

# Smithtown Town Board

## Regular Meeting

~ Minutes ~

Final

Smithtown, NY 11787  
[www.smithtownny.gov](http://www.smithtownny.gov)

Vincent Puleo  
(631) 360-7620

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Tuesday, May 9, 2017

2:00 PM

Victor T. Liss Board Room

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### CALL TO ORDER

The regular meeting of the Town Board of the Town of Smithtown was held in the Victor T. Liss Board Room, Town Hall, Patrick R. Vecchio Building, 99 West Main Street, Smithtown, New York on the 9th day of May, 2017 at 2:00 P.M.

Attendee Name	Title	Status	Arrived
Patrick R. Vecchio	Supervisor	Present	
Thomas J. McCarthy	Councilman	Present	
Edward R. Wehrheim	Councilman	Present	
Lynne C. Nowick	Councilwoman	Present	
Lisa M. Inzerillo	Councilwoman	Present	
Matthew Jakubowski	Town Attorney	Present	
Vincent Puleo	Town Clerk	Present	

### PUBLIC HEARINGS

#### **(RES-2017-503)**

COUNCILWOMAN NOWICK: The Town Board to consider the Town's entry onto certain real property located at 58 Wyandanch Boulevard, Commack, Town of Smithtown, New York 11725, for the purpose of removing the accumulation of assorted rubbish, garbage and debris as well as overgrown vegetation and large piles of leaves from the site, all in violation of Town Code Chapter 221.

MARTIN SIMON, ASSISTANT TOWN ATTORNEY, TOWN OF SMITHTOWN: Good afternoon Mr. Supervisor, Members of the Town Board. My name is Martin Simon, I am the Assistant Town Attorney for the Town of Smithtown. The purpose of today's first Public Hearing is for the Town Board to consider entering upon 58 Wyandanch Boulevard and cleaning up the property. I've left three photos for each of you; that is the first photo stack you have. Those are recent photos of the site. You can plainly see the accumulation of trash, rubbish, debris, leaves and other vegetative waste. This is a vacant property. The property owner is alive but we do not know where he is and the taxes are paid on the property. There are also summonses pending in District Court for well over six months now and we have not had any appearance from Mr. Goetz-Haddad he is the property owner. So for those reasons, we believe it is time for the Town to go back to the property and clean it up. Please note that the Town was out at this property in May of 2015 and we removed a burned out essentially, camper from the site where Mr. Goetz-Haddad had been living.

SUPERVISOR VECCHIO: Do you think he has abandoned the property?

MARTIN SIMON: He does not live there and we have been unable to track him down. That concludes my presentation.

ROBERT BUZZIS, 65 WYANDANCH BOULEVARD, SMITHTOWN: I have correspondence dating back to the year 2000 between you and I Supervisor Vecchio about the condition of that property and in a couple of weeks, it will be the eighth anniversary of the fire; which made the building uninhabitable and in the last year or so regularly it looks like debris is being brought out of the house and piled up in the driveway. But, for twenty years,

nothing has been done to maintain the property, take up leaves, trim bushes and trees, there are vines hanging down from the trees and nothing has been done in all that time and it has been an eye sore for all of us. Now, there are broken windows in the garage doors and who knows what's living or flying into the garage. Windows have been open, half open, there are screens on them and they are half way up for years. The original argument when the trailer was removed was that they were trying to get the smell of the fire out. If you haven't gotten it out in eight years, it's never going to come out. When we get a hard rain water gets in those windows potentially wreaking havoc with flooring and anything that happens to be in the vicinity of those windows. The house has not been habitable and has just been deteriorating. It's getting worse and I think it is about time the Town started to take action here.

SUPERVISOR VECCHIO: The action is being taken today with this Resolution.

ROBERT BUZZI: Yes, just reinforcing it.

SUPERVISOR VECCHIO: Thank you.

CHRIS HESSEL, 63 WYANDANCH BOULEVARD, SMITHTOWN: I live around the corner from it and I walk my dog past it consistently and each time I walk past it you can see that the physical building is deteriorating. I'm concerned about rats being in there, other problems. One of the things I'm concerned about and fortunately we haven't had is teenagers going in there. But, the question is with eight years of windows being open, whether the ceiling is ready to fall down or the floors are ready to cave in and a serious accident happening to someone going into the building illegally but still showing up there. So, I would like us to not only look at the land and the mess that's there but consider the possible health and safety hazards of the physical building itself.

SUPERVISOR VECCHIO: What will happen here is that the Building Department will be notified and make an inspection of the building and if it's hazardous, dangerous and may collapse, we will move to take it down. If it is habitable, we will have it boarded up at the owner's expense.

CHRIS HESSEL: Thank you.

SUPERVISOR VECCHIO: Thank you Sir.

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The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Public Hearing held by the Town Board at 2:00 p.m., on May 9, 2017, at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, 99 West Main Street, Smithtown, New York 11787, to consider the Town's entry onto certain real property located at 58 Wyandanch Boulevard, Commack, Town of Smithtown, New York 11725, for the purpose of removing the accumulation of assorted rubbish, garbage and debris as well as overgrown vegetation and large piles of leaves from the site, all in violation of Town Code Chapter 221 is hereby closed.

Dated: May 9, 2017

<b>RESULT:</b>	<b>HEARING CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-504)**

COUNCILWOMAN NOWICK: The Town Board to consider the Town's entry onto certain real property located at the northwest corner of State Route 111 and State Route 347

(SCTM#: 0800-157.000-02.00-046.002), reputedly owned by Vea 181<sup>st</sup> Realty Corporation, for the purpose of remediating and/or removing the structure/s thereat which have been designated as unsafe in accordance with the unsafe buildings standard as set forth in Chapter 112-25 of the Smithtown Town Code, as per the recommendation of the Director of the Building Department and the Town Agency.

MARTIN SIMON, ASSISTANT TOWN ATTORNEY, TOWN OF SMITHTOWN: Good afternoon Mr. Supervisor, Members of the Town Board. Again, my name is Martin Simon, I am the Assistant Town Attorney for the Town of Smithtown. The purpose of today's second Public Hearing is for the Town Board to consider entry upon the property which is commonly known as the old Smithtown General or Western Suffolk property and removing the sewage treatment plant which remains at that site and has been deemed unsafe by the Building Department. I have attached five photos for each of you; those are the color photos under the first Public Hearing photos. Those were recently taken at the site and as you can see the place is in horrific condition and when the Building Department was at the site, one of the times they were there, they did observe teenagers wondering around and on top of this sewage treatment facility. So, it is imperative at this point that the place be demolished, removed and restored to a safe condition. I believe that Vea's attorney Vincent Trimarco is here today to inform the Board of what the property owner has done to this point to safeguard this property.

SUPERVISOR VECCHIO: Ok, thank you. Where is the attorney?

VINCENT TRIMARCO: Good afternoon Supervisor and Members of the Town Board. My name is Vincent Trimarco and I here representing the property owner. As you might recall, on May 5<sup>th</sup>, I sent a letter to you Mr. Supervisor and Members of the Board indicating the chronology of our actions. As soon as the Building Department made it known to us that the building was unsafe and we agreed. The building is unsafe and no matter what my client did to close it and board it up and so forth, it just didn't work. So, we proceeded to do the following. It is a chronology that takes a little bit of time. In every demolition, you need to get an asbestos check to see if there is any type of asbestos on the property. In this case there was and I am giving it to you briefly, we hired a remediator and after they found the asbestos, the guy who found the asbestos can't do the remediation, it's a conflict. We hired an asbestos remediator and got remediation which is taking place as we speak. It is being done by Plains Environmental. Additionally, as soon as that is completed we need to have it inspected again. Jet Environmental will be doing that inspection. They have to reinspect in order to tell the Building Department or do it in writing that it is okay to come in with major demolition equipment and knock the building down. We have set a contract Keiser Construction or Keiser Built and they are ready to move this coming Monday. We have done everything we can do as fast as we can do and incidentally, we tried to get an emergency Permit from the Labor Department which would have allowed us to go in within twenty-four hours and they denied it. That is all part of the package I gave to the Board. We ask the Board to give us thirty days to complete the project. I also spoke to Joe Lorifice today, he is one of the Building Inspectors that was on this project and he indicated that he would go over there today and check it out. I have been unable to contact him since but I'm sure if any Members of the Board or the Town Attorney or Martin Simon wanted to, they could get a hold of him and he would verify that our remediation contractor is there and working on the project. So, given all of that, I would ask the Board to consider giving us thirty days to complete. Actually we believe we will be getting it done by the end of next week. We also agreed to not only remove all the debris but we are going to fill in the hole with clean fill so that it will be part of the property, it will be a smooth type of vacant lot. I am also going to submit to the Town Attorney pictures that my client took today of the subject property with the remediator present. If the Board has any questions, I will be happy to try and answer them. Also, one of the representatives of Vea is here.

