

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at the George Young Community Center, South Jamesport Avenue, Jamesport, New York on Tuesday, August 21, 2007, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
John Dunleavy,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "-- here, watching us tonight and let's see, is there more on the Board and at this dais or more out there? Roughly a little bit more out there. We're in Jamesport and it's wonderful to be in Jamesport and even on a rainy Tuesday. Yeah, and I think-- there's only four people on this side of the room and maybe 12 on this side, I think we have to even it up a little. Okay.

What we're going to do first is the Pledge of Allegiance because we always do."

(At this time the Pledge of Allegiance was recited)

Supervisor Cardinale: "Okay. We'd like to begin by approving the minutes of the town board meeting of August 7th. Would you offer them, please, somebody?"

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Councilwoman Blass: "Two quick announcements- "

Supervisor Cardinale: "Yes, good."

Councilwoman Blass: "Okay, quickly. There's an informational meeting on Lyme Disease which has been coordinated by Legislator Romaine's office and it's scheduled for August 30th, next Thursday, from 5:30 to 7:30 at the County Center. Their panel of experts include Pat Smith who is the President of the National Lyme Disease organization, medical specialist and practitioner as well as Suffolk County Commissioner of Health Services and others.

The reported number of Lyme's cases- cases of Lyme's Disease continues to escalate and any information we can get on prevention and treatment is important.

So it's next Thursday, at 5:30 at the County Center.

And, secondly, from the Peconic Estuary, we recently received a document which proposes new standards for implementation practices to improve water quality and (inaudible) in the town of Riverhead. It's possible to meet the new standards for dissolved oxygen by the EPA, but in order to do that, we must significantly reduce nitrogen and as a homeowner you can help by following these guidelines for fertilizer applications which would help reduce nitrogen into the estuary.

Please take one. They're on the table outside.

Thanks."

Supervisor Cardinale: "Good. I want you all to know that never in 30 years have I placed fertilizer on my lawn and it looks like it. It's brown and really, really ugly, but no fertilizer. And you don't either, I can tell, because all you've got is forest there.

Okay. The next public hearing- the first three are on the consideration of the purchase of development rights from Bell, Hodun and Manor Lane LLC and the other two are something else. So I understand our town attorney is going to commence the presentation of the 7:05 public hearing which I will open as of 7:16. We would have been on time except Cablevision was late."

Public hearing opened: 7:16 p.m.

Supervisor Cardinale: "And consider the purchase of development

rights on 20 plus or minus acres of agricultural lands owned by John and Raymond Bell. Dawn, are you going to tell us anything about this?"

Dawn Thomas: "Yes. The Peconic Land Trust normally does these hearings but they're unavailable this evening, so- "

Supervisor Cardinale: "They ought to be unavailable when they ask for their check."

Dawn Thomas: "So I'll be your replacement. The property is owned by Raymond and John Bell, located on Roanoke Avenue. The tax map number is 0600-63 Block 2, part of Lot 4. The properties to the west are owned by Suffolk County development rights sold. Twenty plus acres. The purchase price is \$90,000.00 per acre and it is in partnership with the County of Suffolk, the County to pay 70%, the town to pay 30%."

Supervisor Cardinale: "I think the County of Suffolk saves money on their appraisals. They must get it from the same people and they always come back with the same number, but I suppose that's a (inaudible)."

Dawn Thomas: "The appraiser on this property was (inaudible)."

Supervisor Cardinale: "Okay. Twenty acres, \$90,000. Can you tell me where it is?"

Dawn Thomas: "It's on Roanoke Avenue, I'm sorry, I don't have the map. Barbara does have a tax map- "

Supervisor Cardinale: "Yeah. Barbara may be able to tell us where on Roanoke."

Dawn Thomas: "63-2- part of 4."

Supervisor Cardinale: "Okay, she's going to get that information. And while she is, would anyone like to comment in any way, you know, feel free, don't stifle yourself."

I hope it's north of Main. East side of Roanoke, south of Reeves. East side of Roanoke, south of Reeves, that sounds like Tuccio's. West side of Roanoke, south of Reeves. Okay. And it's Mister- John and Raymond Bell.

