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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 Wednesday, February 17, 2010 at 7:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy,	Councilman
James Wooten,	Councilman

ALSO PRESENT:

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

ABSENT:

George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

Supervisor Walter: "We're going to start the February 17, 2010 meeting. Daniel, could you lead us in the Pledge? Go ahead."

(At this time, the Pledge of Allegiance was recited, led by Daniel).

Supervisor Walter: "Okay. It doesn't look like a big audience today but I apologize in advance. We have to end by 8:15 so I hope to get through everything because one of the members has to go to a wake tonight and two of the members are enjoying time with their families, much deserved vacation time.

So we're going to try to get through, which I don't think there's going to be too many problems.

Can we get a motion to approve the minutes of the February 2nd board meeting?"

Councilman Dunleavy: "I make a motion we approve the February 2nd board minutes and the special town board meeting of February 11th. So moved."

Councilman Wooten: "And I'll second."

Supervisor Walter: "Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Town hall reports."

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REPORTS:

Sewer District Discharge monitoring report January, 2010

Building Department Total monies collected for month of January, 2010 - \$90,450.00

Receiver of Taxes Total tax collection dated February 4, 2010 -\$62,930.457.68

Total tax collection dated February 11, 2010 -\$63,233,032.82

Total utilities collection - January, 2010 - \$319,590.84

Police Department Annual report, 2009

APPLICATIONS:

Hamptons Expo Group LLC home improvement Expo at Tanger II, April 23, 24, 25, 2010

CORRESPONDENCE:

Barbara Baker, Riverhead letter of thanks and appreciation to Fred Marsland, employee at the senior center

Joanne Tate, Riverhead letter addressing the issues of stop sign at Middle Road and Harrison Avenue

Diane Wilhelm: "And that's about it. And the next town board meeting is Tuesday, March 2nd at 2:00 p.m. here in town hall."

Supervisor Walter: "All right, thank you. Any committee reports?"

All right, the only thing I have to report is I invite anybody that's listening on February 25th board meeting- not board meeting, work session, that's next Thursday at 9:30, the financial administrator is going to be doing a detailed analysis for the board and for any resident that wants to look at it of the town budget situation and the challenge we face.

He's starting in 2002 and going straight through to 2010. I'm going to be asking the department heads at our Monday morning department head meeting to come to that and any of the residents that want to come. That's next Thursday on the 25th, we look forward to seeing you."

Public hearing opened: 7:05 p.m.

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Supervisor Walter: "And if there's no other reports, it being 7:05, we have a first public hearing, consideration of local law for the addition of a new chapter 111 entitled registered sex offenders, Article I entitled sex offender residency restrictions of the Riverhead town code."

Dawn Thomas: "Just to give a brief overview. This legislation would restrict and limit the areas within the town where a registered sex offender or a sex offender or sexual predator could locate.

Those would be limited to within or without actually one-quarter mile from the property line of any school, child day care center, library, park, beach, playground or day camp and/or any— as currently proposed, any hotel, motel or boarding house.

There would be exemptions for those sex offenders who had previously established a residence within those parameters and a map would be provided which would show any one who is interested in

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establishing a residence or renting to one of these individuals where they could and could not locate.

And, in addition, provides for penalties for those violations of the code section."

Supervisor Walter: "Okay, does anybody wish to be heard on this matter? We're going to do something a little out of the ordinary, actually for all three. And I apologize. We won't normally do this.

For all three public meetings today we're going to adopt the statutes today because they're all time sensitive. The last two are time sensitive in that they have to be adopted before March 1st and this first one that we're hearing right now is time sensitive because when the county of Suffolk moves the trailer located in Southampton, the jail grounds, we want this statute to be on the books just in case something happens and they don't move it or they try to relocate it. So this one is sort of critical to adopt today, too. But we normally will not do that.

There being nobody that wishes to be heard, going once, okay; going twice, we'll close that meeting- hearing."

Public hearing closed: 7:09 p.m.