SUPERVISOR VECCHIO: By your own testimony you stated that teenagers have been in and out of the building.

VINCENT TRIMARCO: That’s correct.

SUPERVISOR VECCHIO: Seems to me that I would vote for an extension since you said here today before the public that you will board it up so that the teenagers won’t have access to it.

VINCENT TRIMARCO: It has been boarded up two or three times. It is boarded up now with sheet steel instead of plywood and since people will be working on it every day, chances are the teenagers wouldn’t come around because the workers are there.

SUPERVISOR VECCHIO: Okay, the decision is up to the Town Attorney and the Town Board, any thoughts?

TOWN ATTORNEY: As long as it remains secure and the work progresses, I’ll agree to hold it in abeyance for thirty days.

SUPERVISOR VECCHIO: You have thirty days.

SUPERVISOR VECCHIO: Move to close the Public Hearing.

COUNCILMAN MCCARTHY: Second.

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Public Hearing held by the Town Board at 2:00 p.m., on May 9, 2017, at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, 99 West Main Street, Smithtown, New York 11787, to consider the Town’s entry onto certain real property located at the Northwest corner of State Route 111 and State Route 347 (SCTM #: 0800-157.000-02.00-046.002), reputedly owned by VEA 181ST REALTY CORPORATION, for the purpose of remediating and/or removing the structure/s thereat which have been designated as unsafe in accordance with the unsafe buildings standard as set forth in Chapter 112-25 of the Smithtown Town Code, as per the recommendation of the Director of the Building Department and the Town Attorney is hereby closed.

Dated: May 9, 2017

<b>RESULT:</b>	<b>HEARING CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**I. CORRESPONDENCE**

1. Special Event - Sts. Philip & James R. C. Church Festival/Carnival Second Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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2. Special Event - Kings Park Chamber of Commerce Kings Park Day Second Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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3. Special Event - Kings Park Chamber of Commerce Music Concert Second Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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4. Special Event - L.I. Greenmarket Inc. Weekly Farmers Market Second Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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5. Special Event - Community Association of the Greater St. James Summer Nights Second Reading

MEG SHUTKA, 5 HITHERBROOK ROAD, ST. JAMES: Good afternoon, Supervisor Vecchio and Members of the Town Board. I am again speaking on the Special Event - Community Association of the Greater St. James Summer Nights, second reading. I spoke at the last meeting about my concerns. I didn't know much about it so I did get a copy of the Permit so I do know a little bit more but still not much. Apparently, the set up at 4:00 pm on various areas of Lake Avenue and I thought it was going to be in a school area but it looks like it's along Lake Avenue between Maple Drive and the gazebo which again is right in front of my husband's business which is Eddie's Power Equipment and if any of you know about power equipment it doesn't really work well with a community event with food and music with families and children. Again the setup according to the Permit is 4:00 pm and my husband's business stays open well past that sometimes 7:00 or 8:00. I'm certain that some accommodations could be made to close a little earlier but 4:00 p.m. is unrealistic for his business and the rain dates are Friday nights which is even more of a concern because there is nothing in that immediate area for anyone after the event closing at 9:00 p.m. and I think that will be an issue. I would like to encourage the Board to see if they could maybe change the location to one of our beautiful parks or possibly in the school fields or try and change the dates to Sundays. Sunday evening would not impact any of the businesses along that area. If you do grant this Permit I would also respectfully request that if you are going to close Lake Avenue to please leave open the eastside of Lake Avenue which is where the businesses are aligned and also this way we can try and work with Association. It's not that we're against this event, it sounds like a very nice event to have but, it should not have an impact on some of the businesses. The business I'm speaking about is Eddie's Power Equipment and has been around for over fifty years, it was started by my father and now my husband runs it. We are very community minded, we participate in many events. I can attest, there are no children here, that this year I was the Easter Bunny at the Chamber Event which was started by my daughter over twenty years ago. So, we are community minded people and we do think this event is nice but it shouldn't conflict with businesses or their operations. If there is anyone on the Board that is a liaison I would like to be able to meet with them and also the Board should know that I do have a call in to the Community Association President and I'm waiting for a response. Thank you.

SUPERVISOR VECCHIO: I was about to ask you that question, have you been in touch with the Community Association.

MEG SHUTKA: I do have a call into her and in all fairness she did return my call while I was on vacation last week, so hopefully we can communicate and I just wanted the Board to know our concerns. Thank you.

SUPERVISOR VECCHIO: Is there somebody in the audience from the Community Association?

SUPERVISOR VECCHIO: Would you mind responding to this nice lady?

KERRY MAHER-WEISSE, PO BOX 2054, ST. JAMES: Kerry Maher-Wisse I'm here as part of the Community Association but actually Meg Shutka and I sit on the Board together for the Chamber. We are all volunteers and we all have crazy busy lives and of course communication is the key thing for success. So, due to that we plan on communicating with all the businesses as well as people who have my cell phone number who can reach out to me any point of time to get in touch with me and to know the facts. Now, as the Community Association of Greater St. James, we are trying to boost things in St. James as well as business as well bringing people into St. James. We know that there is a St. James Day that actually occurs longer than four hours it is more like eight hours and there are probably about forty businesses that are affected by this one day that the Chamber holds so now, the Community Association Civic Group is holding a gathering a meeting, a community gathering situation and it is going to be for four hours it may be an inconvenience for the four businesses that may be affected by this but with communication and with everybody, as well as Peter Kuhn who is our Vice President of our Chamber and Meg Shutka who is a Board Member on the Chamber we all have meeting together so we can work together. So unfortunately, it shouldn't have gotten that far to here, there should have been a little bit more communication before here.

SUPERVISOR VECCHIO: Do you think you'll be able to resolve it?

KERRY MAHER-WEISSE: Absolutely. Thank you for everything you guys are doing and that's about it.

WILLIAM GARTHE, 359 LAKE AVENUE, ST. JAMES: Bill Garthe, I am part of the Chamber of St. James and I would like to clear things up here. We are very, very supportive of the Civic Association we think it's a great Association and we think it will do well and the only thing that happened here is that four businesses were affected by this event. Unfortunately, they didn't know about it until the first meeting that when the facts came in, that's when Eddie's Power Equipment came in and the four people involved are concerned about this. Now, I'm not saying it can't be worked out, it should be worked out. We as the Chamber did a lot of Civic stuff in St. James and know that the Civic Association is here, we welcome it we're really happy they are here. So, I think a misunderstanding happened here and I think we should do something as far as the four businesses are concerned. Kerry mentioned the St. James Day, that is a fund raiser and all of that money goes to Christmas lights, parades and everything else. If the Civic Association takes over these things, we're not going to have to have all these fund raiser events. The Chamber has been paying for that for over thirty years. So, what I'm saying to you is that some consideration for the four businesses should take preference on this event. Thank you.

SUPERVISOR VECCHIO: So, you are supporting the Summer Nights?

WILLIAM GARTHE: Am I supporting it?

SUPERVISOR VECCHIO: Yes.

WILLIAM GARTHE: I'm supporting it if they take consideration of these four businesses. Every one of the businesses has a problem with the early closing of the street.

SUPERVISOR VECCHIO: How can they do it?

WILLIAM GARTHE: I don't know how they can do it. That's what has to be worked out. I'm just saying if they're just going to go through with this we have to have some communication. There has been no communication for the event.

SUPERVISOR VECCHIO: Mrs. Maher do you want to reply to that?

KERRY MAHER-WEISSE: As I stated before, Kerry Maher, St. James Chamber and also the Civic. As I stated before, we are all volunteers, we all have busy lives so as people who are on my Board, Bill, Meg unfortunately, when we have our monthly meetings where I see people and I can talk about these things. I deal with Peter Kuhn on a business level and it is unfortunate that they have to come here to complain about things when they have my cell phone. So once again, I'm going to state that in my busy life, a Mom of four, full-time Mom as well as doing this grandioscious thing, Civic and Chamber, I will promise you that I will get to those businesses, Meg, Peter, the Pool Place and that's about it. Everybody else, I talked to and I'm trying to do my best every single day in fitting all that I have to and putting my family first. So, unfortunately, they have not gotten a call from me because I do see them at the Chamber Board meeting. So, I promise to you that our Committee Board is going to meet with the Chamber Board to get all of our ducks in line because this is really unheard of that this has to come to waste your time today.

COUNCILWOMAN INZERILLO: Do you understand their concern of the street closure and their businesses being there?

