

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 Wednesday, May 21, 2014 at 7:00 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

The meeting was officially opened at 7:00p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Father Larry Duncklee of St. John the Evangelist Church in Riverhead.

PROCLAMATIONS

Mark Zaweski of MKZ Farms was honored by the Farm Bureau and given the LIFB 2014 Amherst Davis Memorial Farmer Citizen Award. Supervisor Walter spoke of the many years Mr. Zaweski served on the Long Island Farm Bureau of Directors serving as both Vice President and President of the Bureau. On behalf of the Town Board Councilman Gabrielsen presented Mr. Zaweski with the Proclamation and then thanked him for his many years of service to the farming community

Councilman Dunleavy, on behalf of the Town Board presented Jo Packard, Chairperson of the Senior Citizen Advisory Council with a Proclamation for her work with “Older Americans Month”. Supervisor Walter, on behalf of the residents thanked Ms. Packard for the Senior Citizen Seminars she’s done and for her untiring work in getting the Senior Citizen Committee active again.”

Councilman Dunleavy made a motion, which was seconded by Councilman Gabrielsen to approve the minutes of the May 6, 2014 Town Board Meeting. Motion carried, minutes were accepted.

APPLICATIONS

SPECIAL EVENTS CHANPTER 90

- Peconic Bay Medical Center/Kenn Barra – Carnival, Rt. 25A, Wading River July 2nd – 5th2014
- Old Steeple Community Church – Annual Antique Fair, Main Road, Aquebogue, August 23, 2014

- Cystic Fibrosis Foundation – Cycle for Life, Bike Tour through Riverhead area, September 20, 2014

SPECIAL PERMIT

- James DeLucca/Richard Vlacci – Replace existing Auto Repair Shop with new structure, 3241 Sound Avenue, Riverhead (SCTM #0600-42-1-19)

CONSERVATION ADVISORY COUNCIL CORRESPONDENCE

- CAC Res. #2014-05A, Baywoods' Property Owners Assoc., SCTM #066-113-4-26.6
- CAC Res. #2014-8, Wells Creel H.O.A. SCTM # 0600-86-3-2.10

REPORTS

- Tax Receiver Total Tax Collection to date as of May 7, 2014- \$77,961,772.15
- Tax Receiver Total Tax Collection to date as of May 14, 2014 - \$80,889,399.87
- Police Department Monthly Report April 2014
- North Fork Animal Welfare League, Inc. Financial Statements – Quarterly Report March 31, 2014
- Riverhead IDA 2013 Financial Reports and 2014 Adopted Budget
- Riverhead Job Development Corp. 2013 Financial Reports and 2014 Adopted Budget

COMMITTEE REPORTS

Councilwoman Giglio wanted to invite everyone to view the Town Web Site and Town Sanitation page which have been updated. This site provides a lot of undated information and answers to frequently asked questions.

Councilman Wooten wanted to remind everyone about the Memorial Day Parade on Monday, May 26th. He also wanted to remind everyone that on Sunday, May 25th the East End Arts Mosaic Street Painting was going to take place on Main Street in Riverhead. He also thanked everyone who ran for the School Board and wished the best to those who won the election.

Councilman Gabrielsen also wanted to remind everyone that Sunday June 29th is the cardboard boat race.

RESOLUTIONS

Resolution #354

Councilman Dunleavy: “Riverhead Highway District 2013 Capital Projects Closure, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #355

Councilman Wooten: “2013 Workers Compensation Budget Adjustment, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #356

Councilman Gabrielsen: “2014 Chips Road Resurfacing Improvement Project Budget Adoption, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #357

Councilwoman Giglio: “Community Development Agency Budget Adjustment, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #358

Councilman Dunleavy: “Ratifies the Appointment of a Student Intern in the Accounting Department (Kate Boden), so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #359

Councilman Wooten: “Ratifies the Appointment of a Student Intern in the Accounting Department (Marisa James), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #360

Councilman Gabrielsen: “Stoneleigh Retirement Community, Phase III Water Extension Capital Project Budget Adjustment, so moved.”

Councilwoman Giglio: “Second.”

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

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

Resolution #361

Councilman Gabrielsen: “Authorizes Funding Application to New York State to Support a Suffolk County Regional Agritourism Visitors Center, so moved.”

Councilwoman Giglio: “Seconded.”

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

The Vote: “Giglio.”

Councilman Gabrielsen: “Did we put a site?”

Councilwoman Giglio: “So there’s no site?”

Councilman Gabrielsen: “There’s no site.”

Councilwoman Giglio: “I abstain.”

