

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, July 1, 2014 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Warren McKnight.

Supervisor Walter introduced Harriett Haas who came forward to sing two patriotic songs; God Bless America and This is My Country. The Supervisor thanked her for a great job.

Supervisor Walter asked that Kenneth and Eleanor LaBonna come forward to accept a Proclamation honoring them for their fifty years of marriage.

The Supervisor asked that King be brought into the room. King is a Shelter Dog residing at the Riverhead Animal Shelter. He has been at the Shelter for about a year and is approximately four years old. He is a loving, playful dog and loves to play ball. Anyone interested in adopting King should contact the Riverhead Animal Shelter.

Supervisor Walter acknowledged the attendance of several Boy Scouts in the audience. Hunter came forward and explained that they are here to earn their Communication Merit Badge. He welcomed them and stated that his secretary has a letter acknowledging their presence at the Town Board Meeting.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approved the minutes of the June 17, 2014 Town Board Meeting. Motion carried, minutes were accepted.

CORRESPONDENCE

- Weber Law Group, representing Gershow Recycling – letter in response to public comments from the June 3, 2014 Town Board meeting
- Charles Cuddy, Esq., – letter expressing request of a three year approval of Special Permit petition of Chernoff Realty (public hearing 6.17.14)
- Donald and Susan Schulz – letter of protest to “no parking” signs at certain locations in South Jamesport

- James Sharff – letter requesting traffic light or stop sign at the intersection of Sound Avenue and Northville Turnpike
- Petition in opposition to a waterski slalom course in Terry Creek, Aquebogue

Conservation Advisory Council CORRESPONDENCE

- CAC Res. #2014-11 – Larry’s Lighthouse Marina SCTM #0600-86-2-17.3
- CAC Res. #2014 -12 – Claire Klein SCTM #0600-113-1-12.4

REPORTS

- Tax Receiver Total Tax Collection to date as of June 26, 2014 - \$136,335,193.98
- Sanitation Yard Waste Monthly Report April - \$10,640.00
- Sanitation Yard Waste Monthly Report May - \$6,040.00
- Sanitation Recycling Refunds through May 19, 2014 - \$380.52

FIRE DISTRICT REPORTS

- Jamesport Fire District 2013 Financial Audit
- Riverhead Fire District 2013 Financial Audit

APPLICATIONS

(pending Town Board approval)

SPECIAL EVENTS CHAPTER 90

- Jamesport Fire District 5K and 10K Run August 24, 2014
- Family Community Life Center – Family Fund Carnival at East End Arts, Main Street, Riverhead – September 20, 2014
- Garden of Eve – Annual Farm Festival, Sound Avenue – September 20 and 21, 2014

SPECIAL PERMIT

- North Fork Coffee Company, Inc. – Conversion of Existing Retail Store - 272 Main Road, Aquebogue

COMMITTEE REPORTS

Councilman Dunleavy thanked Councilman Gabrielsen for the Cardboard Boat Race. He said there was a lot of participation and a large audience for the race. He also thanked the Police Department and the Buildings and Grounds Department for the job they did during the race.

PUBLIC HEARINGS

Supervisor Walter: “We have four Town Board hearings today. The first hearing was scheduled for 2:05 p.m. It is now 2:18 p.m. and we open up the public hearing for the Consideration of a Proposed Local Law to Amend the Riverhead Town Code to Add a New Chapter 38, Entitled

“Smoking” and this is being spearheaded by Councilman Wooten. Councilman Wooten would you like to say anything about this?”

Councilman Giglio: “The only smoker on the Board.”

Councilman Wooten: “The only smoker on the Board. Actually this just mirrors pretty much what is County law already and State law and there is incentives from the State. I was invited to a CAP smoking class so they entrapped me in a sixth grade school class and went over all the dangers of smoking and afterwards I was approached by a (inaudible) agency who wanted to go out to promote this and basically what it does is safeguards the entrances into a public building. It’s no difference than what the county has now, it’s a fifty foot buffer in front of buildings so that those that don’t smoke don’t have to walk through secondhand smoke and there is real danger inhaling secondhand smoke; it does create problems. So it’s just keeping the pathways clear and the front of the buildings clear, municipal buildings clear from people smoking. There will be designated smoking areas for those who want to smoke to smoke but it’s just keeping the entrances free and also the parks and the beaches as well; wherever there are children around. Its common sense, most people don’t smoke around children but it’s just a nice courtesy, that’s all.

