

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, October 6, 2015 at 2:00 p.m.

**PRESENT**

Sean Walter	Supervisor
James Wooten	Councilman
George Gabrielsen	Councilman
Jodi Giglio	Councilwoman

**ALSO PRESENT:**

Diane Wilhelm	Town Clerk
Annemarie Prudenti	Deputy Town Attorney

The meeting was officially opened at 2:00 p.m. by Acting Supervisor of the Day Gabriel Janicki with the Pledge of Allegiance followed by an Invocation by Bishop Emil Wcela from St. John the Evangelist Roman Catholic Church in Riverhead.

Councilman Wooten made a motion, which was seconded by Councilman Gabrielsen that the minutes of the September 16, 2015 Town Board meeting and the Special Town Board meeting of October 1, 2015 be accepted. Minutes were approved with one abstention by Councilwoman Giglio.

**REPORTS**

- Sewer District – Discharge Monitoring Report August 2015
- Town Clerk Monthly Report September 2015 - \$13,231.26
- Building Department Monthly Report September 2015 - \$136,938.17
- Police Department Monthly Report July 2015
- IDA – 2016 Proposed Budget

**FIRE DISTRICTS REPORTS**

- Jamesport Fire District – 2016 Annual Budget Summary
- Riverhead Fire District – 2016 Annual Budget Summary
- Wading River Fire District – 2016 Annual Budget Summary

**APPLICATIONS**

**Special Permit**

- Wireless Towers,, LLC – Gammon Holdings LLC – public utility wireless communications antennas, SCTM #600-67-2-26.3

**CORRESPONDENCE**

- Four letters expressing concerns and/or opposition as to locating a Medical Marijuana Facility at the Old Blockbuster building on Rt. 58 (Shannon Kutner, Bob & Barbara Reynolds, Jean Lapinski, Louise Wilkinson)
- Group for the East End – letter regarding the proposed addition of Article XXV, Farm Stand Review

### **CONSERVATION ADVISORY COUNCIL CORRESPONDENCE**

- CAC Res. #2015-18 – National Grid SCTM 600-107.2-15, 40, 45, 46, 47 & 48
- CAC Res. #2015-19 – Garret Moore, SCTM #600-129-5-1

### **COMMITTEE REPORTS**

Councilman Wooten reported that Sunday, October 11, 2015 the 40<sup>th</sup> annual Riverhead Country Fair will be held; 10:00 a.m. until 5:00 p.m. on the Riverfront, East End Arts property and Main Street. He urged everyone to attend.

### **COMMENTS ON RESOLUTIONS**

Supervisor Walter: “Let’s take comments on resolutions. Does anybody wish to be heard on resolutions? Sal Mastropaolo, how are you doing Sal?”

Sal Mastropaolo: “Resolution 691, the third paragraph. I think you want to strike, *with the bid number as on the.*”

Supervisor Walter: “The third paragraph on page two?”

Sal Mastropaolo: “Yeah, the notice to bidders.”

Supervisor Walter: “Say that again what you said.”

Sal Mastropaolo: “Ok, there are four resolutions for public notice for bidding. The fourth one never mentioned a bid number; it just said clearly marked and whatever the bid was for like paint, work clothes, etc. There was no reference to a bid number so for consistency either you’re going to have that statement in there or you’re not going to have it there.”

Supervisor Walter: “Oh, ok.”

Sal Mastropaolo: “So strike *with the bid number as on the* and just say paint.”

Supervisor Walter: “Clearly marked paint.”

Sal Mastropaolo: “Right.”

Supervisor Walter: “Does that make sense to you Diane? He wants us to take out *clearly marked paint* because you don’t have a bid number for them.”

Sal Mastropaolo: “692 is the same comment.”

Supervisor Walter: “Because you don’t have bid numbers for these is that correct Diane, they’re just?”

Sal Mastropaolo: “It should say clearly marked propane.”

Supervisor Walter: “Sounds good.”

Sal Mastropaolo: “693 is the same thing; *clearly marked 2016 specialty vehicle.*”

Supervisor Walter: “Ok.”

Sal Mastropaolo: “Resolution 706, the second *whereas* strike *as well* in the second line and on the second page of the alcohol policy under general considerations, third line down, the fifth word in strike the word *be.*”

Supervisor Walter: “Under general considerations which paragraph, the third paragraph?”

Sal Mastropaolo: “First paragraph, the third line down, the fifth word in strike the word *be* and then go down to the second paragraph, the second line *after all applicants*, I don’t know what you want to say here, it says *all applicants must comply the required filing dates*, must comply with?”

Supervisor Walter: “With, ok.”

Sal Mastropaolo: “Resolution 710. The first *resolved*, the second line down it says *in substantially the same form annexed hereto*. Well there’s nothing annexed on this thing, there’s no attachment so.”

Supervisor Walter: “Diane do you have the EVO file?”

Sal Mastropaolo: “Either you’re missing an attachment or take out the.”

(Inaudible)

Supervisor Walter: “We should have the agreement annexed to it. Can you call? We’ll see if we can get the agreement.”

Sal Mastropaolo: “Ok, 718, second page of the agreement. Go down to Compensation, the third line down says *shall pay the Town a hundred and thirty dollars and nine cents per hour*. Well in the Labor Day agreement you charged a hundred and forty six dollars and six cents an hour so why aren’t we charging the same hourly rate for this one as we did for the Labor Day?”

Supervisor Walter: “Well, Dan do you have any, can you shed any light on that why we charged different between the Labor Day agreement and the one that we’re doing now.”

Sal Mastropaolo: “Black Friday and Christmas holidays.”

Supervisor Walter: “I think you and Bill probably need to confer on that one, it’s Resolution 718.”

Sal Mastropaolo: On page three of the agreement they obviously copied the Labor Day agreement because they didn’t change Labor Day sales to Black Friday and December 2015 holiday sales so strike Labor Day sales in item number four and item number five and replace it with Black Friday sales and December holiday sales.”

Supervisor Walter: “Alright we’ll figure out what the amount is because it should not have changed.”

Sal Mastropaolo: “Resolution 726 in the public notice take out *to receive approximately*, it was repeated twice in the first sentence of the *please take notice*.”

Councilwoman Giglio: “Where are you looking Sal?”

Sal Mastropaolo: “726 in the *please take notice* the words *to receive approximately a hundred and three thousand, a hundred and thirty dollars* was repeated twice in the same line. It says *in April Of 2016 the Town of Riverhead expects to receive approximately, to receive approximately*, in the public notice.”

Supervisor Walter: “Well that’s good because I don’t have the public notice.”

Sal Mastropaolo: “Ok, these were the CDA resolutions that were renumbered to 725 and 726.”

Councilwoman Giglio: “Ok, 727 is the resolution that we have for the notice.”

Supervisor Walter: “Jill, just have.”

Sal Mastropaolo: “You see mine is 726.”

Supervisor Walter: “Yeah hold on a second. Chris we have two. Can you come up to the microphone?”

(Inaudible)

Sal Mastropaolo: “It’s in both of them actually. Both of the notices have the same mistake.”

(Inaudible)

Supervisor Walter: “726 is not a public notice. 726 is an award.”

Sal Mastropaolo: “You gave me 726 and told me it replaces resolution 14 ok which is the same thing and here’s the public notice.”

(Inaudible)

Supervisor Walter: “No I don’t think there’s a public notice on 726. 726 doesn’t have a notice right? That’s just an extra page Sal.”

Sal Mastropaolo: “That’s it.”