Supervisor Walter: "And the next one, by the time we announce it, we can- it will be 7:10.

Is the consideration of a local law to amend Chapter 95 Article VIII, exemptions for volunteer firefighters and volunteer ambulance workers, Section 95-38.1, Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers of the Riverhead town code.

And we have one minute.

Dawn, perhaps you could give us a little synopsis before we open the hearing."

Dawn Thomas: "Well, actually, I think Larverne is here. I think she normally gives presentations. I'm sure she'd be happy to provide her detailed explanation."

Supervisor Walter: "Okay, Laverne, good evening."

Laverne Tennenberg: "Good evening. The public hearing is to adopt a change in the real property tax law to allow the un-

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remarried surviving spouse of a volunteer firefighter or ambulance worker to receive the exemption, the 10% exemption provided that the spouse is certified by the authority having jurisdiction, that they are the un-remarried spouse of a deceased enrolled member; the deceased volunteer had been enrolled for at least 20 years; and the deceased volunteer and un-remarried spouse have been receiving the exemption prior to the death of the volunteer."

Supervisor Walter: "Okay, now we've had the synopsis, it being 7:10, we'll open the public hearing."

Public hearing opened: 7:10 p.m.

Supervisor Walter: "This is the public hearing for the local law on volunteer firefighters. Would anybody wish to be heard on this subject? Don't all jump at once."

All right, there being nobody that wants to be heard on this, we'll close this public hearing."

Public hearing closed: 7:10 p.m.

Supervisor Walter: "And the next public hearing is slated for 7:15. So why don't we do this? Would anybody like to be heard on the resolutions? Okay. It's time to start singing a song or something."

Councilman Dunleavy: "Do you want to start the resolutions?"

Supervisor Walter: "Well, why don't we- I think we could do the synopsis of the public hearing, can't we?"

Laverne, you want to- let's- if our tax assessor- always going to be that way, Laverne. If our assessor could step up and give us a synopsis before we open the hearing."

Laverne Tennenberg: "Okay. The town has adopted or had adopted previously the cold war veteran exemption. These are for veterans who served outside of a war period. It's usually those veterans between Korea and Viet Nam and Viet Nam and the Gulf War which started in 1991.

And it started out as what they call the McDonald's exemption because at the time it was extremely limited and it got you about \$3.21. So they made changes over the years and it's based on market value. These are market value caps and if you're not at 100% of market value, you have to multiply those market values by your equalization rate.

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They have now altered or amended the real property tax law to include (a) thru (n), I don't know how many that is- 27 different options that you can choose to increase your market value cap, anywhere from 15,000 to 54,000 and \$3,000 increments and for the disability it's 50% of the disability times this cap and the cap can go anywhere from 54,000 to 180,000 in \$10,000 increments.

I believe the chart was in the public hearing so it was maybe more understandable."

Supervisor Walter: "And we're going to be adopting a resolution at the highest?"

Laverne Tennenberg: "Correct."

Public hearing opened: 7:15 p.m.

Supervisor Walter: "Okay. Well, that didn't get us to 7:15. Well, we're going to open the meeting now because we're almost at 7:15 and we'll hold it open until at least 7:15.

Tim Gannon, would you like to get up and speak? No. If anybody would like to be heard on the consideration of local law to amend Chapter 95 entitled taxation exemption for cold war veterans. It's a change of Section 95-43 exemptions granted cold war veterans of the Riverhead town code?

And we really have to leave this open until 7:15 at this point. What do they say about dead air on the radio?

This is an efficient town government working, that's what this is."

Councilman Wooten: "Well, I can tell you if you have nothing going on February 27th which is a Saturday night, at the Vail Leavitt there's the Riverhead Teen Idol which is something we do every year. I think it's the eighth annual. So it's a good time if you want to come out and see the local kids perform and try and win prizes to Tanger and whatnot. It's a good night out. It's cheap. It's like five bucks."

Supervisor Walter: "When again? What date was this?"