KERRY MAHER-WEISSE: Yes and when we actually have St. James Day, like the gas people they close down all day, the card store, they close down all day long. We are trying to run a family event that is only for four hours and I'm sorry that for four nights during the summer a little inconvenience, maybe parking across the street in the Town parking or talking to Dr. Watkins who has opened up his parking lot or the Giordano's who said come park by me on Maple so, there are plenty of people who are accommodating the people who are inconvenienced but there are many ways around it and unfortunately since we are trying to limit the section that is going to be closed where the gazebo is so you have all the people coming out of trains going back home and Maple, we've actually moved it up a little bit as far as getting where the horseshoe is so people can then get out by Maple. So we are trying to accommodate, we're not trying to rock any boats. We're not here to create any enemies we're here to have fun events for everybody especially in St. James to brighten up the Town.

SUPERVISOR VECCHIO: Mrs. Shutka.

MEG SHUTKA: This is a public meeting and I'm trying not to be adversarial here I'm just letting you know that as a business on Lake Avenue, the only way I found out about this particular event was through an email to the Chamber of Commerce from a dentist who was concerned because he saw a sign on a pole that said something about this event and he was concerned about his Wednesday evening appointments. That's how I found out. Yes, Kerry and I are on the Chamber Board and there were discussions about summer events Live at Five and things like that but I did not know the particulars and I did not know how this was going to impact my husband's business and to run ram shot over businesses, I don't care if it's one or four, fifty or twenty a good Association should have communication with their businesses. This is a business that has been here for so many years; good community relations and we support the Community Association, we support the Civic, we support the people in Town and this event, I'm asking that the event day be changed to Sundays which would impact no one, possibly move the event to one of the beautiful parks or use the school field grounds so it would still be in basically the same location. There are no restaurants around this area of Lake Avenue. It is not going to benefit those businesses. And again, I'm here because I'm concerned about the business, the way we found out, there are supposedly going to be food trucks, maybe Kerry can answer that we heard food trucks along Lake Avenue, I don't know, in front of businesses I'm not really sure. Again, I'm not against this event, it's a wonderful event, we have Movie Night with the Chamber actually one of the nights proposed for this event is a Chamber Movie Night. Again, I am in support of the community our business is in support of the community we welcome the Community Association and all it has to offer but again, it's the impact on the businesses.

SUPERVISOR VECCHIO: Did you want to respond to that Kerry?

KERRY MAHER-WEISSE: I again just want to say that in my busy life I have spoken to Dr. Joe Watkins who is the dentist which I have calmed down since the last time we talked which was April 26<sup>th</sup>, I got him on the phone and from that time he actually joined the Committee of the Summer Nights so he is actually so impressed that he wants to open his Dentist and give oral screenings for free so that people will know that he is there. So, little by little and I'm sorry I'm not doing it as fast as other people would like it done, fault me for that but, I'm a person and trying to do the best job every day. I am trying to get around to every business. We are going to have a great situation we met last night with entertainment, yes, our restaurants in Town as well as entertainment arts we are not making this a St. James Day we want to make this a family event for St. James. So please understand that when I do and I do want to make my rounds to other businesses, I have spoken to Peter and given him more facts but again I come here to say thank you for all you are doing for St. James but then this has happened. I will say to you again that I will promise you that I will be getting to the businesses that will be affected by this and make sure that we will accommodate them in any sensible way.

SUPERVISOR VECCHIO: Thank you both.

WILLIAM CARPUSO, 248 SECOND AVENUE, ST. JAMES: William Carpuso, 248 Second Avenue, St. James I am the Vice President of the Community Association of Greater St. James and like Kerry said, we are trying to do good things for the community, we're not trying to make enemies, we're trying to do good. We have a whole Executive Board and everything is not in Kerry's lap. I have not heard and no one has contacted me or the Executive Board about these potential issues. We should work together with the Chamber, it would be nice, I encourage it and I'd really like that. I think we need to have more open communication so if there are these problems or concerns, we know about it before it gets to a setting like this so we could resolve things. I didn't even know up until recently that this was going to become an issue here. So in the future, to the Chamber and everyone else, let's talk about things, let's discuss things. We have a whole Board, so it's not all in Kerry's lap. So, we just need to talk about things, get things out in the open and work together as a team with the greater benefit of St. James in mind and we want to do what's best for our Town. Thank you.

SUPERVISOR VECCHIO: Thank you.

SUPERVISOR VECCHIO: The Board is placed in a terrible position having to choose between some businesses that will be impacted and the greater good of the St. James community. It would be my suggestion that you guys work out a deal work out a situation amongst yourselves.

WILLIAM GARTHE: Again, the Chamber is very, very supportive of the Association and have been for many years. Unfortunately, nobody communicated with the businesses ahead of time and the first time we heard about it was the first reading, that's it. So, when everybody, four businesses reacted and all this came about for that. Mrs. Shutka came here the last meeting and came back and said, "Bill, I said something." I said, "You have to say something." and she said, "Well, they're voting on it." I think you should suspend the vote and let them work it out.

TOWN ATTORNEY: There is one more reading, we're not voting on it today.

WILLIAM GARTHE: I understand that, what I'm feeling today is I'm here because people have complained to me and I didn't like the answers they got back quite frankly. And, the fact that you said you should come to us, you have all these volunteers and all these people on their Board (referring to a comment made by Mr. Carpuso) nobody thought it was a good idea to talk to these four people

SUPERVISOR VECCHIO: You've all been here and I think you have more than enough communication before we meet in two weeks and maybe you can settle your differences.

WILLIAM GARTHE: Thank you very much for allowing me to speak.

WILLIAM CARPUSO: I think we can figure this out and instead of going through one person because it can get overwhelming. Let's keep an open discussion here if you have a concern, send an email to the Community Association so everyone sees it and if there is something we can be doing better, let us know, we are doing the best that we can. I'm not perfect and nobody in this room is perfect and we are doing what we can to make things better in St. James and have fun. We want everyone to have fun and enjoy these events and everything we are trying to do. Thank you.

SUPERVISOR VECCHIO: Thank you.

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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- 6. Parade/Run/Walk - Kings Park High School Homecoming Parade Second Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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- 7. Parade/Run/Walk - American Legion Post 944 Memorial Day Parade Third Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>THIRD READING</b>
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- 8. Parade/Run/Walk - Nesconset Chamber of Commerce Fun Run Third Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>THIRD READING</b>
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- 9. Parade/Run/Walk - NRSPF 5K Run Third Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>THIRD READING</b>
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- 10. Parade/Run/Walk - NRSPF Canoe-Kayak Race Third Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>THIRD READING</b>
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- 11. Parade/Run/Walk - NRSPF 5K Turkey Trot Third Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>THIRD READING</b>
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- 12. Parade/Run/Walk - Holy Mother Mary KOC Memorial Day Parade First Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>FIRST READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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- 13. Parade/Run/Walk - Commack Volunteer Ambulance Corps. 5K Run/Walk First Reading

NO ONE APPEARED IN OPPOSITION

<b>RESULT:</b>	<b>FIRST READING</b>	<b>Next: 5/25/2017 7:00 PM</b>
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- 14. Building Department Report - April, 2017

<b>RESULT:</b>	<b>RECEIVED AND FILED</b>
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**II. RESOLUTIONS**

**1. The Town Board after due study and deliberation of the subject record to issue a SEQRA Negative Declaration determination of non-significance (an EIS is not necessary) in the following matters for reasons stated in a memorandum on the dates indicated:**

**(RES-2017-505)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board, after due study and deliberation of the subject record, hereby issues a SEQRA Negative Declaration, Determination of Non-Significance (AN EIS IS NOT NECESSARY) in the matter of the Marine Law Permit Application #CBML 2016-1 by Ralph D'Annucci, for the reasons as stated in a memorandum from Howard Barton, 3rd, Assistant Environmental Protection Director, dated May 19, 2011.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-506)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board, after due study and deliberation of the subject record, hereby issues a SEQRA Negative Declaration, Determination of Non-significance (AN EIS IS NOT NECESSARY) in the matter of the Town Board's Own Motion to amend Smithtown Town Code Chapter 322 regarding counter-service restaurant and drive-in windows, for the reasons as stated in a memorandum from Howard Barton 3rd, Assistant Environmental Protection Director, dated May 5, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**2. The Town Board to approve the following:**

Regular Meeting Minutes From Meeting Dated – Apr 4, 2017 2:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-507)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the sale of Surplus Town Equipment as per the following list:

YEAR	MAKE/MODEL	ASSET #
1998	Chevrolet 3500 Pickup Truck	202485
2003	Dodge Durango SUV	105157
2014	Ford E-350 Van (Accident/Totaled)	1000652

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-508)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Extension of Bid #14-030 for Tree Service with Reliable Tree Services, Inc.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-509)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board of the Town of Smithtown be and hereby formally requests Assemblyman Michael J. Fitzpatrick and Senator John Flanagan to introduce special legislation to authorize the alienation of 3,600 square feet of parkland via lease agreement to facilitate the placement and operation of a personal wireless service facility at Callahan's Beach.