### **PUBLIC HEARINGS**

Supervisor Walter: “2:10 having arrived it is now 2:16 we’re going to open up a public hearing on the Consideration of a Proposed Local Law Amending Chapter 101 Entitled, “Vehicles and Traffic” of the Riverhead Town Code, Article V. Parking, Standing and Stopping (101-10.2. No Parking Certain Hours – Municipal Parking Lot between Union Avenue and Maple Avenue, Riverhead) and this is the lot where Sonoma Grill is now located and we open that public hearing does anybody wish to be heard on this matter? OK, not seeing anybody we will close the public hearing and leave it open for written comment until the 16<sup>th</sup> of October in the Town Clerks office. If anybody wishes to comment please respond to the Town Clerk’s office before October 16th, 4:30 p.m.”

**Public Hearing Closed at 2:19 p.m.  
Left Open for Written Comment until October 16, 2015 at 4:30 p.m.**

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### **COMMENTS ON RESOLUTIONS**

Supervisor Walter: “Now we’ll go to resolutions. That was quick.”

Councilwoman Giglio: “They don’t want to speak on resolutions?”

Councilman Gabrielsen: “I think you cut them off.”

Supervisor Walter: “I didn’t cut them off. We opened the public hearing and now we’re going back to Resolutions. Phil you didn’t want to discuss the public hearing about parking did you?”

Phil Barbato: “No Sir I wanted to comment on the Resolution.”

Supervisor Walter: “Phil, what did you want to talk about?”

Phil Barbato: “I just had some comments on Resolution 707. I’m really, really not sure why I’m even here because it really seems like it’s already a done deal but I do have some comments. I’d like to know where all the farmers are that in favor of this. The last time this was held there were no farmers standing up.”

Supervisor Walter: “Hold on Phil. If you could just raise your hand if you’re a farmer and you’re in favor of this. Ok so you have about half a dozen.”

Phil Barbato: “Ok, four people, that’s pretty good.”

Supervisor Walter: “No, there are at least a half a dozen back there.”

Councilman Gabrielsen: “I also want to add that we had a work session and a representative of the Director of Farm Review was there, Farm Select Committee, Ag Advisory Committee and Farm Bureau’s Local Affairs Committee; they were all present in support and they represent a broad, you know there are so many different Ag committees and they were all part of the work session.”

Phil Barbato: “I’m glad you brought up the Farm Bureau. I’ve spoken to two Farm Bureau Board members and neither one of them have even seen the letter from the Farm Bureau that was dated September 28<sup>th</sup>.”

Councilman Gabrielsen: (inaudible)

Phil Barbato: “I don’t think it was discussed at the Farm Bureau.”

Supervisor Walter: “Ok, they came and supported it and spoke and you have at least six major farmers, major land owning farmers here in support of that.”

Phil Barbato: “Well, as far as I know the farmers I’ve spoken to are not in favor of it and I’m wondering if some farmers are just against it and fed up with the system and don’t see any need to come down here and are willing to speak against it. I’ve spoken to a couple that feel that way.

Unfortunately I think under the guise of trying to help farmers this legislation will simply make it easier for non-farmers to cash in on a generations of hard work and the good will created by the farmers here on the North Fork. It’s not going to have the effects that it’s advertised as having. I think the intentions are good and I applaud them as everyone else has but I think you’re ignoring the long term impact of the exchanges.

The two hundred and fifty mile radius is ridiculous in plain English. Once the buying public understands that the North Fork produce is from anywhere, they’ll simply go to a supermarket rather than brave the traffic and the lines and the trouble of getting out here and legitimate farmers are the ones who are going to suffer. This is not to mention that there are a number of legal problems with the existing wording.

First of all I think you’ve made changes again since the last hearing and there’s been no new hearing, so simply going to Resolution is a mistake. I think the environmental impact has

not even been addressed. If you're going to have ninety-seven more farm stands on Rt. 25 and Sound Avenue you haven't looked at the traffic impact and the health and safety impacts."

Councilman Gabrielsen: "Can I just make a comment Phil, I won't interrupt if, can I?"

Phil Barbato: "Certainly, you're a Councilman."

Councilman Gabrielsen: "You said there are ninety-seven more farm stands on Main Road."

Phil Barbato: "That's potentially what you could have, Main and Sound Avenue."

Councilwoman Gabrielsen: "Ok, north of Sound Avenue, none of that land all the way east and west is APZ. You can have a one acre farm stand right now and bring in your (inaudible) from China, there's no regulation on it ok. This only applies to APZ. Now look at Main Road, the whole south side of Rt. 25, no APZ, I'm talking about 105 coming North Fork. The north side if you look at it, the rural corridor, etc. a small portion is APZ touches the north side is APZ nothing on the south side, nothing on the north side of Sound Avenue. So what this will do is probably work to preserving those areas because if you put a farm stand with this legislation on the north side it's got to be greater than the existing zoning so for maybe one acre lot it has to be greater than existing zoning so if anything you're restricting those areas more. The map is right outside this door on the wall, you can see it; there is no APZ. Right now the seven acre rule, I think that's miscommunication with most people, the seven acre existing rule only applies to APZ. All these other districts, residential districts in the Town of Riverhead you can have a farm stand here on one or two acres, it's allowed now. This regulation is only put on APZ land."

Phil Barbato: "You would still have to meet the assessment requirements for agricultural (inaudible)."

Councilwoman Giglio: "Yes, yes."

Councilman Gabrielsen: "To be a farmer, right. If this were restricted on those two (inaudible) it's actually helping to preserve the rural character of Sound Avenue and Main Road."

Councilwoman Giglio: "You have to have an Ag assessment upon application to the Planning Board for a farm stand. You have to currently prove to the assessors that you have fifty thousand dollars in sales and only forty percent of those can be from regionally grown. The other sixty percent has to be locally grown so you have to be in an Ag assessment which means you have to be in an Ag district and you have to be active when you make application for the farm stand."

Phil Barbato: "But the other sixty percent has to be locally grown meaning anywhere in New York State or anywhere within a two hundred fifty mile radius."

Councilwoman Giglio: "No because the definition has been changed to regionally grown from locally grown."

Phil Barbato: “So what is locally grown?”

Councilwoman Giglio: “Locally grown is on the farm, it says *on the property that’s being farmed.*”

Phil Barbato: “I don’t see that definition in the proposed regulations.”

Councilwoman Giglio: “It’s in here.”

(Inaudible)

Councilman Gabrielsen: “And what we have to understand, some people would rather say you have to grow one hundred percent of it and you probably know this, most people don’t is there’s a number of farms throughout Riverhead that all they do is grow for farm stands. There are some on the north fork, I know who they are, you know who they are, so if we didn’t allow that forty percent could include them, they’d be out of business tomorrow. They need the farm stands as much as the farm stand needs some of that local. Regionally is pushing it out to two hundred fifty.

Right now in the code there’s no restriction on two hundred fifty, that’s restricted. Right now that forty percent written into the code, it says sixty/forty, you can bring that in from China. That’s actually bringing that down to two fifty and really the intent was pumpkin farmers, you know no one says it’s got to be forty percent. Some of the farmers only bring in five percent or maybe in early spring bring some tomatoes up from New Jersey so he can open his farm stand. I mean how many local products are ready in April yet we’re competing with the supermarkets that under their definition of local could be Connecticut. You could go right now to the supermarket and it will say lettuce a product of Connecticut and it will say locally grown and they can bring stuff in from anywhere so that’s what we’re competing with, that’s just a small point.”

Phil Barbato: “I think the average person who comes here to the North Fork and goes to a farm stand when they hear the work local they think New York.”

Councilman Gabrielsen: “It will be local.”

Phil Barbato: “They don’t think China, they don’t think Pennsylvania, they don’t think New Jersey.”

Councilman Gabrielsen: “That’s what the supermarkets are doing.”

Phil Barbato: “Yeah so why go to a farm stand anymore because.”

