

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, December 3, 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 who then led everyone in the Pledge of Allegiance. Invocation was given by Bishop Emil Wcela, Retired Vicar for the Eastern Vicariate of the Diocese of Rockville Center.

Supervisor Walter introduced Harriet Haas who, sang a Christmas song and a Chanukah song and then accompanied by Santa Claus playing his ukulele sang Jingle Bells.

At the completion of Jingle Bells, Supervisor Walter asked Harriet to introduce Diesel, a four year old mixed breed dog who is residing at the Riverhead Animal Shelter and is looking for new a home. Harriet sang her rendition of How Much is that Doggie in the Window.

At this time Supervisor Walter asked Police Chief David Hegermiller to come up along with Thomas W. Condzella and Anthony S. Montalbano who were formally sworn into the Riverhead Police Force.

Supervisor Walter welcomed them to the force stating that Riverhead is a very close knit community and they, PO Condzella and PO Montalbano, are the ambassadors to the Town Board and the Town of Riverhead. He finished by saying that the Board “has their backs”. The officers thanked the Supervisor and continued by saying they feel extremely lucky to be afforded the opportunity to serve the Town of Riverhead and will do their job to the best of their ability.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen, to approve the minutes of the November 19, 2013 Town Board meeting. Motion carried, minutes were approved.

**CORRESPONDENCE**

- Barbara Ross, Robert J. Hall – letter expressing their observations regarding the landscaping details at The Shops at Riverhead

## CAC CORRESPONDENCE

### Conservation Advisory Council Recommendations to the Town Board

- CAC Res. #2013-51 – Edward Hocker – SCTM #600-113-1-9

## APPLICATIONS

Mainstream House LLC – Special Permit Application to convert office space into bedrooms, living room, kitchen, dining at 755 East Main Street, Riverhead (SCTM #600-1217-7-15)

## REPORTS

- Sewer District –Discharge Monitoring Report October 2013

## COMMITTEE ANNOUNCEMENTS

Councilwoman Giglio asked Tim Gannon if he could post on line the information pertaining to the blood drive being held at the Riverhead Fire House today.

Councilman Wooten reminded everyone that Riverhead’s annual Bonfire on the Riverfront will be held on December 14, 2013 from 3:00 p.m. to 8:00 p.m. Santa will be arriving by boat at 5:00 p.m. Councilman said hot chocolate, cookies and candy canes will be given to the children and stated that it should be a great afternoon for everyone

Councilman Gabrielsen wanted to remind all the hunters that the Gun Hunting Lottery will be held on Monday, December 16, 2013 at 7:00 p.m. at the Town Hall. This lottery is for the January gun hunt which runs from January 6 – January 31, 2014.

## PUBLIC HEARINGS

Supervisor Walter: “We have one public hearing. It’s scheduled for 2:05 p.m. and it is now 2:15 p.m. I open up the Public Hearing at 2:15 for the Consideration of a Proposed Local Law to Amend Chapter 52 of the Riverhead Town Code Entitled “Building Construction” (52-10 Preconstruction Fee. Bob, is this a, this is more of a housekeeping?”

Robert Kozakiewicz: “Yes.”

Supervisor Walter: “Ok. What we’re saying here is 52-10 subsection H and we’re adding language in here that if any land clearing or building commencement of any construction activity is without the benefit of approval and release of all applicable permits then all fees associated with any land clearing or building construction activity will be doubled and we basically took out that there’s a waiver of a ninety day period because that was really just an amnesty period and if you don’t have your approvals your fees will be doubled. Does anybody wish to be heard on this matter? Not seeing anybody, I’ll close it for public comment and leave

it open to written comment until Friday, December 13, 2013 at 4:30 p.m. at the Town Clerk's office."

**Public Hearing Closed at: 2:16 p.m.  
Left open for written comment until December 13, 2013 at 4:30 p.m.**

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**Comments on Resolutions**

Supervisor Walter: "Does anyone wish to be heard on Resolutions? Alright, Diane, let's take up the Resolutions."

**RESOLUTIONS**

**Resolution #806**

Councilman Dunleavy: "Chapter 54 and Chapter 96 Project Closures, so moved."

Councilman Wooten: "Second."

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

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

**Resolution #807**

Councilman Wooten: "2013 Washington Avenue Culvert 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 #808**

Councilman Gabrielsen: "2013 General Town Budget Adjustment, so moved."

Councilwoman Giglio: "And seconded."

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

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

**Resolution #809**

Councilwoman Giglio: “Closure of Accounting Capital One, 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 #810**

Councilman Dunleavy: “Closure of Capital Accounts, 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 #811**

Councilman Wooten: “Office of Justice Mentoring Matters Capital Project Closure Budget Adjustment, so moved.”

