

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, November 5, 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

Before the beginning of the meeting Supervisor Walter presented a Certificate of Appreciation to Aidan Tobin in recognition of the work he did as Acting Supervisor of the Day.

The meeting was officially opened at 2:00 p.m. by Acting Supervisor Tobin with the Pledge of Allegiance.

Supervisor Walter with Acting Supervisor Tobin introduced Sasha a four year old dog who is residing at the Riverhead Animal Shelter and is up for adoption. Sasha is a well-behaved, friendly dog who is good with children. If you are interested call the Riverhead Animal Shelter.

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the October 21, 2014 Town Board Meeting.

CORRESPONDENCE

- 13 letters from residents urging the continuation of municipal services to private roads.
- Petition continued from additional property owners of Main Road east of Route 105 in opposition to being placed on National and/or State Historical Registries
- Angela DeVito, Landmarks Commission – letter of support regarding the application to establish a historic corridor on the Main Road
- Food Industry Alliance of New York State (FIA) – letter opposing the proposed ban on plastic bags
- Tina Taborsky – letter expressing concerns about fly boarding operations at Treasurer Cove Marina (Public Hearing of 10/7/14)
- Wading River Civic Association – letter regarding the Special Permit petition of United Riverhead Terminal (URT) to store gas at their Northville facility
- Group for the East End – letter regarding the Special Permit petition of United Riverhead Terminal (URT) to store gas at their Northville facility
- Peter Danowski, Esq. – letter regarding ode Amendment/Solar Power Arrays
- Carolyn A. Zenk, Esq. – letter regarding Town of Riverhead Wetland Law and Excavation Law in relation to property at Sound Shore Road, Riverhead

CONSERVATION ADVISORY COUNCIL (CAC) CORRESPONDENCE

- CAC Res. #2014-20 – Riverhead Yacht Club SCTM #0600-130-4-28

APPLICATIONS

- Riverhead Lions Club (Annual Christmas Parade and Assembly) – December 7, 2014 at Riverfront Parking Area

REPORTS

- Sewer District – Discharge Monitoring Report September 2014
- Building Department Monthly Report October 2014 - \$232,551.71
- Town Clerk Monthly Report October 2014 - \$13,143.10

TOWN BOARD COMMITTEE REPORTS

Councilman Dunleavy commented on the Poe Festival stating that thankfully most of the events on Saturday were indoors. He thought the Festival went very well and he, along with the Supervisor, thanked everyone involved for a job well done.

Councilman Gabrielsen thanked Chris Witt, a local Riverhead resident who ran the Long Island Adventure Race at EPCAL for the donation he made to the Town of Riverhead. A check for six thousand dollars was given which will be used to purchase new playground equipment at Stotzky Park.

Councilman Gabrielsen reminded the bow hunters that Wildwood State Park is open for deer hunting from November until the end of January. Councilman Dunleavy reminded everyone that they must pick up a bow hunting permit from the DEC beforehand.

Acting Supervisor Tobin spoke to the Superintendent of the Highway Department asking him to place signs out telling people to watch out for deer while driving. The Superintendent said he would take care of that matter.

PUBLIC HEARINGS

Supervisor Walter: “If there are no other reports we will open a Public Hearing. We’re going to open a Public Hearing to Consideration the Adoption of the 2015 Annual Budget for the Town of Riverhead.

Acting Supervisor Tobin: “The Public Hearing was set for 2:05 and it is now 2:15 the Public Hearing is now open to consider all Comments on the Budget,

Supervisor Walter: “Would anyone like to be heard on this Public Hearing? Alright, not seeing anybody the Public Hearing is now closed and we’re going to leave it open for written comment until the 12th since we have a work session so the public comment portion will be held for written comment only until November 12, 2014; 4:30 at the Town Clerk’s office.”

**Public Hearing Closed at 2:16 p.m.
Left Open for Written Comment Until November 12, 2014 at 4:30 p.m.**

Supervisor Walter: “Ready to open the next Public Hearing?”

Acting Supervisor Tobin: “The next Public Hearing is scheduled for 2:10. 2:10 having arrived and left and it is now 2:16.

Supervisor Walter: “The Public Hearing is now open for the Consideration of a Proposed Local Law to Amend Chapter 101 of the Riverhead Town Code Entitled “Vehicles and Traffic” (101-10. Parking Prohibited – Ostrander Avenue). Ok, that public hearing is open John, is that you? What have we got?”