Supervisor Walter: “What do the Boy Scouts think about smoking? No good? Does anybody else wish to be heard on this Public Hearing, yes? This is Kelly Miloski from the Riverhead CAP program.”

Kelly Miloski: “Hi. I’m Kelly Miloski from the Riverhead Community Awareness Program otherwise known as CAP and CAP supports the proposal to amend the Code of the Town of Riverhead to add a new Chapter 38 entitled “Smoking of the Riverhead Town Code.”

As a leading cause of preventable disease and illness in our nation, tobacco use takes a terrible toll on our community. Tobacco use in public parks, beaches other recreational areas is a threat to our environment and the health of individuals.

In 2006 the US Surgeon General posted a report assessing the health impact of involuntary exposure to tobacco use. The main conclusion of this report was that secondhand smoke; there is no risk free level of exposure to secondhand smoke whether it is indoors or outdoors. There are approximately seventy known carcinogens in secondhand smoke those of which families and individuals enjoying our beautiful recreational areas are exposed to when tobacco use is present. Secondhand smoke has also been scientifically linked to other diseases such as asthma, heart disease and ear infections.

Tobacco use in our public outdoor areas has a negative impact on our environment. Cigarette butts contain over one hundred and sixty-five chemicals and are not biodegradable. They are the most littered item in the world and posing a huge threat on children and animals.

Tobacco use is a public health problem that cannot be reduced within our community without the help of our legislators. Currently there are over two hundred and eighty municipalities in New York State that has passed regulations restricting tobacco use in our outdoor recreational areas. The Riverhead Town Board has the opportunity to demonstrate leadership in reducing the consequences resulting from tobacco use in our public parks, beaches and other recreational areas and thus improving the health and beauty of our outdoor areas.”

Supervisor Walter: “Thank you very much. Does anybody else wish to be heard on this matter? Yes, Warren?”

Warren McKnight: “Warren McKnight, Riverhead. I’m seventy years old and the doctors told me I’m a victim of secondhand smoke. Years ago at a work place during the day, at my home and when I performed as a musician; always surrounded by secondhand smoke. I never smoked in my life but it does affect my health and breath and tobacco I was told is more addictive than crack cocaine, nicotine is not tobacco and that’s all I have to say.”

Supervisor Walter: “Thank you, thank you. Does anybody else wish to be heard? Ok, not seeing anybody we will close the public comment portion and leave it open for written comment until July 11th, 4:30 p.m. in the Riverhead Town Clerk’s office. Thank you.”

**Public Hearing Closed at 2:23 p.m.
Left Open for Written Comment until July 11, 2014 at 4:30 p.m.**

Supervisor Walter: “Ok. The second public hearing was scheduled for 2:10 p.m. and I open this Public Hearing. It is now 2:23 p.m. and this is a Consideration of a Proposed Local Law to Amend Chapter 62 of the Riverhead Town Code, Entitled “Excavations and Jodi this is something you brought to Code Revision. Do you want to talk about this?”

Councilwoman Giglio: “Yeah, I just, I didn’t feel that the penalties were stiff enough where it would deter people from actually going and doing illegal excavations and we were just catching them and then the fines were so minimal so this will hopefully be preventative and preemptive rather than us having to be reactive to somebody who is not abiding by the code because the penalties are much stiffer; so it’s increasing the fines from two thousand to five thousand dollars and we’re hoping that people will come in and get their permits for excavating before just acting.”

Supervisor Walter: “Ok, does anybody else wish to be heard on this? Not seeing anybody what we will do is close the public comment portion for today and leave it open for written comment until 4:30 p.m., July 11th at the Town Clerk’s office.”

**Public Hearing Closed at 2:24 p.m.
Left Open for Written Comment until July 11, 2014 at 4:30 p.m.**

Supervisor Walter: “Moving right along the third public hearing was scheduled for 2:15 p.m. and it is now 2:24 p.m. I open that public hearing and this is for the Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code, Entitled “Zoning” Article XIII: Supplementary Use Regulations (108-56.1 Sign Permits). Bob, this is just a cleanup I think?”