Any comments, we'd be pleased to take. It is a 70/30 split with the County who has been very generous in their splits (inaudible), because we've been very generous with buying things that they didn't earlier.

So if there's no comment, I'll close the hearing at 7:18 and keep it open 'til 4:30 on the 31st, is that the Friday? Friday, August 31st, is that a Friday? Okay. Friday, August 31st at 4:30 if you have any comment that's burning to be free and you want to put in, please do. And it's closed for verbal testimony at this time."

Public hearing closed: 7:18 p.m.
Left open for 10 days for written
testimony to August 31, 2007

Supervisor Cardinale: "7:10 p.m. The consideration of the purchase of development rights on 74 plus or minus acres of agricultural lands owned by Walter Hodun and Edmund Hodun, Jr. located on Reeves Avenue, Riverhead. You want to tell us about that, please. And we're opening it at 7:19."

Public hearing opened: 7:19 p.m.

Dawn Thomas: "Yes. This property is located on Reeves Avenue. The tax map number is 0600-Section 54, Block 1, part of Lot 9.2. There's one parcel to the west of the subject premises which is owned by Suffolk County development rights sold. This is also a partnership with the County of Suffolk, the County to pay 70% and the town to pay 30%. The price is \$90,000.00 per acre."

Supervisor Cardinale: "Surprising."

Dawn Thomas: "All three- well, two out of three tonight are 90. The next one is 88. This is a different appraiser. (Inaudible)."

Supervisor Cardinale: "They share office space. Okay. This property is fronting on a street, I hope."

Dawn Thomas: "Reeves Avenue."

Supervisor Cardinale: "Reeves Avenue. And- because it's cut on the tax map but it's 74 plus or minus acres, 90 an acre, 70/30 split with the County, and if anyone has a comment, I'm all ears."

If they do not, I'm going to leave this one open for written comment up to 4:30 on August 31st and move on to the third- oh, this is Jack O'Connor, this could be a new bid on the recreational property, our real estate advisor. I'm going to- you're here. Could be (inaudible). I'm not kidding, it was Jack O'Connor. But I'll hold it for the break."

Public hearing closed: 7:21 p.m.
Left open for 10 days for written
comment to August 31, 2007

Public hearing opened: 7:21 p.m.

Supervisor Cardinale: "We're going to move to the third hearing, 7:15 p.m., consideration of the purchase of development rights- 7:21- on 35 plus or minus acres of agricultural lands owned by 353 Manor Lane LLC. That is fronting on- "

Dawn Thomas: "Manor Lane."

Supervisor Cardinale: "Manor Lane, as the name implies. Want to tell us about it?"

Dawn Thomas: "That is also more familiarly known as Totino Tree Farm (phonetic) which is on Manor Lane. It's 35 plus or minus acres. The price is \$88,000.00 per acre. Properties to the northwest, southwest were also owned by Suffolk County development rights sold. The partnership with the County of this purchase is 70% purchase by the County, 30 by the town.

It's currently a tree farm. There are some vegetables. Notes indicate that while Mr. Tortino, Sr. is selling property to another for farm use, he has an agreement with the contract vendee to continue to farm five acres for his own use to grow peppers."

Supervisor Cardinale: "Peppers are good."

Dawn Thomas: "And this was appraised by Eleanor Brunswick and John (inaudible). As I said the price was \$88,000.00 per acre."

Supervisor Cardinale: "Okay. Would anyone like to comment on this purchase of the Tortino- oh, good, we have a comment. Mr. Barbato, Bill."

Bill Barbato (phonetic): "-- I also live on Manor Lane. (Inaudible comment)."

Supervisor Cardinale: "Thank you. Okay, any other comments? If there is no further comment, we'll leave this one open also for written comment through 4:30 August 31st, Friday."

Public hearing closed: 7:23 p.m.

Public hearing opened: 7:23 p.m.

Supervisor Cardinale: "And move at 7:23 to the hearing scheduled at 7:20, consideration of a local law to amend Chapter 52 entitled Building Construction. And I believe the amendment is a deletion, isn't it? Yeah. We're deleting Chapter 52-20 which is enforcement of Uniform Fire Prevention Building Code for government buildings and activities. Why are we doing this?"