Councilman Dunleavy: “This is, again, during the summertime we have numerous cars parked for the aquarium but they’re parking in front of people’s driveways on Ostrander Avenue so each side of Ostrander Avenue; three hundred feet north of Corwin Street, to Corwin Street will be no parking, three hundred feet so that will alleviate the cars from being parked in front of people’s driveways.

Councilman Wooten: “I can tell you from living in that area having those cars parked there is absolutely a dangerous way. You can’t pull out of there and head south on Ostrander without really taking your life in your hands so that’s good, it leave some visibility.”

Acting Supervisor Tobin: “Does anybody wish to be heard on this matter? Not seeing anybody I close the Public Hearing and I leave it open for written comments only to November 14th, 4:30 at the Town Clerk’s office.”

**Public Hearing Closed at 2:19 p.m.
Left open for Written Comment until November 14, 2014 at 4:30 p.m.**

Supervisor Walter: “Ok, so now we have another Public Hearing scheduled, see 2:15 and the next public hearing is scheduled for 2:15 and it is now 2:19.”

Acting Supervisor Tobin: “I open the Public Hearing.”

Supervisor Walter: “For the Consideration of a Proposed Local Law to Amend Chapter 101 of the Riverhead Town Code Entitled “Vehicles and Traffic” (101-10 Parking Prohibited – Pulaski Street). I think this is another Councilman Dunleavy’s public hearings. Do you want to ask him if he has any comment on that?”

Acting Supervisor Tobin: “Do you know anything about this Councilman Dunleavy?”

Councilman Dunleavy: “Yes, this is in front of St. Isadore’s Church. There are two sides but it’s very confusing and the curb is painted all yellow. So what we’re doing is we’re making a no parking in front of St. Isadore’s Church between Sweezy and Marcy Avenue except for funerals and weddings.”

Supervisor Walter: “Ok, sounds good.”

Acting Supervisor Tobin: “Does anybody wish to be heard? Not seeing anybody, I close the Public Hearing and leave it open for written comments only to November 14th, in the Riverhead Town Clerk’s office.”

**Public Hearing Closed at 2:21 p.m.
Left open for written comment until November 14, 2014 at 4:30 p.m.**

Supervisor Walter: “Alright, so, the next Public Hearing was scheduled for 2:20. It is now 2:21.”

Acting Supervisor Tobin: “I open the Public Hearing.”

Supervisor Walter: “This is a Consideration of a Proposed Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning”, Article XIII. Supplementary Use Regulations (108-64 Prefabricated Dwellings). Actually I think Councilwoman Giglio knows something about this.”

Acting Supervisor Tobin: “Do you know anything about this?”

Councilwoman Giglio: “I sure do. So, this public hearing is about temporary trailers that are needed. If you have a fire and you need a place to live temporarily until you get your house fixed. Right now the process you have to go to the Zoning Board of Appeal in order to be able to put a temporary trailer on your property and this will eliminate that process. It’s a fifty dollar fee you can have six months in a trailer and then an additional six months if you need it and that’s it; we’re just taking out the need to go to the Zoning Board of Appeal and you can go right to the Building Department.”

Acting Supervisor Tobin: “Does anybody wish to be heard on the matter? Step up to the microphone.”

Supervisor Walter: “If you’ll just give us your name and Hamlet for the record Sir?”

Peter Mastropaolo: “Peter Mastropaolo, Calverton, Boxwood Corporation.”

Supervisor Walter: “How are you doing Sir?”

Peter Mastropaolo: “I’m doing fine. I have a question on the way this law is written. It states that it’s any prefabricated dwelling. How does that play into modular and manufactured homes on private land?”

Councilwoman Giglio: “The only thing that we’re doing in this legislation is taking out the need to go to the Zoning Board of Appeals. It says *the trailer, prefabricated dwelling must be for the temporary use and occupancy of an individual or group or individuals whose residence has been so damaged by fire or some act of God as to render the residence uninhabitable.*

Peter Mastropaolo: “So then it has nothing to do with a permanent residence?”

Councilwoman Giglio: “No.”

Peter Mastropaolo: “It’s just temporary?”

Councilwoman Giglio: “Yes.”

Peter Mastropaolo: “Ok, thank you.”