Robert Kozakiewicz: “Well it’s a; it’s essentially to do the same thing that we’ve done with respect to our other permits with language. Presently the code does not indicate whether an applicant who files for a signed permit would be entitled to a refund. Our other building permits and other permits do indicate that those fees are not refundable and this is just essentially clean up and making it consistent with the other sections.”

Supervisor Walter: “Ok, does anybody else wish to be heard on this matter? Not seeing anybody I’ll close the public comment and leave it open for written comment 4:30 on July 11th at Town Clerk’s office.”

**Public Hearing Closed at 2:25 p.m.
Left Open for Written Comment Until July 11, 2014 at 4:30 p.m.**

Supervisor Walter: “The fourth public hearing was scheduled for 2:20 p.m. It is now 2:25 and we’ll open that public hearing. It is the Consideration of a Proposed Local Law to Amend Chapter 14 Entitled “Community Preservation” of the Code of the Town of Riverhead and Jim I think you brought this to us?”

Councilman Wooten: “We did and I discussed this with Councilman Gabrielsen as well and what we were doing, we’re trying because it’s; we have to make sure we have a quorum at our meetings. Right now it calls for seven members along with two at large members who don’t have a vote so in order to do that we need to have five members and a lot of times we don’t have a quorum. It makes it difficult to operate. We want to reduce it down to five members from the community with two at large members with non-vote one from Recreational and one from Conservation Advisory Council so we want to make from seven down to five which would be a total of seven all together with the two add on people and I guess speaking further with Councilman Gabrielsen he’d like to maybe cap it at.”

Councilman Gabrielsen: “Yeah, I was thinking the town code is seven to nine but we’d make this five to nine so in the future if the committee does expand it can be brought up to the other committees. So maybe it will change or it may consist of five to nine members.”

Councilman Wooten: “The actual membership is five with two non-voting members so this could be seven with two.”

Councilman Gabrielsen: “Whatever we do we can make it two non-voting in addition to.”

Supervisor Walter: “This still works, we just have to amend our policy that codes are.”

Councilman Gabrielsen: Right we just have to have seven to nine, five to nine. I think it’s simple. I think it addresses what Jim has so in the future if it gets bigger it can.”

Supervisor Walter: “Ok, does anybody else wish to be heard on this? Alright, we’ll close the public comment portion and leave it open for written comment in the Town Clerk’s office by 4: 30 on July 11th.”

**Public Hearing Closed at 2:25 p.m.
Left Open for Written Comment Until July 11, 2014 at 4:30 p.m.**

COMMENTS ON RESOLUTIONS

Supervisor Walter: “So now we’ll go to Resolutions, public comments on resolutions. Sal, how did we do?”

Sal Mastropaolo: “Not bad. Sal Mastropaolo, Calverton; 479 you need an attachment.”

Supervisor Walter: “Awards bid for auto parts. Do we have the attachment for awards bid for auto parts? (inaudible)

Sal Mastropaolo: “486; the first page of the attachment; change the date to adopt it July 1st.”

Supervisor Walter: “Ok.”

Sal Mastropaolo: “490; is this a one-time fee or is this a permit required every x number of years so that you do an inspection to insure compliance?”

Supervisor Walter: “That’s a one-time fee and it’s based on; we actually did an analysis of what it costs to process a permit and in today’s rates it comes out to, just a minimal permit, four hundred and forty-one dollars and eight cents. A five hundred dollar fee covers our costs.”

Sal Mastropaolo: “Ok. 491. There was no map attached and I question why we didn’t raise the price when we added land besides the building. That’s why I was looking for the map to see how much property we added.”

Supervisor Walter: “It’s the outskirts of the building. Joe, can you ask Annemarie to give us a copy of the map. What happened, basically the outskirts of the building and giving them the metal tool shed which we were going to take down. The outskirts of the building, the doors open out so if you park up against the building you will block fire doors.”

Sal Mastropaolo: “Well, there’s also mention of parking stalls in the verbiage that’s why I’m asking the question.”

Supervisor Walter: “What do, the map. Jill will get you a copy of the; it should be attached here but Jill will give you a copy. You can look at it and when you rearrange the way their proposing we lose one stall. Ok? Anything else?”

