

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 Tuesday, March 5, 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 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance.

The invocation was given by Bishop Emil Wcela, retired Vicar of the Eastern Vicariate of the Dioceses of Rockville Center.

The February 20, 2013 Town Board Minutes were approved. Councilman Dunleavy made a motioned to approve the minutes, Councilman Gabrielsen seconded. Motion carried, minutes were approved.

REPORTS

- Tax Receiver - Total Tax Collection to date as of February 20, 2013 - \$68,286,706.21
- Tax Receiver - Total Tax Collection to date as of February 28, 2013 - \$68,508,293.15
- Building Department – Monthly Report February 2013 - \$60,066.50
- Town Clerk – Monthly Report February 2013 - \$12,016.05
- Sewer District – Discharge Monitoring Report January 2013
- Police Department – Monthly Report January 2013

The Concordia Senior Community at Riverhead – Analysis of Affordability Issues.

APPLICATIONS

Special Permits

- Hampton Jitney – Construct Terminal and Maintenance Facility at Edwards Avenue, Calverton, NY
- Jake Watral – Retail and Warehouse for Lumber Liquidators at Kroemer Avenue, Riverhead.

Special Event (Chapter 90)

St. Isidore's School – Car show at St. Isidore's School, Marcy Avenue, Riverhead.

Supervisor Walter asked Tara to remind the department heads that they are to attend the Town Board meetings, especially those in the afternoon so they could answer any questions the Board or residents may have.

TOWN BOARD COMMITTEE REPORTS

Councilman Gabrielsen: “I just want to mention that Councilman Dunleavy and I were at the ball fields this morning and we met with the engineers and the fields look great, a little raking and grass seed left and they're finished. We're looking at an open date probably the end of April. We're trying to coordinate with the Little Leagues. I think this town board is going to be proud of themselves when, we basically took over an abandoned field, project and we got it done. I want to thank my colleagues on the board for their input.”

Councilwoman Giglio: “I want to say thank you everybody. We had twenty bikes for the bike rodeo being rehabilitated at Twin Forks Bicycle and we're now creating healthy places as buying new helmets. There's an essay contest that is out at the schools right now for grades five through nine and the alternative transportation committee will be evaluating those essays and bikes will be awarded to the winners on at Bike Safety Day at Stotzky Park on May 4th.”

Councilman Dunleavy: I just want to say one thing, the Suffolk Theater opening on Saturday. If anyone didn't go they missed a great opportunity. It was a reflection of 1930's, 1940's and it was a great time. If you ever get by the theater at night just to look around because it's going to be opened every night for a show. It's going to be a focal point for Main Street and the whole east end of Long Island. I want to thank the Castaldi's for doing the work that they did.

COMMENTS ON RESOLUTIONS

Sal Mastropaolo: “Resolution #176; is this paperwork to clean up something that was done already or do the dates have to be changed?”

Robert Kozakiewicz: “It ratifies the action that was taken.”

Supervisor Walter: “We signed off at it at a work session. We have a new procedure and some of the department heads were a little slow in getting the resolutions in. We don’t take resolutions that come after 4:30 p.m. on Friday and this construction contract is an annual contract either they didn’t get it in for the board to sign off on it and get it published.

Sal Mastropaolo: “Ok, so it’s catch-up paper work.”

Supervisor Walter: “It’s a deliverable contract so if we don’t order anything, it doesn’t cost us anything.”

Sal Mastropaolo: “Right, ok. Resolution #186.” Rule number two; I think it should read “*Special meeting shall meet at the call of the Supervisor or by any of the three members, or by any three members of the Board*”. Because the way it’s written, it just doesn’t make any sense.”

Councilman Gabrielsen: “Right take “*of the*” out

Sal Mastropaolo: “Right, take out “*any of the*”. Rule number seven, it should read “*prior to the introduction of the resolutions*”. Rule number nine, the last sentence in it should be, split the word maybe into two words.”

Councilman Gabrielsen: “Yes absolutely.”

Sal Mastropaolo: “Resolution #187; the first resolved on page two, the second bullet; strike the last four words in the second bullet, “*and be it further*” that should be deleted and then the third resolved, the next to the last word in the sentence, strike the first letter. It should read; “*must be obtained and any tenth installations*”.