Dated: April 27, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-510)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board approves activity proposed by Ralph D'Annuncci in the Marine Law Permit Application #CBML 2016-1 located at Suffolk County Tax Map Parcel #801-4-1-8. The Town approves the application subject to the conditions as recommended in a memorandum dated April 27, 2017 by Howard Barton 3rd, Assistant Environmental Protection Director, and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to issue the requisite permit.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-511)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Animal Shelter to dispose of office equipment with no value (see attached disposal forms) to the Parks Department for disposal at MSF. (Animal Shelter).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-512)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Nesconset Chamber of Commerce for a Fun Run to be held on Sunday, May 28, 2017 at 8:00 A.M.; and to notify the proper authorities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-513)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Nissequogue River State Park Foundation for a 5K Run to be held on Friday, June 2, 2017 at 7:00 P.M.; and to notify the proper authorities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-514)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Nissequogue River State Park Foundation for a Canoe-Kayak Race to be held on Saturday, July 22, 2017 at 9:30 A.M., with a rain date of Sunday, July 23, 2017 at 9:30 A.M.; and to notify the proper authorities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-515)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Nissequogue River State Park Foundation for a 5K Turkey Trot to be held on Thursday, November 23, 2017 at 9:00 A.M.; and to notify the proper authorities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-516)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to Donald C. Munro American Legion Post 944 for their annual Memorial Day Parade to be held on Monday, May 29, 2017 at 9:00 A.M.; and to notify the proper authorities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-517)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, the Town Board hereby authorizes the Parks Department to dispose of vehicles (see following list) in conjunction with our Enterprise Fleet Management Program. The timing and method by either auction or through Enterprise Fleet services to be determined by the Comptroller's office with final approval by Town Board when disposition proceeds are determined.

Year	Make/Model	Vin #	Asset #
2001 105007	Dodge Dump 3500	3B6MC36561M558323	
2003 105195	Chevr. Van C-3500	1GCHG35U631180594	
2002 105057	Chevr. Van C-3500	1GCHG35R121186975	
2001 105022	Dodge Pickup 2500 4WD	3B7KF26Z21M581301	
2001 105019	Ford Ranger 4WD	1FTYR15E21TA97575	
2002 105060	Ford Ranger 4WD	1FTZR15E32TA64655	
2002 105059	Ford Ranger 4WD	1FTZR15E12TA64654	
2002	Ford F-350 Utility 4WD	1FDSF35L72EC49778105096	
2003 105130	Chevy Malibu	1G1ND52J13M628264	
2000 104527	Ford Taurus	1FAFP5223YA229897	
2010 1000113	Ford Crown Vic.	2FABP7BV4AX111326	
2010 1000141	Ford Crown Vic.	2FABP7BV8AX120871	
2001 105006	Dodge Van 1500	2B7HB11X11K544005	
1998 202450	Chevr. Utility C-3500	1GBGC34R5WE217933	
1998 105563	Chevr. Utility C-3500	1GBJC34R9WF069673	

2002 105094	Ford Utility F-350	1FDWF36L52EC49777
2001 105018	Ford Utility F-350	1FDWF36S11ED15991

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-518)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the Extension of Bid #16-039 for Mason Supplies with State Material Mason Supply and Elm Transit Mix Corp., through on or about May, 14, 2018.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-519)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the addition of Dr. Susan P. Zollo and Progressive Marketing Group, Inc. to the Town's Pre Qualified Professional Services Consultants List as approved by the Town Board on January 3, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-520)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves entry into a Voluntary Payment Agreement with Kings Park Solar, LLC for installation of a solar energy production facility at the Indian Head Landfill for remediation services approved by the New York State Department of Environmental Conservation. Said agreement to be on a form approved by the Town Attorney.

Dated: May 9, 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-521)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby adopts amendments to Chapter 322 of the Code of the Town of Smithtown entitled Zoning for which a public

hearing was held on December 13, 2016, and pursuant to a memorandum by the Town Planning Director dated May 4, 2017

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York met at the Town of Smithtown Town Hall, Patrick R. Vecchio building, Victor T. Liss Board Room, 99 West Main Street, Smithtown, New York on the 4th day of April, 2017 at 2:00 PM, time then in effect, and duly adopted amendments to Chapter 322 of the Code of the Town of Smithtown entitled zoning for which a public hearing was held on December 13, 2016, and pursuant to a memorandum by the Town Planning director dated May 4, 2017 as follows:

Proposed Amendments to Zoning Ordinance (Chapter 322 of the Town Code)  
 Re: special exception uses and variances

Additions indicated by underlines  
 Deletions indicated by ~~strikeouts~~

§322-8. Use regulations.

	SPECIAL		RESIDENTIAL									BUSINESS					INDUSTRIAL		
	CF	Flood	R43	R21	R15	R10/S	RM7	R6	PRD	RC	RMGA	PB	OB	SCB	NB	CB	WSI	LI	HI
<b>BUSINESS USES</b>																			
Counter service restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>BA P</u>	<u>BA P</u>	<u>BA P</u>	<u>BA P</u>	<u>P<sup>7</sup></u>	-

7 Permitted only when located in a building used primarily for office and/or non-nuisance industry.

§322-12. Placement of accessory buildings, structures and uses.

~~L. Drive-in windows. Adequate queuing shall be provided so that cars do not queue in required aisles or driveways or onto public streets.~~

- (1) This is a prohibited use in the LI district except as an accessory use to a bank.
- (2) Queuing lanes shall be provided of sufficient length to prevent queued cars from interfering with traffic on any highway or in the parking area.
- (3) All queue lanes shall be at least 50ft from any residence district.
- (4) Drive-in windows, order boards, and menus shall be at least 75ft from any residence district and shall not be located on any building elevation facing a residence district.
- (5) The drive-in/order board speaker system shall not be audible at the property lines.

§322-28. Counter-service restaurant. The following requirements shall be met.

- A. This is a prohibited use in the LI district except when located in a building used primarily for office and/or non-nuisance industry and the use is less than 20% of the gross floor area.
- B. Not more than two curb cuts shall be permitted. They shall be at least 75 feet apart and shall be at least 75 feet from any residence district.
- C. Densely planted buffer areas at least 25 feet in depth shall be provided adjacent to residence districts.

§322-82. Special exception uses.

~~C. Special conditions and safeguards standards for certain special exception uses. ... conditions and safeguards standards required in this section.~~

- ~~(6) Nightclub and counter service restaurant. The following requirements shall be met:~~
  - ~~(a) No nightclub site shall be permitted within 200 feet of any residence district.~~

~~(b) Planting areas at least 25 feet in depth shall be provided adjacent to residence districts and along the front property lines and at least six feet in depth along the other property lines.~~

~~(e) Not more than two curb cuts shall be permitted. They shall be at least 75 feet apart and shall be at least 75 feet from a residence district.~~

~~(d) Drive in windows shall not be located along any building elevation facing a residence district, and a queuing lane shall be provided of sufficient length to prevent queued cars from interfering with traffic on any highway or in the parking area.~~

~~(e) (b) No outdoor loudspeaker shall be permitted except for drive in windows. The loudspeaker shall not be audible from any residential lot.~~

~~(f) (c) No outdoor dining, drinking, smoking, or waiting area or outdoor play area shall be permitted.~~

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**CAPITAL EXPENDITURES**

**(RES-2017-522)**

The original vote was taken for this resolution, Councilwoman Inzerillo made a motion to table it and Councilman Wehrheim seconded it. Councilwoman Nowick, Councilman McCarthy and Supervisor Vecchio voted not to table it.

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes an Amendment to 2017 Capital Projects Plan and budget to add the St. James Business District Reconstruction Project with an estimated budget of \$2,000,000.00 Funding for the project shall be from Fund Balance. Such project to include asphalt, road pavement, curbs, sidewalks, driveway aprons, street lighting, trees, benches and other decorative amenities.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Nowick
<b>NAYS:</b>	Wehrheim, Inzerillo

**3. The Town Board to authorize the acceptance of the following:**

**(RES-2017-523)**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-524)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that pursuant to the recommendation of the Engineering Department, the Comptroller be and is hereby authorized to establish an escrow account in the amount of \$600.00

(Town Receipt #92664 ID# 17050100) posted to guarantee landscaping for Ester Estates, #1144, Lot #2.