Councilman Wooten: "The 27th of February. It's a Saturday night at the Vail Leavitt and it's really a good time. And yours truly will be the host so there will be lots of laughs promised."

Supervisor Walter: "I'll reserve judgment on the laughs."

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Councilman Wooten: "Well, I always reserve judgment on you."

Councilman Dunleavy: "And you won't see me in town hall for the next two weeks, I'm going on vacation with my esteemed wife. So I'll be gone for two weeks."

Supervisor Walter: "Can we get those resolutions through while he's gone?"

Councilman Wooten: "Yes. I've got a whole drawer full."

Supervisor Walter: "All right. It being 7:15 and nobody—we've opened the hearing and nobody wishes to be heard on the cold war veterans exemption hearing, we're going to close it and thank you very much."

Public hearing closed: 7:15 p.m.

Supervisor Walter: "Take care, Laverne."

Would anybody like to be heard on the resolutions? All right, then let's take up the resolutions."

Resolution #112

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-3-Definitions - Country Inn. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #113

Councilman Wooten: "This authorizes the town clerk to post and public notice to bidders for annual construction contract. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #114

Councilman Dunleavy: "Authorize town clerk to post and public notice to bidders for annual procurement contract. So moved."

Councilman Wooten: "Second."

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

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

Resolution #115

Councilman Wooten: "Are we going too fast?"

Supervisor Walter: "No. I'm going to try to beat Jimmy Stark's record. What did he have?"

Diane Wilhelm: "This is fast."

Councilman Wooten: "Approves memorandum of agreement. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #116

Councilman Dunleavy: "Approves the defense and indemnification of Young & Young. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #117

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Councilman Wooten: "Authorizes sewer district employee to attend course. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #118

Councilman Dunleavy: "Authorize sewer district employee to attend course. This is another one. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #119

Councilman Wooten: "Extends bid contract with Savory Food Service, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #120

Councilman Dunleavy: "2009 Calverton Enterprise rail spur capital project budget adjustment. So moved."

Councilman Wooten: "Seconded."

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

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

Supervisor Walter: "She's trying to beat Supervisor Stark's--"

Diane Wilhelm: "You said we've got to get out of here, so I'm trying."

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Resolution #121

Councilman Wooten: "This approves the Chapter 90 application of Jamesport Fire Department to conduct a firemen's carnival. And I believe that's Tuesday, July 6th thru July 10th. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Walter, yes, and I can't wait to go. The resolution is adopted."

Resolution #122

Councilman Dunleavy: "Authorize the release of developer money Mountain Brook Homes. So moved."

Councilman Wooten: "Second."

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

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

Resolution #123

Councilman Wooten: "Ratifies the extension of a bid for food. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #124

Councilman Dunleavy: "2009 highway fund budget adjustment. So moved."

Councilman Wooten: "I'll second."

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

The Vote: "Wooten, yes; Dunleavy, yes; Walter."

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Supervisor Walter: "Yes. And the highway department did a fantastic job at the last snowstorm. Thank you."

Councilman Wooten: "Yes, they did."

Diane Wilhelm: "The resolution is adopted."

Resolution #125

Councilman Wooten: "Howell Avenue pump station - contract G bid that is ineligible for award. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #126

Councilman Dunleavy: "Authorization to discard fixed assets. So moved."

Councilman Wooten: "Second."

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

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

Resolution #127

Councilman Wooten: "It's an order calling for a public hearing regarding Cellular Communication leases with the Riverhead water district and Metro PCS, New York LLC. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Water, yes. The resolution is adopted."

Resolution #128

Councilman Dunleavy: "Ratifies publication of bid notices - Riverhead water district. So moved."

Councilman Wooten: "Second."

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

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

Resolution #129

Councilman Wooten: "It appoints member to Recreation Advisory Committee. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #130

Councilman Dunleavy: "Authorize the release of cash security of Calverton Links LTD. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #131

Councilman Wooten: "Authorizes the release of cash security of Apple Honda. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #132

Councilman Dunleavy: "Accepts the resignation of a kennel attendant. So moved."