Sal Mastropaolo: “Resolution #188, I just have a question. Does the plaintiff wind up paying legal fees if he loses?”

Robert Kozakiewicz: “No court costs, just court costs.”

Supervisor Walter: “No, court costs, which are nominal, no we pay it, you pay it.”

Sal Mastropaolo: “Resolution #206. First question I have is, does this property front on Route 25?”

Supervisor Walter: “No, it’s a flag lot, it’s a long flag pole that runs to the west of the ball fields in Calverton and there’s a gate you’ll see open once in a while, that’s it. That gate is not the gate opening and that dirt road is not the opening for the ball fields it’s for this.”

Sal Mastropaolo: “So he’s going to have to? Is there a road there already?”

Supervisor Walter: “It’s a dirt road and he has to fence both sides with a four foot fence, if I remember.”

Councilman Gabrielsen: “A four foot fence.”

Councilman Dunleavy: “I don’t know what the DOT is making him do, the state DOT at the entrance to 25, I don’t know what they’re doing.”

Sal Mastropaolo: “Is he going to be able to put a sign up on Route 25.”

Supervisor Walter: “Yes on our property, they’re going to be entering into a lease with us to put a sign because they only have the flag pole. It was the entrance to the parade grounds right?”

Councilman Wooten: “Yes.”

Councilman Gabrielsen: “We own the properties on either side of it so we’re getting an easement so we can cross. Whether it’s a bicycle path we have to get an easement to it.”

Sal Mastropaolo: “Also I have noticed that you went from a cable toe water skiing, canoeing, kayaking to a six thousand square foot retail and storage building and a forty nine thousand square foot general purpose retail, office, restaurant.”

Supervisor Walter: “This gentleman, one of the owners sells water ski boats so I would imagine that he is probably going to have his showroom there, I’m guessing.”

Sal Mastropaolo: “Is the restaurant going to be opened to the public?”

Supervisor Walter: “I guess it will be open to anyone who is willing to pay. It’s a little off the beaten path. It will be a nice amenity though when we’re having the ball fields and the games and everything because it’s in walking distance to the, our ball fields are in walking distance to this.”

Councilmen Dunleavy: “I don’t know how much sand he’s going to take to make these lakes out.”

Sal Mastropaolo: “Well he’s already taken all the sand,”

Councilman Dunleavy: “He has to go down thirty foot so that’s a lot of sand going to be moved out of there.”

Sal Mastropaolo: “And the zoning allows a restaurant there?”

Supervisor Walter: “Yes, it’s in conformance, their site plan is in conformity to the code. I say yes, but as an attorney I don’t want to say yes without looking at the code but that is what we understand, that it meets it.”

Sal Mastropaolo: “There are also several places in this particular resolution you use the work “shall issue” rather than “shall be issued” is that by design or is that just?”

Supervisor Walter: “Somebody not writing correctly probably, Show me where it is.”

Sal Mastropaolo: All right, the first one is item number 15 towards the tail end of the first line, That’s one place.”

Supervisor Walter: “Shall be conditional upon, should be “conditioned upon the following”.

Sal Mastropaolo: “No, well, that’s in the conditions, right? It says right in number fifteen, *signatures shall be conditional upon the following.*”

Supervisor Walter: “I see.”

Sal Mastropaolo: “But it should be “shall be issued.”

Supervisor Walter: “yes, of course.”

Sal Mastropaolo: “All right, then number sixteen, the same thing.”

Supervisor Walter: “This is written by Rick Hanley so who knows, maybe he has a special Kings English we’re not aware of.”

Sal Mastropaolo: “That’s why I asked, I’m not sure it’s legal verbiage or,”

Supervisor Walter: “I would not write it that way. I would write it *shall be issued*, but I think the intent is there.”

Sal Mastropaolo: “It’s like the first sentence in sixteen, the first sentence in seventeen, and the first sentence in eighteen.”

Supervisor Walter: “I think it’s his style more than it is; and I’m not sure it’s grammatically incorrect honestly. It doesn’t sound the way I would write it.”

