this forward is really missing the point by a mile. We're not looking to do a huge sand mine here. There's a finished plan on this property. It was well thought out, well drawn up. I've asked for the Board and the Town's input right from the get-go if somebody had a better plan where it wouldn't require this type of material coming off of the property. I don't care if I take four yards or four hundred thousand yards off of this property, my end result is we want to have a piece of property that is a usable asset and a modern day agriculture production facility for my son and his family possibly to be in the Town of Riverhead.

I'm just very confused. The other day I get a phone call from the newspaper asking me *oh, we didn't see you at the meeting. What are your thoughts about the Town proposing a Resolution to oppose what you're trying to do?* I didn't see it on any public agendas, I didn't hear a phone call. I was shocked, deciding the future behind closed doors. I mean we've been up front with you guys right from the start and I, shocked."

One thing I found very, very interesting is, I went on line. If you go online there's a page on there, a web site, Mr. Walter that states that when he was Deputy Town Attorney he was very proud of himself for saving over a thousand acres of farmland in the Town of Riverhead. Well, here's a farm that wants to be saved more or less; a young farmer that wants to be saved at zero cost to the town.

I'm asking you guys to either vote no or maybe put this aside and sit down with us at a work session and we can come up with a plan that works for the Town and for us. As we stated right from the start, we want to work with you not against you. I come up here and jump up and down and say I'm going to sue you, I have lawyers. Do either of us want to get into a costly lawsuit, no. We want to work with you, not against you and I'm really, really surprised and shocked by this Resolution that's being put forward. Thank you."

Supervisor Walter: "Thank you. Does anyone else wish to be heard?"

Steve Romano: "Good afternoon, Steve Roman. Resolution 624, Reappointment of a person to the Board of Assessment Review. The individual, and I don't mean any disrespect to the person you are reappointing, but just a comment or a couple of questions and a comment. Is the five year term set by the Board or some other entity that requires you to make it a five year term?"

Supervisor Walter: "I think it's set by the State. Is that set by the State? Yes, set by the State."

Steve Romano: "Is it a pay position?"

Supervisor Walter: "Yes, we pay them a thousand dollars a year."

Steve Romano: "Ok, just a comment. In my opinion and you guys obviously disagree because you're appointing, it seems our planning, zoning and this Board also; we reappoint people and the applicant may be well qualified and a great guy but I think it serves the town

better with these types of Boards when you get new blood, new ideas, fresh ideas. Five years of a citizen volunteering, I'm not saying volunteering because you're getting paid but maybe in this job it's almost like a volunteer job because he's getting paid a thousand dollars."

Supervisor Walter: "He's only been in one year Steve."

Steve Romano: "Oh, ok, then my comment is in the future on the five year terms when people come up I really think the Board should consider putting in new people in there because it's a stagnated term, it's not like you lose anything and I think you would really gain. But I apologize; I didn't know it was just one year. Thank you."

Supervisor Walter: "Thank you."

Dominique Mendez: "I actually want to discuss two. First to go back to Resolution 645 and that's about the Driftwood Family Farm and the excavation.

I'm not an expert, what constitutes a farm and what doesn't and what's sand mining and what isn't but Ag and Markets pretty much is and I have a copy of their letter and they seem pretty sure that this isn't necessarily farming.

In truth when Ag and Markets weighs in and it's usually in the farmers favor and in fact I would say they are pretty liberal in what they often consider farming, the farmers use that in order to support whatever use and expansion they want. This time Ag and Markets didn't weigh in on their side and I don't see how you as a Board can really ignore Ag and Markets opinion without putting yourself in a weak legal position. I think that's where your weakness would be legally not approving the denial of this excavation permit.

I don't think we can really be as naive to just look at what's on an application and just say oh yeah, that's what's going to happen especially when, although people may be farmers but sometimes they have other businesses. In this case it's an excavation business. You can't discount that, you can't ignore that.

