

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, December 5, 2017, at 2:00 p.m.

**PRESENT**

Sean Walter	Supervisor
John Dunleavy	Councilman
James Wooten	Councilman
Jodi Giglio	Councilwoman
Timothy Hubbard	Councilman

**ALSO PRESENT:**

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

The meeting was officially opened at 2:00 p.m. by Supervisor Sean Walter with the Pledge of Allegiance followed by an Invocation by Rev. Sean B. Murray, First Congregational Church, Riverhead, UCC.

Supervisor Walter introduced Harriet Haas who entertained everyone by singing several holiday songs.

Councilman Dunleavy made a motion to approve the minutes of the November 21, 2017 Town Board meeting. Motion was seconded by Councilman Wooten and carried.

**APPLICATIONS AND EVENTS**

December 9, 2017 – Starting at 3:00 p.m. in the downtown area the Riverhead Lion’s Club will host their annual Santa Parade combined with the Riverhead Business Improvement District Annual Bonfire.

**REPORTS**

- Town Clerk November Monthly Report - \$9,256.20
- Building Department November Monthly Report - \$305,504.75

**TOWN BOARD REPORTS**

Councilman Dunleavy announced that at 3:00 p.m. on Saturday, December 9<sup>th</sup> the Lion’s Club will hold their annual Christmas Parade with floats and Santa arriving in Riverhead. Immediately after the town will have their annual holiday bonfire. Santa will greet the children followed by the tree lightening.

## **PUBLIC HEARINGS**

Supervisor Walter: “We have four public hearings today. The first public hearing was scheduled for 2:00 and it is now 2:09 and we’ll open up the public hearing for the Consideration of a Proposed Local Law to Amend Chapter 217 of the Riverhead Town Code Entitled “Buildings, Building Construction and Improvements and Housing Standards” (Part 5, Housing Standards, Article XV Penalties). Bob did you want to say any more about this?”

Robert Kozakiewicz: “Yes, what we’re looking to do is add civil penalties to Section 217-104. This is something similar that we have to the Zoning Ordinance particularly if you look at 301, 320 it’s the same verbiage for the most part and it’s something that’s allowed for by State law. (Inaudible) and we have to have (inaudible) at the state level and its Section 135 then allows us to bring Justice Court Action as well as bring action in the Supreme Court. This is tied to the Supreme Court (inaudible) if we decide to go through the civil action type scenario as opposed to a criminal (inaudible).”

Supervisor Walter: “All right. Does anybody wish to be heard on this matter? Not seeing anyone we will close the public comment portion and leave it open for written comment until December 15<sup>th</sup> 4:30 p.m. in the Town Clerk’s office.

**Public Hearing Closed at 2:10 p.m.  
Left open for Written Comment until December 15, 2017, 4:30 p.m.**

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Supervisor Walter: “The next public hearing was scheduled for 2:05. It is now 2:11 p.m. This is the Consideration of a Proposed Local Law to Amend Chapter 301 of the Riverhead Town Code Entitled “Zoning and Land Development” (Article LII, Commercial Solar Energy Production Systems). Jeff did you want to say something about this, Jeff Murphree, Planning Department Director.”

Jefferson Murphree: “Good afternoon everybody. This is a proposed amendment to our Solar Code Amendment. This comes in as a recommendation from our Planning Board. Basically, it’s to be more consistent in line with what the Suffolk County Planning Department is recommending and is consistent with adjoining towns. What it does is, just in summary, increases buffer yard setbacks next to residential, decreases percentage of lot coverage meaning more open space. It requires that in addition to a Site Plan application by the Planning Board it will also require special permits from you, the Town Board. They’re allowed only in the industrial zoning districts with the exception with the industrial C it’s only allowed within the Calverton zip code area. We changed the condition that the approval shall be granted from the issuance of a twenty-year term beginning with the Certificate of Occupancy. Pursuant to Councilwoman Giglio’s recommendation billing permits shall be required for any replacement of solar panels at the discretion of the Chief Building Inspector. Any public, any application that has been scheduled for a public hearing is excluded from this (inaudible), that’s the S-Power application and that’s it.”