Sal Mastropaolo: “Ok, that’s it.”

Supervisor Walter: “Thanks Sal. Good afternoon Dominique.”

Dominique Mendez: “Good afternoon. Dominique Mendez, Riverhead Neighborhood Preservation Coalition.

Sir, I wanted to address Resolution #186 and to draw your attention to rule seven and in rule seven it says; “*No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality o fa town board meeting*”. I think that goes a little far to restrict what’s kind of free expression and free speech. For example hand clapping. I remember sitting here when you guys approved the North Fork Preserve, some money for that. People clapped, I don’t think you objected to it.”

Supervisor Walter: “I don’t think anybody is going to object. This was actually, that particular statement was taken from the Town of Henrietta. None of this was written per say by the town of Riverhead. These were adopted from some model rules from some other towns.

Dominique Mendez: “Well that may be the case; I just wanted to draw your attention because I didn’t think that was really appropriate. I did check and it seems like that isn’t “standard”. Most towns don’t go this far being that restrictive and I thought, booing I understood

where you want people to be respectful and booing is not respectful. I've never seen hand clapping here and you know I've been to many, many meetings"

Councilman Gabrielsen: "Ok, I think we can just take that out."

Supervisor Walter: "Which one was it?"

Councilman Gabrielsen: "Hand clapping. We can take hand clapping out, that's not such a big deal."

Councilman Dunleavy: "The problem we have, the speaker gets up there and one speaker, they clap then the next speaker gets up and they clap after the next speaker, it's just, we're trying to keep some kind of order."

Dominique Mendez: "But have you ever seen them clap for a long time and really delay a meeting? It's usually very, very brief."

Councilwoman Giglio: "I think this is more of a, when someone is up speaking and someone was in favor of it and then they're going to clap and then the other people are going to boo. We're going to have booing and clapping at the same time. It doesn't provide for an orderly meeting and I think that that was the Supervisors hope when adopting these rules and procedures is to have order during the meeting."

Dominique Mendez: "Right, I think there should be order."

Councilwoman Giglio: "With the booing and the clapping, sometimes when people get up and speak, I've seen someone boo and then I've seen someone clap and."

Supervisor Walter: "I'm ok taking hand clapping."

Dominique Mendez: "People clap at all different times and most of the times it's positive."

Supervisor Walter: "Hand clapping is out, we like hand clapping."

Councilman Wooten: "What did you say "*and engage in demonstrations that is disrespectful*"."

Dominique Mendez: "*Any demonstration*", I think is a little broad. When we did come once, ok, so people had 8 ½ x 11's *Vote No* or something. They weren't holding them, it wasn't on a sign, it was on a regular piece of paper and they could just hold it up at a time. They were holding it up here. Was it disruptive, I don't see how it was disruptive? I agree you don't want people in here picketing, screaming, we would never do that. I don't think that's appropriate to be done in here but there's a difference between that and may be having something like that 8 ½ x 11 that is kind of, just kind of communicating to you because truthfully not everyone is comfortable coming up to the podium. Most people aren't and so these are ways they can just express themselves."

Supervisor Walter: "We can make it disruptive demonstrations."

Dominique Mendez: “Right.”

Councilman Wooten: “Or disrespectful.”

Dominique Mendez: “It’s when they get out of hand and disruptive, I agree.”

Councilwoman Giglio: “Disrupt is in there (inaudible)”

Dominique Mendez: “Yeah but afterwards, I agree Sean but disruptive demonstration there.”

Councilman Wooten: Disruptive or disrespectful behavior

Dominique Mendez: “Right, so the people can express themselves, it shouldn’t be some big thing that blocks people’s views.”

Supervisor Walter: “I would just put disruptive because what’s,”

Dominique Mendez: “That would be disruptive, I agree.”

Councilman Gabrielsen: “Ok.”

Supervisor Walter: “Ok, thank you.”

Dominique Mendez: “Ok, that’s it. Thank you very much.”

Supervisor Walter: “Sid Bail”

Sid Bail: “Sid Bail, President of Wading River Civic. Resolution #171, 2013 Wading River Dredging Project Budget Adjustment; I just want to say that I think the Supervisor’s efforts and the rest of the town board kind of helped the people out on Creek Road are greatly appreciated in the community. It’s a difficult situation. I know a lot of those people are kind of nervously looking at the weather forecast for tomorrow as the town officials are.”