There have been many other cases. We talked about farming. We have a long history of farming; we also have a long history of sand mining in Riverhead and not so illustrious. I think there was something, PRG in Calverton. It was approved as a truck repair and they were supposed to build in this huge ditch or something so you couldn't see in the road. I don't think it ever became truck repair, it's just sand mining and it's materials but they had a plan and I think the Town Board very reluctantly maybe but they bought it and it's not a truck repair, it's a big ditch became they sand mined it; so it happens all the time and I'm hoping this time the Board has the wisdom not to let something like that happen again and sometimes who knows your intention could be that maybe that you'll farm it but there was even talk it go industrial and again if they were so sure it was going to be farmed why they'd even talk about well if it was industrial if it's so surely going to be a farm.

I just think you've got Ag and Markets opinion that it would be irresponsible of the Board actually to approve it and put you in a compromise legal position. I think that's where you would be in a weak legal position.

I want to just discuss Resolution 659 for a second. That would set up a public hearing for new transitional yards and screening in several commercial zones.

As you know I'm a big supporter of buffering for residential and commercial. I think I've lobbied this Board along with a bunch of my members of my coalition in the RSPC and the

group in the East End fought to really improve buffering in Wading River as a result of the Wading River Corridor study. I wholeheartedly support that attempt although it certainly should have been sooner but unfortunately it seems like during your work session there were numerous issues raised. There were issues about if we have a smaller lot, should that be (inaudible) should that be percentage? Now I don't know my tendencies to think wall is kind of urban. I don't like the idea, that's my gut but maybe there are certain situations where for a sound barrier that's preferential and nothing else would do the trick. It seems like there's more work to be done.

Supervisor Walter: "And that's why we're going to public hearing. I don't mean to interrupt you but we've kind of racked our brain and we can make this so complicated nobody else will figure it out or so generic like this that it just doesn't seem to work on a two acre parcel so my thought is let's see what the public has to say and come to the public hearing and we're going to open them all up at once. We didn't do all the zones, we didn't do CRC, we didn't do and because this is probably not what's going to get adopted but the public, with the input we received from the public is going to be critical here, so I would save your comment for that because otherwise we would have nitpicked it forever."

Dominique Mendez: "No, I do think you still need some more experts to weigh in; you're your own people, planning with your own people to work through some issues before you get it up to layman and people like me in the public. It seems to me you have more work to be done. Rushing to get this out seems truthfully more about pulling the outlaw people, people who are upset about land clearing then doing the legislation right. I think you need to do the legislation right and instead having a series of public hearings and have more discussion among yourself and with your planning staff."

Supervisor Walter: "That's about the biggest 180 I've ever seen by."

Dominique Mendez: "It's not a 180, I just think you should do it right. I think you should do it right and not have a series of public hearings and it seems like there were issues that were brought up that you're not quite ready to go to public hearing.

I strongly support you doing this legislation I just want you to make sure you do it right and not for political reasons, not to stop people, the uproar but to do it right. That's all I'm suggesting and if the Board members feel like there's more that they need to consider, the wall should that be in and should they need to consider smaller parcels and how that should be done or other zones that they work some of those issues even if it's two more weeks. Work with their planning staff; get more expert opinion and then go to public hearing. That's all I'm suggesting, I'm still for it. Thank you."

Supervisor Walter: "Anybody else wish to be heard?"

Steve Mezynieski: "If I could just have one more moment of your time? This was forwarded to the Town I believe today by Mr. Danowski. It's a letter from the New York State Department of Agriculture and Markets dated September 3, 2013 by Robert Sommers, PHD, the same gentleman who had written the letter opposing the sand mining operations. *As indicated your parcel of land received an agricultural assessment located in Suffolk County Agricultural District Number Seven. The protection according to farm operations under agricultural markets*

law is extended to the subject parcel. In answers to your questions concerning the tree harvesting and minor alteration of slopes, the farmer has protected the conversion of farm woodland to land suitable for agricultural production. The farmer also has protected ability of a farmer to make modern modifications to the surface gradient to facilitate agricultural production activities.

According to this letter we are protected under there and the Ag and Markets do support this project. What they did not support was the major sand mining operation which is not our intention in anyway.”

Councilman Gabrielsen: “Did you have one sentence there that said *minor alterations*?”

Steve Mezynieski: “Yes. (inaudible) in the elevations of the property. We have right from the get go have asked to phase this. We asked to do it in small portions. We do not, by any means, want this to turn into a sand mine that goes on forever and ever. We have a finished product and we also have a (inaudible) of the finished product to get it done. Thank you for your time. I just wanted to add, I forgot to mention this to the Town Board.”