Dawn Thomas: "This is really a maintenance item which we discussed in the past, would bring- make the code consistent with the town board's position on the inter-municipal application situation. We've experienced a few different matters."

Supervisor Cardinale: "Right. I think this was inconsistent with state law and we want to make it- we want to make sure there's no more confusion on the issue.

Okay. Is there any comment in regard to this?"

Martin Sendlewski: "Good evening. Martin Sendlewski from Riverhead. I'm a little confused. It seems like this is a little bit more than housekeeping.

The question I'd like to ask is I'd like the board to explain the specific logic, reasoning and conclusions of the town board as the legislative body of the town of Riverhead that is leading you to omit Chapter 52-20."

Supervisor Cardinale: "You want to take a shot? Leroy is here. Yeah, Leroy is the Building Department individual who recommended this. I know what the general answer is but why not share? Would you come forward, Leroy, because you did come and all and tell us why you recommended that this would be less confusion if it was out of the

code. And would you comment first."

Dawn Thomas: "The state law requires that the government conduct a balancing test when an invading municipality is looking to conduct different activities within the town that would require (inaudible)."

Supervisor Cardinale: "With the county, yeah."

Dawn Thomas: "Well, there's another agencies, include LIPA- "

Supervisor Cardinale: "Oh, LIPA, yeah."

Dawn Thomas: "-- another entity, and it's-- the town board's position has been clear it's consistent with state law, this legislation was not (inaudible). And I think we felt it was important to make it clear publicly that this (inaudible)."

Martin Sendlewski: "These changes that are being made are made by the town board. You are the legislators so you're changing town law that all of the town residents, other agencies, etc., have to follow. This is law, you are legislating."

Do you have a clear understanding of what exactly the factors are with regard to 52-50 or are you simply relying on some other information or advice provided-- which you should do, obviously, and the board's well versed in this.

But are you personally aware of what you're doing in changing this law? You're actually changing the local law. Are you familiar with the law and the history of it? And have you evaluated this as legislators, to change legislation, and can you explain what your feelings are about that?"

Councilman Densieski: "I can answer, Phil."

Supervisor Cardinale: "Go right ahead."

Councilman Densieski: "We're having a public hearing to get as much information as we can either way and then we'll make a formal decision at the appropriate time."

Supervisor Cardinale: "But I have a couple questions inspired by your comments. I know what we-- my understanding of the legislation is that this is not-- this standard which is no standard, is

inconsistent with the Monroe case handed down by the Court of Appeals of the State of New York, as the law of the land. And we do not have-- and one of the reasons I would go forward and delete the section, is if I were convinced that it were inconsistent with the state law and hence not-- that we have no option to utilize the standard in here which is basically the following.

Whenever a special district is in the town, a water district, sewer district, scavenger waste, fire, fire prevention, ambulance, street lighting, highway, of the town or of any other governmental agency collectively known as a regulated public entity, seeks to construct public improvements, such as regulated by the New York State Fire Prevention & Building Code, the requirements of this section shall be complied with. And then they pretty much waive all of the requirements if they file the plans.

If we could do this, I might consider doing it. It is my understanding that we can't do it under the Court of Appeals case, that we are required to do a balancing of other factors that are set forth in this ordinance.

Can we get a confirmation of that? Because if I could leave this in place, I'd consider it. But I don't think I can from what I've heard."

Martin Sendlewski: "It would seem like it would be a little bit more beneficial-- I happen to deal with this all the time, not only in Riverhead-- "

Supervisor Cardinale: "It's convenient, yeah."

Martin Sendlewski: "-- and from my perspective representing clients in special districts, basically what you're doing is sort of burying your head in the sand and saying this really doesn't comply so let's just throw it out the window.

I would think it would be much more beneficial to the town, to the taxpayers, to the public at large, if instead of just throwing the law out the window, if you were to dovetail the balancing test issues that are intended to promote a better communication between municipalities and special districts instead of just throwing it out the window. It seems like instead of dealing with it (inaudible)."