Supervisor Walter: “This just in, I got off the phone with, you can report back. Here it is. The town engineer, we’re hoping to get the modifications to do the dredge by the end of March. So that’s the game plan. We’ll be able to take out seven thousand cubic yards which is not a lot but it will help some of the homes as far as we can go down, we’ll go down.”

Sid Bail: “That’s good news. You’ve acknowledged this and the real challenge is I think is to look into the future and see how best to deal with this situation in the future because there aren’t a lot of good easy solutions to this problem and I know you’ve been looking into some of those.”

Supervisor Walter: “If you do an engineered beach you have a couple problems. I’ve heard some conflicting information but I think the Chief understands and explained this to me the best. If the federal government puts sand up on these parcels then the public has a right of access on the parcels.”

Sid Bail: “Is that controversial?”

Councilman Dunleavy: “I think the best solution would be to redirect it back to its original mouth water, that’s the best solution.”

Supervisor Walter: “We have an application, not an application. It’s more of a letter, a request. National Grid is evaluating that, they’ve been evaluating it for about eighteen months but we had a meeting with the DEC, National Grid and LIPA about redirecting the creek back out, putting it through the jetties by the Shoreham Nuclear Power Plant and they are still processing, National Grid is still, it’s going slowly through their chains and every once in a while I’ll get an e-mail saying this one looked at it and it’s going to the next step. So that’s been my goal and whether I can ever get National Grid to do it or not, I don’t know but that’s the goal.”

Sid Bail: “That’s somewhat encouraging and six months from now, I’ll ask you for an update.”

Councilman Dunleavy: “That’s the best resolution Sid, that’s where it started and it should go back there.”

Sid Bail: “Thank you.”

Supervisor Walter: “Thank you. Anyone else wish to be heard on Resolutions? Not seeing anybody, Diane.”

Resolution #170

Councilman Dunleavy: “2013 New York State Grant Brownfield Opportunities Area Program Budget Adoption. So Moved.”

Councilman Wooten: “And Seconded”.

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

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

Resolution # 171

Councilman Wooten: “2013 Wading River Dredging Project 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. The resolution is adopted.”

Resolution #172

Councilman Gabrielsen: “Appoints Director to the Riverhead Business Improvement District Management Association. 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. The resolution is adopted.”

Supervisor Walter: “Welcome aboard Isabelle Gonzalez to the Riverhead Business Improvement District Management Association.”

Resolution # 173

Councilwoman Giglio: “Accepts Gift from Jamesport Fire Department to be used for Purchase of Equipment to Upgrade the Electrical System at George Young Community Center and Approves General Fund Budget Adjustment Related to Receipt of the Donated Funds. 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 is adopted.”

Resolution #174

Councilman Dunleavy: “Appoints Temporary Secretary to the Board of Assessment. (Mary Burns) So moved.”

Councilman Wooten: “And seconded.”

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

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

Resolution #175

Councilman Wooten: “Grants Excavation Permit as Provided by Chapter 62 of the Riverhead Town Code to Wal-Mart. 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 is adopted.”

Resolution #176:

Councilman Gabrielsen: “Ratifies the Authorization for the Town Clerk to Post and Publish the Attached Notice to Bidders for the Animal Town-Wide Construction Contract. So moved.”

Councilwoman Giglio: “I’ll second.”

Supervisor Walter: “Moved and seconded. Vote Please.

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

Resolution #177

Councilwoman Giglio: “Ratified the Authorization for the Town Clerk to Publish and Post the attached Notice to Bidders for the Annual Supply Procurement Contract. 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 #178:

Councilman Dunleavy: “Amends Resolution #140 (Approves Request for a Leave of Absence. (Ezra Fife) So moved.”

