

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, February 22, 2017 at 7:00 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 7:00 p.m. by Supervisor Walter with the Pledge of Allegiance followed by an Invocation by Kathy Berezny from the Riverhead Fire District, Ladies Auxiliary.

Supervisor Walter asked the Ladies Auxiliary of the Riverhead Fire District to come forward. On behalf of the Town Board he presented Marlene Iberger with a Proclamation for her fifty-year anniversary with the Ladies Auxiliary of the Riverhead Fire District.

Councilman Wooten, on behalf of the Town Board, presented a Proclamation to Tijuana Fulford in honor of Black History Month and her work with the children of the Riverhead community. She also received a Matthews Children's Foundation Grant given through the Tuthill-Mangano Funeral Home, Inc. for the Butterfly Effect Project which she founded in 2014.

Councilman Dunleavy made a motion that the minutes from the February 2, 2017 Town Board meeting be accepted. Motion was seconded by Councilman Wooten and carried.

**CORRESPONDENCE**

- Bob Johnson, letter to the Town Board requesting that action be taken by property owners along Route 58 to clear snow on sidewalks and bus stops to provide for safe pedestrian access.

**REPORTS**

- Tax Receiver – total tax collection to date as of February 7, 2017 - \$78,478,537.70
- Tax Receiver – total tax collection to date as of February 14, 2017 - \$78,786,044.94
- Tax Receiver – Utility Collection report January 2017 - \$489,118.65
- Sewer District Discharge Monitoring Report – January 2017
- Town Historian 2016 Annual Report

### COMMENTS ON RESOLUTIONS

Supervisor Walter: “We’re going to go right to resolutions, Sal?”

Sal Mastropaolo: “Sal Mastropaolo, Calverton, Resolution 135. In the newspaper advertisement insert the word operator after the word boat in the second line.”

Supervisor Walter: “What else have you got?”

Sal Mastropaolo: “Resolution 150 in the first *whereas* in the second line delete the word authorizes and in the fourth line the fourth letter from the end of the line delete the word was, for a fee not to exceed eighty-five hundred.”

Supervisor Walter: “What else have you got?”

Sal Mastropaolo: “Well, now on 150 I have a question. Had did we go from eighty-five hundred dollars in 2014. Three years ago we’re going to add triple that amount.”

Supervisor Walter: “If you wait until after the meeting I’ll tell you. I really don’t want to tell you now.”

Sal Mastropaolo: “Well that takes away from my next comment.”

(inaudible)

Supervisor Walter: “It’s really not that difficult to figure out but we’ll tell you after the meeting.”

Sal Mastropaolo: “Ok, well then I still want to make my comment. My comment is if the town would do town wide assessments we might not even have this problem.”

Supervisor Walter: “Maybe.”

Sal Mastropaolo: “It’s been twenty years.”

Supervisor Walter: “It’s more than twenty years, oh, forty.”

Councilwoman Giglio: “It costs a lot of money for the town.”

Supervisor Walter: “When the State of New York pony’s up the bucks to do it maybe the Town Board will consider it.”

Sal Mastropaolo: “Why can’t we have two of the three accessors go out and do it on a regular basis?”

Supervisor Walter: “Oh no, we’re so.”

Councilwoman Giglio: “Three million dollars.”

Supervisor Walter: “We’re so, it is such a large undertaking and you usually, Boards that do the reassessment lose their jobs right afterwards too because if you think about it, people like you and I, we know what our house value is at so when we buy a piece of property some people buy an older piece of property because they know what the values at but if you do a reassessment, a third of the town is going to be.”

Sal Mastropaolo: “I know, a third is going to go down, a third is going to go up and a third is going to stay the same. So, one third of the tax payers is sticking it to the two thirds of the tax payers.”

Supervisor Walter: “That’s exactly right and you know what you’re getting when you buy but the other thing is when you, I (inaudible) our assessments are pretty close. I look at them all the time, probably more than the average person, they’re pretty close. The guys are doing a very good job with the equalization rate with the state keeping them pretty close so they’re not that far off. They seem far off but with the equalizer rates.”

Sal Mastropaolo: “Would you agree that most of the things that come up for litigation are related to assessments?”

Supervisor Walter: “Most of the things because the people don’t these are the commercial assessments and people don’t want to pay what their being taxed at because they just don’t want to pay it and what happens is the litigation firms get a third or maybe more, probably at least a third, of what they collect. So there’s a huge industry out there of litigation firms that go out and look for these things and say “we can get you this” and they get very, very big fees. So most of the residential stuff we don’t, I want to say seventy-five percent of the residential people that come in get their assessment changed. I’m probably not that far off.”

Councilman Dunleavy: “And Sal, they can do this every three years.”

Sal Mastropaolo: “It’s not going to go away John unless we address the problem”

Supervisor Walter: “It wouldn’t go away if you reassessed.”

Councilman Dunleavy: “New York is behind times. My house in Florida is reassessed every single year.”