Councilwoman Giglio: “I would just like to say I’m looking at your application to the New York State DEC dated May 17, 2013, because I asked the town attorney for a copy of it and it says materials to be removed is says *approximately four hundred and fifteen thousand one hundred and sixty cubic yards will be hauled off site for sale*. When you sat with us you told us you were going to use that material for your farm operation in Orient.”

Steve Mezynieski: “We are.”

Councilwoman Giglio: “Ok, then why does it say you’re selling it?”

Steve Mezynieski: “I didn’t write that, my attorney did.”

Councilwoman Giglio: “Ok, then there’s some misconception there and when you say we did things behind closed doors I take offensive to that because we had a public hearing, we had a work session, it was televised the media was here so it wasn’t done behind closed doors. We discussed it we found out about it probably about the same day you did, the Town Board did, The Notice to Deny.

When it comes to the letter that New York State Ag and Markets originally sent you on August 19, 2013 on page two it says *your proposed mining isn’t an aide of existing agricultural activities*. It says *Mr. Mezynieski notes that excavation and restoration of a site to be completed within a twelve month period*, where you explained it would be two years you thought before you could get all the material off. It also says *that no mineral processing equipment is allowed on site and excavation grading activity must be directly rated to improvements associated with an ongoing or imminent agricultural ongoing activity*.

I understand that Ag and Market’s new letter that I read today dated September 3rd states that you have to; we have to allow you to clear trees in order to farm the property. That’s correct and we have no problem with that. We have a problem with you taking four hundred and thirteen thousand yards off the site.”

Steve Mezynieski: “I’ve repeatedly said it doesn’t have to be four hundred fifteen thousand. If we can come up with a site plan and its forty yards I’m fine with that.”

Councilwoman Giglio: “And when you say it’s zero cost to the tax payers that’s not true because the roads will be hurt by these trucks coming in and out of your property and removing the material so.”

Steve Mezynieski: “And I’ve agreed to pay two dollars a yard to you to cover that cost.”

Councilwoman Giglio: “If it were to be industrial property.”

Steve Mezynieski: “If it were to be industrial or if I don’t want a cost to the town. If we can come up with a site plan that will work on this and we have a finished end product so be it.”

Councilwoman Giglio: “I don’t know, to me there are so many inconsistencies between the application to the New York State DEC and what Ag and Markets said what was a farm operation and what isn’t a farm operation. I agree with their letter of September 3rd that we can’t deny you the right to clear trees but we can deny you the right to take four hundred and thirteen thousand yards off the site.”

Steve Mezynieski: “And you also cannot deny us the right to minor grading and changes to the property or the property farm.”

Councilwoman Giglio: “I don’t think we have a problem with that as long as you redistribute it on the site.”

Steve Mezynieski: “And just so one thing, Mr. Walter last time we were here said have you gone to the DEC and asked for a permit. We have and the first question out of their mouth was *has the town issued you a permit of authorization and if they have not, we cannot do anything.*”

Councilwoman Giglio: “I have that letter here also.”

Steve Mezynieski: “So it’s a big catch twenty-two. You won’t issue me a permit because they won’t, they won’t issue me a permit because you won’t. No one will issue a permit.

Councilwoman Giglio: “That was secondary to the statements that he said that; *it has to be in agricultural production.*”

Steve Mezynieski: “Which it is. A portion of the property and the rest of it we would like to extend the agricultural production on the property. That’s the whole reason we’re here. I’m more than happy to come up with another plan. I don’t want this to be a whole big sand mine. It doesn’t. You know to take a few hundred thousand dollars’ worth of sand out of there and destroy. My intention is not to turn this into a sand hole. We want a finished product. For

me to take a few hundred thousand dollars' worth of sand off of this property leave a hole there and skip town, it makes no sense, it's nuts."

Councilman Gabrielsen: "I don't think the Town Board and the farming community per say has a problem doing what you say and Jody made that point. You can move the dirt around, you can level on site, but the intent of the original proposal was that you were going to remove, I mean you had the surveyors here, you had different people here and you made the argument that four hundred and fourteen thousand was leaving the site and that's what we are reacting to. And that's what I think everyone has a problem with. You can move what you want and we don't have a problem with moving around, taking the high spot, the low spot, come up with a median level it on site."