Councilman Gabrielsen: “Because sixty percent of it.”

Councilwoman Giglio: “Has to be grown on the farm.”

Phil Barbato: “That’s one of my other points. How in the world are you going to enforce this? The wording is *forty percent of the products offered for sale, no more than forty percent of*



*the products offered for sale.* How do you, what is that? Is that the number of items, is that the sale volume?"

Councilman Gabrielsen: "We don't really enforce it. The farmers are kind of enforcing it you know when he goes up and attests that the product is being grown, when you go to an agricultural assessment you have to prove you're a farmer so we know who the local farmers are. Right now though I don't think we should hire a bunch of farmer police squads or farm (inaudible). I think generally the local farmers are doing a good job."

Phil Barbato: "So you agree it's unenforceable and you don't care?"

Councilman Gabrielsen: "I don't say you don't care. I'm sure the local farmers care what's on their product. That's a moot point because we don't do it."

Supervisor Walter: "Phil can we get moving along?"

Phil Barbato: "I'm not the one slowing it down."

Supervisor Walter: "Mr. Barbato can we move it along? Mr. Gabrielsen are you ok with moving it along?"

Phil Barbato: "I'm saying can you enforce something that says forty percent of the products offered for sale? What does that mean? Forty percent of the products offered for sale, what does that mean? I'm an enforcement officer, I'm going to your farm stand, how do I judge that?"

Councilwoman Giglio: "The complete sentence says *in addition to on farm produce agricultural products a farm stand may include the sale of regionally produced agricultural products and enhanced agricultural products provided that the regionally produced agricultural products and enhanced agricultural products shall not exceed forty percent of the products offered for sale.* The assessor's office, the farmers have to come into the assessor's office every year, show their receipts for their sales and show what their sales were from in order to continue to get the Ag assessment or the reduced assessment."

Phil Barbato: "No they don't."

Councilwoman Giglio: "Ok."

Councilman Gabrielsen: "(Inaudible) moot point."

Phil Barbato: "They have to show their total receipts."

Supervisor Walter: "Ok, so we've made this point."

Councilman Gabrielsen: "We've heard it."

Phil Barbato: “Ok so it’s an unenforceable law.”

Councilwoman Giglio: “Well.”

Supervisor Walter: “Mr. Barbato’s we could send in Code Enforcement and it would be obvious if you picked up this mug and they had a potted plant in it that said made in China you could say it was made in China I mean it’s enforceable.”

Phil Barbato: “Ok so then how do you determine if that is forty percent of the products offered for sale?”

Supervisor Walter: “Well that’s a mathematical equation. If you look at the shelves and you figure out what percentage was out of the regional area. I guess you could assess a penalty to that farmer but I don’t think anybody’s looking to get down at that level.”

Phil Barbato: “My point exactly.”

Supervisor Walter: “Sir, can we move?”

Phil Barbato: “I think it is still poorly written. There are errors in logic and in English in there and they need to be corrected because otherwise it’s going to be very difficult to administer but apparently you don’t care about that either.

The requirements for approval are not even as simple as they’re advertised as being. If you look at what it takes to get an approval on this so called expedited review it’s not that simple at all so I’m wondering how do you make that statement that this is supposed to be helping a farmer to get approval? It doesn’t look simple to me at all.

And the last point I want to make is that this is so far off from our neighbors in Southold, the Suffolk County definition of what local is, that sooner or later the customer, the consumer is going to pick up on this, they’re not as silly as you think they might be and they’re going to say well the hell with it I’ll just go to Stop and Shop and get my pumpkins or my tomatoes or whatever, it comes from the same place anyway.

So I think you’re doing a disservice rather than a service. That certainly wasn’t your intention, I agree. You have all the best intentions but I think you need to look a little further down the road and see where this is headed.”

Supervisor Walter: “Thank you Sir. “

Councilman Wooten: “I still think there’s (inaudible). I said there are those that go to a farm stand for more than just the produce. They go for the environment, they go for the (inaudible) and they go because it’s a nice day to do it. I shop in the summer time at the farm stands. My wife on the other hand goes to Best Yet so I think it’s a matter of choice. I don’t think people are going to say, well if the farm stand got their lettuce from the same place as the supermarket let’s go to the supermarket. I just don’t buy that.”

Laura Jens-Smith: “I think buying from the farm stand is supporting the local economy; Laura Jens-Smith from Laurel. I would like to address resolution 705 and 707 because I think they’re intrinsically linked.

First of all I do not think that both of these resolutions should be adopted at the same time. One is for the expedited farm stand review of thirty days and then the other one is to change the zoning for what where a farm stand can be.

I know that you were addressing the ninety-seven farm potential start farm stands but I did check with the town GIS system and it actually is three hundred and twenty-four parcels. If you do the two acre zoning in the APZ zone that would qualify, potentially qualify, to be able to put a farm stand on it so it’s much more than the ninety-seven that you’re talking about. I think that, you know, it’s just a big mistake to do the two of these together.

I think that one of the other issues that I think that really needs to be looked at with that sixty/fifty for the farm stands, sixty percent to be grown on farm and forty percent to be grown regionally. There’s also a bit in here that a *farm stand may include sale of decorative containers, pots, tins and other non-agricultural products directly related to presentation and packaging for sale of the agricultural products and such items shall not be deemed to constitute the forty percent of regionally grown or enhanced agricultural products*. That would be an addition to the forty percent that is not grown on farm? So if somebody grows apples and they decide that they want to sell a potholder or a plate to put the apple pie in and a pound of butter as part of that forty percent, all of those accessory items, are those considered presentation? Are those considered packaging if you put it in a nice little basket? You know how is that going to be determined because it’s not clearly defined and I think that that’s one of the major problems with this resolution is that it is not clearly defined.

Another reference that people have been talking about is that you need to be assessed, agriculturally assessed but there is in here for principle use which then is also the criteria to be eligible for farm stand review which is defined as Section 8.3 and Section 8.3 you do, I think Annemarie you’ve said several times what it is to be a farm, but then there’s a caveat in here that says or, it’s not and, but it’s or, such other state, local, state or federal entity qualifying and certifying that the land is a bonafide agricultural production as of the date of application of the farm stand review. It doesn’t say it must continue as a farm. It just needs to be certified by somebody and what a local entity is, I don’t know because that’s not defined. Does that mean the Town Board may declare somebody a farm? Does it mean the Ag Committee may define somebody as a farm? Is it the Planning Committee, is it the Zoning Board? Who is that entity that can declare this an agricultural property?”

Annemarie Prudenti: “The Town is not invested with that authority. That reference is intended to include the New York State DEC; if you have an agricultural operation the USDA.”

Laura Jens-Smith: “What’s local then? It says local here, local entity. What would be the local entity?”

Annemarie Prudenti: “It could be Suffolk County Soil Conservation, Suffolk County.”

Laura Jens-Smith: “Could this Town Board decide?”

Annemarie Prudenti: “No they don’t have jurisdiction.”

Laura Jens-Smith: “Don’t have jurisdiction but.”

Annemarie Prudenti: “This certifies that an operation is in Ag production.”

Laura Jens-Smith: “But it says right here, local entity. So what is your local entity? Why can’t they define, what is the definition?”

Supervisor Walter: “We’re going to take the comments, don’t cross exam.”

Laura Jens-Smith: “These are just my reservations so I hope you’ll take them into consideration.”

Supervisor Walter: “This just in on the Tanger front; it shouldn’t have any dollar amount Sal because it’s a direct bill. Whatever we get charged we bill, I don’t remember what number it is but this is the attachment. Ok, Mr. Krupnick from.”