Councilwoman 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 #812**

Councilman Gabrielsen: “Closure of Fund 451 Bank Account in Suffolk County National Bank, 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 #813**

Councilwoman Giglio: “Declares Public Emergency Regarding Sweezy Avenue Road Condition, so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to thank our Engineering Department and our Highway Department who actually went a little bit deeper than they could have in putting this out for a bid with not knowing what the conditions were under the road and by being innovative and putting cameras underneath the road they could actually see what was happening which avoided having to go underneath the railroad track which would have cost the town a significant amount more money; more like a hundred thousand verses the money that it’s costing us so I just want to thank them all for being dedicated to the town and saving tax payers money and I will vote yes.”

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

Councilman Dunleavy: “I’m going to vote no. This did not go out for bid. They declared an emergency so they just offered it to one person and they made three phone calls. I think this has been a problem we’ve been having for the last two to three months so I don’t think it’s an emergency and I think they’re just trying to circumvent the bidding process; so I vote no.”

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

### **Resolution #814**

Councilman Dunleavy: “Awards a bid on a Used 2004 or Newer 35 Ton Detachable Low Bed Trailer, 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 is adopted.”

**Resolution #815**

Councilman Wooten: “Accepts Highway Superintendent’s Personnel Report & Request for Town Board Resolution to Effectuate Personnel Request (Thomas Rogers, Jr.), 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 #816**

Councilman Gabrielsen: “Appoints a Senior Building Inspector (Brad Hammond), so moved.

Councilwoman Giglio: “And seconded.”

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

The Vote: “Giglio.”

Councilwoman Giglio: “We’ve saved over four hundred thousand dollars by not replacing the senior building inspector when he retired three years ago. We didn’t replace that position and then the second in line went to a part time position when they retired so we’ve saved over four hundred thousand dollars doing more with less in the last three years and now we’re getting a full time building inspector at the starting salary rather than paying the full price for a senior building inspector so what this Board has done trying to do more with less but now’s the time we need a full time senior building inspector and I will vote yes.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “I just want to add to what Councilwoman Giglio said and stating the fact that this guy is a commercial inspector and a residential so I think he can help out in a lot of areas in the town so I think he’s a good chose, yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “What can I say? It’s always a full time position and when we try to cut back we made it a part-time position and now that we’ve got a new man in charge over there we really have to get more professional with this and we need a full timer so it’s just part of doing good business and good government so yes.”

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “I vote no and the reason is this is not the starting salary. We had to increase the salary from the starting salary for four steps so he would come. We have qualified people in the Town of Riverhead, who reside in the Town of Riverhead that requested this position and we’re giving it to someone outside the Town of Riverhead who do not pay our salaries. The town people who pay our salaries and if they qualify they should get first preference so I’m voting no on this Resolution.”

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

Supervisor Walter: “Welcome aboard Mr. Brad Hammond.”

### **Resolution #817**

Councilwoman Giglio: “Reappoints a Temporary Clerk to the Tax Receiver’s Office (Amy Spero), 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 #818**

Councilman Dunleavy: “Authorization to Reject and Re-Publish Advertisement for Ford Automotive Replacement Parts, 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.”

### **Resolutions #819&#820**

Bob Kozakiewicz: “On this one, based upon the Boards comments yesterday at the work session review where you wanted some recitation or acknowledgment by Key Span and LIPA that they’re may be plans adjacent to the area in question and that site access would be required. I did reach out to the parties in question and they both agreed to some modification of the verbiage to the site access agreement so I would ask The Board to consider amending 819 and 820 so that where it says in the next to the last whereas it says attached, it does say substantially (inaudible) attached the Board is aware that there’s going to be some further changes also that LIPA and Key Span since their both looking to gain same access to the one thousand foot area of the oil leak if one of them decides that; the agreement is going to recognize the fact that we’re

going to be executing two nonexclusive agreements with each of them so there's going to be some additional verbiage to that effect and then finally I want to put in the verbiage so as far as it's understood it's not the agreement that's attached that's being voted on. I went around a little bit on that. I'm still working with them on it."

Supervisor Walter: "I'm."

Bob Kozakiewicz: "I may have confused it a little bit more."

Supervisor Walter: "Do you want to just table it?"

Councilman Gabrielsen: "Yeah, I was thinking that."

Bob Kozakiewicz: "I'm not opposed to that. As long as we can get it done by the end of the year and we can take it up next meeting."

Supervisor Walter: "Let's table the both of them."