Councilman Wooten: “I have a question also. Under #5 it says such trailer shall remain on the lot for six months but once the six months extension must go to the Zoning Board of Appeals.”

Councilwoman Giglio: “Right but that’s for the extension.”

Robert Kozakiewicz: “The main focus was to eliminate “C in 108-64. Currently anybody who is looking to build a modular house as opposed to a stick built must go to the Zoning Board of Appeals in order to have that so that eliminates the need to go to the Zoning Board, yeah, and then subsection what was D now we re-alphabetized it as C deals with the temporary situation that Councilwoman Giglio referred to which is the; it still, that part pretty much remained intact. You can go to the Building Department if you have fire damage and you need to put a trailer up or a mobile home I should say.”

Councilman Wooten: “Just the way it’s written I mean it looks like a *trailer shall be permitted for six months* with one extension upon application. It looks like you have to go to the ZBA for the first six months, to me, I could be wrong.”

Councilwoman Giglio: “That’s interesting.”

Councilman Wooten: “I would put a comma there.”

Councilwoman Giglio: “And it also eliminates the Zoning Board of Appeals process for modular homes that are moved in, that aren’t stick built.”

Councilman Dunleavy: “I think that the word, a prefabricated building you’re going backwards by calling it a trailer. They’re manufactured buildings now. A trailer has been out for years and I don’t think we should be regressing backwards instead of going forward.”

Supervisor Walter: “As a fellow owner of a doublewide I agree with you.”

Councilman Gabrielsen: “Now I, also it is my understanding that this was going to encompass all prefabricated dwellings because we’re getting more and more in the Town and they are built stronger than some stick built homes and if you look at the ones that are being built, you couldn’t tell they were prefabricated but I think that.”

Supervisor Walter: “That was C, they’re taking that out.”

Robert Kozakiewicz: “C applies to the modular prefab scenario as long as you otherwise comply with the zoning requirements. It eliminates any need to go for a special permit from the Zoning Board of Appeals. So if you’re building, let’s just say for example, a two thousand square foot house that instead of being stick built you’re dealing in modular you no longer have to go to the Zoning Board of Appeals for that. I think that the temporary modular unit, if you’re going to be careful not to use the other word that begins with “T” and I guess I could change the final language to clean that up. I don’t think it changes the substance of it; if you want to call it prefabricated dwelling.”

Councilman Dunleavy: “It should be prefabricated. Also there’s no more mobile home parks, they’re prefabricated parks. There are some names that haven’t been changed. I think we should come up to the modern age instead staying back in the seventies.”

Councilwoman Giglio: “I agree. I just wish this was brought up when we were discussing it at work session rather than at the public hearing because now we have to publish and post it.”

Councilman Wooten: “Well those are just definitions, we can change definitions.

Supervisor Walter: “That’s the way we do it around here.”

Councilman Wooten: “It’s a good public hearing because it took us past 2:25.”

Supervisor Walter: “Alright, anybody else wish to be heard on this subject? Not seeing anybody.”

Acting Supervisor Tobin: “I close the Public Hearing and I leave it open for written comments until November 14, 4:30 in the Riverhead Town Clerk’s office.”

**Public Hearing Closed at 2:28 p.m.
Left Open for Written Comment until November 14, 2014 at 4:30 p.m.**

Supervisor Walter: “Got ourselves right back on schedule again.”

Acting Supervisor Walter: “I open this Public Hearing of 2:25.. It is now 2:28.”

Supervisor Walter: “This is the Consideration of a Proposed Local Law to Amend Chapter 52 of the Riverhead Town Code Entitled “Building Construction” (52-6. Application for Building Permit). Alright, let’s see what this is. This is a new provision for code. Bob, do you want to weigh in on this or Jodi.”

Councilwoman Giglio: “I had experienced a situation where there was a summer cottage that was on the Bay that was being renovated, being made into a fulltime residence. They were adding a second floor onto the house. They were preparing to finish the house and sell it but the sanitary system was, I think, from the fifties or the sixties so you could actually see water two feet below grade where the sanitary system was. It was a three foot diameter brick pool so this legislation will capture those homes where they’re looking to make them either fulltime residences or do a substantial improvement under the FEMA laws that would require them to upgrade the sanitary system where it currently doesn’t. So this will protect our Bays and our water bodies and our fishing and our estuaries and all of our tourism so I felt it was a good thing to bring this legislation forward to make sure that old systems that are not regulated by the health department or by the state be upgraded.”

