

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, July 19, 2011 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
Robert Kozakiewicz,	Town Attorney

Supervisor Walter: "Okay. If we could get started, we'll get Bob on the way. There he is, he's walking in."

All right, we're going to get started here. Mitch Freedman, you came in late as far as reporters are concerned, can you do us the honor in the Pledge?"

(The Pledge of Allegiance was recited, led by Mitch Freedman.)

Supervisor Walter: "And, Rev. Coverdale, if you want to use the microphone over there; if you'd like us to stand, sit. What would you like? Your pleasure."

Rev. Coverdale: "I'm not going to be long so if you want to stand, that's all right."

Eternal and everlasting God, we thank you for this day, the day that you have granted us and none of us have ever seen before and nor will we ever see this day again.

We ask you this afternoon at this town board officially, that thou will come into this place, be in the minds, the spirits, the

hearts and the actions of this town board and all those who stand before it.

May we be blessed in a way that exceeds our own expectations so that this town might move forward and become all that you would have it become. We ask these things and we ask blessings upon each individual council member and our supervisor and all who play a part in this active town.

We ask in the name of our Lord and savior. Amen."

Supervisor Walter: "Thank you, Rev. Coverdale, First Baptist Church. It's a pleasure to see you today, sir."

Rev. Coverdale: (Inaudible)

Supervisor Walter: "That's at 12, sir. No lunch today.

John, welcome back. Are you feeling good?"

Councilman Dunleavy: "Thank you very much. I'm feeling better."

Supervisor Walter: "Feeling better. We've got a dog coming in. Can we bring in Whitman, and we didn't adopt any minutes since you've been gone. I'm kidding.

We're going to bring Whit- Whitney in here. Do you want to read that there?"

Councilman Dunleavy: "We have Whitney coming in. It's an American Staffordshire Terrier, and it's a female, age two years."

Supervisor Walter: "Good looking dog. Take a look at Whitney. It's a little hot out there today for you. How long has Whitney been in the pound? She's not been in the animal shelter long, very adoptable, and what's the phone number- 6189- 369-6189. Good looking dog about two years old. All right. Thank you very much, we appreciate it.

All right. All right, we are back. John."

Councilman Dunleavy: "I make a motion we approve the town board meeting minutes for July 6, 2011. So moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, abstain, I wasn't here; Walter, yes. The minutes are approved."

Supervisor Walter: "Applications."

APPLICATIONS:

Parade/Assembly Permit Jamesport Fire Department annual parade - July 20, 2011

Block party, Williams Way So., Calverton, Aug. 13, 2011

REPORTS:

Tax Receiver utility collection report, June, 2011 - \$266,151.72

Police Department monthly report June, 2011

CORRESPONDENCE:

Ted Laoudis,
Laoudis of Calverton,
LLC letter regarding public hearing of special permit petition of Vertical Line Apparel

Paul and Jody Mitchell letter expressing concerns over the 4 large scale development proposals in Wading River

Conrad Dabrowski, Jr. letter notifying the town of sidewalk and crosswalk conditions at certain roads in Riverhead

Diane Wilhelm: "And that's it."

Supervisor Walter: "Okay. Thank you. Any other committee reports?"

Councilwoman Giglio: "The Riverhead Energy Awareness Day will be present at the August 6th BID event for Mardi Gras, so everybody, that's resident or non-resident, can come out to the Mardi Gras festival on August 6th and we will have the stage powered by a local company with solar and we'll have opportunities for you to get free energy audits up to a \$700 value and learn how to make your home more energy efficient during these troubling times."

Supervisor Walter: "Sounds good."

Councilwoman Giglio: "Thank you."

Supervisor Walter: "Anything else? All right. No public hearings. Does anybody want to be heard on the resolutions? Not seeing anybody, let's take up the resolutions."

Resolution #554

Councilman Wooten: "554 is Riverhead sewer district budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #555

Councilman Gabrielsen: "Authorize the supervisor to appoint a petty cash holder for the building 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 #556

Councilwoman Giglio: "Authorizes submission and publication

of notice of a JAB grant application for funds to purchase a highway patrol unit vehicle for the town of Riverhead police department. 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."

Resolution #557

Councilman Wooten: "Okay, 557 authorizes the town supervisor to execute change order No. 1 for chapter 54 demolition of unsafe structures and debris removal at the Knolls at Baiting hollow 1411, 1311, 1211, 1111, 1310, 1210 and 1100 Bluffs Drive. 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 #558

Councilman Gabrielsen: "Authorize the town clerk to post and publish the attached notice to bidders for the purchase of paint. 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 #559

Councilwoman Giglio: "Settling litigation brought by M-GBC, LLC against the town of Riverhead. 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."

Resolution #560

Councilman Wooten: "560 promotes detectives. So moved."