Principal: Samir Tawil  
 3 Ester Drive  
 St. James, NY 11780

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**4. The Town Board to authorize the Comptroller to execute the following:**

**(RES-2017-525)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby authorizes the Comptroller to Transfer from account A.8810.0450 (Maintenance/Repairs) in the amount of \$1,558.00; and Transfer from account A.1620.0451 (Motor Vehicle Maintenance) in the amount of \$4,558.00; and Transfer to account A.1620.0250 (Equipment) in the amount of \$6,116.00.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-526)**

The following was offered by the Town Board en masse:

BE IT RESOLVED that the Comptroller is hereby authorized to transfer from account A.1420.0110 (Full-Time Salaries) in the amount of \$1,500.00 and transfer to account A.1420.0473 (Books & Subscriptions) in the amount of \$1,500.00 (Town Attorney)

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-527)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, the Town Board hereby authorizes the Comptroller to Transfer from account DS.5142.0435 (Equipment Rental) in the amount of \$99,144.63; and Transfer to account DS.5142.0130 (Overtime Salary) in the amount of \$99,144.63(Highway).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-528)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, the Town Board hereby authorizes the Comptroller to Transfer from account B.3620.0435 (Equipment Rental) in the amount of \$34,856.00; and Transfer to account B.3311.0435 (Equipment Rental) in the amount of \$34,856.00(Traffic).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-529)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, the Town Board hereby authorizes the Comptroller to Transfer from account A.1620.0110 (Personnel Salaries) in the amount of \$32,770.00; and Transfer to account A.5010.0110 (Personnel Salaries) in the amount of \$32,770.00(Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-530)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Comptroller to transfer from Account Code A.1440-0494 (Special Programs) in the amount of \$3,815.00 and transfer into Account Code A.1440.0491 (Survey Services) in the amount of \$3,815.00 in the Engineering Department. Transfer necessary to cover the cost of surveying Lake Avenue in St. James.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-531)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, the Town Board hereby authorizes the Comptroller to Transfer from account SP.1990.0900 (Contingency) in the amount of \$9,750.00; and Transfer to account SP.1621.0450 (Maintenance Repair) in the amount of \$9,750.00(Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

- The Town Board to authorize the Supervisor to execute the following on a form approved by the Town Attorney:**

**(RES-2017-532)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with Geomaps International to provide photogrammetric surveying services for the topographic and existing conditions survey of the Lake Avenue right-of-way (from Woodlawn Avenue to Moriches Rd) in Saint James at a cost not to exceed \$8,815.00. Said agreement is to be on a form approved by the Town Attorney.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**6. The Town Board to authorize the release of the following:**

**(RES-2017-533)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to release escrow posted to guarantee landscaping, seeding and grading of lawn areas at 1156 St. Johnland Road, Kings Park, NY, SCTM# 800-32-2-20.008.

Principal: Woodhull Realty & Construction Services, Inc.  
332 Woodhull Avenue  
Port Jefferson Station, NY 11776.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-534)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to release escrow posted to guarantee landscaping at Lot #8, Fieldstone Estates, SCTM# 0800-008.00-01.00-018.012.

Principal: Donald Mangona  
Fieldstone Development Group, LLC  
646 Main Street, Suite 302  
Port Jefferson, NY 11777.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-535)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED that the Comptroller be and is hereby authorized to release escrow posted to guarantee landscaping and grading on Lot #2, Fieldstone Estates, SCTM# 0800-008.00-01.00-018.006.

Principal: Donald Mangona  
 Fieldstone Development Group, LLC  
 646 Main Street, Suite 302  
 Port Jefferson, NY 11777.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**PERSONNEL**

**7. The Town Board to approve the following Personnel matters:**

**(RES-2017-536)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the part time appointment of Jamie Esposito to the position of Food Service Worker in the Senior Citizens Department at a rate of pay of \$16.05 Per hour, not to exceed 1/2 the normal work week, effective May 22, 2017 .

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-537)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the return from unpaid Medical Leave of Absence for Employee ID # E928AQOUK at the Senior Citizens Department effective June 1, 2017.

Dated: May 9, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-538)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointment of William DeGaray to the position of Park Attendant II in the Public Safety Department, at a rate of pay of \$10.35 per hour, not to exceed \$5,000 per year, effective May 15, 2017 with a termination date of September 5, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-539)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointments/reappointments per the following list, to various positions in the Department of Parks, Buildings & Grounds at a rate of pay as indicated, not to exceed \$5,000 per year, effective May 10, 2017 (Parks).

Name	Proposed Title	Proposed Salary	Effective Date	Termination Date
Belloise, Jacob	Laborer	\$ 9.00	5/10/17	11/1/17
Bona, Samantha	Laborer	\$ 9.00	6/20/17	8/20/17
Boslet, Nicholas	Laborer	\$ 9.00	5/10/17	9/16/17
Cipolla, Nicholas	Laborer	\$ 9.00	6/26/17	8/25/17
Connor, Frank	Laborer	\$ 9.00	5/10/17	11/1/17
Cosme, Stephanie	Laborer	\$ 9.00	5/22/17	8/18/17
Hayes, Jenna	Laborer	\$ 9.00	5/10/17	11/1/17
Heimerle, Christopher	Laborer	\$ 9.00	5/10/17	5/10/17
	9/3/17			
Kehrer, Michael	Laborer	\$ 9.00	5/22/17	8/28/17
McAlister, William	Laborer	\$ 9.00	5/10/17	9/10/17
Sanchez, Justin	Laborer	\$ 9.00	5/10/17	11/30/17
Silvester, Thomas	Laborer	\$ 9.00	5/20/17	11/30/17
Stewart, John	Laborer	\$ 9.00	5/10/17	11/30/17
Murphy, Brittany	Laborer	\$ 9.00	5/10/17	10/31/17
Chalgren, Jessica	Lifeguard-Year 1	\$10.50	5/27/17	8/12/17
Ciarfello, Jenna	Lifeguard-Year 1	\$10.50	5/27/17	8/12/17
Leigh, Ryan	Lifeguard-Year 1	\$10.50	5/27/17	8/18/17
Schroeder, Patrick	Lifeguard-Year 1	\$10.50	5/27/17	9/4/17
Slicklein, Taylor	Lifeguard-Year 1	\$10.50	5/27/17	9/4/17
Vallarella, Nicole	Lifeguard-Year 1	\$10.50	5/27/17	9/5/17
Traynor, Kaleigh	Lifeguard-Year 1	\$10.50	5/27/17	9/5/17

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-540)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointments per the following list to the position of Park Attendant II in the Public Safety Department, at a rate of pay of \$10.35 per hour, not to exceed \$5,000 per year, effective May 15, 2017 with a termination date of September 5, 2017.

Name	Proposed Title	Proposed Salary
Austin Baiardi	Park Attendant II	\$10.35
Thomas McGee	Park Attendant II	\$10.35
Christian Spagna	Park Attendant II	\$10.35
Zach Thomas	Park Attendant II	\$10.35

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-541)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the return from medical leave for Employee #MEE9SYJZH as per doctor's note on file in Personnel Office effective May 24, 2017 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-542)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the full time appointment of Kevin Crowley Jr. to the position of Laborer in the Department of Parks, Buildings & Grounds at a rate of pay of \$17.50 per hour, subject to a 52 week probationary period, effective May 15, 2017 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-543)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the full time appointment of Michael Kane to the position of Heavy Equipment Operator in the Municipal Services Facility Department, at a rate of pay of \$27.92 per hour, subject to a 26 week probationary period, effective May 13, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-544)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the full time appointment of Wayne Perry to the position of Heavy Equipment Operator in the Municipal Services Facility Department, at a rate of pay of \$22.31 per hour, subject to a 26 week probationary period, effective May 15, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-545)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the part time appointment of Frank Giglio to the position of Maintenance Mechanic I in the Senior Citizens Department at a rate of pay of \$16.05 per hour, not to exceed 1/2 the normal work week, effective May 15, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-546)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the part time appointment of Jennifer Boslet to the position of Clerk Typist in the Floater Pool, at a rate of pay of \$12.50 per hour, not to exceed \$5,000 per year, effective May 15, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-547)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the part time appointment of Christine Hauk to the position of Clerk Typist in the Highway Department, at a rate of pay of \$15.05 per hour, not to exceed 1/2 the normal work week, effective May 10, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-548)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the correct rate of pay for Thomas O'Reilly, Communications Technician I in the Public Safety Department, from a rate of pay of \$21.98 to \$22.31 per hour effective February 13, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-549)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointment of James Ricotta to the position of Assistant Beach Manager in the Department of Parks, Buildings & Grounds, at a rate of pay of \$6500.00 per season, effective May 27, 2017 - September 5, 2017 (Parks).