Supervisor Walter: “Alright, does anybody wish to be heard?”

Councilwoman Giglio: “Yes, I have just a couple of questions. We had an instance where we were looking at a Special Permit, or granted a Special Permit for a solar array and the (inaudible) with LIPA requires twenty-five years and in here it says Special Permit is only good for twenty years. If the Board didn’t have a problem with that I would like to say that the Special Permit would be good for twenty to thirty based on the power agreement with the utility company?”

Supervisor Walter: “It’s got to be, that’s a significant change. It’s got to be republished and posted.”

Councilwoman Giglio: “Ok, well (inaudible) when they were here before we even published for the meeting and so I don’t know why this is still in here.”

Jefferson Murphree: “That’s what the current code says and it does say Councilwoman Giglio that it can be extended an additional five years but they just have to come back to you, the Board and ask for that permission.”

Councilwoman Giglio: “Ok, and then also what I did bring up at the work session where it says a building permit will be required for replacing solar panels and accessory equipment the code reads a building permit may be required.”

Jefferson Murphree: “That’s correct. I checked with Chief Building Inspector Brad Hammond. If it’s one or two panels no building permit will not be required but if they’re changing wholesale panels because there’s new technology, then yes that will require a building permit.”

Councilwoman Giglio: “Ok, thank you.”

Supervisor Walter: “Does anybody else wish to be heard on this matter? Not seeing anybody let’s close the public comment portion and leave it open for written comment until December 15<sup>th</sup>, 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 2:14 p.m.**

**Left Open for Written Comment until December 15, 2017, 4:30 p.m.**

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Supervisor Walter: “The next public hearing was scheduled for 2:10. This is a public hearing on the question of Improvement of the Facilities of the Riverhead Sewer District for Proposed Fuel Facility – Sewer Main Relocation at 841 Old Country Road. Who is going to present this?”

Steve Hearl: “Good afternoon, Steve Hearl from H2M Architects and Engineers. Basically, the project is to relocate about eighty feet of sewer. There’s an easement right now for the Riverhead Sewer District across this property. In terms of development of this property the applicant is looking to build a gas station in there and to accommodate the construction of the gas station the sewer has to get relocated and all that’s going to be at no cost to the district.”

Supervisor Walter: “Ok, Mike do you want to add anything else? Board have any questions? Public have any questions? Ok, we’ll close the public comment portion and leave it open for written comment until December 15<sup>th</sup>, 4:30 in the Town Clerk’s office, thank you.”

**Public Hearing Closed at 2:15 p.m.  
Left Open for Written Comment until December 15, 2017, 4:30 p.m.**

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Supervisor Walter: “And we have one final public hearing and that was scheduled for 2:15. It is now 2:15 exactly. This is the Consideration of a Proposed Local Law to Amend Chapter 279 of the Riverhead Town Code Entitled “Taxation” (Article IX, Exemption for Cold War Veterans and this makes the exemption permanent as I understand it. Is that correct Bob?”

Robert Kozakiewicz: “That’s correct provided they otherwise qualify. So what happened was the State, as part of the State Legislation allows local municipalities to adopt by their own local law an amendment to their current statues. Currently we have a ten-year limitation on a Cold War veteran being eligible for that exemption under what’s now Section 279-37 of our code. This will eliminate it so Cold War Veterans who has otherwise qualified, that exemption will continue forward and it’s not going to be limited by ten years. There were also a couple of small changes that we picked up that needed to be amended in Subsection B which were just cleanup things and that, all of those were. We had the wrong Sections sited.”

Councilwoman Giglio: “And this was reviewed by the Assessor’s office and they (inaudible).”