Councilman Wooten: “And seconded,”

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

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

Resolution #179:

Councilman Wooten: “Classifies Action, on Special Permit Hampton Jitney and Calls Public Hearings. 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 #180:

Councilman Gabrielsen: “Classifies Action, Declares Lead Agency and Determines Significance on Special Permit of Woolworth Revitalization, LLC and Calls Public Hearing. 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 #181:

Councilwoman Gabrielsen: “Awards Bid for Heating Fuel Oil 2012. So moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: “This is written wrong. It’s not .095, it’s 9.5. It’s 9 ½ cents.”

Councilman Gabrielsen: “That’s a good deal, the way it’s written.”

Supervisor Walter: “That’s what you said last time and I said yeah, that’s a really good deal.”

Councilman Dunleavy: “Well, can we amend this?”

Supervisor Walter: “Are you sure that’s the number?”

(Inaudible)

Robert Kozakiewicz: “Get rid of the cents behind the five.”

Supervisor Walter: “Right, it’s not .095 cents. It’s .095 dollars.”

Councilman Gabrielsen: “Right, just take the cents out.”

Supervisor Walter: “But are we sure it’s 9 ½ cents.”

Councilman Wooten: “You just always have to go by what’s written.”

Councilwoman Giglio: “Tara said yes. It’s 9 ½ cents.”

Councilman Dunleavy: “One was 25 cents and one was 45 cents.”

Councilman Gabrielsen: “Right, one was twenty-five, one was forty-five so this bid, we saved quite a bit of money because we switched over from the company that was supplying it before.”

Supervisor Walter: “So it’s 9 ½ cents. I don’t know why we just didn’t write 9 ½ cents.” (inaudible)

Robert Kozakiewicz: “This is 9 1/2 cents over rack?”

Councilman Gabrielsen: “Yes 9 ½ cents over rack which is very good.

Supervisor Walter: “So it’s 9 ½ cents, that’s what it’s supposed to be?”

Councilman Dunleavy: “Yup, (inaudible) it wasn’t written right.

Supervisor Gabrielsen: “Who wrote this resolution?”

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

Resolution #182

Councilman Dunleavy: “202-B Final Order Improvements to Facilities of Riverhead Sewer District to Relocate Existing Sanitary Sewer 841 Old Country Road – Stop & Shop Fuel Facility. So moved.”

Councilman Wooten: “Second.”

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

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

Resolution #183

Councilman Wooten: “Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (101-7. Turns – Elton St. & Roanoke Ave.). So Moved.”

Councilman Gabrielsen: “And seconded.”

Councilman Dunleavy: “We didn’t get this. We’ve discussed this numerous times.” (inaudible)

Councilwoman Giglio: “This was in on Friday.”

Supervisor Walter: “Bob, get in on this, it’s been moved and seconded so we have to vote. What is this about?”

Councilman Wooten: “Wooten seconded it.”

Supervisor Walter: “Unless the author withdraws it. I don’t know, what this is about.

Councilman Dunleavy: “This is about no left turn from Elton Road onto Roanoke Avenue.”

Councilman Gabrielsen: “It’s called for a public hearing which is fine.”

Councilman Dunleavy: “This is like my three hour parking.”

Supervisor Walter: “So you’re not going to be able to make a left off Elton on to Roanoke anymore?”

Councilman Dunleavy: “Right, I think we should go back to a work session with this.

Councilwoman Giglio: “Yes.”

Supervisor Walter: “Well, we either withdraw it or we have to vote on it now.”

Councilwoman Giglio: “We haven’t adopted the rules of procedures yet.”

Councilman Gabrielsen: “We can withdraw it.”

Councilman Wooten: “It’s calling for a public hearing when, is a public hearing called for.”

Councilman Dunleavy: “Well, my three hour was called for a public hearing too.”

Councilman Wooten: “This was before the Traffic Committee four years ago. I’m surprised it took that long to get to the table.”

Councilman Dunleavy: “Well, it was discussed but it wasn’t discussed among us.”

Supervisor Walter: “Well that is why I would like to get a report from the Traffic Committee to the Town Board so if we’re going to vote, it’s going to go down I think.”

Supervisor Walter: “Ok Diane, call for the vote.”

The Vote: “Giglio, No; Gabrielsen, got to say no: Wooten, yes; Dunleavy, no; Walter, no. The resolution was not adopted.”