Dated: May 9, 2015

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-550)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves change of effective date for the seasonal appointment of Amanda Borowski from 5/20/17 in the position of Laborer to 5/10/17 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-551)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves change of effective dates for the seasonal appointments of Michael Colucciello from 5/15/17 and Anthony Kehrer from 5/31/17 in the positions of Laborers to 5/10/17 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-552)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointment of Hunter Garryto the position of Park Attendant II in the Public Safety Department, at a rate of pay of \$10.35 per hour not to exceed \$5,000 per year effective May 15, 2017 with a termination date of September 5, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-553)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointment of Brendan Kelly to the position of Laborer in the Department of Parks, Buildings & Grounds, at a rate of pay of \$9.00 per hour, not to exceed \$5,000 per year, effective May 10, 2017 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-554)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the seasonal appointment of Joseph Perri to the position of Laborer, at a rate of pay of \$9.00, not to exceed \$5,000 per year, effective May 10, 2017 (Parks).

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**III. READ ON****(RES-2017-555)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board hereby approves the designation of Thomas Heester as Acting Parks Director in the Parks Department, on a temporary basis, with additional pay of \$933.00, bi-weekly, retroactive to April 26, 2017, to be paid by separate check. Any accrued time lost in connection with the performance of duties hereunder, shall be restored to Thomas Heester at his current base pay rate. This designation shall be effective immediately for 90 days, subject to an extension by mutual agreement between the Town Supervisor and CSEA and SAG, until such time as the position of Parks Director is filled.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

**(RES-2017-556)**

The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the full-time appointment of Jacqueline A. Fink, to the position of Assistant Town Attorney in the Town Attorney's office, at a rate of pay of \$80,000.00 per annum, subject to the results of her pre-employment medical examination and drug screen, effective May 22, 2017.

Dated: May 9, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

### **TO BE HEARD**

TONY TANZI, 4 INDIAN HEAD RD, KINGS PARK: Hello, I am Anthony Tanzi, 4 Indian Head Road, Kings Park, NY. I'm here for the Kings Park Chamber of Commerce. Sorry for my attire I was a job site in Manhattan two hours ago. I received a phone call from one of my colleagues from the Civic Association that we had received; let me take you back for a moment. First off, I want to applaud the Town Board I think it is amazing that the Town is putting some much needed infrastructure into our downtown. With that being said, correct me if I'm wrong, was the vote held or not held.

TOWN ATTORNEY: Yes it was held.

TONY TANZI: What was the outcome?

TOWN ATTORNEY: It was affirmative. The vote to table was defeated and they voted on all the Resolutions within that number and it all passed.

TONY TANZI: From what I understand, recall it.

SUPERVISOR VECCHIO: Come on, I Chair the meeting here. The vote was called. The Town Clerk recalled the vote and it was affirmative.

TONY TANZI: From the phone call I received, the funding for the infrastructure will be taken from the Fund Balance that was previously earmarked for the sewer system in downtown Kings Park and downtown Smithtown. Is that correct?

SUPERVISOR VECCHIO: Not true. It was never specifically earmarked for downtown Kings Park or Smithtown. When I submitted the Budget I allocated \$2 million for sewers if were needed in any of those areas.

TONY TANZI: Ok, so that's what it was earmarked for. So my concern is that, actually I have several concerns. You have a community of 15,000 residents in Kings Park and it took the better part of the last two years to come up with a Community Base Vision Plan and we hoped that would become a model for the other Hamlets and listen to everybody's voice and see what is the most important thing we need in our Hamlet and get that on paper and get that to the Town Board not just so they would know, but that they could use that. To spend \$2 million of tax payer money with no matching grants, no reaching out to other levels of government to say perhaps we could get more money and that sewer main wouldn't cost \$2 million. I think it is short sighted and I think the Town Board should consider when they are taking off on endeavors like this it best to wait instead of rushing through. Thank you.

SUPERVISOR VECCHIO: Kerry Maher.

KERRY MAHER-WEISSE: Kerry Maher-Weisse, I just want to say as the President of the Civic Association, Thank you for everything you are doing. You are listening to our voices and appreciate everything that you have heard, and obviously we are starting a nice relationship for our future things and we thank everybody who has worked diligently through emails and phone calls.

SUPERVISOR VECCHIO: Linda Henninger.

LINDA HENNINGER, 1 MEADOWOOD LANE, FORT SALONGA: Good afternoon, I forgot my real glasses so I'm using these. Linda Henninger, Kings Park Civic Association, 1 Meadowood Lane, Fort Salonga, New York. The Kings Park Civic Association of course is not opposed to any revitalization to our downtowns. As a matter of fact we along with all groups in Kings Park have worked hard to help revitalize Kings Park. We paid Vision Long Island to help come up with a Vision Base Plan paying for those services from Vision Long Island the entire community was involved during this process. We are very concerned during this morning's work session that the Town is planning on using \$2 million out of the Fund Balance previously earmarked for sewers. That money was allocated as a show of good faith to the County and State for the Kings Park and Smithtown Sewer Project. The entire Kings Park community is invested in bringing sewers to Kings Park. The money may be needed to complete this project. The County needs to see commitment from the Town. I wonder if anyone reached out to the County to see if any more money would be needed other than the \$20 million for Kings Park and certainly more money will be needed for Smithtown. It is not good government to present a \$2 million project at 10:00 am and expect a vote four hours later. The community deserves to learn about the project, its details including the funding in order to have a voice in this large project. Thank you.

SUPERVISOR VECCHIO: To clarify the record, there is no vote four hours later to fund a project. There has been no vote.

SUPERVISOR VECCHIO: Mark Mancini.

SUPERVISOR VECCHIO: We did not vote on \$4 million.

COUNCILMAN MCCARTHY: We amended the 2017 Capital Projects List. Over the next two to three weeks before the next meeting, the funding sources will be identified a road program with the Highway Superintendent of Smithtown will have to be put in place and that will be a discussion almost three weeks from now and that's when the source of funding will be decided. In a work session this morning the Supervisor suggested that that might be a possible source. He also said that if that source was used, that all five Members, and I polled the Board, all five Members would vote to place that back as soon as it was needed and there was a unanimous vote on that this morning.

LINDA HENNINGER: I was sitting here this morning listening and I'm going to disagree with what you said. He didn't say he suggested, he said that's where it would come from. He said it would come from that, there was no suggestion. It was either bonded and the Supervisor said, no. Then you brought up the funding, the \$2 million for the open space and that's working well so the Supervisor said no, so then you went to the sewer fund and that's exactly where you identified where the money was coming from. So don't sit there and tell us you didn't identify it.

COUNCILMAN MCCARTHY: I said the Supervisor identified it as a possible source.

LINDA HENNINGER: You didn't say possible, you all agreed to it.

COUNCILMAN MCCARTHY: Can I finish please.

LINDA HENNIGER: Yep.

COUNCILMAN MCCARTHY: No source has been voted on for that particular amount. That will be discussed over the next three weeks; whether it will be bonded or use that source and that's what will happen at that particular time and the Highway Superintendent will come up with a full plan for the road amendment program and that will all be decided in the next two and half to three weeks.

LINDA HENNINGER: That's not what you said this morning.

COUNCILMAN MCCARTHY: No, we discussed it and all agreed that it would be a good possible source. We also did agree to replenish that source if that source was used. And, we did not vote to use it, we talked about it. There was not a formal vote.

COUNCILWOMAN INZERILLO: Hi, Mr. Mancini.

MARK MANCINI, 19 CORNELL AVENUE, SMITHTOWN: Hi, how are you? Mark Mancini. Ok, so let's calm down a little bit I guess.

COUNCILMAN MCCARTHY: No one is not calm, we are just having discussions.

MARK MANCINI: So, the \$2 million was discussed, I get that part. I'm a little confused at this point it seems to be bouncing back and forth. So, that whole fund has the potential of being used and the potential to be resourced later?

COUNCILMAN MCCARTHY: You're exactly right Mr. Mancini.

MARK MANCINI: Now part of it, the concern of some of the community right now is as my tenure with the Chamber as President we met several times with the County Executive and what came up over and over and over again was commitment from the Town and commitment from the County. So the County always said we'd like to see something from the Town, see something from the Town and I think that allocation of money was seen as a commitment from the Town and I think Tony Tanzi and the rest of Kings Park, when they took on this project and they got their planning together and they did all these events, I think that was a big motivation for us to get \$40 million from the State of New York as commitment for that. The concern is if you pull back on that money, that might become an issue and maybe that money will go away. So, I think we should keep that in mind that part of the commitment of the Town is very important for St. James as well as Smithtown and Kings Park. So, I guess the next question would be do you see yourselves committed to this \$2 million toward the sewer districts?