Neil Krupnick: “Northville. Clearly there are a number of questions, concerns and confusion over these two pieces of legislation. A number of people have actually suggested that it’s a good start but that adjustments can always be made next year. As I said there are a number of people have said that this legislation is a good start and if there are any problems they can be passed down on to the next administration and fixed next year. I don’t understand what the rush is. There obviously are problems with how it’s written. People are obviously confused and I think there definitely needs to be another public hearing. You want to spend a year deciding on one medical marijuana dispensary but you’re ready to fast track this legislation that people clearly have a problem with and we haven’t heard from everybody in the community as to how they feel about it. I’m urging you to table this and not vote on it today and to call another public hearing.”

Supervisor Walter: “Just for your information just because it’s almost pathetic that this legislation started with me in the Town Attorney’s office when I first got hired in 2000 and it went through a bunch of macerations then it went to the next Town Attorney. It went through a bunch of Town Attorneys and then it went in the draw. This is hardly fast tracked.”

Neil Krupnick: “And it’s still flawed after all that time.”

Supervisor Walter: “Thank you Sir thank you, Sal.”

Sal Mastropaolo: “Resolution 707. Under definitions you have enhanced agricultural products. That paragraph is very confusing and I’d like to read you something and you tell me if what I’m saying is correct and if it is then maybe you should change it. Ok; *agricultural products which are processed beyond cutting, drying, freezing or packaging. The agricultural products have added ingredients not produced on the farm and may be cooked, cultured, canned or bottled, period. Ok, put a period there. The added ingredients cannot be more than fifty percent of the total ingredients and must be sourced from the local farm or regionally grown.* At least what I’m reading makes sense if my understanding of what the fifty-one percent is. The way you have it

written, it's very confusing and I see this as a problem area in the future because people are going to try to stick stuff in as enhanced agricultural products so this paragraph is very important."

Councilwoman Giglio: "So you're saying a period after bottled, do away with the word with, capitalize more."

Sal Mastropaolo: "No (inaudible) pickup on what I'm saying and if I say something wrong correct me because I'm trying to understand what you're trying to say. *The added ingredients cannot be more than fifty percent of the total ingredients and must be sourced from the local farm or regionally grown* and strike everything that you have after the word bottle and replace it with what I just said if my understanding of what you were trying to say was correct. Do you want me to go over it again? George, did you understand what I said?"

Supervisor Walter: "I think a semicolon in there and accomplish the same thing."

Annemarie Prudenti: "Yeah, I believe that was taken directly from New York State Ag & Markets law."

Councilwoman Giglio: "But I think he's saying the same thing, you're just saying it in layman terms."

Sal Mastropaolo: "A lot clearer, right, right."

Annemarie Prudenti: "Well I think their desire was to be consistent with New York State's definition."

Sal Mastropaolo: "Yeah but that doesn't make it, doesn't make it clear in all cases."

Annemarie Prudenti: "No, I agree with you but I think that's why they chose that language."

Councilwoman Giglio: "So you're saying culture can follow period. Added ingredients cannot be more than fifty percent of the locally."

Sal Mastropaolo: "The total ingredients and must be sourced from the local farm or regionally grown. Now it's very clear, ok." You can have no more than fifty percent of the total ingredients can be added and it must be sourced locally or regionally."

(Inaudible)

Supervisor Walter: "Can you pull Ag & Markets? Is that something you can find quickly?"

Annemarie Prudenti: "Yeah sure."

Supervisor Walter: "Alright, we're going to see if it follows New York State definitions."

Sal Mastropaolo: “Ok.”

Mike Foley: “Good afternoon, Mike Foley from Reeves Park and I’m a member of Sound Park Heights. Just like to start off by reading a three sentence e-mail, that was sent to you this morning about 10:00, you probably didn’t get a chance to look at it. It’s from the President of our Association, Tom O’Hare. *Mr. Walter, on behalf of the Sound Park Heights Inc. organization and the homeowners in the Reeves Park community, I’m sending this note to voice our concern over the farm stands issue that will be on tonight’s agenda. Until all of the inconsistencies and gray areas within the proposal are worked out and can be more completely defined, we are concerned that this will open the door to mega farm stands and shopping areas in the once rural corridor off Sound Avenue and surrounding regions. We asked that this vote be postponed until further investigation can be done to allow a more consistent and comprehensive plan to address this important issue. Thank you.*

I just want to start off by saying, George I appreciate your explanation earlier here. I don’t have a lot of information on this plan. I do know some of the concerns of people whose opinions I value and trust are and the first thing starts at increasing the local area from Nassau, Suffolk, Kings and Queens County to a two hundred and fifty mile radius. We’re concerned that that can be abused and I know you’re not looking to abuse the farmers out here. We all cherish them, we all love the farmers out here and we all want to see them flourish but we are concerned about some unintended consequences; for instance at the fourteen acre parcel on the corner of Tom Kelly Drive and Sound Avenue.

We’ve been fighting since 2003 and with the Board that’s out here now, I look at Jim Wooten and I look at John Dunleavy and I look at Sean Walter but I look at three Board members in particular because when this fight started you guys were new and the indication was that you were supporting the Brodie property to be expanded into a strip mall and the Barra property to be turned into a strip mall and this was part of a master plan. Sean I’m coming to this because you mentioned 2000 getting involved in this and the master plan that had these problems was developed three years after that so I think the timing on it from what I’ve heard here in the last hour has some relevance.

I look at the initial position of John and of Sean and of Jim were basically in support of it but you kept an open mind. We filled hearing rooms for years and within a year or two you guys went from supporting strip mall development there to one hundred percent supporting open space. We could not have done that without you.”

Supervisor Walter: “I never supported the strip mall there. If you remember the initial meetings with your lawyers, their lawyers, it was all about working this out to be sold, the Barra property for open space. Brody had nothing to do with this because he was a client.”

Mike Foley: “Sean, I wasn’t at the meeting. All I was told was early in your tenure at a meeting that I was not at I was told that your sentiment was it was a done deal.”

Supervisor Walter: “Never happened.”

Mike Foley: “Ok. I trust your recollection of history. I wasn’t there. The point I’m trying to make is that you guys supported open space a hundred percent. I saw Sean, I saw Jodi, I saw a lot of people at these meetings at the County and State level where you guys were some of our

stauncher supporters and as a result of that some of you were at the September 11<sup>th</sup> Memorial where it could have been a strip mall but instead is a beautiful part of our historic rural corridor on Sound Avenue. You guys should take a bow for that. I've seen a lot of you getting beaten up about you guys not being in support of open spaces and everything else. My personal experiences tells me different in regards to that.

Now I'm just going to segway to this fourteen acre parcel because George I do believe that as a farmer you have the interest of the farmers at heart, I have no doubt about that and I kind of think the same about everybody on that dais right now except you're a farmer. Nobody knows the farmers better than you do. So, I'll just ask from a rational standpoint. I look at some of the additional farm stands that have come into play the last couple of years. I look at Schmidt's on Roanoke and Sound. It's a guy who used to sell horseradish out of a jar and you pulled into a dusty parking area for two people. Now there's room for fifteen. You know something, it fits; Schmidt's fits ok and we want to see whatever happens here fit but I look at some of the unintended consequences. I look at a random billionaire that might want to break in here and instead of putting a farm stand putting a Gristedes, I think that's what what's Catsa... what's his name had right that took over Northville and tried to bring in all these trucks and everything else that are on hold. So I'm looking at Catsa... what's his name putting up a Gristedes on that fourteen acres because he's going to take the two hundred and fifty mile circumference that we're now allowing under this proposed rule and he's going to expand on it and we don't want to leave this up to Code Enforcement. We want you guys to take a hard look at unintended consequences here. George, yes, please."