Sal Mastropaolo: “Yeah, 495. There are quite a few Chapter 90 applications but 495 makes no mention of EMS, food permits, or public safety plans and I’m just wondering why not and particularly since this is on town property so we seem like we’re somewhat exposed since we own the property.”

Supervisor Walter: “Do you know this is a very large event. I don’t think this is planned to be, I think this is supposed to be a very large event.”

Sal Mastropaolo: “Ok.”

Supervisor Walter: “That’s my understanding after speaking to Shirley Coverdale because originally they were looking to do the whole parking lot and I said that’s problematic and try East End Art Council and they said that works.”

Councilman Wooten: “We do need a public safety plan submitted by August 1st.”

Sal Mastropaolo: “497; there’s no mention of how much the fireworks permit application fee was and there’s no mention of a five hundred dollar administrative fee like there is with Riverhead Raceway so that begs the questions are we charging the five hundred dollar administrative fee since we’re charging the application fee?”

Supervisor Walter: “This is Peconic Bay Medical Center. Typically we’re not doing that for the not-for-profits.”

Sal Mastropaolo: “Yeah but it’s not because you’re specifically saying Newton’s Shows has paid the applicable fireworks permit application fee.”

Supervisor Walter: “I don’t know Bob, that’s a question I guess you’re going to have to try to answer before we vote on it.”

Robert Kozakiewicz: “Laura is not in today. Whether it’s for-profit or not-for-profit?”

Councilman Dunleavy: “If they’re doing Peconic Bay Medical Center so maybe that *whereas* should not be in there?”

Supervisor Walter: “I don’t have an answer and considering it’s happening almost as we speak I don’t know that we’re going to have any answer. My suspicion is because it’s Peconic Bay Medical Center it’s not paying all the fees. That’s my suspicion I don’t have the answer.”

Sal Mastropaolo: “Ok. One other question too.”

Supervisor Walter: “Hold on a second. This is for the Apple Automotive. What do you have Sal?”

Sal Mastropaolo: “499, the same comments are applicable to that since it’s just a different date and there’s also one other thing that’s inconsistent and that is it has to do with the overtime for the Fire Marshall. The application for the Riverhead Raceway specifically says the Fire Marshall is authorized overtime and these two make no mention of it. So I mean we’re not consistent in the way we write these things.”

Supervisor Walter: “Who writes them Bob?”

Robert Kozakiewicz: “Laura.”

Supervisor Walter: “We’ll talk to Laura. I mean he’s authorized overtime because that’s the way it is.”

Sal Mastropaolo: “Well I was wondering maybe he’s not authorized overtime because it’s a not-for-profit?”

Supervisor Walter: “No, he goes to them. It doesn’t go off until he says it’s acceptable.”

Sal Mastropaolo: “Ok, 502. 502 is a posting and you guys tried to rewrite these words again and it says, number two; *no person who by appointment or election*. If you stop there it would be fine but then you specifically say *holds the position of a member of the Town Board, Planning Board, Zoning Board of Appeals, Board of Assessment Review, Ethics Board or the Town of Riverhead IDA* but you make no mention of the Town Assessor.”

Supervisor Walter: “This is getting tabled anyway because it’s not right, it’s the wrong one.”

Sal Mastropaolo: “That’s all I have.”

Councilwoman Giglio: “Sal, what you’re saying is it’s incorrect because it doesn’t say the Assessors?”

Sal Mastropaolo: “Well if you include the Board of Assessment Review I would think that you’d include the Town Assessor as well.”

Councilwoman Giglio: “The Board of Assessor Review is an appeal process so the Assessors say this is your assessment and then the Board of Assessment Review actually will hear a grievance about that so they are the deciding factor as to whether or not someone’s assessment should be changed.”

Sal Mastropaolo: “Ok. Well let me ask you this question. Can a Town Assessor hold a political?”

Councilwoman Giglio: “Yes and so can the Highway Department Superintendent so can the Town Clerk, so can a Receiver of Taxes.”

Sal Mastropaolo: “Ok, thank you.”

Supervisor Walter: “I happened to agree with Sal. (Inaudible) Does anybody else wish to be heard on resolutions? Not seeing anyone we’re going to start, Diane.”