Councilman Dunleavy: "But if he does that he's going to disrupt the drainage from the north. Drainage from the farmlands all from the north come across Route 25 go down through his farm and goes into Calverton Lake in the back. Ok? If he raises that up three foot or two foot he's going to block that drainage it's going to back up on Route 25 we're going to have flooding on Route 25 and the drainage will not be able to go through to."

I've been out there, I don't know how many Board members have been out there to the farm but you drive out there its six foot high so for him to farm this and he has three plateaus there. A tractor with disks couldn't get up these hills. We got stuck trying to get out because it was a damp day and we were trying to get up a six foot high hill to turn and we couldn't do it so to farm this properly he has to; I don't think he's going to dig a big hole, and I think the last time we discussed this he was going to do it proportionately to, that's why I think the two years comes in because he was going to do it proportionately as he farms.

He's going to do maybe an acre and then he's going to farm that acre do another acre and add that acre onto his farm. So maybe that's why the two years came in because he can have eighteen trucks of eighteen wheelers going in there and two months have it leveled if that's what he wants. But we thought we were going to compromise and have him do it proportionately so he could use the land. He's farming in the rear of the lot now.

I really don't like people from Albany writing letters when they don't come down and look at what they're writing about. They should come down and inspect it and say ok, this is what he needs so he can farm instead of writing a letter that we don't know who wrote the letter, how they did it. I just can't see but I was out there so I know that he has problems farming it the way it is now."

Supervisor Walter: "I'm going to suggest that we need to have an executive session for legal advice and I don't know whether the Board wants to do that during a Town Board meeting or do you want to table this resolution and discuss it at the next work session."

Councilman Gabrielsen: "Is there something we should know now?"

Councilman Dunleavy: "I would rather table it."

Supervisor Walter: "I did want to talk about Bob Sommers letter. Have the town attorney discuss the Bob Sommers letter that just came today."

Steve Mezynieski: “If you read the original Bob Sommers letter it does state that he viewed this, via Google Earth. Originally Bob Sommers and the other gentlemen from the Department of Agriculture were going to come out and meet with me on site and do an in-depth but due to the different holidays they weren’t able to do that so he wrote this letter via Google Earth.”

Supervisor Walter: “My suggestion is we need some more information from our attorney’s office and we either withdraw it or table it.”

Councilman Wooten: “Well, I know how he is feeling was feeling a half hour ago with all this conversation. We’d like some advice on it so tabling it would be the best thing we can do now so that we can.”

Supervisor Walter: “Does anybody else wish to be heard today?”

Phil Barbato: “Phil Barbato, Jamesport. I’m a third generation farmer too. My family has been farming on Long Island since my grandfather moved here from Italy and I have been operating a profitable farming business in Jamesport for fourteen summers.

I support the idea of a family farm. I teach children how to farm as part of my business and I encourage young people to get into farming.

I also think if this is a farming application there’s no need for excavation. In fact you can’t improve soils by leveling the property. The soil is only two feet deep. If you start moving it around like that you’re going to destroy the soil that’s there.

I also, when I was a young man, I knew Elmer Zeh; which I think is the previous owner here. He was a mountain of a man he was a fine gentleman and he grew some really good vegetables on that property. So I don’t quite understand the need to go through a herculean effort to change the shape of this farm in order to get good production out of it.

The farm I own is preserved farm land in Jamesport on Manor Lane and there were some older farmers who laughed at me for buying it when I bought it thirteen years ago because it’s so hilly. Ok, it’s not tabletop flat but I get some pretty good stuff off of it and its soil is some of the best soil in Suffolk County. So I don’t quite understand that. If this is a bonified farming operation, leave it at that; clear some land and get you’re farming done. You don’t have to excavate half a million cubic yards of soil or minerals from that site in order to make it a farm.

As far as the Ag and Markets go they are going to back farmers but the big but is they have to have a sign off from DEC that proposed excavation is in support of farming and they don’t have that. So yes, they’re going to support farming and they do. Sometimes they go a little too far even for other peoples tastes but they got to have that first and they don’t have it. Thanks.”