Acting Supervisor Walter: “Does anybody else wish to be heard on this matter? State your name and affiliation for the record.”

Jenn Hartnagel: “Good afternoon my name is Jenn Hartnagel and I’m here representing the Group from the East End. The Group supports efforts to improve waterfall specifically as it pertains to waste water. We support the Town’s efforts to try to improve existing conditions and we also support local government’s authority to utilize their zoning and land use authority to impose more reasonable requirements that may exceed other standards set by other authorities.

I have a list of questions. We do support this legislation but I have a list of logistical questions. In Section K does the language intend to capture preexisting non-conforming uses that may be part of that residential or agricultural uses only district? That’s the first one. I have five or six questions.”

Supervisor Walter: “Well, let’s do one at a time. I think it’s preexisting that are going to be renovated so in other words if there’s not a renovation it’s not applicable, if there’s a renovation.”

Jenn Hartnagel: “Ok so if there was a restaurant in that usage district it would be captured by that?”

Councilwoman Giglio: “They’re already captured by that. All commercial uses are automatically sent to the sub-county Department of Health Services.”

Jenn Hartnagel: “Ok, thank you. The second one is a little confusing. Is it the intention in Section K again to utilize the New York State boundary regulation specified in the Title Weapons

Act because there's a definition in there which relates to bulk heading and other hard structures and the bulk heading and hard structures (inaudible) that jurisdiction and we're a little concerned that if a property is bulk headed or has hard structure it won't be captured by this legislation?

Councilwoman Giglio: "It will be captured by this legislation. Anything within the jurisdiction of the Conservation Advisory Council within a title wetland boundary so it will surpass the requirement of the New York State DEC with the bulk heads privacy 71 so yes. Those homes would be captured even if they were bulk headed."

Jenn Hartnagel: "Ok. Thank you. On the map that you included, I think this just might be an error in the picture though, but in the left legend it calls the town's fresh wet water (inaudible) it calls them buffers and the three hundred foot buffers, and I think it's the jurisdiction or the setback and not actually buffers, so that could be confusing."

Supervisor Walter: "What does it say, oh I see yeah. Right that's jurisdictional limits. That should say jurisdictional limits so Bob when we do publish this can we just make a note. That's not a substantial change, that's what it's meant to be."

Jenn Hartnagel: "The fourth item here; we're a little bit confused about how the decision will be made to take further action if the County comes back and says that they're not going to require an upgrade because the language states the Town of Riverhead may be making more restrictive and so what's the criteria that would trigger it out that requires an upgrade and it seems if it's a discretionary decision there may be problems with applicants not having a clear idea what's to expect when they come in for the permit and could lead to legal problems."

Councilwoman Giglio: "That is something that was discussed and I'm surprised Annmarie's not in here for this hearing but any time there is a substantial improvement under the FEMA guidelines and anytime there is a Building Permit application that is taken out for adding another bedroom or adding living space other than what you're permitted to have in the Code, you will automatically be triggered over so that's why it says maybe because if you're adding a closet then he's not going to send you to the Health Department but if you're adding a room of substantial size as defined under the New York State Building Code, which is what our Code is under the umbrella of is New York State Building Code, if it's anything that's outside of something that's listed in here as permitted, you will be (inaudible)."

Jenn Hartnagel: "Ok, great so that brings up the second question. So it's not the intention of this legislation to issue a Town Wastewater Permit?"

Councilwoman Giglio: "No. I spoke with; I had a meeting with Walter Hilbert of Suffolk County Department of Health Services. He said that we can send them there and they will take the applications and they will review them and they will do the inspections and everything so."

Jenn Hartnagel: "So, but there is a possibility that they could come back and say "we're not going to require you to have the upgrades".

Councilwoman Giglio: “No I don’t think that’s the case. I think that every application that I’ve spoken to with the Health Department that’s been sent there even if it’s not covered under Article 6 in the Sanitary Code they’re still requiring them to upgrade them to a current system.

Jenn Hartnagel: “Ok, thank you. Then lastly we would support some legislation being brought at some point to capture other uses like restaurants, motels and marinas that have the capacity to produce obviously more pollution than a single family home in these sensitive areas. We appreciate the Town moving forward to tackle this issue which is obviously very problematic. Thank you very much.”

Supervisor Walter: “Thank you.