RESOLUTIONS

Resolution #473

Councilman Dunleavy: “General Fund Budget Adjustment, so moved.”

Councilman Wooten: “Seconded.”

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

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

Resolution #474

Councilman Wooten: “Recreation Program Fund Budget Adjustment, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #475

Councilman Gabrielsen: “Recreation Youth Fund Budget Adjustment, so moved.

Councilwoman Giglio: “Seconded.”

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

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

Resolution #476

Councilwoman Giglio: “Refuse and Garbage Fund Budget Adjustment, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #477

Councilman Dunleavy: “Appoints a Justice Court Clerk to the Riverhead Town Justice Court, so moved.”

Councilman Wooten: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “This is not a new appointment this is a replacement of a position of a person that we lost so I’ll vote yes.”

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

Resolution #478

Councilman Wooten: “Authorization to Publish Advertisement for Auto and Truck Repairs for the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #479

Councilman Gabrielsen: “Awards bid for Automotive Parts, so moved.”

Councilwoman Giglio: “As amended to include the attachment, yes, seconded.”

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

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

Resolution #480

Councilwoman Giglio: “Awards Bid for Junk and Abandoned Vehicles, 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 #481

Councilman Dunleavy: “Appoints Seasonal Recreation Staff to the Recreation Department, so moved.”

Councilman Wooten: “I second.”

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

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

Resolution #482, 483, 484, 485

Councilman Wooten: “Want to do them all?”

Councilman Dunleavy: “Can we do them all?”

Supervisor Walter: “Alright, do you want to move 482, 483, 484 and 485 as one, that’s fine?”

Councilman Wooten: “I’d like to move Resolution 482 which appoints a Seasonal Recreation Supervisor to the Recreation Department, 483 which Appoints a Seasonal Beach Attendant, 484 which Appoints a Recreation Aide and 485 which Ratifies the Appointment of a Recreation Aide Level1, so moved.”

Councilman Gabrielsen: “And seconded.”

Supervisor Walter: “Moved and seconded to those Resolutions.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 482, 483, 484 and 485 are adopted.”

Resolution #486

Supervisor Walter: “Hold up; Tara this was accepted by our attorneys, this work?”

Tara McLaughlin: (Inaudible)

Councilman Wooten: “Adopts Workplace Violence Protection Program, 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 #487

Councilman Gabrielsen: “Authorizes the Supervisor to Execute an Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging to Supplement the Town’s Expanded In-Home Services for the Elderly Program, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #488

Councilwoman Giglio: “Authorizes Nelson, Pope & Voohis, LLC to Retain the Services of Graphic Image Group regarding Website Design upon Terms and Conditions Delineated in the Step 2 BOA Nomination Agreement, 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 #489

Councilman Dunleavy: “Approves the Chapter 90 Application of East End Arts & Humanities Council, Inc. (JumpstART 2014 – Friday, August 8, 2014), 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 #490

Councilman Wooten: "Resolution Establishing Permit Application Fee for Existing Floating Homes, Floating Cabanas and House Barges Pursuant to Chapter 106 Entitled "Waterways" of the Riverhead Town Code, 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 #491

Councilman Gabrielsen: "Town Board Amendment to Resolution #428 Relating to Terms and Conditions of Sale of Property Located at 24 East Second Street, Riverhead, NY (SCTM #600-128-5-25) known as Second Street Firehouse, Subject to Permissive Referendum, so moved."

Councilwoman Giglio: "Seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "I think that this should go out, I think that we should be getting an appraisal on the property and we should be going out for a request for proposals so that the people that put in proposals to buy the property can rebid it seeing as now we're changing the terms of the agreement. We are adding property to the building. We are also looking to change the zoning from DC 4 which is minimal uses to DC 1 which are vast uses and I think increases the property value significantly so I'm voting no."

Vote Continued: "Gabrielsen."

Councilman Gabrielsen: "I know initially in our returns of the RFP we had the number coming in at three seventy-five. We negotiate and increased that number to five hundred thousand

and I seen a Resolution here that we're going to dedicate one hundred and twenty-five thousand back to the Recreation Programs and I think that's a very positive thing, I vote yes."