Supervisor Walter: “Thank you. Does anybody else? We could make a motion to go into Executive Session or do you want?”

Councilman Gabrielsen: “I’m ready to go into Executive.”

Supervisor Walter: “You want to go into Executive.”

Councilman Dunleavy: “I don’t know. We could be in there for awhile talking about this. Why don’t we just table it for the next work session.”

Supervisor Walter: “What’s the consensus of The Board, table it for the next week for and Executive session.”

Councilman Wooten: “Is this an emergency? Does this have to be voted on today? Why don’t we just table it?”

Supervisor Walter: “Ok, it will be tabled. Ready to go into Resolutions unless there is anybody else to be heard, not seeing anybody else we’ll go into Resolutions.”

RESOLUTIONS

Resolution #616

Councilman Dunleavy: “East Creek Improvement Budget Adjustment. So moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #617

Councilman Wooten: “2012 General Fund Budget Adjustment. So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #618

Councilman Gabrielsen: “General Fund GIS Support Budget Adjustment. So moved.”

Councilwoman Giglio: “And seconded”.

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

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

Resolution #619

Councilwoman Giglio: “2012 General Fund Debt Service Budget Adjustment. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #620

Councilman Dunleavy: “Recreation Fund Fall Brochure Budget Adjustment. So moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #621

Councilman Wooten: “Recreation Fund Budget Adjustment. So moved.”

Councilman Gabrielsen: “This came up before and we discussed it with the recreation committee which has a meeting this coming Monday which wasn’t and so I’m not sure you’re ready to move that money. The concession stand.”

Tara McLaughlin: “There were three (inaudible) that were done” (inaudible)

Councilman Gabrielsen: “Was the money moved already?”

Tara McLaughlin: “Yes.”

Supervisor Walter: “This is a concession stand right at EPCAL”

Councilman Gabrielsen: “Ok, moved and seconded.”

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

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

Resolutions #622

Councilman Gabrielsen: “Street Lighting Budget Adjustment. So moved.”

Councilwoman Giglio: “And Seconded.”

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

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

Resolution #623

Councilwoman Giglio: “Authorizes Settlement with Dunn Engineering Associates, P.C. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #624

Councilman Dunleavy: “Reappoints member to the Board of Assessment Review. So moved.”

Councilman Wooten: “Second”

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

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

Supervisor Walter: “Tara do we know whether we changed the bid package for this?”

Tara McLaughlin: “Yes we did. I spoke to Lisa and they were changing it.”

Supervisor Walter: “Ok. They’re increasing it. What did they?”

Tara McLaughlin: “The one year to two years.”

Diane Wilhelm: “Resolution adopted.”

Supervisor Walter: “No, we want discussion, I want discussion, it was one year with two, one year extension.”

Tara McLaughlin: “It was one year with two one years.”

Resolution #625

Councilman Wooten: “Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Fire and Security Alarms Systems Contract. So Moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #626, 627, 628

Councilman Gabrielsen: “Accepts Highway Superintendent’s Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request. (Arthur Fogel, William Renten, Jr. and Michael Smith) I move on Resolution Numbers 626, 627 and 628. So moved.”

Councilman Wooten: “Can we do all of them together?”

Supervisor Walter: “Do you want to move 626, 627 and 628 together. Accepts Highway Superintendent’s Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request. Will you move all three George?”

Councilman Gabrielsen: “I’d like to move 626, 627 and 628. So moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded. Vote on all three please.”

The Vote: “Giglio.”

Councilwoman Giglio: “This is the Highway Superintendent’s recommendation based on what he needs to know to effectively run the department and as an elected official I would give him the respect of granting him this request for personnel, yes.”

Vote Continued: Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 626, 627 and 628 are adopted.”

Resolution #629

Councilman Wooten: “Classifies Action, declares Lead Agency and Determines Significance on Site Plan of Woolworth Revitalization, LLC. So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #630

Councilman Gabrielsen: “Authorization to Publish Advertisement for Dowflake Xtra Calcium Chloride. So moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: “I wish we could look at a way we could have somebody look at this bid and bid on it. We’ll never get the stuff if we don’t find a way to get this out to the people so they can bid on it. I vote yes.”