Resolution #184:

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 “Vehicles &Traffic” of the Riverhead Town Code (101.11 No Parking Certain Hours; School Zones – Edgar Ave.). So moved.”

Councilman Dunleavy: “Another one, why don’t you make a motion to withdraw this? This is the one for the parking.” (inaudible)

Councilman Gabrielsen: “It’s good John?”

Councilman Dunleavy: “This is the parking on the east side of the school where the people are blocking the driveways of the homes there.”

Councilwoman Giglio: “It hasn’t been moved or seconded.”

Councilman Gabrielsen: “Yeah, I’m going to make a motion to withdraw this resolution #184.”

Supervisor Walter: “Can I get a seconded to withdraw this so we can put it on a work session?”

Councilwoman Giglio: “And seconded”.

Supervisor Walter: “Moved and seconded to withdraw this resolution so we can put it in a work session. Vote please.”

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

Supervisor Walter: “Just because we have this 4:30 rule, it doesn’t mean everybody can shoot to the clerk’s office with resolutions. The other part of that 4:30 rule is that if it wasn’t in our work session, it has to come, oh, in our new rules it says that the person has to distribute it to us.

Resolution #185:

Councilwoman Giglio: “Adopts a Local Law to Amend Chapter 108 of the Town Code of the Town of Riverhead Entitled, “Zoning” (Article XXVI – Site Plan Review – 108-132 Contents of Application).So moved.”

Council Dunleavy: “And seconded.”

Supervisor Walter: “Moved and seconded. Please vote.”

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

Resolution #186:

Councilman Dunleavy: “Adopts Rules and Procedure for Town Board of the Town of Riverhead. So moved, as amended.”

Councilman Wooten: “And seconded.”

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

The Vote: “Giglio, yes, Gabrielsen, yes; Wooten, no.”

Councilman Dunleavy: “Even though I don’t like the amends I’m going to vote yes on the rest of it. We can talk about the amends at a work session.”

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

Supervisor Walter: “We better commit these to memory because I’m sure there’s going to be lots of questions.”

Resolution #187

Councilman Wooten: “Approves Chapter 90 Application of Alzheimer’s Disease Resource Center, Inc. (Walk to End Alzheimer’s Disease – August 24, 2013) as amended. 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.”

Supervisor Walter: “Maybe we should have a CLE class on the new rules of participants.”

Councilwoman Giglio: “We should put it on a poster board.”

Resolution #188:

Councilman Gabrielsen: “Authorizes the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement (Knightland, Inc.). 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 #189:

Councilwoman Giglio: “Authorizes the Supervisor to Execute an Agreement with National Association of Drug-Free Employees (NADE). 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 #190:

Councilman Dunleavy: “Awards Bid for GASB 45 Actuarial Services for Town of Riverhead. So moved.”

Councilman Wooten: “And seconded.”

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

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

Resolution #191:

Councilman Wooten: “Awards Bid for Type III Ambulance for the Riverhead Ambulance District. So moved.”

Councilman Gabrielsen: “And seconded”.

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

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

Resolution #192:

Councilman Gabrielsen: “Authorized the Supervisor to Execute a Data Sharing GIS Agreement with New York State. 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 #193:

Councilwoman Giglio: “Grants Excavation Permit as Provided by Chapter 62 of the Riverhead Town Code to Northville Commerce Park Association LLC 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 #194:

Councilman Dunleavy: “Releases Maintenance Security of Osborne Acres, LLC in Connection with the Subdivision Entitled “Osborne Acres” (One Year Maintenance Security). 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 195:

Councilman Wooten: “Authorizes the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement (Constance Partridge).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 196:

Councilman Gabrielsen: “Extends Bid Contract for Well and Pump Testing for the Riverhead Water District. 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 197:

Councilwoman Giglio: “Extends Bid for Dry Hydrated Lime (Calcium Hydroxide) for Riverhead Water District. 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, like to see you. Resolution adopted.”

Resolution #198:

Councilman Dunleavy: “Terminates a Probationary Employee. So moved.”

Councilman Wooten: “I’ll second”

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

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

Councilman Wooten: “I want to clarify. We didn’t terminate the employee we just let her go so yes.”