Sal Mastropaolo: “There are other towns around us that assess every year too.”

Supervisor Walter: “No, Southampton’s dropped off already. They’re the only close one. Anybody else want to talk about resolutions?”

## **RESOLUTIONS**

### **Resolution 132**

Councilman Dunleavy: “Authorizes the Sale of Obsolete/Surplus Town of Riverhead Highway Department Personal Property, to Wit: Infrared Power Ray Hotbox, 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 #133**

Councilman Wooten: “Authorizes the Supervisor to Execute a Retainer Agreement with Lane M. Bubka, Esq. of Bubka Law Group for the Legal Services for Riverhead Youth Court 2016/2017 Year, 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 #134**

Councilwoman Giglio: “Ratifies and Accepts the Resignation of the Town of Riverhead Youth Court Legal Consultant (Mary Hartill), 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 #135**

Councilman Hubbard: “Authorizes the Publication of a Help Wanted Advertisement for a Part-time Pump-out Boat Operator, so moved.”

Councilman Dunleavy: “And seconded.”

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

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

### **Resolution #136**

Councilman Dunleavy: "Amends Resolution #398 of 2016 (Establishes Standard Work Day for Elected Officials), so moved."

Councilman Wooten: "I'll second."

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

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

Councilman Dunleavy: "Yes and we're amending this because we left the newly elected judge off so we have to put her on it so that's why we're amending it. I vote yes."

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

### **Resolution #137**

Councilman Wooten: "Appoints a Building Permits Examiner (Charles Conti), so moved."

Councilwoman Giglio: "Second."

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

The Vote: "Hubbard, yes; Giglio."

Councilwoman Giglio: "Yes this is a replace for somebody that retired, yes."

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

### **Resolution #138**

Councilwoman Giglio: "Reassigns the Salary of an Account Clerk Typist (Robin Halpin), 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 #139**

Councilman Hubbard: “Approves Request for Leave of Absence (Rebecca Hazzard), so moved.”

Councilman Dunleavy: “And seconded.”

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

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

**Resolution #140**

Councilman Dunleavy: “Appoints a Part-time Clerk to the Sewer District Office (Michelle Pray), 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 #141**

Councilman Wooten: “Accepts the Resignation of a Part-time Clerk (Tonilin Ruisi), 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 #142**

Councilwoman Giglio: “Appoints an Assistant Recreation Program Coordinator (Ashley Schandel), 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 #143**

Councilman Hubbard: "Appoints a Call-in Recreation Aide to the Recreation Department (Michel Payton), 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 #144**

Councilman Dunleavy: "Resolution to Rescind Portion of Bid Award for Fertilizer and Lawn Chemicals Due to an Error and Award that Portion to the Lowest Responsible Bidder, 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 #145**

Councilman Wooten: "Extends Bid Contract for Propane Fuel, 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 #146**

Councilwoman Giglio: "Authorizes the Supervisor to Execute an Agreement with Long Island Telecommunications and Electric Services, Inc. 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 #147**

Councilman Hubbard: “Authorizes the Supervisor to Execute Long Island Water Conference Purchasing Cooperative Agreement By, Between and Limited to Members of the Long Island Water Conference Authorized by General Municipal Law 119-0 to Enter into Cooperative/Inter-Municipal Agreements, 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 #148**

Councilman Dunleavy: “Approves the Chapter 255 Application of Event Power (“Riverhead Rocks Run” – March 25, 2017), 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 #149**

Councilman Wooten: “Approves Chapter 255 Application of Peconic Bay Medical Center (East End Walk at Tanger – Sunday, May 21, 2017), 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 #150**

Councilwoman Giglio: “Amends Resolution 208 of 2014 (140208) in the Matter of the Tax Certiorari Proceeding of Fourth Garden Mobile Home Park v. Town of Riverhead, so moved.”

Councilman Hubbard: “Seconded.”

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

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

**Resolution #151**

Robert Kozakiewicz: “Do you want to table this one? This is the one where I put it in as question, I’m still waiting for final confirmation on (inaudible). This is one (inaudible)”

Supervisor Walter: “Oh yeah, lets’ table it.”

Robert Kozakiewicz: “I’m still waiting to hear back.”

Supervisor Walter: “Ok, I mean I won’t sign it until you give me the authorization. I won’t sign it until you tell me.”

Robert Kozakiewicz: “Ok, I’m ok with that.”

Supervisor Walter: “Ok, I mean I won’t sign it until you tell me to sign it.”

Robert Kozakiewicz: “We have the first part of the amount that’s covered it’s just they’re going to go out and further confirmation and make sure there’s no other (inaudible).”

Supervisor Walter: “Until he puts his name to a letter that says I should sign it, I won’t sign anything.”

Councilwoman Giglio: “I know but it says ratifies settlement which means it makes it sound like we’ve already settled and your saying there’s still questions so I think it’s best to table it.”

Supervisor Walter: “Ok, that’s fine.”

Councilman Hubbard: “Motion to table Resolution 151, so moved.”