Acting Supervisor Tobin: “Does anybody else wish to be heard? Ok, not seeing anyone I close the public comments portion and leave it open for written comments till November 14th, 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 2:36 p.m.
Left open for Written Comment until November 14, 2014 at 4:30 p.m.**

COMMENTS ON RESOLUTIONS

Supervisor Walter: “Ok, what we do now Aidan we take Public Comments. We have to go to the resolutions.

Acting Supervisor Tobin: “Does anybody wish to be heard on a resolution? Step up to the microphone please; if you could state your name and hamlet for the record?”

Laura Ehling: “You’re doing a good job. My name is Laura Ehling and I live in South Jamesport with my husband Tom who’s here and our neighbors and we all live on Holly Tree Lane.”

Supervisor Walter: “Which road?”

Laura Ehling: “Holly Tree Lane.”

Supervisor Walter: “We’re taking that in today unless you tell us no.”

Laura Ehling: “No, I’m here on behalf of ourselves and our neighbors to thank you for following through on the Resolution to adopt our road and make it a public road. As you probably know and have in your paperwork, I have the copies here, we did follow procedures that the Town requires and we did go before the Board. This goes back to June 19, 2007 and when we left that night, actually my husband had spoken that night and thanked the Board for making Holly Tree Lane a public road in the Town of Riverhead.

Somehow the ball was dropped and it wasn’t completed and we didn’t know that until we got a letter just recently from the Town telling us that we lived on a private road and right, shock.

I made the phone call to the Highway Department and then read in the News Review about the controversy so we're not part of that whole controversy like I said. I called Councilman Dunleavy and I want to thank him personally for his help in bringing this back to the Board and thank the Board for completing it today.

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Thank you."

Acting Supervisor Tobin: "Does anybody wish to be heard? Not seeing anybody we're going to take up the resolutions."

Councilman Dunleavy: "I make a motion that we temporarily close the Town Board Meeting and open the Community Development Agency Meeting, so moved."

Councilman Wooten: "Seconded."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter/Tobin, yes. The CDA meeting is now opened."

Town Board Meeting is Closed

Town Board Meeting is Reopened

RESOLUTIONS

Acting Supervisor Tobin: "Mrs. Wilhelm can you take up the Resolutions?"

Resolution #746

Councilman Wooten: "Riverhead Highway District Budget Adjustment, so moved."

Councilman Gabrielsen: "Seconded."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

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

Resolution #747

Councilman Gabrielsen: “Riverhead Police Athletic League Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #748

Councilwoman Giglio: “Public Parking District Budget Adjustment, so moved.”

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #749

Councilman Dunleavy: “Water District Meters Budget Adjustment, so moved.”

Councilman Wooten: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #750

Councilman Wooten: “Riverhead Water District Budget Adjustment, so moved.”

Councilman Gabrielsen: “And Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #751

Councilman Gabrielsen: “Plant 16 Treatment System Improvement Project Budget Adjustment, so moved.”

Councilwoman Giglio: “Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #752

Councilwoman Giglio: “Authorizes Abstracts, Inc. to Conduct a Title and Real Property Search in the Suffolk County Clerk’s Office to Determine if there is a Recorded Storm Water Drainage Easement Inuring to the Benefit of the Town of Riverhead Regarding Real Property Located at 4654 Sound Avenue, Baiting Hollow, Riverhead, New York, also known as SCTM #600-19-1-16 and Produce such Easement if Located and further authorizes the Accounting Department to pay Abstracts, Inc. a Title and Real Property Search Fee up to the Maximum Amount of \$700.00, so moved.”

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #753

Councilman Dunleavy: “Authorizes Artplace America Grant Application for Waterfires, so moved.”

Councilman Wooten: “I’ll second.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #754

Councilman Wooten: “Authorizes Town Clerk to Post and Publish the Attached Notice to Bidders for Town of Riverhead Water District Roof Replacement Contract, so moved.”

Councilman Gabrielsen: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #755

Councilman Gabrielsen: “Appoints a Part-time Police Officer (Kaley Castantine), so moved.”

Councilwoman Giglio: “Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Councilman Dunleavy: “Yes, this is not costing the Town anything other than a uniform. She’s going to go to the Police Academy on her own, she’s going to pay for it on her own and then when she gets finished in the summertime we can use her at twenty-one dollars an hour to help defray the taxes in the Town of Riverhead for our Police Department. So I vote yes.”

