

Minutes of a Town of Riverhead Town Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, August 3, 2010 at 2:00 p.m.

**PRESENT:**

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

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

(Due to a malfunction with the equipment, the town board meeting was not recorded)

Supervisor Walter opened the meeting at 2:15 p.m. and the Pledge of Allegiance was recited.

Rev. Baxter did the invocation.

An award was given to Joe Mairoana for Employee of the Quarter.

Rick Boden - presentation of award to Bob Dunigan of Schwing Electric Supply - sponsor for National Night Out.

Minutes of the Town Board meeting of July 20, 2010 and the Special Town Board meeting of July 29, 2010 were approved.

**APPLICATIONS:**

Special event	Jedediah Hawkins Inn - art exhibit by Max Moran - Sept. 5
Special event	Riverhead Country Fair - Peconic riverfront - Oct. 10

Special event

Chamber of Commerce - rock n  
roll show - Peconic riverfront  
August 19, 2010

**CORRESPONDENCE:**

Dorothy Grover and  
Helen Cramer

letter with petition, dated  
July 26, 2010 regarding  
hazardous traffic conditions  
existing from St. John the  
Baptist, RC Church in Wading  
River

Sue Hansen

e-mail dated July 20, 2010  
regarding RFP for privatization  
of Riverhead Animal Shelter

**REPORTS:**

Tax Receiver

utility collection report July  
\$245,458.28

Sewer district

discharge monitoring report  
June, 2010

Police Department

monthly report for June, 2010

Town Clerk

monthly report July, 2010  
\$8,621.87

The public hearing scheduled for 2:00 p.m. for the  
consideration of a proposed change to the community development  
block grant program was canceled, as it was unnecessary.

Public hearing opened: 2:30 p.m.

Public hearing scheduled for 2:05 was opened at 2:30 p.m. for  
the consideration of a local law to amend Chapter 108 of the  
Riverhead town code entitled Zoning, Article VIII accessory  
apartments, Section 108-34 - Section 108-39

Speakers:

Charles Funda  
Jodi Giglio

Dawn Thomas  
George Gabrielsen

Public hearing closed: 2:40 p.m.

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Public hearing opened: 2:40 p.m.

Public hearing scheduled for 2:10 p.m. was opened at 2:40 p.m. for the consideration of a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, Article XIII, supplementary use regulations Section 108-58.1 yard sales.

Speakers: Sean Walter  
Jim Wooten

Public hearing closed: 2:42 p.m.

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Public hearing opened: 2:42 p.m.

Public hearing scheduled for 2:15 p.m. was opened at 2:42 p.m. for the consideration of a local law to amend Chapter 92 of the Riverhead town code entitled Highways, Streets and Sidewalks, Article V, timely removal of damaged utility poles on town highways Section 92-14 - Section 92-18.

Speakers Sean Walter  
Jim Wooten  
Jodi Giglio  
John Dunleavy

Public hearing closed: 2:46 p.m.

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At this time, there were comments on the resolutions by Sal Mastropaolo.

The meeting was adjourned

Meeting reopened

Resolution #617

Councilman Wooten: "Approves Chapter 90 application of Riverhead Foundation for Marine Research and Preservation (5K Run for the Ridley - October 23, 2010. 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 #618

Councilman Gabrielsen: "Approves Chapter 90 application of Riverhead Chamber of Commerce - Music Idol Night - August 7, 2010. 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."

Resolution #619

Councilwoman Giglio: "Appoints an assistant recreation leader to the Riverhead Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #620

Councilman Dunleavy: "Water Department 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. The resolution is adopted."

Resolution #621

Councilman Wooten: "Appoints an automotive equipment operator to the highway 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. The resolution is adopted."

Resolution #622

Councilman Gabrielsen: "Appoints an automotive equipment operator to the highway department. 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."

Resolution #623

Councilwoman Giglio: "Appoints an automotive equipment operator to the highway department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #624

Councilman Dunleavy: "Awards bid for lubricants. 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 #625

Councilman Wooten: "Awards bid for paint. 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 #626

Councilman Gabrielsen: "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."

Resolution #627

Councilwoman Giglio: "Authorizes town clerk to publish and post the attached notice to bidders for town of Riverhead highway department salt and storage facility. 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. The resolution is adopted."

Resolution #628

Councilman Dunleavy: "Authorizes the town of Riverhead to direct Marie McMillan to cut the grass to a height which does not exceed more than ten (10) inches at the premises known as 31 Northville Turnpike, Riverhead, New York 11901 a/k/a SCTM#0600-128.00-04.010.00 pursuant to Riverhead town code Chapter 96. 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 #629

Councilman Wooten: "Adopts a local law amending Chapter 47 entitled Bays and Creeks of the Riverhead town code. So moved."

Councilman Gabrielsen: "I'll second."

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

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

Resolution #630

Councilman Gabrielsen: "Adopts a local law amending Chapter 52 entitled Building Construction . 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."

Resolution #631

Councilwoman Giglio: "Authorizes the town of Riverhead to direct Charles Mason to cut the grass to a height which does not exceed more than ten (10) inches at the premises known as 432 East Avenue, Riverhead, New York 11901 a/k/a SCTM #0600-126.00-04-048.00

pursuant to Riverhead town code Chapter 96. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #632

Councilman Dunleavy: "Authorizes the town of Riverhead to direct Wineton Realty, LLC and any agents thereof, to cut the grass to a height which does not exceed more than ten (10) inches at the premises known as 1284 Main Road, Jamesport, Town of Riverhead, New York 11947 a/k/a SCTM# 0600-068.00-01-0016.01 pursuant to Riverhead town code Chapter 96. So moved."