Robert Kozakiewicz: “I went through (inaudible).”

Councilwoman Giglio: “Thank you.”

Supervisor Walter: “Ok, any other Town Board comments? Not hearing anybody, anybody from the public wish to be heard? Not hearing anybody we’ll close the public comment portion and leave it open for written comment until December 15<sup>th</sup>, 4:30 in the Town Clerk’s office.”

**Public Hearing Closed at 2:17 p.m.  
Left Open for Written Comment until December 15, 2017, 4:30 p.m.**

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### **COMMENTS ON RESOLUTIONS**

Supervisor Walter: “Now we open up comments for Resolutions. Sal, how did we do?”

Sal Mastropaolo: “Sal Mastropaolo, Calverton. I just have a quick question about Resolution 901. If 901 is defeated and you close on the EPCAL property after December 18<sup>th</sup>, does that mean that the Broker is out of commission? “

Supervisor Walter: “No, the Broker earned the commission when they brought the buyer ready, willing and able to the table and they would still be entitled to a commission basically under case law. So they would not, they still would be entitled to the commission.”

Councilman Hubbard: “Sal, I’m going to make an application to table this resolution because I would like the opportunity to possibly renegotiate the terms with them before we enter into a new contract.”

Sal Mastropaolo: “Thank you.”

Councilman Hubbard: “You’re welcome.”

Supervisor Walter: “All right, anybody else wish to be heard on resolutions? Not seeing anybody, Diane call the resolutions.”

## **RESOLUTIONS**

### **Resolution #889**

Councilman Dunleavy: “Calverton District Rte. 25 LLC Water Capital Project Budget Adoption, so moved.”

Councilwoman Giglio: “Second.”

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

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

### **Resolution #890**

Councilman Wooten: “General Fund Budget Adjustment, so moved.”

Councilwoman Giglio: “Second.”

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

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

### **Resolution 891**

Councilwoman Giglio: “Riverhead Commons Development Riverhead Sewer District Capital Improvement Project Budget Adoption, so moved.”

Councilman Hubbard: “Seconded.”

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #892**

Councilman Hubbard: "General Fund – Police Budget Adjustment, so moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #893**

Councilman Dunleavy: "Authorizes the Filling of an Application Supplement for an Electronic Waste Assistance Grant under the New York State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract under the Appropriate Laws of New York State., so moved."

Councilman Wooten: "I'll second."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #894**

Councilman Wooten: "Ratifies Authorization of Town Supervisor to Execute a Change Order No. 1 for the Water District Roof Replacement, so moved."

Councilwoman Giglio: "Second."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution adopted."

### **Resolution #895**

Councilwoman Giglio: “Accepts the Retirement of a Police Sergeant (Brian Gleason), so moved.”

Councilman Hubbard: “Seconded.”

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

The Vote: “Hubbard, yes; Giglio.”

Councilwoman Giglio: “Thank you for your service, yes:

Vote Continued: “Wooten, yes; Dunleavy.”

Councilman Dunleavy: “Yes and I want to thank him for his service and also wish him good luck in his retire. I vote yes.”

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

### **Resolution #896**

Councilman Hubbard: “Accepts the Retirement of a Detective (Frank Hernandez), so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: “Hubbard, yes; Giglio.”

Councilwoman Giglio: “Again, thank him for his service, yes.”

Vote Continued: “Wooten, yes; Dunleavy.”

Councilman Dunleavy: “Yes and the same thing I said about the officer, this detective deserves his retirement and I hope he enjoys it. I vote yes.”

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

### **Resolution #897**

Councilman Dunleavy: “Accepts the Retirement of a Purchasing Agent (Mary Ann Tague), so moved.”

Councilman Wooten: “I’ll second.”

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

The Vote: “Hubbard, yes; Giglio, wish her well, yes; Wooten, yes; Dunleavy.”