COUNCILMAN MCCARTHY: Absolutely, we voted this morning a 5-0 fully affirmative. It wasn't a vote at 2:00 it was a sense of the whole Board that if that source of funding was used, for the St. James redevelopment, revitalization project that five people would vote to replenish that fund.

MARK MANCINI: I guess the next logical question to ask would be what kind of time frame would that be? Because obviously Kings Park is ready to move they're ready to put their projects into action here.

SUPERVISOR VECCHIO: If that \$2 million were needed as that project began then we will find a source for that \$2 million.

MARK MANCINI: The community is concerned about that.

SUPERVISOR VECCHIO: Don't be concerned about it. The Title of the Town Supervisor is also Chief Fiscal Officer and I am well aware of what is in the Budget, I'm well aware of what income we get as the days go by. Allow me to finish, and remember, I am the one who proposed the Budget with the \$2 million funding source for the sewers. Correct?

MARK MANCINI: Correct.

SUPERVISOR VECCHIO: Ok. So, I would not idly say let's get rid of that \$2 million and put it into this project. I am well aware that if that money needed to be replaced, it would be replaced.

MARK MANCINI: Understood, could I just say one more thing, I know my time is up, taking all that into effect and it is an election year, what if the parameters change how do we guarantee our communities, our Chambers, our Civic Associations that after November, the same situation is in place? I think that's what they are looking for a guarantee that this stays in place.

COUNCILWOMAN NOWICK: Can I say something, just stop you for a minute.

MARK MANCINI: Sure, go ahead.

COUNCILWOMAN NOWICK: What we passed was the Amendment to the 2017 Capital Project for the St. James Business District. If you read it, it does not say to take out \$2 million from the sewer district. This is not done through this vote, it cannot be done through this vote. And here is a good reason why you are here, why you are all here; you bring to our attention and make sure and we bring to the public we are aware of the \$2 million for Smithtown and Kings Park sewer district. It's good that you come before us, but make no mistake about it what we voted for today was not to take \$2 million out of that particular source. But, thank you again for bringing it to our attention it is very important for us to know these things and keep it in our minds. Just so you know, that is not what we passed.

SUPERVISOR VECCHIO: I'm not so sure I agree with that last statement. I prefaced my remarks this morning and no vote was taken. There is \$40 million forth coming from the State of New York so, if you were running your Town like you ran your household, you would say, I don't need to spend \$2,000.00 on a washing machine if I'm getting this amount of money elsewhere and that's all that was and as the Chief Fiscal Officer, I have an obligation to save money on interest if we can. So, that was my idea and nobody jumped all over that and said great idea. So, whoever is filling your head with those kinds of rumors....

MARK MANCINI: Just here for the facts.

SUPERVISOR VECCHIO: Well, you got the facts.

MARK MANCINI: Ok, thank you very much.

SUPERVISOR VECCHIO: Amy Fortunato.

AMY FORTUNATO, 16 COLONIAL ROAD, SMITHTOWN: Hi, good afternoon. I did have my hand up asking about this particular Amendment and in my opinion there is not enough detail as to the amount of monies, where it's coming from; when I run my family home if we don't talk these things over, if there's not communication, there's a problem.

SUPERVISOR VECCHIO: What project are you referring to?

AMY FORTUNATO: Capital Project, Amendment A.

SUPERVISOR VECCHIO: Capital Projects are funding by borrowing.

AMY FORTUNATO: Excuse me?

SUPERVISOR VECCHIO: They are funded by borrowing.

AMY FORTUNATO: Funded by borrowing...ok. Nonetheless, I would like to see that in this agenda, I'd like to see what you all are agreeing to and have discussion about it. And, as I've said in the past, I would like us to be more open and able to communicate these issues. I don't know what the Capital Expenditures are going to be, what the projects are. I'm interested.

SUPERVISOR VECCHIO: We meet in open session every two weeks. Two weeks ago, we went over a Capital Plan, different projects, different equipment, etc. Today, the Capital Plan \$7.7 million we will add \$2 million to that borrowing which has not been yet at the moment.

AMY FORTUNATO: I appreciate that. I just hope that there would be more communication between us as we've been saying.

SUPERVISOR VECCHIO: We do have it, right here, you're on television.

COUNCILWOMAN INZERILLO: Everyone has the right to come to the Board Meetings, like the Supervisor was just saying we have work sessions where we discuss all of these plans.

AMY FORTUNATO: That would be great.

COUNCILWOMAN INZERILLO: We do.

AMY FORTUNATO: The other thing is my New York Avenue. I've got my Bobby Hughes look on today again. Where are we at? What's happening with the appraisal? Is there more going on? Is there a backup plan with this? Tell me what you can tell me about that.

TOWN ATTORNEY: The first step is the appraisal and I expect to have it by the end of this week.

AMY FORTUNATO: Ok, anything else about it?

SUPERVISOR VECCHIO: No, if the appraisal is reasonable, then they'll be a question of funding and whether we want to do it or not.

AMY FORTUNATO: Thank you.

SUPERVISOR VECCHIO: G.M. Gaimaro.

G.M. GAIMARO, 18 SUMMERSET DRIVE, SMITHTOWN: Hello, this is...thank you Mr. Vecchio and other Members of the Board. I'm here to discuss the sewer systems and I'm sure my timing is really off today because we've been talking about it for four hours already. But what I'm asking is the Town has known about this project from Governor Cuomo for four or five months already, and he pledged a total of \$40 million. Where are we in the Town? Has there been any action within the Town as far a planning such a complicated project?

SUPERVISOR VECCHIO: Well, I don't think we would begin the planning process until we had the money in hand, right now, it's only a promise.

G.M. GAIMARO: It's not in the hands of the State or the Town?

SUPERVISOR VECCHO: Say that again.

G.M. GAIMARO: It's not in the hands of the State or the Town?

SUPERVISOR VECCHIO: It's in the hands of the State, they control that purse string. Once that money would be forthcoming we would have to place a bid for the design work and all the other accoutrements involved in sewerage the Town.

G.M. GAIMARO: Premature.

SUPERVISOR VECCHIO: Exactly. We will move as diligently as possible.

G.M. GAIMARO: Thank you very much.

SUPERVISOR VECCHIO: Thank you.

SUPERVISOR VECCHIO: John Zollo.

JOHN ZOLLO, 169 HICKORY LANE, SMITHTOWN: Good afternoon Mr. Supervisor and Members of the Town Board. As you all know, I've announced my intention to run for Supervisor of the Town of Smithtown and putting that aside, I agree with everyone here and commend the Town Board on taking a tremendous step and putting all that money towards the Capital Plan. On April 27<sup>th</sup> you set up a \$27 million Capital Plan which included \$7.7 million on parks, downtown beautification and highway equipment; two weeks later you put forward this additional \$1.9 or \$2 million for St. James. It's wonderful. It is an election year and these things happen. This is the largest Capital Project in Smithtown's history, you've never done anything like this before and it seems to me that what I've heard is that we have is all the Hamlets vying for whatever they can get and the Town Board is stuck dealing with Hamlets who seem to be not getting the main focus from the Town. The Town is the focus of everything here. I think maybe the Town should work a little bit more on bringing the different Hamlets in and sitting down with them and come up with a plan and other people said, discuss it, get information so they know what's going on. I feel like so many people feel they are not getting enough information and they are left in the dark and even if they come to a work session more often than not there is not much discussed at work sessions that would give you enough information to kind of see what was happening. So, while you're talking about St. James and St. James hasn't gotten any improvements in more than fifty years and this is wonderful. The timing is everything. So, I'd like to say congratulations on taking the step, a big step, of this magnitude to keep it moving forward more importantly involving all the Hamlets, all the Chambers all the Civic Groups, because we are all one Town and we are all in this together and sometimes, I feel we are more adversaries than we are team mates. So, thank you again. That's it. Thank you.

SUPERVISOR VECCHIO: Nancy Fetherston.

NANCY FETHERSON, 6 BEACH PLUM LANE, ST. JAMES: Thank you. Nancy Fetherston from East Long Beach..up there. I was here a couple of weeks ago to bring to your attention the seawalls being built on the Nissequogue Bluffs. I've lived there for forty-six years so, I see the daily changes, the yearly changes, the decade changes. I gave you pictures today. I think pictures are worth a thousand words. The first one shows you the telephone poles in the middle of the dune. That's because the dune is so eroded that it is moving back over the parking lot and then they have to clean the sand off it. The next one (picture) there's the sand over the road every spring. Another one (picture) shows the erosion on the East Long Beach. Bulkheads in the tidal zone that when I moved there, held up the porch of the <inaudible 1:04:48> House.