Supervisor Cardinale: "But the problem is if you look at the statute, it's 52-20, if you look at the statute, there is no standards

stated. It simply says when these districts seek a building permit, just file a set of plans, specs and amendments with the clerk before construction and fire away."

Martin Sendlewski: "I'm just saying, instead of throwing it out, change the standards."

Supervisor Cardinale: "Well, there are no standards here, but that's an interesting question. Why don't we, after we get rid of this, we should have a statute that-- places in statutory form, the Monroe test because-- and confirm for me, if you will, we don't have an option here."

The Court of Appeals-- unfortunately none of us made it to that level or almost any other level of excellence in government, the Court of Appeals tells us what standards have got to be and the deal here is we can't use no standard with the fire district who we know and love, and then tell the County when they come into town, hey, guys, you're in big trouble because you're not using the standard of the Court of Appeals. We've got to use it in all instances so that's why we're trying to get rid of it because it inspires confusion.

Because this says there is no standard. As a matter of absolute legislate fiat, we say, these guys are smart enough in these special districts, they know what they're doing. Let them make their plans, they're a municipality, too, and just file the permits.

We can't do that anymore. Now what I do want to know is how come we added this in '97 after the Monroe decision because I think Monroe was before '97."

Martin Sendlewski: "Actually, what Ed said-- to try to gather some information on this and shed a little bit of light on it. These are the minutes-- "

Supervisor Cardinale: "Can you hear us? This is yours. It's moving. There you go. Only the finest-- only the finest accommodations. Go right ahead."

Martin Sendlewski: "I have the minutes from the January 7, 1997 meeting."

Supervisor Cardinale: "My goodness, you came prepared."

Martin Sendlewski: "That was the minutes of the meeting when

this law was adopted, and basically prior to 1984 actually when the code was adopted, the state controlled--gave many opinions that favored special districts.

At the town hearing back then, the then town attorney, Bob Kozakiewicz, noted-- and I'll just read from this very briefly, there is a large number of (inaudible), Attorney General's opinions which make a lot of sense and say that a fire district as a special unit of local government should not be subject to the government's zoning rules and the local building rules.

Now that is true back then and I know things change. With the change, let's adopt a law, change the law, instead of throwing it out the window to respond to those changes.

Some of the opinions he's talking about, and I'll go back to a New York State Comptroller opinion of 1977 that states, and I'll read it, and I have copies if you'd like copies of the law-- of the then opinions. This was an opinion of the State Comptroller. It says a fire district constructing a firehouse is not subject to the town building code or the town zoning laws.

It also says that the law is clear that the governmental body responsible for the reviewing of the plans for the construction of a firehouse is the Board of Fire commissioners. Such board is the governing body of the fire district and is empowered by statute to acquire real property and to construct suitable buildings, which is in Town Law 176, Section 14. That still exists.

The board, therefore, has the responsibility of making sure that the firehouse meets its requirements.

Now after that, those were the old things, way back, prior to '84. What Mr. Kozakiewicz noted then, as the town attorney, he said that that all changed somewhat in '84 when the state adopted the new-- the New York State Uniform Fire Prevention and Building code and thereafter adopted certain rules and regulations as to how those rules would be enforced.

When the particular code, the New York State Uniform code was adopted, it became incumbent that certain instances the town was charged with enforcing the code. So that's where the conflict started, the adoption of the code, things got a little bit, you know, crazy then.

Because now they opened it up for opinions of the state and etc.

At the same hearing, your current town Justice Smith, who was the attorney for the Riverhead Fire District at that time, he noted back then I think accurately, he said under the Education Law of the State of New York, any fire district or similar entity such as a sewer district undertaking specialized capital improvements program are required to retain the services of a licensed professional.

Later on, he went on to say it is clear for lots of years that that is the procedure to be followed with these very special types of construction.

There is some ambiguity that was created somewhat (inaudible) drafting of the state legislature and the State Secretary of State and the clarification that is before the board this evening, (inaudible), is that these professionals, say for instance design of a water tower, a very specific and unique type of building that (inaudible), file with the town clerk certifying that there is compliance with the building code.