Councilman Wooten: "I make a motion to table for further drafting Resolutions 819 and 820, moved to table."

Councilman Gabrielsen: "And seconded to table."

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

The Vote: "Giglio, yes; Gabrielsen yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 819 and 820 are tabled."

### **Resolution #821**

Councilwoman Giglio: "Authorizes the Parks and Recreation Department to Facilitate Execution Event Participant Terms & Conditions Agreement Regarding Town of Riverhead Sponsored Excursion Events, 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 #822**

Councilman Dunleavy: "Authorizes Town Clerk to Publish and Post Notice to Bidders for Water Service Materials, 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 #823**

Councilman Wooten: “Resolution Authorizing the Town of Riverhead to Lease Property Described as SCTM# 0600-128-5-25 Known and Commonly Referred to as the Second Street Fire House to Love Shack Fancy, Subject to Permissive Referendum, so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: Giglio.”

Councilwoman Giglio: “This is really exciting for downtown Riverhead because Bold Magazine is actually going to be coming to downtown Riverhead and filming while they’re shooting these advertisements for these dresses and it’s an exclusive brand and I think that Riverhead is getting a name and that’s a good name and people want to come here and they want to do business here so, yes.”

Vote Continued: “Gabrielsen.”

Councilman Gabrielsen: “And I think it’s what eight hundred a month? Ok, yes.”

Vote Continued: “Wooten.”

Councilman Wooten: “Is it month to month?”

Supervisor Walter: ”What is it? It’s a four month term?”

Councilman Wooten: “yes.”

Vote Continued: “Dunleavy.”

Councilman Dunleavy: “I vote yes. This is good for downtown and its good advertisement for the Town of Riverhead.”

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

**Resolution #824**

Councilman Gabrielsen: “Ratifies Execution and Submission of Grant Application to Suffolk County for Fiscal year 2014 Community Development Block Grant Funds, so moved.”

Councilwoman Giglio: “And seconded.”

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

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

Councilman Dunleavy: “Yes, it’s glad that we can help some of these applications; Bread & More, Open Arms, Riverhead Community Awareness Program, Dominican Sisters and Maureen’s Haven. These people do marvelous jobs in feeding and taking care of the indigent people that we have in the Town of Riverhead. So the little bit we can help I’m gratified that we are helping them. Yes.”

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

**Resolution #825**

Councilwoman Giglio: “Resolution Authorizing the Items Listed Below Pursuant to the Bond Acts Enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as Federal Grant Awards Available for Such Projects (Funding Application to NYS DEC for Round 11 2013 Water Quality Improvement Project to Support Enhanced Sewer Infrastructure at EPCAL Subdivision), 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 #826**

Councilman Dunleavy: “Establishes Time of Regular Meetings of the Town Board, I guess for 2014, so moved.”

Supervisor Walter: “I guess we’re just alternating them on and off, Tara I guess the ones where there are Monday days off we switch the meetings to Wednesdays?”

Tara McLaughlin: “Yes.” (Inaudible)

Supervisor Walter: “Ok. Did someone second it?”

Councilman Wooten: “Seconded.”

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

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

Councilman Wooten: “Before you call 827 I just have a question of 825. Towards the end after the darker print it says *the Town of Riverhead CDA Board authorizes submission*. We didn’t do it as the CDA Board, does that matter?”

Supervisor Walter: “It probably should be done by the CDA. Why don’t we do this; Chris why don’t we open the CDA meeting and adopt this again as a CDA resolution. (Inaudible) We can do both, (inaudible) it’s still CDA property. We can do it both ways. So let’s pay the bills, you come up and we’ll close the meeting, open it and authorize this.”

### **Resolution 827**

Councilman Wooten: “Pay the 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.”

Councilman Dunleavy: “I make a motion that we temporarily close the Town Board Meeting and open the CDA meeting, so moved.”

Councilman Wooten: “I second it.”

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

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The CDA meeting is now open.”

**Meeting Adjourned**

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**Meeting Reopened**

### Public Comments

Supervisor Walter: “We now open it for public comment for issues that may or may not be before the Town Board. We ask that you limit your comments to five minutes but that seems to happen but we ask it anyway. Sandra Mott.”