Councilman Dunleavy: “Second.”

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

Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 151 is tabled.”

### **Resolution #152**

Councilman Dunleavy: “Classifies Application as an Unlisted Action Without Coordinated Review, Assumes Lead Agency and Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing for a Site Plan Application known as Viva L’ Arte Submitted by Giancarlo Biagi on a Certain Parcel Located at 33-36 East Main Street, Identified as SCTM No. 600-128-06-58.1, 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 #153**

Councilman Wooten: “Order, Notice, Declaration and Assessment of Demolition and Administrative Costs in the Amount of \$37,946.68 as a Lien and Charge Against the Real Property Owner and Real Property Located at 212 Trout Brook Lane, Riverhead, New York also known as SCTM No. 600-85-2-95.19, 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 #154**

Councilwoman Giglio: “Authorizes Town Clerk to Republish and Repost Notice to Bidders for Contract M – Mechanical Maintenance and Emergency Services Contract Riverhead Water District Project No.: RDWD1650, 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 #155**

Councilman Hubbard: “Authorizes Town Clerk to Publish and Post Notice to Bidders for Leak Detection Maintenance Contract, 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 #156**

Councilman Dunleavy: “Authorizes Town Clerk to Publish and Post Public Notice to Bidders for Dry Hydrated Lime (Calcium Hydroxide), 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 #157**

Councilman Wooten: “Authorizes Supervisor to Execute an Agreement with U.S. Department of the Interior, U.S. Geological Survey, so moved.”

Councilwoman Giglio: “Second.”

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

The Vote: “Hubbard, yes; Giglio.”

Councilwoman Giglio: “I’m going to abstain because I’m still looking into this matter.”

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

**Resolution #158**

Councilwoman Giglio: “Pays Bills, 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.”

Supervisor Walter: “We have one resolution they’re asking us to take off the floor. Can I get a motion to take?”

Councilman Dunleavy: “I make a motion we take Resolution 159 off the floor for consideration, so moved.”

Supervisor Walter: “This is Authorizing the Release of Security Posted by J. Petrocelli Contracting Inc. for a Foundation Permit of J. Petrocelli Contracting Inc. (Preston House) and they went from a Foundation Permit to a Natural Building Permit so we can return this money.”

Councilman Wooten: “I’ll second taking it off the floor.”

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

The Vote: “Hubbard, yes; Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 159 is taken off the floor.”

### **Resolution #159**

Councilman Hubbard: “Authorizes the Release of Security Posted by J. Petrocelli Contracting Inc. for a Foundation Permit of J. Petrocelli Contracting Inc. (Preston House), 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.”

### **PUBLIC COMMENTS**

Supervisor Walter: “This is the portion where we take comments from the public on things that may be before the Town of Riverhead. We ask that you state your name and hamlet or affiliation for the record.”

Robert Hutchins, a friend of Eugene LaFurno, appeared before the Board today on behalf of Mr. LaFurno who at the present time is hospitalized due to the stress of getting the cupola on his house inspected and approved. He continued by saying all Mr. LaFurno wants is not to be held

liable for the thirty-three thousand dollars and he has gotten estimates of five and six thousand dollars. Supervisor Walter said if he, Mr. LaFurno, can get a contractor to do the work for five or six thousand dollars and pull the building permits the Board would be happy to have him do it.

Thomas Reilly also appeared before the Board on behalf of Mr. LaFurno. He said he is helping Mr. LaFurno get the cupola on his house legalized. Mr. Reilly said he drew the plans for the cupola that were submitted to the town. Supervisor Walter suggested that Mr. Reilly meet with Brad Hammond and inspect the house together.

Jason Sanford said he and his sister are the owners of 96 Creek Road and said he was attending this Board meeting to speak about the property rentals on Creek Road. He asked that the Board consider a variance to seven days and stated he and his sister are in favor of short term rentals as many families cannot afford a month rental nor do they have month long vacations.

Deborah Nehoff who owns property at 224 Creek Road also spoke in opposition of long term rental. She produced letters from homeowners on Creek Road all in favor of short term renting along with a petition signed by all the homeowners asking that the law be changed from thirty-day rental to one week rental.

Virginia Grecco also came before the Board with a petition signed by business owners who were not in favor of long term renting and hoped that short term renting will again be allowed. She also read letters from Robert Nasta, owner of Mr. Creperie, Inc., Martin J. Accardi, owner of Hudson Market, Laura Blake, Manager of Ace Hardware and Allie, Long Island Winery Counsel Supervisor. These business owners are all in favor of short term renting stating that the short term renters are a vital part of their income and their business.

Supervisor Walter: “Does anybody else wish to be heard tonight? Not seeing anybody can I get a motion to adjourn?”

Councilman Dunleavy: “I make a motion we adjourn, so moved.”

Supervisor Walter: “All in favor, aye? Opposed? Abstentions? Town Board meeting is closed.”

**Meeting Adjourned at 7:56 p.m.**