So what they did when the confusion came up, is they said, look, a lot of these projects and a lot of buildings are specialty buildings and these districts have professionals that are specialists in designing, so let's defer to specialists. That's what I think the intent was back then.

And when you look at the confusion that was referred to at the meeting, we could refer back to a 1997 State Comptroller's opinion that said specifically a fire district in constructing a firehouse is not subject to the town building code or zoning ordinance but a fire district is required to employ a licensed engineer to prepare plans for a firehouse costing more than \$5,000. This is old legislation, I understand that.

At the same time when all this was happening, comes up the Monroe case which is the one that everybody seems to refer to, that sort of set the standard. The Monroe case in '88, the Matter of the County of Monroe, the Court of Appeals addressed the issue of whether projects undertaken by one municipal government within the territory of another municipality are subject to the latter's zoning laws.

The court abandoned a long standing governmental versus proprietary purpose test in favor of the new balancing of interest test for those circumstances.

That's where the balancing started coming up. That was upheld a decade later by State Supreme Court in the Nanuet Fire Company 1 versus (inaudible) Chairman of the Town of Clarkson (phonetic) Zoning Board of Appeals. It was in 1998, determine that the construction of a firehouse in a municipality was subject to the balancing of interest test set forth in Monroe.

So the history here does support the Monroe case which is rightfully noted by the town attorney.

What was also noted by the town attorney at the hearing was that the proposal at that time, 52-20, was to change your particular code, Chapter 52 which would provide that all plans by various districts, fire districts, sewer districts, etc., be submitted to the town clerk. There would be a requirement that all plans contain the seal and the stamp of a licensed engineer or architect and will be reviewed in such fashion.

So that's the history as far as Riverhead, how this law came about. The law that you're going to- are considering omitting, also affects the sewer district, the water district, scavenger waste district, street lighting district and all these other districts. So when you take away this requirement, file something with the town clerk, not only is it going to affect the fire districts and other special districts, it's going to affect every other district that's written in that code.

So they are now going to have to file the permits, they are going to have to go through the process and a balancing test before you as a township with all of your other districts, do any improvements. So this is a little bit more of a far sweeping change in legislation that you're making here and, again, I feel that you as a board, your most important responsibility is as legislators.

You get to set the laws that everybody has to follow and that's what you're actually doing here. You're changing the law."

Supervisor Cardinale: "Let me comment on what you said. It's interesting, history, and obviously you're knowledgeable in history. But my question is a lot simpler. This statute, the confusion as I understand it has been removed by the Monroe case which is the Court of Appeals which is the one that really sets the laws because if I- if we pass a law or the state passes a law and the Court of Appeals says it's not the law, it's not the law.

So the confusion I believe had been removed by that. If this— if the option of continuing what is outlined here which is basically for those districts, they get a pass as long as they've got stamped professional plans, if the option were available, I'd seriously consider it.

But what I'd like the town attorney to do is to verify what I believe the board's understanding is, is that option is no longer available to us, that we have to use the balancing test as determined by the Monroe court and that's it. We don't have the option of saying, guys, you're probably smarter than we are, just as long as a professional is working for you, it's okay. Go ahead and build.

We have to balance, make a decision on whether the zoning entity— under the balancing test, zoning and its rules applies. If we determine no, it doesn't apply, then maybe it does make sense to just say go ahead and go forward with professionals as set forth, Dawn, at c, d, e and f here.

But if there's a determination that zoning does apply, then, yeah, we've got to go through the rules."

Dawn Thomas: (Inaudible comment)

Martin Sendlewski: "Why doesn't the town board do something to that effect in 52.20 instead of just throwing it out the window?"

Dawn Thomas: "They could do that, but (inaudible comment)."

Martin Sendlewski: "I know it's been referred to local government, but are you familiar with Article 12B, 239 N1 of General Municipal Law?"

Dawn Thomas: "239 (inaudible comment)."

Martin Sendlewski: "I'll tell you why you don't and I'll give you a copy right now if you'd like it.

Section N1 is a revision to General Municipal Law. It was referred to local government on January 16 of '07. Had it's first report on 4/18, 2nd report 4/23, advanced reading on 4/24 and passed in the state Senate on 4/25, it was delivered to the Assembly and referred back to local government.