Sandra Mott spoke about the Animal Shelter. She said she understands that things have been progressing but a location has not yet been decided upon and she would like to know why, since three hundred and fifty thousand dollars has been bequeathed to the North Fork Animal Welfare League for the purpose of opening and operating a cat shelter in the Town of Riverhead. She also stated that there is approximately fifty thousand dollars in the Move the Animal Shelter not for profit that the Town has received. She said she is grateful to the people who have gotten the money for the shelter and is extremely grateful for the North Fork Animal Welfare League for undertaking the task of overseeing the Shelter. She did however say that she is still against the Henry Pfeiffer Senior Center being used for the Shelter as she feels the location is off the beaten track and dangerous. She feels that what happened to the kittens/cats could also happen to the cats if the Henry Pfeiffer Senior Center is chosen as the location for the shelter. She suggested that the land that recently reclaimed near Youngs Avenue would be safe to use.

Sandra asked if there was a deadline as to when the money bequeathed to the Welfare League has to be used by. Supervisor Walter said the money was a bequest through Surrogate Court and yes there was a time frame involved.

She also asked if the woman who was planning on running a flea market to raise money for the animal shelter could get a rider attached to the Town’s liability policy. If she could, she could then pay the premium on the rider instead of purchasing the insurance on her own which is would be more costly.

Councilman Wooten said they waived the Show Mobile fee, they waived the Chapter 90 fee but any Chapter 90 event must have independent insurance.

Sandra next commented on the Dog Run in Stosky Park which she said was hard to find and very isolated. Councilman Wooten said signs have been ordered to be placed in the park indicating the location of the Dog Park.

Another concern Sandra had was the Rehabilitation Center that has been proposed to be going at EPCAL. Supervisor Walter told her that that land is owned by Jan Berman and he wasn’t sure that the sell would be approved.

Councilwoman Giglio added that she believed it was the intend of the Board to not allow any housing on EPCAL property but she continued by saying the Board is still discussing the zoning issues adding that as of right now any type of housing is not permitted.

Sandra next spoke about her concerns regarded deer signage and car pollutions. She said that there are methods of informing people of deer areas by posting signs. She stated that the NYS Department of Transportation have deer reflecting signs on the New York Thruway. The deer see a cross pattern and instead of running out into the road they return to the woods. She said she brought this information to the highway Superintendent a few years ago.

Sandra’s final concern is Route 58 and all the “unnecessary development” that has been going on. She feels the traffic is terrible now but with the holidays approaching will only get worse. She strongly urged the Board to have a stronger police showing during this time.

She thanked the Board for their time and was told that hopefully within the next month or so a decision will be reached in regard to a location for the Animal Shelter.

Greg Folk came to speak regarding a CO on property he purchased on East Main Street in 2005. He said he was promised a CO at that time but as of today, he still does not have a CO. He continued to say that he went to the ZBA twice and both times the CO was rejected adding he does not know why they rejected it other than maybe because it was Betty Everett's house.

He said the house is rented by hardworking people who work in town adding that the house is in desperate need of repair but because he does not have a CO he is unable to get funds to do the necessary repair work. He continued by saying something has to be done soon and if not he will have to abandon the house. Supervisor Walter wanted to know what CO he had. Greg told him he does not have a CO and that's where the problem lies. He added that Betty had a CO back in the 70's; she also applied, at that time, for various configurations for the house however she never completed the process.

Greg said he is asking that the Board rezone the area so he could legally have a three family house there. Supervisor Walter told him that on its' own the Board was not going to change the zoning but he could complete a zone change application, pay the fee and present it to the Town Board.

Greg asked if that was the only alternative he had. Supervisor Walter replied that unless one of the Board members brought up a resolution, got two other members to support the resolution to change the zoning, this was the only alternative he had.

Greg said what he found upsetting was the fact that that building has been operating since the 70's, which was way before he bought it, the way he's operating it now. Supervisor Walter told him that what he just said makes it a nonconforming use. Greg continued that there have never been any objections to operating the house as apartments.

Councilman Dunleavy asked Greg if he knew when the house was built. Greg said the cottage was built in the 1800's. Councilman Dunleavy then said if Greg could prove the buildings were built before 1965 since neither nonconforming use nor CO's were not issued prior to 1965, there would be no problem with what he was doing.

Councilwoman Giglio asked if the ZBA gave permission for a two family house, meaning the cottage as one and the main residence as the other. Greg said he again has to look through his records and paperwork. Supervisor Walter suggested that Greg bring his paperwork to Jeff Murphree who is the Director of the Building/Planning Department which the ZBA falls under. After reviewing the paperwork Jeff will be able to tell Greg what the ZBA said and could then give him the best course of action to take.

Greg thanked the Board for their time and for the information given to him.

Supervisor Walter: "Does anyone else wish to be heard? Can I get a motion?"

Councilman Dunleavy: "I make a motion that we adjourn the Town Board Meeting, so moved."

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

**Meeting Adjourned: 3:02 p.m.**