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

Resolution #631

Councilwoman Giglio: “Sets Registration Fees for the Recreation Department. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #632

Councilman Dunleavy: “Ratifies the Appointment of a Call-In Bus Driver to the Recreation Department. (Antonia Turner) So moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #633

Councilman Wooten: “Approves a Call-In Recreation Aide I to the Recreation Department. (Mary Reiter) So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #634

Councilman Gabrielsen: “Approves Chapter 90 Application of Polish Town Civic Association (Polish Town Civic Association Fundraiser Featuring the Band, ‘Beer Money’ September 14, 2013). So moved.”

Councilwoman Giglio: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to ask if you did speak to the Police Chief and the Civic Association about police control?”

Supervisor Walter: “They did and the Police Department cut back the hours and the Civic Association did not know about the advertising that was taking place for this and that is supposed to be curtailed as well.

Councilwoman Giglio: “So yes.”

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

Resolution #635

Supervisor Walter: “We have to table this because unfortunately we my (inaudible) have not been signed because the covenants were not finished with the town attorney’s office to approve so we don’t have a legal ability to approve this.”

Councilwoman Giglio: “So we’re tabling it or withdrawing it?”

Supervisor Walter: “Just to table it until next week. We might ratify it, I mean I. Really the only issue is that the covenants have not been and the bylaws have not been signed.

Councilwoman Giglio: “I make a motion that we table Resolution #635. So moved.

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 635 is tabled.”

Resolution #636

Councilman Dunleavy: “Amends Resolution 281 of 2010 (Approves Amended Site Plan of Zenith Building) So moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #637

Councilman Wooten: “Authorizes the Supervisor to Execute a Construction Staging Area License Agreement with Zenith Organization. So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #638

Councilman Gabrielsen: “Authorizes the Supervisor to Execute Professional Services Agreement with Converged Technology Group, Inc. (CTG) for Ongoing IT Support Services for Network/VM Ware. So moved.”

Councilwoman Giglio: “And seconded”

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

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

Resolution #639

Councilwoman Giglio: “Authorizes to Publish Advertisement for Purchase of One (1) 2012 or 2013 New or Used Honda Civic Natural Gas Vehicle for Use by the Town of Richer head Senior Citizen Department. So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #640

Councilman Dunleavy: “Authorizes the Supervisor to Execute a Musical Works License Agreement with SESAC LLC. So moved.”

Councilman Wooten: “I second it.”

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

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

Resolution #641

Councilman Wooten: “Authorizes the Supervisor to Execute a Rider Agreement for Consultant/Professional Services with Nextiraone, LLC D/B/A Black Box Network Services. So moved.”

Councilman Gabrielsen: “Seconded.”

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

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

Resolution #642

Councilman Gabrielsen: “Authorizes the Supervisor to execute a License Agreement with the Survival Race LLC for Utilization of Town Police Personnel and Vehicles. So Moved.

Councilwoman Giglio: “And seconded.”

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

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

Resolution #643

Councilwoman Giglio: “Awards Bid for Light Pole for Main Street. So moved.

Councilman Dunleavy: “And seconded.”

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

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

Resolution #644

Councilman Dunleavy: “Grants Land Clearing Permit to Riverhead Charter School as Provided by Chapter 62 of the Riverhead Town Code. So moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #645

Supervisor Walter: “Can I have a motion to Table?”

Councilman Wooten: “Resolution 645, I’ll make a motion to Table. So moved.”

Councilman Gabrielsen: “And seconded to Table.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 645 is tabled.”

Resolution #646

Councilman Gabrielsen: “Approves the Chapter 90 Application of Marianne Katusha (Power Bike Run Fundraiser Event at Riverhead Elks Lodge #2044 – September 21, 2013). So moved.”

Councilwoman Giglio: “And seconded”

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

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

Resolution #647

Councilwoman Giglio: “Approves the Chapter 90 Application of George M. Bartunek (15th Annual Antique Car Show – September 20, 2013). So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #648

Councilman Dunleavy: “Approves the Chapter 90 Application of Hallockville Inc. (33rd Annual Fall Festival September 14 and 15, 2013). So moved.

Councilman Wooten: “I’ll second.”