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

Resolution #362

Councilman Gabrielsen: “Authorizes Funding Application to USDA to Support a Suffolk County Regional Agritourism Visitors Center, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #363

Councilwoman Giglio: “Authorized the Supervisor to Execute Grant Extension to Suffolk County Grant Contract for East End Arts Site Renovation, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #364

Councilman Dunleavy: “Ratifies the Appointment of a Part-Time maintenance Mechanic I to the Seniors Program, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #365

Councilman Wooten: “Authorization to Publish Advertisement for 2004 Used Pickup Truck for the Town of Riverhead, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #366

Councilman Gabrielsen: “Appoints a Seasonal Assistant Beach Manager to the Recreation Department (Amelia Czelatka), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #367

Councilwoman Giglio: “Appoints Seasonal Beach Attendants 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. Resolution adopted.”

Resolution #368

Councilman Dunleavy: “Appoints Seasonal Lifeguards 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. Resolution adopted.”

Resolution #369

Councilman Wooten: “Appoints a Seasonal Beach Manager to the Recreation Department (Elizabeth Flood), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #370

Councilman Gabrielsen: “Sets the Fees for Usage of Recreation and Other Town Facilities, so moved.”

Councilwoman Giglio: “Seconded”

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

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

Resolution #371

Councilwoman Giglio: “Appoints Seasonal Water Safety Instructors 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. Resolution adopted.”

Resolution #372

Councilman Dunleavy: “Authorizes the Riverhead Recreation Department to Secure Partnerships with Sponsors for the Financial Benefit of the Department’s Programs, Facilities and Services, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #373

Councilman Dunleavy: “Authorizes the Supervisor to Execute an Agreement with the Riverhead Tomcats, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #374

Councilman Gabrielsen: “Adopts a Local Law Enacting Article V. of Chapter 37 Entitled “Retirement” of the Riverhead Town Code, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #375

Councilwoman Giglio: “Appoints Miranda, Sambursky, Slone, Sklaren, Verveniotis, LLP as Special Counsel in the Matter of Michael A. Maffia v. Town of Riverhead, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #376

Councilman Dunleavy: “Authorizes the Supervisor to Execute an Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging for the Purpose of Supplementing the Town’s Wellness in Nutrition Program, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #377

Councilman Wooten: “Authorization to Publish Notice of the Public Presentation of the Town of Riverhead’s Annual MS4 Storm Water Certification Report, so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #378

Councilman Gabrielsen: “Authorizes Payment to Apple Honda, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #379

Councilwoman Giglio: “Declares Campo Brothers in Default in Connection with the Subdivision Entitled “Cedar Cove, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #380

Councilman Dunleavy: “Determines that the Real Property Located at 200 Meeting House Creek Road, Riverhead, New York, also known as Suffolk County Tax Map No. 600-86-2-25.3, is Unsightly and/or an Environmental Public Nuisance Whereby Such Conditions May Cause a Fire Hazard, Create a Nuisance, Obstruct Visibility or Furnish a Potential Harborage or Breeding Place for Disease-Carrying Animals, Insects, Arthropods or Snakes and Directs the Engineering Department to Facilitate Abatement and Remediation of such Condition(s) on such Real Property, so moved.”

Councilman Wooten: “I’ll second.”

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

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

Resolution #381

Councilman Wooten: “Grants Special Use Permit Petition of 626 West Main Street Realty, LLC to demolish and Reconstruct Existing Gas Station (626 West Main Street, Riverhead), so moved.”

Councilman Gabrielsen: “And seconded.”

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

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

Resolution #382

Councilman Gabrielsen: “Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” (108-3 Definitions), so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution 383

Councilwoman Giglio: “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 (108-266 Business Center (BC) Zoning Use District; Restaurant –Drive in, Curbside, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

Resolution #384, 385, 386

Supervisor Walter: “Are we tabling this one Tara? Is this the Bays and Creeks?”

Tara McLaughlin: “384, 385 and 386.”

Supervisor Walter: “384, 385, 386. Yeah we have to refer them to the DEC?”

Robert Kozakiewicz: “Yeah, we have to Chapter 12 to the DEC as well as to County Planning and the changes being made to Chapter 47 as well as 107.” (inaudible)

Supervisor Walter: “Ok, can I have a motion to table 384, 385 and 386?”

Councilman Dunleavy: “I make a motion that we table Resolutions 384, 385 and 386, so moved.”

Councilman Wooten: “Second.”

Supervisor Walter: “Moved and seconded as to tabling those three resolutions. Vote please.”

The Vote: “Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 384, 385 and 386 are tabled.”

Resolution #387

Councilwoman Giglio: “Approves Chapter 90 Application of Willie B’s BBQ Catering, August 30 and August 31, 2014, so moved.”