Councilman Gabrielsen: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "This is a contractual obligation that the town signed with the police department so I will vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #561

Councilman Gabrielsen: "Terminates a seasonal employee. 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 #562

Councilwoman Giglio: "Authorization to publish advertisement for food products for the town of Riverhead. So moved."

Councilman Wooten: "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 #563

Councilman Wooten: "It's a good thing there's a sign here that says cell phones must be turned off."

563 authorization to publish advertisement for truck parts for the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

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 #564

Councilman Gabrielsen: "Appoints a summer 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 #565

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

Councilman Wooten: "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 #566

Councilman Wooten: "86 Landing Lane, Baiting Hollow, New York Chapter 96 budget adjustment-- I'm sorry, budget adoption. 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."

Councilman Gabrielsen: "Can we have that last vote be a no for Gabrielsen? I was being distracted-- 566."

Supervisor Walter: "66, he's a no."

Diane Wilhelm: "Oh, you're a no? Okay."

Councilman Gabrielsen: "Yes, I'm a no."

Diane Wilhelm: "All right."

Councilman Gabrielsen: (Inaudible)

Supervisor Walter: "See, you're allowed to withdraw your votes here apparently."

Diane Wilhelm: "Now, we're up to 567, right?"

Supervisor Walter: "Yes."

Diane Wilhelm: "Okay."

Resolution #567

Councilman Gabrielsen: "Okay. Authorize the town of Riverhead to direct Jeffrey Thomas to remove all weeds, grass and/or rank vegetation in excess of 10 inches in height upon the premises known as 86 Landing Lane, Baiting Hollow, New York, 11933, a/k/a SCTM #0600-039.00-06-027.00 pursuant to the Riverhead town code Chapter 96. So moved."

Councilwoman Giglio: "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 #568

Councilwoman Giglio: "Adopts a local law amending Chapter 108 entitled zoning of the Riverhead town code, Article III, Residence A-40 zoning use district, Section 108-9 accessory buildings and structures. So moved."

Councilman Wooten: "Second."

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

The Vote: "Giglio."

Councilman Dunleavy: "We're doing this to follow state law."

Councilwoman Giglio: "I just-- the way it was titled because it's in all residential districts but I see that the legislation refers to all residential districts. So that's good. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yeah, we're doing this to follow state code so I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #569

Councilman Wooten: "569 amends Resolution #488 of 2011. 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 #570

Councilman Gabrielsen: "Approves the Chapter 90 application of Apple Honda, July 27, 2011 through September 22, 2011. 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 #571

Councilwoman Giglio: "Authorizes the retention of the law firm of Campolo, Middleton & McCormick LLP. So moved."

Councilman Wooten: "Seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "This is ongoing litigation, right?"

Supervisor Walter: "Yes."

Councilwoman Giglio: "So-- and-- "

Supervisor Walter: "The other attorney withdrew."

Councilwoman Giglio: "Right, so-- I will vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #572

Councilman Wooten: "Authorization to publish advertisement for a request for proposals for credit card payment processing, debit card payment processing and electronic check payment processing for the benefit of the general public regarding both in person and internet transactions. 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 #573

Councilman Gabrielsen: "Ratifies the approval of the Chapter 90 application of Riverhead Elks Lodge #2044- that's the lawn mower event and children's bicycle races that were held on July 17, 2011. 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 #574

Councilwoman Giglio: "Approves Chapter 90 application of Jamesport Fire Department for 10K race - August 28, 2011. So moved."

Councilman Wooten: "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 #575

Councilman Wooten: "It approves the application for fireworks permit of Newton Carnivals, Peconic Bay Medical Center Family Festival, August 20, 2011. 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 #576

Councilman Gabrielsen: "Authorize supervisor to execute agreement with Riverhead Youth Sports Inc. for referee/umpire services for town of Riverhead Police Athletic League football program. 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 #577

Councilwoman Giglio: "Approves Chapter 90 application of Polish Town Civic Association. 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."

Resolution #578

Councilman Wooten: "It approves a Chapter 90 application of Riverhead Foundation for Marine Research and Preservation for 5K run for the Ridley - October 22, 2011. 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 #579

Councilman Gabrielsen: "Approves Chapter 90 application of Starfish Junction Productions LLC, North Fork craft, beer, BBQ and wine festival, August 13, 2011. 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 #580

Councilwoman Giglio: "Approves the application for fireworks permit of Jamesport Fire District. 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."

Resolution #581

Councilman Wooten: "581 authorizes the town supervisor to execute change order No. 1 construction of plant No. 15, H2M project No. RDWD 06-05 Riverhead water district. So moved."

Councilman Gabrielsen: "And seconded."