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

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

Resolution #649

Councilman Wooten: “Approves Extension to License Agreement With Wadington Realty Corp. So moved.

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #650

Councilman Gabrielsen: “Approves Chapter 90 Application of the Survival Race, LLC (September 7 and 8, 2013. So moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Discussion on this. Chief, this is another one of those at 4-H. Did we get the police on Sound Avenue September 7th?”

Bob Kozakiewicz: “That’s another Resolution coming your way.”

Supervisor Walter: “Ok, that’s problematic on that road; to put five thousand people.

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

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

Resolution #651

Councilwoman Giglio: “Ratifies Reappointment of Member to the Town of Riverhead Ethics Board. (Jeanmarie Costello). So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #652

Councilman Dunleavy: “Authorizes the Release of Site Plan Security of Jontori Enterprises, LTD. So moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #653

Councilman Wooten: “2013 General Fund Police Budget Adjustment. So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolutions #654

Councilman Gabrielsen: “Authorizes the Supervisor to Execute a Professional Services Agreement with Converged Technology Group, Inc. (CTG) for Land Infrastructure Upgrade. So Moved.”

Councilwoman Giglio: “And Seconded.”

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

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

Resolution #655

Councilwoman Giglio: “Authorization to Publish Advertisement of a Request for Proposal for Sale and/or Sale with Option for Town to Lease Real Property Located at 24 East Second Street, Riverhead, NY (SCTM #600-128-5-25). So moved.”

Councilman Dunleavy: “And seconded.”

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

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

Councilman Wooten: “I know I’m outnumbered but I really don’t think this is something the town should even consider selling so my vote is no.”

Vote continued: “Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #656

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

Councilman Wooten: “I’ll second.”

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

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

Resolution #657

Councilman Wooten: “Authorizes Town Clerk to Publish and Post Public Notice to consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” (Parking Schedule). So moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #658

Councilman Gabrielsen: “Authorization to Publish Advertisement of a Request for Proposals for Sale and/or Sale with Option for Town Lease Real Property Located at 542 East Main Street, Riverhead, NY (SCTM #600-129-3-35.2) So moved.”

Councilwoman Giglio: “Seconded.”

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

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

Councilman Wooten: “This is a very good idea. The Town should be looking for a lease for this building. I vote yes.”

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

Resolution #659

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” (Non-Disturbed Transitional Yards and Screening). I thought we should probably table this.”

Supervisor Walter: “My goal was to try to put this up to a hearing so we could get the input from the public. Like with several things in the zoning code we go to public hearing on more than one occasion when the public gives input. That’s what I want to do, get the input. I don’t think it’s going to be passed in this form. I’ve already received phone calls from a certain property owners who are concerned. I don’t have the answer so we tasked our staff.”

Councilwoman Giglio: “Ok, so the Public Hearing we can at least get their comments and make amendments thereafter.”

Councilman Gabrielsen: “I would think so because even a suggestion came about the wall coming up that was made by the public.”

Councilman Giglio: “Yes, I move and second.”

Councilman Dunleavy: “And seconded.”

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

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

Councilman Dunleavy: “Can I ask a question? I thought we were having a Resolution about the Police Department on Sound Avenue?”

Bob Kozakiewicz: “We did, it was prior. It was Resolution 642, it was prior to it.”

Resolution #660

Councilman Dunleavy: “Pays Bills. So moved.”

Councilman Wooten: “I’ll second.”

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

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

Supervisor Walter: “We have two off the floor, oh three. We have three off the floor and I’ll read them out loud and if we can move them all at the same time that would be fine.”

Resolution 661 we discussed this. I don't know why it wasn't in the package but this was Awards Request for Proposal for Professional Engineering and Design Survives for Armory Building Modifications for Use as Justice Court and Police Headquarters.

Resolution 662, Authorizes Bow Hunting for Deer on Town Property at Enterprises Park at Calverton (SCTM No 600-135-1-7.33, et al.) and 1751 Sound Avenue, Calverton (SCTM No 600-60-1-2) from October 7, 2013 to December 1, 2013.