Councilman Dunleavy: “And seconded”

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

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

Councilman Wooten: “Yes, in addition to the record I have a new (inaudible) with the new ledger it shows that it was presented as part of the package. I vote yes.”

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

Resolution #388

Councilman Dunleavy: “Order Establishing Lateral Water Main of Riverhead Water District for Proposed Subdivision of Kristi Rose Court, so moved.”

Councilman Wooten: “Second.”

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

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

Resolution #389

Councilman Wooten: “Awards Bid – Installation of Water Mains and Appurtenances – Kristi Rose Court 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. Resolution adopted.”

Resolution #390

Councilman Gabrielsen: “Awards Bid for Well and Pump Service for the Riverhead Water District, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #391

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

Councilman Dunleavy: “And seconded.”

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

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

Resolution #392

Councilman Dunleavy “Authorizes Nelson, Pope & Voorhis, LLC (NPV) to Move Forward with Marketing Portion of BOA Grant, so moved.”.

Councilman Wooten: “I’ll second.”

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

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

Resolution #393

Councilman Wooten: “Authorizes Suspension of Enforcement of Riverhead Town Code Chapter 46-3 Regarding the Weekly Saturday Farmer’s Market from May 24, 2014 to November 1, 2014 as Co-Sponsored with the Riverhead Business Improvement District Management Association, Inc., in the Riverhead Parking District, Riverhead Parking Lot, so moved.”

Councilman Gabrielsen: “And seconded.”

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

The Vote: “Giglio, yes; Gabrielsen.”

Councilman Gabrielsen: “Did we go over this?”

Supervisor Walter: “It’s just a test tasting. It’s limited to two samples per customer per day so it’s not. They just wanted them to taste the wine.”

Councilman Dunleavy: “Not get drunk.”

Councilman Gabrielsen: “They’re keeping it to tasting. Ok, yes.”

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

Resolution #394

Councilman Gabrielsen: “Authorization to Re-Publish Advertisement for Fertilizer and Lawn Chemicals, so moved.”

Councilwoman Giglio: “Seconded.”

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

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

Resolution #395

Councilwoman Giglio: “Pays the Bills, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

PUBLIC COMMENTS

Supervisor Walter: “We’re going to take public comments but I just got a text. Bob, maybe you can confirm this. Bill will be court on that one issue that some people are coming to talk about on Friday.”

Robert Kozakiewicz: “He told me he could be there by the end of the week.”

Supervisor Walter: “So Friday (inaudible) and we’ll hold him to that so in case we wanted to know. Does anybody wish to comment? Good evening.”

Richard Luzzi again read a letter he originally presented to the Town Board on May21, 2014. He reiterated the problems with Gershow stating that the facility creates huge amounts of dust and environmental contaminants when loading scrap metal into yarders for transfer to the Gershow Medford facility.

Mr. Luzzi also stated in his letter that he was able to obtain the license plate numbers of the tractor and trailer that Gershow uses to transfer the scrap metal to Medford. He said the weight of the loaded vehicles, which is approximately one hundred eighteen thousand pounds, is well over the weight limit allowed on Hubbard Avenue, which is sixteen hundred pounds.

Supervisor Walter informed Mr. Luzzi that Gershow is supposed to be in court on Friday. Mr. Luzzi thanked the Board for their time.

Patrick Purcell also complained about the health conditions being caused by Gershow however his main concern regarded public intoxication. He was told there is no law against public intoxication.

Mr. Purcell stated that patrons of an establishment appear to be drinking outside the building. Councilman Dunleavy told him there was a penal code against consuming alcohol taken from an establishment and Councilwoman Giglio said they knew about the problem and it was being worked on. Town Attorney Robert Kozakiewicz told Mr. Purcell that the police could not write up a complaint however if he, Mr. Purcell, wished to file a complaint he could do so. Supervisor Walter suggested that Mr. Purcell talk to the police chief after the Town Board meeting ended.

Mrs. Lang was handed the microphone so she could comment. Mrs. Lang said she lives right across the street from Gershow and she and the other seniors who live by Gershow are going to fight and continue to fight and that they were never going to give up. Both the Supervisor and Councilman Wooten told her the Town Board was never going to give up either. Supervisor Walter continued by saying again they will never give up however the Board does not control the judges. He also said they, the Board, are doing everything they can do regarding Gershow.

Supervisor Walter: Does anyone else wish to be heard tonight? Ok, can I get a motion to adjourn?"

Councilman Dunleavy: "I make a motion that we end the Town Board meeting."

Supervisor Walter: "All in favor of adjourning?"

Collective ayes.

Meeting Adjourned 7:38p.m.