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

Resolution #756

Councilwoman Giglio: “Appoints Part-time Police Officers and Places them on a Leave of Absence, so moved.” (Christie L. Smith, Robert T. Sproston)

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

The Vote: “Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter/Tobin, yes. Resolution adopted.”

Resolution #757

Councilman Dunleavy: “Grants Special Use Permit Petition of North Fork Coffee Co., Inc., so moved.”

Councilman Wooten: “I’ll second.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #758

Councilman Wooten: “Authorization to Publish Advertisement for Printing of Recreation Brochures for the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #759

Councilman Gabrielsen: “Awards Bid for Dowflake Xtra Calcium Chloride, so moved.”

Councilwoman Giglio: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #760

Councilwoman Giglio: “Authorization to Publish Advertisement for Paint for the Town of Riverhead, so moved.”

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #761

Councilman Dunleavy: “Authorization to Publish Advertisement for (REBID) Propane for the Town of Riverhead so moved.”

Councilman Wooten: "I'll second."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

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

Resolution #762

Councilman Wooten: "Authorizes Sewer District Employees to Attend Course, so moved."

Councilman Gabrielsen: "And seconded."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

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

Councilman Dunleavy: "Yes, this is going to save the Town of Riverhead a lot of money. Usually we have to send them to upstate New York and we have to board them and pay for the food they eat up there and transportation. This is going to be held on Long Island. They can go from their house every day to school. We don't have to pay for their lodging so this is going to save the Town of Riverhead a lot of money and they're doing it on their own time. It's at night so they go to work during the day and do this on their own time so I vote yes."

Vote Continued: "Walter/Tobin, yes. Resolution adopted."

Resolution #763

Councilman Gabrielsen: "Incorporation of Certain Roads into the Town of Riverhead's Highway System Pursuant to New York State Highway Law Section 189 (Highway By Use – Flagg Hill Drive and Holly Tree Lane), so moved."

Councilwoman Giglio: "Seconded."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "The minutes from the hearing of 2004 are attached to this Resolution where it was stated that these two roads were to be taken in and for whatever reason they were not included in the Resolution so I'll vote yes."

Vote Continued: "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter/Tobin, yes. Resolution adopted."

Resolution #764

Councilwoman Giglio: “Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead, so moved.”

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #765

Councilman Dunleavy: “Authorizes Co-sponsorship of Weekly Saturday Farmer’s Market from November 1, 2014 to May 16, 2015, with the Riverhead Business Improvement District Management Association, Inc., Authorizes Approval of a License Agreement with Designated Farm Vendors, Authorizes Lease Agreement with Property Owners Regarding Real Property Located at 221 East Main Street, Riverhead, so moved.”

Councilman Wooten: “I’ll second.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Councilman Dunleavy: “Yes, last year was the first time we did this. It brought a lot of people downtown to do other shopping and the restaurants so over the wintertime this is a great thing for the Town. It brings people into the town to get service by the restaurants and other merchants and the Farmer’s Market so I vote yes.”

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

Resolution #766

Councilman Wooten: “Approves Chapter 90 Application of Lions Club of Riverhead, Inc. (Annual Christmas Parade and Assembly – December 7, 2014), so moved.”

Councilman Gabrielsen: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Councilman Dunleavy: “I just want to thank the Lions Club. They’ve been doing this for over sixty-five years, this parade; bringing Santa Claus to Riverhead in the first Sunday in December so. It’s at one o’clock so if anybody wants to come and bring their children they meet Santa Claus, they get their picture taken with Santa Clause and I just want to thank the Lions Club for doing this community service for the Town and it doesn’t cost the Town a lot of money. We give them the showmobile to use and two people to run the showmobile so that’s all it costs the Town of Riverhead, yes.”

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

Resolution #767

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Public Notice to Consider Incorporation of Certain Roads into the Town of Riverhead in conjunction with Public Hearings to Amend Chapter 92 Entitled “Highways , Streets and Sidewalks” of the Riverhead Town Code, so moved.”

Councilwoman Giglio: “Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #768

Councilwoman Giglio: “Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 106 Entitled “Waterways” of the Riverhead Town Code, so moved.”

Councilman Dunleavy: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Councilman Dunleavy: “This is saying no gas motors in the Peconic River only electric motors and they only travel at less than ten horsepower. So I vote yes.”