Councilman Wooten: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #633

Councilman Wooten: "Appointment of a call in recreation aide to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #634

Councilman Gabrielsen: "Appointment of a call in recreation aide to the recreation department. 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."

Resolution #635

Councilwoman Giglio: "Appoints a call in recreation bus driver to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #636

Councilman Dunleavy: "Adopts a local law enacting Chapter 112 entitled Domestic and Migratory waterfowl of the Riverhead town code. So moved."

Councilman Wooten: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is tabled."

Resolution #637

Councilman Dunleavy: "Authorizes town clerk to advertise for bids project NO. RDWD10-01 Well No. 16 permanent treatment facility Riverhead water district. So moved."

Councilman Gabrielsen: "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 #638

Councilman Gabrielsen: "Authorizes the supervisor to execute a license agreement with Michelle Smith and Debra Smith-Hopkins (utilize portions of town of Riverhead owned Unity Park, Oakland Drive, Riverhead for back to school event for local children. 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."

Resolution #639

Councilwoman Giglio: "Authorizes the supervisor to execute agreement with ACH Direct, Inc. 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. The resolution is adopted."

Resolution #640

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement for placement of commemorative items at Grumman Memorial Park. 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 #641

Councilman Wooten: "Authorizes the supervisor to execute an agreement authorizing the town to accept funds from Suffolk County

Sheriff's Department to assist the county in Operation Shield exercises. 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 #642

Councilman Gabrielsen: "Authorizes the retention of the law firm of Twomey, Latham, Shea, Kelly, Dubin & Quartararo, LLP as special counsel. 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."

Resolution #643 (Withdrawn)

Councilwoman Giglio: "Authorizes the supervisor to execute a license agreement with Laufer Wind Group."

Councilman Dunleavy: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is withdrawn."

Resolution #644

Speakers: Bill Rothaar  
Kevin Macabee

Councilman Dunleavy: "31 Northville Turnpike, Riverhead Chapter 96 budget adoption. So moved."

Councilman Wooten: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, abstain. The resolution is adopted."

Resolution #645

Councilman Dunleavy: "432 East Avenue, Riverhead Chapter 96 budget adoption. So moved."

Councilman Wooten: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #646

Councilman Dunleavy: "1284 Main Road, Jamesport Chapter 96 budget adoption. So moved."

Councilman Wooten: "And I'll second."

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

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

Resolution #647

Councilwoman Giglio: "Adopts a local law to amend Chapter 76 entitled Loitering of the Riverhead town code. 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. The resolution is adopted."

Resolution #648

Councilman Dunleavy: "Extends bid contract for calcium

hypochlorite tablets. 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 #649

Councilman Wooten: "Appoints a call in park attendant II to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #650

Councilman Gabrielsen: "CDBG 2010 program budget adoption. 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."

Resolution #651

Councilman Gabrielsen: "Authorizes supervisor to sign agreements with sub-recipients for CDBG funding. 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 is adopted."

Resolution #652

Councilman Dunleavy: "Pays bills. 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 is adopted."

Resolution #653

Councilman Wooten: "Authorizes highway superintendent to attend 2010 APWA international public works congress convention. 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 #654

Councilman Dunleavy: "Authorizes the supervisor to sign and submit subdivision applications to the New York State Department of Environmental Conservation and the Suffolk County Department of Health Services with respect to EPCAL. 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. The resolution is adopted."

General comment period

Lora Ware - read letter into the record

08/03/2010

657

May 15, 2009

The Honorable Philip Cardinale  
200 Howell Avenue  
Riverhead, New York

Dear Sir:

I am writing this letter because of an article on feral cats in Sunday's Newsday May 10, 2009. I have enclosed same, because I am hoping the town board will consider a similar program be implemented here in Riverhead.

Since we have a feral cat colony here in the apartment complex where I live, I'm submitting a detailed history of this problem and its repercussions, emotionally and legally.

The property next door to this complex used to be owned by Mr. & Mrs. Pierre Guiller. This was their summer home. Mr. Guiller had cats, which he did not have spayed or neutered.

He took care of these cats and they were not a real problem. However, Mr. Guiller was killed in an automobile accident and there was no one to care for them. So some of the tenants here, who were friends of Mr. & Mrs. Guiller, started feeding the cats, thinking that Mrs. Guiller would soon take responsibility for them.

But in her grief, Mrs. Guiller didn't see the welfare of the cats as a business priority.

So from the 1980's one tenant, with the help of Bide-a-Wee took responsibility for them. She participated in the spaying and neuter program because the cats were prolifically fertile to the point where other tenants began complaining about them. The shelters were not accepting cats because there were too many for them to handle.

And to complicate matters there is the added problem of cats deserted by irresponsible tenants that join the colony as well as cats from outside this complex. In the meantime, this tenant, who had lost her only daughter in a similar accident and could empathize with Mrs. Guiller, bonded with the cats and they gave her a reason for living.

She died from cancer and the tenant who rented her apartment

inherited a small colony of hungry cats coming to her back door every morning about 7:00 a.m. expecting to be fed or receive veterinarian care. This current tenant also lost a dear friend to cancer which left her with a deep void in her life and the cats gave her a reason for living.

Management of this complex began to harass this tenant about feeding the cats. Their theory was that if no one fed them then they would go away. But cats don't think like people. They would sit out there and meow til someone, anyone, would give them some food and water twice a day. The tenant was threatened with eviction.

There are pros and cons about this dilemma. There is a human side to this and it would take the wisdom of Solomon to resolve it.

Please consider the emotional damage being inflicted upon this tenant because she loves these animals when and if you discuss this situation with the town board.

Sincerely,  
Zora Ware"

Speaker - Matt Hattorff

Meeting adjourned: 3:43 p.m.

*Klause M. Wilhelm*  
*Town Clerk*