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

Supervisor Walter: “And it’s no reflection on the employee, she did an outstanding job.”

Resolution #199:

Councilman Wooten: “Appoints an Assistant Recreation Leader 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; Dunleavy, yes; Walter, yes. Resolution adopted.”

Resolution #200:

Councilman Gabrielsen: “Authorizes Supreme Court Action Against the Owners, Tenants, Occupants and Mortgagees of Premises Located at 162 Founders Path Baiting Hollow, New York (Town of Riverhead v. Lafurno). So Moved.”

Councilwoman Giglio: “And seconded.”

Supervisor Walter: “Moved and seconded.”

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

Resolution #201:

Councilwoman Giglio: “Authorizes Supreme Court action Against the Owners Tenants, Occupants and Mortgagees of Premises Located at 331 Hamilton Avenue, Riverhead, New York: 303 Raynor Avenue, Riverhead, New York: 368 Sweezy Avenue, Riverhead, New York: 379 Sweezy Avenue, Riverhead, New York (Town of Riverhead v. Taylor). So moved.

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio, this is in coordination with our efforts to look into overcrowded housing so yes.”

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

Resolution #202:

Councilman Dunleavy: “General Fund Budget Adjustment. So moved.”

Councilman Wooten: “And seconded.”

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

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

Resolution #203

Councilman Wooten: “Reappoints a Temporary Groundskeeper I (Paul Bauerfeind). 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 #204:

Councilman Gabrielsen “Terminates Part-time Kennel Attendants (Ariel Reichel, Louis Passantino). So moved.”

Councilwoman Giglio: “And seconded.”

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

The Vote: “Giglio, I thought Louis Passantino had resigned but yes.”

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

Resolution #205

Councilwoman Giglio: “Authorizes Publication of a Help wanted Advertisement Re: Attendance at Suffolk County Police Academy. So Moved.”

Councilman Dunleavy: “And seconded.”

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

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

Councilman Dunleavy: “Yes, this is for anyone who wants to be a part time police officer. You have to pay for your own self to go to the Police Academy on your own time but it’s a good move for someone who wants a summer job as a police officer within the Town of Riverhead or anywhere else within Suffolk County or New York State. So, I vote yes.”

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

Resolution #206

Councilman Dunleavy: “Approves Site Plan of Island Water Park. So moved.”

Councilman Wooten: “And seconded.”

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

The Vote: “Giglio, I abstain. I represented him for three months, four years ago.”

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

Resolution #207

Councilman Wooten: “Motion to pay bills. 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.”

GENERAL COMMENTS

Sid Bail spoke on behalf of someone from the Wading River Business Community. The person wanted to know why one business was permitted to operate on a twenty-four hour business operation while that was not the case for businesses operating in Wading River. Supervisor Walter stated that he was going to put this back on for an executive session stating he would like the opportunity to talk to the Board. Councilman Dunleavy stated that it is still in our Justice Court and before it is sent to the Supreme Court and it has to go to the Justice Court and that's where it is now.

Steve Romano, who had attended a December 2011 Town Board meeting, spoke again about a ruling regarding the fire alarm code law. He thinks the ruling and how it pertains to his condominium complex is an unfair law. He also stated that he was under the impression that a decision had been made that the condominium complex was exempt from this fee. However, he received a bill requesting payment. Supervisor Walter stated that he wants to discuss this further at a work session because the Board may want to amend the code. Mr. Roman asked if he could attend this session and he was assured by Supervisor Walter that he could attend. He asked that Mr. Roman give Tara his phone number and arrange with her the best time for him to attend a session so it can be discussed further.

Steve Romano also expressed his thanks to George and his staff on the fantastic job they did during the snowstorm. He asked if anyone knew what the emergency snow plowing balance is. Supervisor Walter replied that Sandy was in last year's budget, the blizzard was in this year's budget and the Board is still waiting for the cost to be given to them. It's been estimated though that the town is approximately fifty thousand over budget.

Steve Romano: “Another question in regards to the polo proposal that was discussed at the last Board meeting. Has the town actually had a sit to get a preliminary idea of what is being proposed and offered?”