Councilman Dunleavy: “Yes, she’s been here a long time and she did a good job. I vote yes and wish her well.”

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

### **Resolution #898**

Councilman Wooten: “Grants Special Permit for North Fork Brewing Company to Establish a Microbrewery with Associated Tasting Room and Retail Space at 214 East 2<sup>nd</sup> Street, Riverhead, so moved.”

Councilwoman Giglio: “Second.”

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

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

### **Resolution #899**

Councilwoman Giglio: “Approves Participation in Peconic Land Trust Grant Application, so moved.”

Councilman Hubbard: “Seconded.”

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

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

### **Resolution #900**

Councilman Hubbard: “Authorizes the Supervisor to Execute a License Agreement with Broadcast Music, Inc. (BMI), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

### **Resolution #901**

Councilman Hubbard: “Resolution 901, I would like to make a motion to table it, so moved.”

Councilman Dunleavy: “I second it.”

Supervisor Walter: “Moved and seconded as to table.”

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 901 is tabled.”

### **Resolution #902**

Councilman Wooten: “Amends Policy Regarding Invocations before Opening Town Board Meetings, so moved.”

Councilwoman Giglio: “Second.”

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

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

Councilman Dunleavy: “I was worried about this because I think the Supervisor should make that determination but I’ll vote yes.”

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

### **Resolution #903**

Councilwoman Giglio: “Ratifies Execution of an Amendment to the Professional Services Agreement with Business Automation Services (BAS) for Tax Collection System Software, so moved.”

Councilman Hubbard: “Seconded.”

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

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

### **Resolution #904**

Councilman Hubbard: “Ratifies the Cancellation of Credit Card/Debit Card/Electronic Check Payment Processing Services by EVO EZPay and Systems East, Inc. Regarding Real Property Tax Payments, so moved.”

Councilman Dunleavy: “And seconded.”

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes.  
Resolution adopted."

### **Resolution #905**

Councilman Dunleavy: "Establishes Time of Regular Meetings of the Town Board,  
so moved."

Councilman Wooten: "I'll second."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes.  
Resolution adopted."

### **Resolution #906**

Councilman Wooten: "Authorizes Extension of time to Remit Real Property Taxes  
for Senior Citizens Receiving Enhanced STAR Pursuant to Section 425 or Section 467 of New  
York State Real Property Tax Law, so moved."

Councilwoman Giglio: "Second."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes.  
Resolution adopted."

### **Resolution #907**

Councilwoman Giglio: "Grants Special Permit for Jeffrey Nazar Expansion of a  
Non-Conforming Professional Office Use, so moved."

Councilman Hubbard: "Seconded."

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

The Vote: "Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes..  
Resolution adopted."

### **Resolution #908**

Councilman Hubbard: “Resolution Approving Agreement (Commercial Sewer District Extension “Jaral East End Hotel Corporation May & Plan”), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

### **Resolution #909**

Councilman Dunleavy: “Authorizes Appointment of Third Party Administrator Processing and Payment of General Liability Claims and Workers Compensation Claims and Related Medical Claims for 2018, so moved.”

Councilman Wooten: “I’ll second.”

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

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

### **Resolution #910**

Councilman Wooten: “Extends Contract with Arthur J. Gallagher & Co. Risk Management Services for the Implementation of the Insurance Program 2018, so moved.”

Councilwoman Giglio: “Second.”

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

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

### **PUBLIC COMMENTS**

Supervisor Walter: “Now we open the public comment portion for anything you wish to discuss before the Town Board. We ask that you limit your comments to five minutes but that never happens. Does anybody wish to be heard tonight? Not seeing anybody can I get a motion to adjourn?”

Councilman Dunleavy: “I make a motion we adjourn the Town Board meeting, so moved.”

Supervisor Walter: “Seconded, all in favor, aye? Opposed? Abstentions? Motion carries. Meeting adjourned.”

**Meeting Adjourned at 2:27 p.m.**