Councilman Gabrielsen: "For Gristedes, you have to prove you're a farmer and grow it on that site. Do you know what I'm saying? He has to be a bona fide farmer growing on that site."

Mike Foley: "In regards to that fourteen acre parcel that everybody here is familiar with."

Councilman Gabrielsen: "Right, well that doesn't have anything to do with this legislation. It's not APZ and if anything now that side of Sound is going to be more restrictive (inaudible)."

Mike Foley: "And George I heard you say that and I know you believe that but me being an amateur on this stuff and not knowing the legal reason and regards in this proposal what would stop Catsa... what's his name to purchase the growing rights on that fourteen acres which is my understanding the County purchased basically the rights to grow, keep an open space, keep it agricultural and leave it strictly for farming, passive or otherwise? What would be to stop Catsa... what's his name to purchase the growing rights on that fourteen acres, put up a farm stand, start to till the soil behind it and then put in whatever the hell he wants to because that's what he does? What's to stop him from doing that?"

Councilman Gabrielsen: "That's preserved land, am I correct?"

Mike Foley: "I think it is preserved from real estate and from commercial but I believe it can still be grown. I believe it can still be used for agricultural purposes."

Councilman Gabrielsen: “Right it can be grown on but at that point we have people here from the Farm Select Committee so they can address that question but being preserved land that’s got to be proved, that’s not an allowed use, am I correct?”

Councilwoman Giglio: “And they have to go through the County Farm Preservation Committee and then the local Farm.”

Councilman Gabrielsen: “You cannot open retail on preserved land just a farm stand and that would be it and it has to be approved by the Farm Select Committee and the County Preservation.”

Mike Foley: “George I hope all of those things provide the failsafe’s that we need to prevent abuse of what is being proposed here, obscene things be abused because there wasn’t a light shone on it was somebody had the wrong intention when this was built, when this was proposed and you don’t know until five or ten years later so that’s one of the concerns that I have here with the two hundred and fifty mile rule and again I might be wrong on that as it equates.”

Councilman Gabrielsen: “That wouldn’t be local. I know you mentioned two hundred and fifty local. That wouldn’t be local, that would be regional. Local is grown on the farm, sixty percent.”

Mike Foley: “Right and the other forty percent could be from anywhere within two hundred and fifty miles?”

Councilwoman Giglio: “Right now it could be; the forty percent could be from China. It could be from California, it could be from anywhere.”

Councilman Gabrielsen: “That’s being more restrictive. We’re pulling it back.”

Mike Foley: “Right so actually it enhances the farmer’s position.”

Councilman Gabrielsen: “Exactly. We’re going to be unlike the supermarkets who can bring it in from around the world. We’re taking it back; we’re trying to protect the local farmers.”

Mike Foley: “Well I appreciate your time I just have two more points to make real quick. You know one of the other concerns obviously is when you see farms increase in number that they have the same audience that is availing themselves of all of these farm stands. At what point is there a tipping point? Will you increase the number of farms to the extent that nobody can earn a living? That you’re basically cannibalizing on the existing business. That’s the concern I have for the farmers that are in this room and something I hope you consider but the last thing is they talk about the imperfection and the language and I just want to read very quickly that 108-125 as proposed will allow a farm stand to be built with as little as one acre in Ag production, two acre APZ minimum with fifty point one percent devoted to farming but 108-122, Paragraph C, Section 2 as existing requires a minimum number of seven acres. How does that square if we’re getting into a resolution that is now out of conformance with an existing paragraph? I don’t know how



that doesn't get met with an awful lot of flak from people that are prone to doing that. Thank you very much for your time."

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

Tom Hughes: "My name is Hughes, Tom Hughes and I'm a home owner on Sound Shore Road and I agree with Mr. Barbato and his comments and I agree that you have the best intentions in mind here but I think you have to worry about the branding. North Fork right now in Riverhead is the gateway to the North Fork. It's branded as the place people come through to go out to see our vineyards, go out to see our farms. This wasn't the best weekend but next weekend hopefully the crowds will be back and they want to buy locally grown products. They don't come out here for our vineyards; they do come out for our vineyards not for our liquor stores. So they're coming out here for locally grown and I think it's important that that remain a priority in the Town of Riverhead. Thank you very much."

Supervisor Walter: "Thank you Sir. Anybody else wish to speak? Not seeing anyone let's take up the resolutions Diane. Does anybody else wish to be heard on resolutions because we're going to move forward; no."

David McLaren: "Good afternoon James McLaren from Jamesport. I've been in agriculture for forty-two years. I chair the Riverhead Town Ag Advisory Committee and I serve on the Long Island Farm Bureau, Local Affairs Committee.

I've been working on this in conjunction with a lot of other people, a lot of other committees for over three years and we solicit advice from wherever we can from whatever people want to comment on it. We meet once a month. It's a public meeting open to anybody who wants to attend and certainly have not seen anybody come to our committee and complain about anything regarding this. All the local town committees have the same mandate that they have to allow people to come and comment on things and part of the problem in this process is it doesn't, like politics, it doesn't serve everybody a hundred percent, make everybody a hundred percent happy but when you look at farming out east here and what it's intended to do is survive, be sustainable. The master plan asks that we do that and we're trying our very hardest to keep agriculture a sustainable way of life and by cleaning up some of the you know, things that in the language now aren't really effective and fair to everybody has been our objective.

The two hundred and fifty mile rule is in place to protect a farmer who's had damage from a hurricane or a pumpkin crop that had a blight that destroyed it at the last moment and vineyards have had blights wipe out their crops as well and it's really put in there for protection in case they have to pull from somewhere outside the area to try and salvage the crop for the year and stay in business. Those things, that's what they're put in there for, not for any other reason.

The farm stands don't want to bring in things from outside of our area. We want to put a hundred percent of what we grow on our stand's shelves so we can make money. If we bring things in from the outside, we don't make money so the objective isn't to bring everything in from outside the area; our objective is to try and stock as much as we can from our own shelves so that's why that proposal was put in there. Regionally however you want to call, it is just part of the problem but the intent is good, the intent is fair and we certainly don't go out there with the intent of abusing that privilege."

Supervisor Walter: “Mr. McLaren I have a very basic question. I don’t want to pick on the pumpkins but I’ve been pumpkin hunting since I was three years old and I don’t want to ask a loaded question so I’m going to ask it this way. Could we produce in Riverhead the number of pumpkins that the consumer wants? Could we produce in Riverhead, in all of Suffolk County, the number of pumpkins that the consumers want and actually buy on our farms in Riverhead?”

David McLaren: “That’s impossible, practically impossible. I mean, you know, the demand is incredible. Three years ago Newsday had monitoring stations at the corner of 105 and 25, 105 and what is it, it goes down to the Hamptons and on Columbus Day weekend over one million people came out to the East End on the North and the South Forks to you know looking for wine, pumpkins, mums and whatever else you know is part of the fall scene and so that’s a lot of people, that’s a lot of product to produce. You know there are other farms that can go into that that choose not to for whatever reason but not enough is produced in the area. Grocery stores have them, farm stands have them, drug stores have them now. Everybody has them. Producing them here, no that’s impossible produce to satisfy our needs.”

Supervisor Walter: “Thank you Sir, next speaker; Mr. Rottkamp.”

Jeff Rottkamp: “Good afternoon. My name is Jeff Rottkamp. We have a farm on Sound Avenue. We’ve been there since January 3<sup>rd</sup> of ’67. My ancestors came here in the middle of the 1800’s and we’ve been farming ever since and I hope to continue to farm and I hope my sons will follow in our footsteps here.