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

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

Resolution #582

Councilman Gabrielsen: "Authorizes the supervisor to execute stipulation of settlement agreement with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CO, Riverhead unit of the Suffolk Local #852. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio."

Councilwoman Giglio: "This is actually saving the town money for an employee who is eligible for medical benefits under her husband's policy elsewhere, so she is waiving the medical benefits so saving the town money. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #583

Councilwoman Giglio: "Pays bills. So moved."

Councilman Wooten: "Second."

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

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

Supervisor Walter: "We have one resolution off the floor to appoint a hearing officer in a matter involving one of our employees.

Can I get somebody to move this off the floor?"

Resolution #584

Councilman Dunleavy: "I make a motion that we appoint a hearing officer. So moved.

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please as to taking it off the floor."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been taken off the floor."

Supervisor Walter: "So now we need a motion to- "

Councilman Dunleavy: "I make a motion that we appoint a hearing officer. So moved."

Councilwoman Giglio: "And seconded."

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

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, no; Dunleavy."

Councilman Dunleavy: "No. I think we should handle this in-house. I vote no."

The Vote (Cont'd.): "Walter, yes. The resolution is not adopted."

Supervisor Walter: "Okay. Does anybody wish to discuss any matter before the board?"

Councilman Wooten: "I knew it."

Dominique Mendez: "First a question. Can you say what employee that was?"

Supervisor Walter: "It's somebody in the highway department. We couldn't go into any more detail than that."

Dominique Mendez: "Okay. Two quick questions about a study, the Route 25A corridor study in Wading River.

One, it was brought up I think at the last meeting which I wasn't at, the idea of extending it which we had always wanted to Hulse Landing and you were going to be working that out with BFJ. I was wondering did that happen?"

Supervisor Walter: "Yes. Is that okay with BFJ?"

(Inaudible comment from Robert Kozakiewicz)

Supervisor Walter: "Okay."

Dominique Mendez: "Is that something you're still discussing

with them because you just- "

Robert Kozakiewicz: "It's still ongoing."

Supervisor Walter: "Then we won't sign the agreement with them- "

Councilman Wooten: "Are you talking about going east of Sound all the way to- I mean, how much more extensive could that be?"

Supervisor Walter: "Yeah, we didn't- I don't think anybody's talking about changing the- well, let's have a conversation. We have to have a conversation. I don't think it's going to be an issue."

Robert Kozakiewicz: "Probably not."

Dominique Mendez: "Right. Second question is kind of related and I'm sure obviously they haven't started yet, but when would you anticipate them starting- "

Supervisor Walter: "As soon as we work the first one out."

Dominique Mendez: "Okay, okay. And then shortly thereafter."

Supervisor Walter: "Yes, absolutely."

Dominique Mendez: "Okay, that's it. Thank you. Oh, and I think it's great that you're going to be allowing us to use credit cards and stuff because I have to pay cash sometimes out of my own pocket and- "

Councilman Wooten: "Especially for the town clerk. We get many, many people in there every day and people don't carry cash these days."

Dominique Mendez: "It's kind of surprising that you haven't done that before but it's great that you're doing it now."

Councilman Wooten: "We're getting into the 1990's now."

Dominique Mendez: "Thank you."

Supervisor Walter: "Anybody else wish to discuss any matter

before the town board?"

Councilman Wooten: "We waited for you, Larry."

Supervisor Walter: "The resolutions are done. Any matter."

Larry Oxman: "Larry Oxman. Sean, last meeting two weeks ago, unless Bob is going to hand me some papers- "

Supervisor Walter: "Larry, not the appropriate time to have this conversation because we're in litigation. You should have picked up the phone and called me."

Larry Oxman: "For my FOIL request?"

Supervisor Walter: "All I'm going to say, you should have picked up the phone and called me. That's all I'm going to say. You can go on talking about it."

Larry Oxman: "Okay. So let me talk for a bit."

Supervisor Walter: "Go ahead, you have five minutes."

Larry Oxman: "At the last town meeting, Sean, you very politely said Friday. So I showed up on Friday. Bob was still looking into it, now two weeks later, nothing."

I guess at this point, I'll put in a FOIL again since you had five days to respond. You defaulted, the town defaulted by not answering it. I missed my 30 day deadline for an appeal. I'll just put in a new FOIL."

Supervisor Walter: "Thank you."

Larry Oxman: "So, you know."

Supervisor Walter: "Does anybody else wish to be heard? Not seeing anybody, can I get a motion to- "

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

Supervisor Walter: "All in favor?"

(Collective response): "Aye."

Supervisor Walter: "Lorenzo, what are you here for? For the air conditioning. (Inaudible)."

Meeting adjourned: 2:25 p.m.

A handwritten signature in cursive script, appearing to read "Diane M. Shellenbarger". The signature is written in dark ink and is located in the lower right quadrant of the page.