The title requires governmental unit which proposes to sponsor a

public project within a municipality with zoning to determine whether a project is immune from such zoning.

What the law does is the law that is being revised in General Municipal Law, addresses the issue and specifically what it says is it says the title of the bill, An act to amend General Municipal Law in relation to the balancing of public interest for governmental projects in municipalities having zoning requirements.

The purpose of the law is to amend the General Municipal Law to provide compliance with municipal zoning requirements while at the same time promoting a balance in the public interest, inter-governmental cooperation, and the resolution of potential and use disputes, thus enhancing the general welfare of the state and its communities.

The summary of provisions state that Section 1 of the bill set forth a new section 239N1 of Article 12B of the General Municipal Law to provide a procedure for encroaching government units to follow. Encroaching government units to follow. It is not the town, by State law with the Senate now, this becomes law July 1st, I believe it became a law on July 1st. That's the encroaching governmental agency, or government unit to follow.

When they propose a project in another municipality with zoning, it is actually the invading agency that performs the balancing test. That is now passed in the State Senate."

Supervisor Cardinale: "Not in the Assembly?"

Martin Sendlewski: "It was referred to Assembly in the 25th of May, delivered to the Assembly."

Supervisor Cardinale: "But we don't know what happened?"

Martin Sendlewski: "No, I know that. What I'm saying is, your legislature, wouldn't it not make sense if the State Senate has passed a resolution for General Municipal Law to take this and amend Chapter 52-50, and I know it's maybe unfortunate for the town but the State is again siding with the fire districts and special districts, that they are the entity, they are the lead agency, they are the entity that does the balancing test.

It states here, specifically with the underlining and italics, the additions to General Municipal Law an the criteria that the

invading agency is to utilize in doing the balancing test which will eventually lead to them as the lead agency making a SEQRA determination.

So it would certainly make more sense to take this information, dovetail it with 52-50, improve it and change the law instead of throwing the baby out with the bath water and let's just throw it out and start from- "

Supervisor Cardinale: "I'd like to see that- that's a very important issue and you- and I'd like to see that. That's- and things that get passed in the Senate as you well know, do not- often do not become law. That's the big issue and that's part of the litigation with the county.

Logic demands that the zoning entity that is the town, one of the few powers the towns still retain, the zoning entity should be doing the balancing test so if nothing else, I appreciate your bringing it to our attention because before it becomes law, I'm sure the Association of Towns and Villages, will be vigorously objecting in the Assembly that approach. Because if you're going to let the invading entities do the test, you're going to get- you're not going to get a fair call because I know exactly what they're going to do. I'm not even sure if you let the zoning entity do the test, you're going to get a fair shot or a fair call.

But certainly, the guy that doesn't want- that LIPA comes in and they want to do something in town, I bet you they're going to wave zoning awful frequently. So I think that's poor public policy but I'm appreciative of your bringing it to our attention. So maybe if you can get that to Dawn- we're not going to- as usual, we're not going to move with lightening speed here. So don't worry about us passing a law while- "

Michael Sendlewski: "Just for your own satisfaction, one of the items, item #9, does- one of the criteria is inter-governmental participation in the project development process and an opportunity to be heard. So it's not as if the bill would allow these agencies to do their thing and then come in and say, hey, we did this and, you know, this is what we're doing."

Supervisor Cardinale: "Yeah."

Martin Sendlewski: "That's the way you should address it. Set the zoning up so they're required to come to you and participate.

Bring their experts in and basically get the job done."

Supervisor Cardinale: "Well, we- if that passes, you know, if the Senate proposal goes through to law we may also be limited in what we can do. We - remember we're a subdivision of the State. If that's the law, we have to comply with it. We can't pass a local law that-- if they preempted the area.

So I think what you brought to our attention is that the issue that we're litigating with the County which is very important to every town including our town and every village, they take the position that they don't do anything. They just come in and act. They don't balance at all.