I’m in favor of the Farm Stand Code. We don’t want to see farm stands run amuck so there needs to be a little guidance on how they’re run. Everything I’ve ever bought or purchased in my life was earned from the land, true blue farmer, no matter what. Some people may talk here and have an opinion. Where did they earn their living, where did they pay their taxes, where did they get their money from, how did they work? I’m going to be sixty-one years old; I’m not ready to quit yet and the only thing I know is agriculture. My father had me on a tractor when I was four. I was growing my own tomatoes when I was seven and I’m a farmer; going to continue to be a farmer and continue to run a farm stand.

We have had problems in agriculture growing enough product or we can grow the product but if you get a hurricane or some adverse weather; in 1992 we lost sixty acres of pumpkins. There was a feeling that you got in your gut, you couldn’t get rid of it when you see that damage. We had to purchase pumpkins from out of state; last thing we wanted to do. After we spent the money to grow the stuff then we had to go buy more. My father went into debt so we could continue to supply customers we have on Long Island with pumpkins. That was the first time we ever did it and the last time. Every once in a while we may have to purchase something from out of state, you just can’t help it because of weather conditions so I’m in favor of the Farm Stand Code. I hope there’s some guidance. There needs to be a little bit we don’t want this to run amuck if it can be controlled a little bit. That’s my feeling. Anybody have a lot of free time come on down. We’ve got a lot of work to do. This is the last place I want to be today. I want to be home. I hope the Resolution gets passed. I hope the Resolution is going to get passed, I hope everybody’s going to be happy with it. I can’t stay here the rest of the afternoon, I’ve got a lot of work to do and I’m short help so if you got extra energy. Thank you very much.”

Supervisor Walter: “Thank you, next speaker.”

Anthony Coates: “Good afternoon Mr. Supervisor and members of the Town Board I’m Anthony Coates, I live on Roanoke Avenue. That is exactly what grown in Riverhead is supposed to be about. Mr. Rottkamp I dare say I’ve had his corn, I’ve had his pumpkins so that is exactly what we should be true to about grown in Riverhead. Those words should mean something. I think that the law should be amended so that in case of a blight or in case of an emergency that that should be the exception and not the rule.

Also I would ask that I’m aware of the case in East Hampton years ago. I would question when you open up to regional purchase how under interstate commerce you then can shut off other states from participating.

There was a famous case in East Hampton where that was the case. Where once you’ve opened up the floodgate to expanding out the periphery calling it regional I question whether you can shut down the market based on interstate commerce considerations.”

Councilman Gabrielsen: “Can I make a comment? I don’t want to interrupt you. We’re not opening anything up. Right now you can bring your produce in from China. I know you came in late, there’s no regulations in Riverhead right now. This is actually; we’re being more restrictive. We’re saying instead of bringing your lettuce like the supermarkets do from all over South America, etc. we’re going to bring that in to two fifty, it’s more restricted than existing code with what the farmers can do today.”

Anthony Coates: “So you’re saying that.”

Councilman Gabrielsen: “As of today.”

Anthony Coates: “Produce from California or Oregon is permitted under this.”

Councilman Gabrielsen: “Not under this, before this was restricting. As of now there’s no restriction on mileage, it can come in from anywhere.”

Anthony Coates: “And that’s my point.”

Councilman Gabrielsen: “We’re more restrictive, we’re bringing it back.”

Anthony Coates: “My question is whether that will hold up under interstate commerce. Will that hold up?”

Councilwoman Giglio: (Inaudible)

Anthony Coates: “In East Hampton, I don’t know the name of the case. I have the research and I’m happy to send it but in East Hampton there was a case where under interstate commerce, I’m happy to provide it to the Board, under interstate commerce that was a consideration as to whether or not you’re able to close up the market once you’ve taken it out of state. Is anyone familiar?”

Councilwoman Giglio: “I think legislation can restrict, I mean we were talking about medical marijuana dispensaries as to where they can exist and I think that.”

Anthony Coates: “I don’t see how one has to do with the other.”

Councilwoman Giglio: “Well because you can restrict the area to which you’re getting material from, you can restrict an area where something can be located so I don’t think by doing this we’re going to basically go back to the code that we have now which allows you to bring it in from anywhere.”

Anthony Coates: “I would ask you to take a look and see what happened in East Hampton years ago when it became a consideration of interstate commerce whether you.”

Councilman Gabrielsen: “(inaudible) New York State Ag & Markets allows us up to six, seven hundred miles to bring it to Long Island. We’re in the state of New York so you go here to Watertown you’re probably six hundred miles away.”

Anthony Coates: “But if you’re setting the parameters in a sphere that takes out of state I would question whether you’re able to shut down the market just by calling it regional.”

Councilman Gabrielsen: “You’re saying it should stay the way with no miles then and get it from China. I’d rather be restrictive because you know a supermarket right now is bringing stuff in from all over South America, Central America because that’s where the food comes from. We don’t want that in our farm stands, that’s where we’re being more restrictive. Now we can do that. That sets us apart.”

Anthony Coates: “We do differ and I’ve spoken up about it a number of times about this. I would ask you to take a look at it; I’m prepared to send it to the Board. Again, you’ve heard me speak before. I don’t care for this legislation. I think that the words grown in Riverhead ought to mean something. Thank you.”

Supervisor Walter: “Thank you, next.”

Rob Carpenter: “Good afternoon. My name is Rob Carpenter, Administrative Director of Long Island Farm Bureau. I had a chance to address the Town Board last week at the work session and I submitted our comments. Farm Bureau has come out in support of this legislation. I’ve spoken to many farmers both on the Ag Advisory Committee, on the Farmland Select Committee and individual farmers in the Town of Riverhead and in particular farm stand owners in the Town of Riverhead who have said that this piece of legislation is an excellent start in coming up to codify the Farm Stand Code.

I would also like to say that I agree with Councilman Gabrielsen that this legislation will help preserve the prime soil as you are now requiring that a farm stand application have some backing that they actually have to grow on the property. Thank you very much.”

Supervisor Walter: “Thank you Sir, Mr. Wines.”

Richard Wines: “Good afternoon, I’m Richard Wines from Jamesport and a member of the Farmland Select Committee as well as the Farm Bureau and their Riverhead Affairs Committee.

I do want to correct one misunderstanding that seems to be prevalent in the room here today. There is nothing in the proposed Farm Stand Code that defines local as being something from two hundred and fifty miles away. There’s nothing in the current version of the code that says that so that’s a total misunderstanding.

The important part of the code is that it does require that a farm stand has to be run by a real farmer basically. He has to have a real farm and he has to produce sixty percent of the produce on the farm. I think that’s very substantial. It allows him to have enough flexibility to run a business and do some other things they might need to do but the important thing is that it requires real farmers, real production, real farms in order to have a real farm stand. Thank you.”

Supervisor Walter: “Thank you Mr. Wines.”

Matt Pendelton: “Matt Pendelton, Chair of the Local Affairs. Rob asked me to just basically mention that we did have a go around, the entire committee, to look at which is just not people that are on the Board of Farm Bureau. Its’ other growers, organic farms and so forth so that’s where Farm Bureau gets its’ (inaudible) as well as local affairs.

The second think I would ask it seems that people who have these problems in regard to this then why aren’t they coming to the Ag Advisory Committee which I sit on and so forth. Dave McLaren Chairs it. He does a nice job. Why aren’t they airing their grievances with it then? I haven’t seen any of these people.”

Supervisor Walter: “Matt when do you meet, let them know?”

Matt Pendelton: “The second Monday.”

Councilman Gabrielsen: “Typically the second Monday of every month at 7:00.”

Matt Pendelton: Thank you.”

Supervisor Walter: “Does anybody else wish to be heard? Alright not seeing anybody, Chris?”

Councilman Wooten: “I make a motion that we close the Town Board meeting and open the Community Development Agency, so moved.”