This is to just show you...never mind the jetty that is necessary for the pavilion and that's an old one. All this is caused by seawalls on the Nissequogue Bluffs. The bulkheads, they were all wood bulkheads; last year a steel one went up and I call it a Darth Vader bulkhead. These bulkheads all tow in and go into the tidal zone that is Smithtown resident's jurisdiction. I gave you a picture of the rocks that are littering the tidal zone now because Ms. McDonald's bulkhead there, has no DEC Permits and no Building Permit. There are three others adjacent to it that are already built. Here is what your tidal zone looks like right now (picture). Every two hundred feet of bulkhead robs Long Beach and the currents that constantly go east a 24,000 cubic feet of sand. Next Tuesday night, there is a hearing for an appeal overruling the Coastal Commission.

SUPERVISOR VECCHIO: Where is that hearing?

NANCY FETHERSON: In the Nissequogue Hall. If the two Sharon McDonald who is a California resident with a \$6.5 million house, these all have lawns, seventy-eighty feet of lawns to the bluff. It is peace of mind they want. She's a California resident and her house is for sale. If those two are approved, 1,300 continuous feet of boulder six foot wall will rob our Long Beach of 144 cubic feet of sand. This is the eastside of the bluff, not the short beach side. I'd like to read you, I'm just a civilian here.

SUPERVISOR VECCHIO: I need to ask you a question.

NANCY FETHERSON: Yes.

SUPERVISOR VECCHIO: These photos that you have submitted, are they in the Village of Nissequogue? These depictions.

NANCY FETHERSON: They're in the Town of Smithtown. Smithtown property.

SUPERVISOR VECCHIO: Those too with the poles on them?

NANCY FETHERSON: Yes. Smithtown property is in the Town of Smithtown and without getting into the jurisdiction and LWRP stuff, as an owner, I'd love to ask Smithtown to have a gentlemen appear and object. I will be there. No one in ten years has objected to these seawalls being rubber stamped in. But Larry Swanson, I asked him for a statement. Dean of Oceanography over in Stony Brook doesn't make political statements. This is the first one he's ever made. "Construction of seawalls at the base of Nissequogue Bluff to protect a few homeowners will interrupt the natural flow of sediment to either the east or west depending on location. The downstream effects from this disruption could have devastating consequences for the Villages of Nissequogue, Head of the Harbor and the Hamlet of Stony Brook to the east and Nissequogue River to the west. The natural maintenance of Long Beach and Short Beach would be altered from the reduced sediment flow destroying the beauty of this Northshore coastline and could eventually result in having Long Island Sound breach or erode the two respective sand spits. To avoid the latter would necessitate extremely expensive shoreline hardening that would have to be borne by the taxpayer." That's the part you see with the dune and the poles. It would have to be bulk headed. "One has to wonder what liability the Village of Nissequogue might have as a consequence of shortsighted coastal resiliency planning that is inconsistent with the States Coastal Management Policies." I love the area, you do a great job in maintenance I've seen it daily for the last forty-six years. But, you don't live there. I see the changes. You have to have a big time perspective not an ants or a daily you're losing beach. Russ Barnet said it would be, in your office, it would be \$400,000.00 to extend if you have dredge spoil over the up beach to save the majority of Long Beach where the poles are. I'm trying to bring things to your attention so you can plan ahead. I'd love to have somebody ask for either denial or removal from the tidal zone of these rock walls; they are not permanent, that's your property or at least a delay. Thank you.

SUPERVISOR VECCHIO: So, the photos that have these large rocks or stones, that's Smithtown Land?

NANCY FETHERSON: That's your intertidal jurisdiction, yes.

SUPERVISOR VECCHIO: Ok. Thank you.

NANCY FETHERSON: By the way, Jennifer Young, excellent. She's looking into various legal aspects for you.

SUPERVISOR VECCHIO: Ok, thank you.

SUPERVISOR VECCHIO: Sean Lehmann.

SEAN LEHMANN, 27 COLUMBINE LANE, KINGS PARK: My name is Sean Lehmann at 27 Columbine Lane, Kings Park, NY I'm President of the Kings Park Civic Association. Supervisor Vecchio, Members of the Board for the past seven or eight years in our questionnaire forms to our Civic Members in the community and we asked for their top three concerns and for the past seven or eight years, downtown Kings Park was the number one concern. A few years ago, we teamed up with the Chamber of Commerce to develop a community based or community based plan for downtown Kings Park we've networked with the Smithtown Chamber of Commerce on this plan as well because they were looking to revitalize their downtown as well. We spent money from members of our community, our business owners, to create a plan that was presented to the Town this past November. Can anybody tell me if there has been anything new, any movement from the Town moving this plan forward? Since November?

SUPERVISOR VECCHIO: Yes, the Planning Director has told me personally that the money that will be forthcoming from the County will be used for a Market Study regarding that plan and the plan done by the RPA.

SEAN LEHMANN: The RPA study. So they can merge the two plans together and come out with a plan based on those two plans.

SUPERVISOR VECCHIO: Well I don't know who they is, but were talking about a Marketing Study and there will be consulting firm that will do that.

SEAN LEHMANN: Ok, thank you. Our plan, once the two plans are merged, or whatever we want to call it, it's shovel ready. It's shovel ready. We have a sewer plan, it's shovel ready. I just want to go back to the vote. Councilwoman Inzerillo and Councilman Wehrheim the reason, and I just want to clarify this, the reason why you tabled your vote was not because your against improvements going to St. James it was because you were worried about where this money was coming from as far as the funding. Am I correct?

COUNCILMAN WEHRHEIM: That's correct. I received information on this project last Friday, we had an extensive discussion at the work session this morning and been in contact with the Comptroller and it is confusing to me as to exactly where the funding is coming from. We authorized an Amendment to a Capital Project but there is no funding avenue.

SUPERVISOR VECCHIO: That is not necessarily true.

COUCILMAN WEHRHEIM: Well, that is what I was told by the Comptroller Supervisor.

SUPERVISOR VECCHIO: Let me finish talking because I know this intimately. I suggested rather than borrowing the money, to implement the project suggested in St. James that we would use the \$2 million that I put in the Budget, it was my concept, and use that \$2 million for this project. If the need arose we would then borrow that \$2 million to fill your project. It doesn't mean the money disappears. In September, I have to produce another Budget. So, to be so fearful that suddenly money is going away and something won't occur...

SEAN LEHMANN: Where are we borrowing this money from? Because before you said we'll find the money and now you're saying we'll borrow the money. Borrow from where?

SUPERVISOR VECCHIO: We borrow it from banks.

SEAN LEHMANN: Ok, so why don't you do that for the St. James project?

SUPERVISOR VECCHIO: Because there are two reasons for that, one is that the money is now lying foal if you will, in a Budget in a reserve fund....

SEAN LEHMANN: Collecting interest...

SUPERVISOR VECCHIO: Yes. And we would have to go out and borrow that money that you just suggested. So, when the need comes for that, we are delaying the cost of the bond.

SEAN LEHMANN: Ok, you talk about a house, I have a budget. I'm a homeowner, I'm the head of a family, I have a budget. When I have something important that is coming up I don't take money from that saying, well I might be able to get it later, I'll borrow it later. I keep that money on hand.

SUPERVISOR VECCHIO: That's you.

SEAN LEHMANN: That's me. That's the way I believe.

SUPERVISOR VECCHIO: That's you.

SEAN LEHMANN: Ok, let me move on. So does anybody know exactly how much the Kings Park and Smithtown sewer plans will cost?

SUPERVISOR VECCHIO: Your time is up. I'm sorry.

SEAN LEHMANN: Thank you.

SUPERVISOR VECCHIO: I'll move to close the meeting.

### **ADJOURNED**

The following motion was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

BE IT RESOLVED, that the Regular Meeting of the Town Board of the Town of Smithtown, held at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, Victor T. Liss Board Room, 99 West Main Street, Smithtown, NY on the 9th day of May, 2017 at 2:00 PM, is hereby adjourned.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patrick R. Vecchio, Supervisor
<b>SECONDER:</b>	Thomas J. McCarthy, Councilman
<b>AYES:</b>	Vecchio, McCarthy, Wehrheim, Nowick, Inzerillo

TIME: 3:13 PM

FILED: \_\_\_\_\_

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VINCENT PULEO - TOWN CLERK  
TOWN OF SMITHTOWN