Vote Continued: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "I happen to agree partially with Councilwoman Giglio; maybe we should get another appraisal but I feel that this is just a building, this is not the whole property, it's just a building and moving DC 1 which I figure should go from Railroad Avenue all the way down to Main Street is a good idea and I think that this was negotiated and the negotiations are over and that we should live up to our negotiations so I vote yes."

Vote Continued: "Walter. I vote yes and one of the things I will point out is that this is an urban renewal area. We got this property for free from the Riverhead Fire District. We are realizing the benefit of a half a million dollars for building plus almost an acre of parking for free. In an urban renewal area the town can convey the property to somebody that is going to do a project that is worthy of consideration of the Town for free. There are only two areas of the Town that the Town can do this to give property for free, that's EPCAL and Main Street so the fact that we got the property for free, we can convey it for free. We're keeping the almost acre of parking and we're realizing half a million dollar with a hundred and twenty-five thousand dollars going to the Recreation Funds hopefully to be used for fields. I think this is a very worthy project that Mr. Castaldi is a stellar developer in this Town and I vote yes."

Diane Wilhelm: "Resolution adopted."

Councilwoman Giglio: "I just want to add, to say something about that because we did not get the property for free; we traded it for a piece of property on Route 58 that was of similar value so we did not get the property for free."

Supervisor Walter: "I don't remember."

Councilwoman Giglio: "No, but the property on 58 was about the same as the appraisal which was one point eight million dollars."

Supervisor Walter: "In reality you're out of order, we're voting now so."

Councilwoman Giglio: "Well the vote was done and I object to what you said."

Supervisor Walter: "Yes but you're out of order."

Resolution 492

Councilwoman Giglio: "2013 General Fund Budget Adjustment, so moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #493

Councilman Dunleavy: “Approves Chapter Application of Jamesport Fire Department (5K and 10K Race – Sunday, August 24, 2014), 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 #494

Councilman Wooten: “Approves Chapter 90 Application of Manorville Fire Department to Conduct a Summer Carnival Fundraiser August 21 through August 24, 2014, so moved.”

Supervisor Walter: “Have a discussion, George?”

Councilman Gabrielsen: “Yes me and Jim went out to the site and we found a neutral, agreeable spot and it’s a better one too and I think that will work.”

Supervisor Walter: “Ok, good; any other discussion? Moved and seconded. Vote please.”

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

Resolution #495

Councilman Gabrielsen: “Approves the Chapter 90 Application of Family Community Life Center Inc. (First Baptist Church of Riverhead), Family Fun Day – Saturday September 20, 2014, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #496

Councilman Gabrielsen: “Approves Chapter 90 Application of Peconic Bay Medical Center, Family Festival – July 2, 2014 through July 5, 2014, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution 497

Councilman Dunleavy: “Approves the Application for Fireworks Permit of Newton Shows (Family Festival/Carnival – July 2, 2014), so moved.”

Councilman Gabrielsen: “I’ll second.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “That’s tonight and that’s to benefit, tomorrow night, I’m sorry and to benefit Peconic Bay Medical Center and there will be holding (inaudible) so we encourage you all to come out, yes.”

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

Councilman Dunleavy: “The opening day is tomorrow and it’s going to be four or five days so I wish everyone would come out and support Peconic Bay Medical Center, yes.”

Vote Continued: “Walter. Resolution adopted.”

Resolution #498

Councilman Wooten: “Approves Chapter 90 Application of PC Richard & Son (Tent Sale – July 29 through August 12, 2014), 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 #499

Councilwoman Giglio: “Approves the Application for Fireworks Permit of Newton Shows (Family Festival/Carnival – July 5, 2014), 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 #500

Councilwoman Giglio: “Approves Chapter 90 Application of Polish Town Civic Association, (Local Brewery Tasting Event” Fundraiser – July 12, 2014), so moved.”

Councilman Dunleavy: “And seconded. I have a question. Did we discuss this? This is the first time I’m seeing this.”

Supervisor Walter: “Actually, this (inaudible) in the package.”

Tara McLaughlin: “Which one?”

Supervisor Walter: “500. I know it is because it’s the same thing as it was last year but I know we didn’t discuss it. Are there any objections to it? I know there’s one.”

Councilman Gabrielsen: “We did this last year right?”

Supervisor Walter: “We did the same.”