Supervisor Walter: “Second.”

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

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

Christina Kempner: “The CDA meeting is now opened.”

**Town Board Meeting is now closed**

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**Town Board Meeting is now reopened**

**RESOLUTIONS**

**Resolution # 687**

Councilwoman Giglio: “Riverhead Central School District Water Capital Project #30128 Budget Adjustment, so moved.”

Supervisor Walter: “Seconded.”

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

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

**Resolution #688**

Supervisor Walter: “Scavenger Waste District Budget Adjustment, so moved.”

Councilman Wooten: “I’ll second.”

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

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

**Resolution #689**

Councilman Wooten: “Stoneleigh Retirement Community Phase IV Water Capital Project #30123 Budget Adjustment, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

**Resolution #690**

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

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #691**

Councilwoman Giglio: “Authorization to Publish Advertisement for Paint for the Town of Riverhead, so moved.”

Supervisor Walter “And second.”

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

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

### **Resolution #692**

Supervisor Walter: “Authorization to Publish and Advertise for Propane Fuel for the Town of Riverhead as amended, so moved.”

Councilman Wooten: “Seconded.”

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

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

### **Resolution #693**

Councilman Wooten: “Authorization to Publish Advertisement for Specialty Vehicle for the Town of Riverhead Human Resource Center, so moved as amended.”

Councilman Gabrielsen: “And seconded.”

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

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

### **Resolution #694**

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

Councilwoman Giglio: “Seconded.”

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

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

**Resolution #695**

Councilwoman Giglio: “Extends Bid Contract for Auto/Truck Repairs 2015, so moved.”

Supervisor Walter: “And seconded.”

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

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

**Resolution #696**

Supervisor Walter: “Authorizes the Creation and Appointment of Members to a Mobile/Manufactured Home Advisory Task Force, so moved.”

Councilman Wooten: “I’ll second.”

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

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

**Resolution #697**

Councilman Wooten: “Appoints Members to the Town of Riverhead Mobile/Manufactured Home Advisory Task Force, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Just a discussion; Jodi do you want to be a member of it or just the liaison? Usually Council people are never members of any committee.”

Councilwoman Giglio: “You can put me on as liaison.”

Supervisor Walter: “I think you’re just the liaison, right?”

Councilwoman Giglio: “That’s fine, it says member of the Town Board so.”

(Inaudible)

Someone: “Liaison, then you only have six members and then you don’t have a majority.”

Councilwoman Giglio: “Ok, put me on as a member and then we can change it in the years to come.”



Supervisor Walter: “Why don’t we put Sal as a member? That’s fine it’s just that we’ve never had a Town Board member as a member of the committee I don’t think. I don’t care if we do six and then just come up with a seventh member. It’s just Jodi we’ve never done it. It doesn’t bother me but we’re not members of other committees. We usually just let them function independent of the Board and make recommendations to the Board. You can have six and just put somebody else on later.

Councilwoman Giglio: “Ok, that’s fine.”

Supervisor Walter: “Have Jodi as a liaison and we’ll find another member.”

Councilman Gabrielsen: “Seconded as amended.”

Supervisor Walter: “Moved and seconded as amended. Councilwoman Giglio will be a liaison to the committee and so it will be a six committee.”

Councilwoman Giglio: “Until we find a seventh.”

Supervisor Walter: “Does that work? Ok, moved and seconded as amended.”

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

### **Resolution #698**

Councilman Gabrielsen: “Accepts Resignation of a Principal Accountant, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

### **Resolution #699**

Councilwoman Giglio: “Appoints a Part-time Police Officer, so moved.

Supervisor Walter: “And seconded.”

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

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

### **Resolution #700**

Supervisor Walter: “Ratifies the Attendance of Two Police Department Employees to the Taser Instructor Recertification, so moved.”

Councilman Wooten: “Seconded.”

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

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

### **Resolution #701**

Councilman Wooten: “Ratifies the Appointment of a Call-in Bus Driver to the Recreation Department, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

### **Resolution #702**

Councilman Gabrielsen: “Accepts Highway Superintendent’s Personnel Report and Request for Town Board Resolution to Effectuate Personnel request, so moved.”

Councilwoman Giglio: “Second.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is filling a vacancy in the Highway Department, yes.”

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

### **Resolution #703**

Councilwoman Giglio: “Approves Agricultural Worker Housing for Elizabeth B. Schaffner Pursuant to 108-64.4, so moved.”

Supervisor Walter: “Seconded.”

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

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

#### **Resolution #704**

Supervisor Walter: “Authorizes the Acceptance of Security for Browning Hotel Properties LLC Foundation, so moved.”

Councilman Wooten: “Second.”

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

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

#### **Resolution #705**

(Inaudible)

Councilwoman Giglio: “Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Addition of Article XXV Farm Stand Review), so moved.”

Supervisor Water: “And seconded.”

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

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

Councilman Wooten: “I can certainly appreciate everybody’s concern about this and it gives the appearance that it was rushed through but it is a long process and it has been three years for this. Actually this only affects the APZ zoning. It doesn’t affect your RV80 in fact if people wanted a quick Code Revision right now we would have had ninety-seven farm stands, if people wanted farm stand so this is not going to encourage farm stands to come in because right now the way this is being written you have to greater than your current zoning so if you have two acre zoning you’re going to need greater than two acre zoning. So it’s not going to make it attractive in those areas. It’s going to keep the rural corridor if you want. It’s going to protect the famers that are there that do have the soil and do produce like Mr. Rottkamp said so it certainly makes sense. Will it need a little polish and most floors do when you put them in place. You know, you tweak, you have to but it’s a good start. So I vote yes.”

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

#### **Resolution #706**

Councilman Gabrielsen: “Adopts Alcohol Policy for the Town of Riverhead, so moved.”

Councilwoman Giglio: “Second.”

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

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

### **Resolution #707**

Councilman Wooten: “Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code Article VI; Agriculture Protection Zoning Use District (APZ), o moved.”

Councilman Gabrielsen: “And seconded.”

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

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

### **Resolution #708**

Supervisor Walter: “Authorizes the Supervisor to Execute a Lease Renewal Agreement Authorizing the Town to Lease a Vehicle from Suffolk County Office for the Aging for Transportation Services for Elderly Residents, so moved.”

Councilman Wooten: “Seconded.”

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

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

### **Resolution #709**

Councilman Wooten: “Authorizes Cushman & Wakefield of Long Island, Inc. for Marketing, Sale or Lease of 542 East Main Street (SCTM #600-129-3-35.2) Known as East Lawn Building, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

### **Resolution #710**

Supervisor Walter: “We do have the Resolution attachment.”

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement EVO EZPAY, LLC and Systems East, Inc., so moved.”

Councilwoman Giglio: “Seconded as amended and amending to attach the contract.”

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

The Vote: “Giglio, yes, Gabrielsen yes; Wooten, yes, EVO does a fine service for the Town; Walter, yes. Resolution adopted.”

### **Resolution #711**

Councilwoman Giglio: Extends License Agreement, Nunc Pro Tunc, with Bishop McGann Mercy High School for use of 127 McDermott Avenue (Renumbered 30 McDermott Avenue), Riverhead, NY for Outdoor Storage of Rowing Boats, so moved.”

Supervisor Walter: “And seconded.”

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

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

### **Resolution #712**

Councilwoman Giglio: “Authorized Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 46 Entitled “Alcoholic Beverages” of the Riverhead Town Code, so moved.”

Supervisor Walter: “And seconded.”

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

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

### **Resolution #713**

Supervisor Walter: “Authorizes the Town Clerk to Publish and Post a Public Notice to Consider Adopting a Local Law to Override the Tax Levy Limit Established by and set forth in Article 2, Section 3-C of the General Municipal Law, so moved.”