Resolution 663 Authorizes Shotgun Hunting for Deer on Town Property at Enterprises Park at Calverton (SCTM No. 600-125-1-7.33, et al.) and 1751 Sound Avenue Calverton (SCTM No. 600-60-1-2) from January 6, 2014 to January 31, 2014, Inclusive.

Can I get a motion?"

Councilman Dunleavy: "I make a motion that we move Resolutions 661,662 and 663 off the floor for consideration. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please to take off the floor."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 661, 662 and 663 are moved off the floor."

Resolution #661

Councilman Wooten: "Awards Request for Proposal for Professional Engineering and Design Services for Armory Building Modifications for Use as Justice Court and Police Headquarters. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #662

Councilman Gabrielsen: "Authorizes Bow Hunting for Deer On Town Property at Enterprises Park at Calverton (SCTM No. 600-135-1-7.23, et al.) and 1751 Sound Avenue, Calverton (SCTM No 600-60-1-2) from October 7, 2012 to December 1, 2013 Inclusive. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: “I just want to say and I should have said this before the Wildlife Management Committee is having a bow hunting lottery for bow hunting Monday, September 16, 2013 right here in Town Hall.”

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

Councilman Dunleavy: “I have a question, have these properties been posted?”

Councilman Gabrielsen: “Yes and these are the same properties they hunted on last year. The Wildlife Management went out there and posted all of EPCAL.”

Councilman Dunleavy: “Ok, I vote yes.”

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

Resolution #663

Councilwoman Giglio: “Authorizes Shotgun Hunting for Deer on Town Property at Enterprises Park at Calverton (SCTM No. 600-125-1-7.33, et al.) and 1751 Sound Avenue, Calverton (STCM No 600-60-1-2) from January 6, 2014 to January 31, 2014 inclusive. So moved.

Councilman Dunleavy: “And seconded.”

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

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

Councilman Dunleavy: “Just one more question. Has the property 1751 on Sound Avenue been posted also?”

Councilman Gabrielsen: “Yes, they went up there on Sound Avenue, yes.”

Councilman Dunleavy: “I vote yes; Walter, yes. “Resolution adopted.”

Councilman Gabrielsen: “And this lottery for shotgun won’t be held until sometime in December.”

GENERAL COMMENTS

Supervisor Walter: “Ok. Does anyone else wish to be heard on any matter before the Town or it may not be before the Town but you’d like to bring us up to speed on. Steve Roman, Riverhead.”

Steve Romano said he could not believe what he was hearing in regard to cell carriers. He stated the town had no idea how many cell towers were on Town properties. He stated the town of Riverhead is losing quite a bit of money and that the Town had to hire a private auditor to figure out what was going on.

Supervisor Walter responded stating that was not true. He stated over a two year period there were numerous meetings with certain Department Heads and not only do they know all the carriers but they had Ray Scelzy, who is an account for the town, audit all of the contracts. In doing so he recovered approximately a half million dollars in unpaid carrier revenue.

Councilwoman Giglio added that that was just the first part. She said she called in the broker to take a look at this matter because the contracts are fifteen years old and they've gone from antennas to micro dishes to other equipment the town can get a lot more rent for. She continued by saying they will probably authorize him to look at the towers to establish the type of device being used on each tower.

The second matter Steve was concerned about was the discussion that was held due to the gentlemen who fell into the waters at the Jamesport Marina. Steve stated the point that the Supervisor made that even though ladders could be installed if a person hits their head when falling into the water, the ladders will be of no use. Steve agreed that a person should always be accompanied by someone when going to the Marina and felt that a rule should be established stating such.

Councilman Dunleavy countered by stating should a farmer who is out on his tractor bring someone with him just in case he should encounter a problem?

Steve responded by saying a tractor is on private property, a Marina is public property and stated that if there is no rule the town could be held liable and possibly sued for negligence.

On another matter Steve asked if the town's Traffic Control Officer can issue a moving violation or was that something only a police officer can do? He was told that only the police can issue a ticket for a moving violation.

Steve ended by thanking the Board for their time.

Supervisor Walter: "Does anybody else wish to be heard today? Not seeing anybody can I get a motion to adjourn?"

Councilman Dunleavy: "I make a motion we adjourn this Town Board meeting."

Supervisor Walter: "All in favor?" Collective ayes.

Meeting Adjourned: 3:43p.m.