Councilwoman Giglio: “And actually it was a very nice event and the Boy Scouts went out afterwards and did all the cleaning up so it wasn’t any Town services that were needed to hold the event. The police were on staff that night and there weren’t any problems so anything (inaudible).”

Councilman Dunleavy: “I’m just saying this is the first time we’ve seen this.”

Councilwoman Giglio: “Yes, you’re right.”

Councilman Dunleavy: “We should discuss this before it comes before us now.”

Supervisor Walter: “There are no objections to it? You seconded it? Moved and seconded. Vote please.”

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

Councilman Wooten: “There are a lot of conditions that still have to be met, yes,”

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

Resolution #501

Councilman Dunleavy: “Approves the Application for Fireworks Permit of Riverhead Raceway (August 23, 2014), so moved.”

Councilman Wooten: “Seconded.”

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

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

Councilman Dunleavy: “I’m going to vote no for this because I think 58 is too congested for fireworks to be shot off in Riverhead Raceway at this time so I’m voting no.”

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

Resolution #502

Councilman Wooten: “Move to Table.”

Councilman Gabrielsen: “Second to Table 502.”

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

The Vote: “Giglio, yes; Gabrielsen, yes to table; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 502 is tabled.”

Resolution #503

Councilman Gabrielsen: “Releases Performance Security of Birchwood at Wading River LLC and Accepts Irrevocable Letter of Credit in Connection with Improvements to be completed in the Subdivision Entitled “Birchwood at Wading River Section 3, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #504

Councilwoman Giglio: “Refers Proposed Local Law to Amend Chapter 12 of the Riverhead Town Code Entitled “Coastal Erosion Hazard Areas” to the Riverhead Planning Board, Commissioner of the Department of Environmental Conservation and Suffolk County Planning Commission, 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 #505

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 18 Entitled “Code of Ethics” of the Riverhead Town Code, so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “Yes, I asked for this Resolution to be put on and a Public Hearing to be held so that anybody that is an employee of the Town or an elected official will be notified when there is an application that is filed by somebody who has an affiliation with the representative from Town so I think it’s good for disclosure and for open government that you exactly when an application is filed if they’re affiliated with anybody in the Town so I vote yes.”

Supervisor Walter: “Actually if we’re having a discussion here, that’s in the code. This avadavat was done; I don’t know why they started pulling them out but almost verbatim the avadavat that they’re making in the code is written in the code. I know it because I wrote the avadavat ten years ago. I don’t know why the Planning and the Building Department stopped using it.”

Councilwoman Giglio: “Well it’s the Planning, Building; it’s the CDA.”

Supervisor Walter: “I wrote an avadavat for every single Planning and Building Department with a two and I don’t know why they don’t use it but its fine to put it back. I’ll find and give them the actual avadavat but it’s really, it’s not appropriate.”

Councilwoman Giglio: “It includes other things also in the avadavat, not just Planning and Building, every application.”

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

Councilman Dunleavy: “Yes, I just feel anything is good to alleviate conflict of interest so I vote yes.”

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

Resolution #506

Councilman Wooten: “Establishes a Veterans Advisor Committee, 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 #507

Councilman Gabrielsen: “Approves Extension to License Agreement with Wadington Realty Corp, so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, I abstain, he’s a client of mine. Resolution adopted.”

Resolution #508

Councilwoman Giglio: “Waives Fees Due to Damage from Hurricane Sandy, (Building Permit Fees), 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 #509

Councilman Dunleavy: “Pays Bills, so moved.”

Councilman Wooten: “Seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I’ll abstain because my husband manages Indian Island Golf Course and they have a golf camp and the Recreation Department used them for the golf camp and there’s a line item in here to pay my husband’s company so I’ll abstain.”

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

PUBLIC COMMENTS

Supervisor Walter: “Ok, now we open up for public comment, Mr. McKnight.”

Warren McKnight spoke to Councilman Wooten asking him to expand on the recent comments he made regarding the vibrations caused by Gershow Recycling Center on the mobile homes in the area.

Councilman Wooten responded by telling him that a resident reported that the vibrations actually shook the walls in her home causing the Hummels on her shelf to vibrate.

Mr. McKnight suggested that a seismograph be put in some of the homes and an evaluation be done to determine the strength of the vibrations as constant vibration can cause damage to wires, propane tanks and the structure of homes.