Councilman Wooten: “Seconded.”

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

The Vote: “Giglio, yes to the public hearing; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution adopted.”

#### **Resolution #714**

Councilman Wooten: “Authorizes the Town of Riverhead Senior Citizen Advisory Council to Facilitate an Invitation to the Downtown Riverhead Business Community Located within the Business Improvement District to participate in a “Senior Citizen Discount Week”, December 6-12, 2015, Inclusive, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Supervisor Walter: “I just want to thank my staff especially Carol Sclafani, Joe Packard, John Dunleavy and the Senior Citizen Advisory Council. They’re really doing a lot of work between the Senior Citizen informational book they put together and now a Senior Citizen Day downtown. They’re doing a great job and I look forward to this being successful and that was a yes. Resolution Adopted.”

#### **Resolution #715**

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post a Public Notice for a Public Hearing Regarding an Alleged Unsafe Structure Located at 307 Griffing Avenue, Riverhead, Suffolk County, New York, SCTM #600-128-3-19 Pursuant to Chapter 54 of the Riverhead Town Code, so moved.”

Councilwoman Giglio: “Second.”

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

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

#### **Resolution #716**

Councilwoman Giglio: “Amends Resolution 671, 2015 and Incorporates additional Road as a Town of Riverhead 189 Road (Adds Hickory Lane, Baiting Hollow), so moved.”

Supervisor Walter: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I’m going to abstain just because I didn’t get to speak to the Highway Superintendent about that yet.”

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

### **Resolution #717**

Supervisor Walter: “Authorizes the Town Supervisor to Execute Aircraft Loan Agreement with the Department of the Navy (F-14A Tomcat and A-6 Intruder), so moved.”

Councilman Wooten: “I’ll second.”

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

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

### **Resolution #718**

Councilman Wooten: Authorizes Agreement between Tanger Properties Limited Partnership and the Town of Riverhead in Connection with 2015 Black Friday Sales and December 2015 Holiday Sales (Utilize Parking Police Personnel and Police Cars), so moved.”

Supervisor Walter: “Take that agreement out, new agreement because they actually paid the actual costs not.”

Councilwoman Giglio: “And they changed the language from Labor Day to Black Friday? Ok, good.”

Councilman Wooten: “Yes, So moved with the new attachment.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio, as amended with the new attachment yes; Gabrielsen yes; Wooten, yes; Walter, yes. Resolution adopted.”

### **Resolution #719**

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amendment Chapter 93 Entitled “Sunday Activities” of the Riverhead Town Code, so moved.”

Councilwoman Giglio: “And seconded. This came out of Code Revision as a request of Councilman Dunleavy.”

Supervisor Walter: “Getting rid of the blue light laws.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “As I mentioned this came out of Code Revision out of a request of Councilman Dunleavy and if any of the public feels that there’s a problem with the Town Code they can definitely make a recommendation to the Code Revision Committee and we will review it and discuss it and then bring it to the Board, so that’s what Code Revision Committee does is review requests for amendments to the code. So I’ll vote yes for this one.”

Vote Continued: “Gabrielsen, yes; Wooten, no; Walter, yes. Resolution adopted.”

### **Resolution #720**

Councilwoman Giglio: “Authorizes the Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Village Center – Microbreweries), so moved.”

Supervisor Walter: “Seconded.”

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

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

### **Resolution #721**

Supervisor Walter: “And just hold for a minute. 721, Bob, I think this resolution also, does this need to be amended, Tanger agreement because this actually has?”

Robert Kozakiewicz: “Should have a dollar amount.”

Supervisor Walter: “This one has the actual amount on it?”

(Inaudible)

Robert Kozakiewicz: “Yeah there should be an amended agreement which actually shows that they paid.”

Supervisor Walter: “Ok so this is the right resolution, agreement for the for this.”

Robert Kozakiewicz: “The one I have is not the right one as of. It has an amount per hour but they actually paid an amount which has already been received.”



- Councilwoman Giglio: “And that was on the actual amount.”
- Robert Kozakiewicz: “That’s correct”
- Supervisor Walter: “So should we take this agreement off?”
- Robert Kozakiewicz: “Well its’ (inaudible) form attached so it’s not a major change. On page 2, Compensation and as I don’t have it in front of me instead of it saying Tanger did pay a blank sum they paid a certain dollar amount which will be agreed upon now and I don’t have that amount off the top of my head, so the agreement ‘s going to be amended to reflect that they actually paid.”
- Supervisor Walter: “Give me language you want. I don’t want (inaudible) on TV.”
- Councilwoman Giglio: “Can we just change the cover page and say the Supervisor is hereby authorized to accept payment in full for services rendered for Labor Day?”
- Supervisor Walter: “(inaudible) so we’ll just amend that agreement.”
- Robert Kozakiewicz: “Well the agreement, it says (inaudible) so it’s not going to be a substantial change so.”
- Supervisor Walter: “No just put the, amended to the amount bill was received or something like that.”
- Councilman Wooten: “Yeah, yeah you’re right. I’m not so sure you should have per hour rate. I mean you’ve got the (inaudible) attached.”
- Robert Kozakiewicz: “Dollar amount (inaudible).”
- Supervisor Walter: “Ok so it’s going to be changed Compensation, Paragraph 3 In consider of the police personnel and patrol cars which were provided for traffic control and related purposes at the outlets center, Tanger did pay the Town the sum of approximately nine thousand and eight hundred and eighty-eight dollars and forty-six cents which sum was agreed upon between the parties. Ok, that makes sense.”
- Robert Kozakiewicz: “Good.”
- Supervisor Walter: “Ratifies Agreement between Tanger Properties Limited Partnership and the Town of Riverhead in Connection with Labor Day Sales, so moved.”
- Councilman Wooten: “I second as amended.”
- Supervisor Walter: “Moved and seconded as amended. Vote please.”

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

**Resolution #722**

Councilman Wooten: “Authorizes the Retention of the Law Firm of Sinnreich, Kosakoff & Messina LLP as Special Counsel to Institute Legal Action against the Owners of Property Described as 4070 Middle Country Road, Calverton also described as SCTM #600-98-1-16.5, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

**Resolution #723**

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Notice to Bidders for Calcium Hypochlorite Tablets for the Riverhead Water District, so moved.”

Councilwoman Giglio: “Second.”

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

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

**Resolution #724**

Councilwoman Giglio: “Authorization to Discard Fixed Assets (Computer Towers, Monitors, Laptops, Peripherals), so moved.”

Supervisor Walter: “Seconded.”

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

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

**Resolution #725**

Supervisor Walter: “Pays Bills, so moved.”

Councilman Wooten: “Second.”

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

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

**Resolution #726**

Supervisor Walter: “Ratifies Execution Suffolk County Grant for Fiscal Year 2015 community Development Block Grant Funds, so moved.”

Councilman Wooten: “I’ll second.”

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

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

**Resolution #727**

Councilman Wooten: “Authorizes Town Clerk to Publish and Post Notice for Public Hearing Regarding US Hud Community Development Block Grant (“CDBG”) 2016 Fund, so moved as amended.”

Councilman Gabrielsen: “And seconded as amended.”

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

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

Supervisor Walter: “Alright, now we finished our official business and we open it up to anybody who wishes to bring a matter before the Town Board. We ask you to limit your comments to five minutes. Does anybody wish to be heard today? Not seeing anyone can I get a motion to adjourn?”

Councilman Wooten: “So moved.”

Supervisor Walter: “Seconded. Moved and seconded. Vote please. All in favor aye, opposite, abstentions. Motion carried, meeting is adjourned.”

**Meeting Adjourned at 3:33 p.m.**