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

Resolution #769

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 92 Entitled “Highways, Streets and Sidewalks, of the Riverhead Town Code, so moved.”

Councilman Wooten: “And seconded.”

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

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

Resolution #770

Councilman Wooten: “Authorizes the Supervisor to Execute Addendum to Professional Services Agreement with General Code, so moved.”

Councilman Gabrielsen: “And seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #771

Councilman Gabrielsen: “Authorizes the Supervisor to Execute a Second Addendum to Professional Services Agreement for Placement of Commemorative Items at Grumman Memorial Park, so moved.”

Councilwoman Giglio: “Seconded.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

Resolution #772

Councilwoman Giglio: “Authorizes the Supervisor to Execute a Retainer Agreement with Mary C. Hartill, Esq. for Legal Services for the Year 2014/2015 (Riverhead Youth Court), so moved.”

Councilman Dunleavy: “And seconded.”

Robert Kozakiewicz: “We did make one amendment to the Resolution on the next to the last resolve the 431 should be 224.”

Acting Supervisor Tobin: “Moved and seconded vote please as amended”

The Vote: “Giglio.”

Councilwoman Giglio: “I just want to say something about Mary because she dedicates a lot of her time to the youth of our community and helping them to be productive citizens and to know the difference between right and wrong and what will happen if you do the wrong things through our Youth Court. It’s a fabulous program and she does a great job and I really appreciate what she does for our youth and the Town of Riverhead. I’ll vote yes.”

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

Resolution #773

Councilman Dunleavy: “Pays Bills, so moved.”

Councilman Dunleavy: “I’ll second to pay.”

Acting Supervisor Tobin: “Moved and seconded. Vote please.”

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

PUBLIC COMMENTS

Supervisor Walter: “Supervisor Tobin would like to take comments from the public if they’d like to talk about anything.”

Acting Supervisor Walter: “Would anybody like to step up?”

Steven Clemens came forward to discuss a matter he had previously spoken to the Supervisor and the Town Attorney about. He stated that he has access to a lagoon across the street from his home; however his neighbors have blocked the street with bushes that prevents his access to the lagoon. At the time of his discussion with Supervisor Walter and Mr. Kozakiewicz he was told that there was nothing they could do because it was a private community.

Mr. Clemens now stated that he has tried to settle this matter with his neighbor by writing a letter and telephoning him to no avail; his neighbor does not respond. He said he’s also sort legal counsel, spending quite a bit of money, seeking to have the bushes removed.

He now feels this matter is a civic matter, not just his own problem. Previously he had been told that in case of an emergency in the lagoon the Fire Department would have the authority to run over the trees to attend the emergency and as per a letter he just received from the Highway Department he was told that they have the authority to plow through the trees in order to make the street accessible to emergency vehicles.

He feels that since the Highway Department and Fire Department both need access to the lagoon he’s asking if an ordinance can be enacted preventing the blocking of his street or if the Highway Department can remove the bushes because if there is a snow emergency the department has the right to remove the bushes.

Mr. Kozakiewicz responded by stating that he has had this discussion with Mr. Clemens several times and that there is a solution to the matter, Mr. Clemens can cut the bushes down himself. However Mr. Clemens feels this is not the right solution because the police would be called in, etc.

Supervisor Walter responded by saying that the Town tried litigating a similar matter at quite a cost to the Town and they lost. He continued by saying that the Town does not have a strong position when it comes to enforcing the private property's owners' rights over another private property's owner's rights.

Mr. Clemens said he is not happy with their response and feels if he cut the bushes down this would result in some sort of legal action.

Councilman Giglio told Mr. Clemens that if he has an easement a surveyor can mark out his easement which Mr. Clemens can then show to his neighbor telling him his trees are blocking his easement and that he, Mr. Clemens, was going to take down the trees on his property.

Mr. Kozakiewicz stated that he is not Mr. Clemens legal attorney nor is he giving any legal counsel to him.

Supervisor Walter ended the discussion by again telling Mr. Clemens that he can speak to the council members individually after the meeting or seek legal counsel on his own.

Supervisor Walter: "Anybody else wish to be heard?"

Councilman Dunleavy: "I would like to make a motion that we close the Town Board meeting."

Acting Supervisor Tobin: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes, Walter/Tobin, yes. Meeting is closed."

Meeting Adjourned 3:08 p.m.