Supervisor Walter informed Mr. McKnight that the Town Attorney will make note of his suggestion.

Mike Foley who is an owner in Reeves Park, came to thank the Board for the support they gave and the work they’ve done to preserve a couple of parcels of the historic Sound Avenue Corridor.

Mr. Foley said approximately ten years ago, without anyone knowing about it, two parcels of property that were directly on the northeast and the northwest entrance way of Park Road were zoned to allow building of commercial development. Two developers showed intent to develop the land and at that time the residents and the Sound Park Heights Association asked that the zoning rules be changed. After a ten year fight the Board supported them in their appeals.

Councilwoman Giglio and Councilman Gabrielsen were very instrumental in getting the rights from the owners so that the land could remain as open space and/or farm land.

Mr. Foley wanted to thank the Board and both Councilwoman Giglio and Councilman Gabrielsen for the work they did for Reeves Park.

Bob Klein approached the microphone and stated that he is a homeowner on Overlook Drive in Aquebogue and he wanted to discuss waterskiing at Terry’s Creek.

Supervisor Walter said he is an avid water-skier and continued by saying that he was hoping to get public support for skiing in Terry's Creek however he did not so his hope of allowing skiing in Terry's Creek is no longer.

Bob responded by saying that he is a lifelong water skier but is very happy that the Supervisor's push to water ski there was dead. He then proceeded to give several statistics as to the depth of the Terry Creek which, according to the Water Skiers Safety Guide was unsafe as most of the creek measured one to two feet deep. To safely ski, the water depth should be five to six feet deep or a person's height whichever is greater. Also approximately two hundred and seventy-five feet in width are needed. Mr. Klein stated that in certain areas the width of the creek is approximately two hundred feet. Also the length of the Creek is fourteen hundred feet long and according to the International Water Ski Federation the length should be two thousand feet.

He continued by saying this is a wetland area with ospreys and possibly a bald eagle plus fisherman, canoers and kayakers all vying for use of the creek so he was extremely pleased that the bid for skiing in the creek has ceased.

Supervisor Walter greeted Tom Ferris who lives in South Jamesport and is a Council Representative of the Northeast Regional Council of Carpenters.

He stated that he was wondering if there was any further discussion across the board in regard to apprenticeship language. He said he knows everyone has copies of the apprenticeship language from different towns and wanted to know if anything further was discussed or decided.

Councilman Dunleavy stated that two more Council people had to make appointments to see apprenticeship classrooms so until they visit the classrooms there has been no further discussion by the Board.

Edward Endres who also is a Council Representative of the Northeast Regional Council of Carpenters spoke about the Carpenter's Apprenticeship Program. He said that due to the low number of students going on to a two year or four college, he was wondering why the Town of Riverhead does not have the apprentice language attached to their public projects.

Supervisor Walter asked if he was talking about the public Town projects and continued by saying the Town has to abide by the prevailing wage rates. Mr. Endres said that Riverhead Town could add the prevailing apprenticeship rates like other towns have done.

Councilman Dunleavy said he had a code revision before the last administration and it was turned down. He continued by saying that it will be up for discussion again as soon as all the Board members visited the apprenticeship classrooms. He said the Boces training was very good but once the program ended, the students did not receive any formal training.

Councilman Gabrielsen said the industry could take these students and give them on-the-job training.

Councilman Wooten added that the apprenticeship program language that was at one time drafted included not only the municipal work but also work done outside of municipal work.

Mr. Endres thank the Board for their time.

The last person to speak was Harriett Haas who said that recently there was an event at Stotzky Park in which children were playing basketball, while someone was handing out balloons. She continued to say that the children were so nice by allowing her to shoot a few baskets. She also felt the program was so good that it would be nice to have every week. Unfortunately she was told that the Town could not afford this type of program but she thought this would be a great

investment to give children the change to play like they were instead of just watching video games and television on the weekends.

The Board thanked Harriett for her comments.

Supervisor Walter: “Does anyone else wish to be heard today? Ok, can I get a motion to close the meeting?”

Councilman Dunleavy: “I make a motion that we end the Town Board meeting.”

Supervisor Walter: “All in favor of adjourning?”

Collective ayes.

Meeting Adjourned 3:15 p.m.