Councilman Wooten: "And seconded"

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

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

Resolution #133

Councilman Wooten: "It's a solid waste management plan budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #134

Councilman Wooten: "Adopts a local law to amend Chapter 95 entitled taxation of the Riverhead town code, Section 95-38.1 un-remarried spouses of volunteer firefighters or volunteer ambulance workers. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #135

Councilman Wooten: "Adopts a local law to amend Chapter 95 entitled taxation of the Riverhead town code, Section 95-43 exemptions granted, cold war veterans. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #136

Councilman Dunleavy: "Adopts a local law for the addition of a new Chapter 111 entitled registered sex offenders of the Riverhead town code. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #137

Councilman Wooten: "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, Industrial C (IC) zoning use district - Uses. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #138

Councilman Dunleavy: "Resolution authorizing supervisor to execute a stipulation with Riverhead Enterprises. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #139

Councilman Wooten: "It's a motion to pay bills. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Take one from the floor."

Supervisor Walter: "I think we're going to wait on the tabled one until John-George comes back, because I'm not positive. Do we know exactly what was agreed to for this?"

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Councilman Wooten: "I think he was going to waive fees for residents for the skate park. I think there really should be some discussion on it."

Supervisor Walter: "All right, let's leave it on the table. Okay."

Does anybody wish to be heard on any other matter affecting the town? Come on up."

Ann Miloski: "My name is Ann Miloski and I see here that actually there was a resolution passed— not a resolution but, yeah, resolution to authorize the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, Industrial C, and when I was watching the work session, I thought that was being tabled 'til John and Jim and Sean could look it over better before you were going to pass this public notice."

But anyway what I wanted to say about it is when we had the Calverton Hamlet study we worked very hard for this area and after that there was another study done and we worked even harder and the reason that we changed that to Industrial C zoning was because we didn't want it to be as intense as the opposite side on the east side which was Industrial A zoning, because we had intensive industrial zoning in the town of Calverton."

So we didn't want both sides to be Industrial A, that's the reason that we changed it to Industrial C. And the part about outdoor storage is not about cars and trucks. The outdoor storage is about other things like wood, piles of dirt piled up in the air that you can see from the road."

This is Edwards Avenue. Everybody is coming off the expressway. They come through Edwards Avenue, they go to Sound Avenue. We want that to look halfway decent. We don't want outdoor storage there. And this is what one of these public hearings is for."

And the other thing is that you want to put manufacturing. It's fine for you to put the one manufacturer that you're thinking of but if you change the zoning, you're going to have heavy manufacturing and all kinds of things can come in there."

And I think that this should be studied a little bit longer before you even put it to a public hearing."

Thank you."

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Councilman Wooten: "Thank you. Ann, the only thing I'd like to say is you're right. I sort of like public hearings because I like to hear what the public has to say about it.

But the one thing about it. They're not going to change the zoning, it's going to stay C. They're just allowing for outdoor storage. But that's still, except as accessory to a specially permitted use which carries a lot of weight because the town has a lot of ability to structure those special uses. So I think we can (inaudible)."

Ann Miloski: "But you're also changing from manufacturing which is- "

Supervisor Walter: "Just for indoor manufacturing. Not outside. Nope. Just indoor."

Ann Miloski: "Okay. But you're going to have a public hearing?"

Supervisor Walter: "Yes."

Councilman Wooten: "Absolutely."

Supervisor Walter: "Does anybody else wish to comment on any matter tonight? Okay, then can we get a motion to adjourn the hearing?"

Councilman Dunleavy: "I make a motion we adjourn the town board meeting."

Councilman Wooten: "I don't want to go yet. Seconded."

Supervisor Walter: "All in favor, aye?"

Collective response: "Aye."

Supervisor Walter: "Thank you."

Meeting adjourned: 7:25 p.m.