Councilman Wooten: “They reached out to the Board but they are so close to the subdivision map that it would be inclusive with just about anything we wanted to put there and that seems to be more of a priority at this point”.

Supervisor Walter: “What happens is that we're studying, and soon we believe that the map will be ready for the town to do the coordinated review and hopefully, we will be declared the lead agent. When that happens, we will study the commercial industrial subdivision, the polo

subdivision and no action alternative. You just don't do one, you're supposed to have alternatives and we have two vastly different alternatives and both will be studied. At the end of the impact statement there may be some changes to the subdivision map on either one of the alternatives but it will be studied just like the commercial industrial will and that environmental impact statement is going to take approximately the better part of twelve months."

Steve Romano: "Can I assume then that the Board's thinking is that sub division with the thirty or forty lots will be well over the forty million that the proposed polo offer is? If polo is offering forty million you would have to assume then that those lots are going to be worth at least fifty million because why else wouldn't you take the deal for the forty million."

Supervisor Walter: "To try to go to contract with polo now, it's better to get the environmental analysis done on both polo and the commercial industrial now because the town wants to be in a position where they can say we're ready to close and if you enter into this contract we close in six month. If you enter into a contract with polo now, it's going to be subject to the environmental impact statement being done. You're not going to have that six month turnaround time and you're still going to have a year of the environmental impact statement process which the town of Riverhead does not control."

It's different if it were Reckler or if it were John Niven in Riverhead Resorts because they would write the impact statement using the consulting that we would trust and approve of, but they're writing it, now we're writing. There's a much better change that when we're writing it it's going to be written in a way the environmental community, the DEC and everybody is going to agree with and get it done quickly. From there, you're in a very good situation because like buying a house lot, here's the house lot, go to contract and close."

Steve Romano: "So there's no concern that if the subdivision didn't work out could they lose the polo."

Councilman Dunleavy: "You could lose it, yes."

Supervisor Walter: My hope is that we would not completely wait until the end of the environmental impact statement was completed to do an RFP and I think what I would rather do is a bid for certain lots that they think will be constructed. We would have to talk to the environmental consultant to see if we know that the lots are actually going to be configured the way you don't want to go to a bid unless the lots are going to be configured in that exact way. When he can see that that's the way the lots are going to be configured then that's when the town will go out to a sealed bid to see what we can accomplished."

Councilman Dunleavy: "I don't think most of the lots were configured, I don't think they're going to have enough land for the polo since they wanted seven hundred acres and the lots were not going to be seven hundred acres. We're only going to do six hundred and fifty acres."

Councilman Wooten: "The last proposal for the polo was four hundred sixty two acres and anything that comes into this town is subject to what fits and what's good."

Councilwoman Giglio: “I would like to do what the FAA did and send out a request for information and publish it and advertise it now to see who is looking for property and what they’re looking for so we can determine what the demand is before we start getting into the EIS assessing what type of uses would be conducive to the site. I know that when you talk about the forty million verses forty million I know someone within the park who just bought a ten acre parcel that had twenty-five thousand square feet of buildings on it and they’re paying 3.2 million for it. So the price for the industrial may outweigh the polo. So until we send out an RFI and see what the demand is, we’re not going to know who wants what and what they’re willing to pay.”

Supervisor Walter: “That’s why we’re studying a broad spectrum. We’re going to make this very palatable to the public or to the business community.”

Councilman Dunleavy: “The people who do our subdivision have to put the infrastructure in. They have to do the roads, the sewers but you can’t compare 3.2 million for ten areas that already has the infrastructure in it then someone who has to come in and put roads in it, sewers in it, water, lights and all the rest of that stuff. It’s going to decrease the value of the property that you’re trying to sell. I was at MacArthur Airport and three quarters of the commercial buildings there are empty. People are not going to come out to Riverhead until they fill up those buildings out west.”

Steve Romano thanked everyone for their responses to his questions.

Supervisor Walter: “Anyone else wish to be heard tonight? Not seeing anyone, can I get a motion to adjourn?”

Councilman Dunleavy: “I make a motion to adjourn.”

Supervisor Walter: “All in favor”

Collective Response: “Aye”

Meeting adjourned: 2:59 p.m.