But the next question is okay, yeah, we do have to do the balancing test. That is the Court of Appeals, the law of the land. And then you get to the question you're raising, who does the balancing test? Is it the zoning entity or is it the entity that wishes to do something in that town or village?

If they come down- if the Senate comes down on the side of the invading entity doing the balancing test, all that really means is that they have to do it, tell us what they did, and if we don't like it, we go to court to challenge it if they didn't balance correctly. If we do the balancing and they don't like what we did, then we- then they challenge us and go to court.

Either way, we can't do what's happening now. The County goes, and just come in, does what it wants, says that they don't have to comply and so, too, a lot of the other entities, like LIPA. That's simply not the law. So I hope- I'm appreciative of your bringing it to our attention."

Michael Sendlewski: "I'll give you copies of (inaudible)."

Supervisor Cardinale: "It's an important issue, so I'm glad you took some time on it.

Did you now want to make a comment?"

Leroy Barnes: (Inaudible comment)

Supervisor Cardinale: "Thank you for clarifying that second critical issue. You did explain it to me. It's that there's two problems. One is- the Monroe test is tangentially relevant here for

the reasons we've discussed, but there's another provision, 1203 was it-- which requires a building permit in any event even if the zoning were waived. But even if the zoning were waived, you still have to get a building permit."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Well, there goes our record meeting, but it was a fascinating discussion.

Anyone else want to talk about this? Okay, all talked out, that means we go to the next hearing, it being wow, it's seven minutes of eight."

Public hearing closed: 8:52 p.m.

Public hearing opened: 8:52 p.m.

Supervisor Cardinale: "So we can start the next meeting that is scheduled for 7:25, the consideration of a local law to amend Chapter 101 entitled Vehicles and Traffic whereby it is proposed that at the intersection of Fifth Street from the north, a stop sign be placed on St. John's Place. Is that-- did I say it right? I don't know where that is. Could you tell us, Dawn, where is that?"

Dawn Thomas: "That's by-- St. John's Place is where the-- the road that goes between St. John's, that goes up the back of St. John's from Northville Turnpike."

Supervisor Cardinale: "From Northville Turnpike to St. John's, we're going to put a stop sign. Where?"

Dawn Thomas: "Intersection of Fifth Street-- "

Supervisor Cardinale: "Who thinks this stuff up? Was that out of the highway committee or-- "

Dawn Thomas: "Usually it's the recommendations of the highway committee."

Councilman Dunleavy: "They have a stop sign there but it's not in the code."

Supervisor Cardinale: "Oh, so we're legalizing it."

Councilman Dunleavy: "I think that St. John's is one-way to the north from Northville Turnpike. So I think the entrance should be from the south if you're heading north."

Supervisor Cardinale: "I don't know. You're the guy that proposed it."

Councilman Dunleavy: "Am I correct? You're heading north-- "

Dawn Thomas: "Yes."

Councilman Dunleavy: "So the entrance should be from the south."

Supervisor Cardinale: "Well, let's think about that. Does that mean that you have to redo the advertisement. So that would be two screw ups out of six tonight. Our record is really getting good."

Councilman Dunleavy: "Am I correct?"

Supervisor Cardinale: "Well, you- "

Dawn Thomas: "I would defer to the person who made the request."

Supervisor Cardinale: "This is the highway committee? You are the highway committee. The chief of police made this request? All right. Let's check to see if it was properly advertised. If it was properly advertised, this legalizes a sign that's already there."

Councilman Dunleavy: "Yeah, the sign is already there."

Supervisor Cardinale: "Which by implication means you can run that sign and not get convicted between now and whenever we figure out what's north and south."

Councilman Dunleavy: "Yeah, there was no stop sign there because that was the- the school buses used to stop there and just unload the kids but now it's an alternative school for the public school and I think they have a lot of traffic there now so people coming to church on Fifth Street, they have to have a traffic control at that intersection."

Supervisor Cardinale: "Okay. Anybody want to comment on this stuff? These are the kind of legacy items that I like to dwell on."

Councilman Bartunek: "John, shouldn't that be entrance from the west? I'm trying to figure out where this sign is. If you're coming in- I've got to go there and see it."

Councilman Dunleavy: "If you leave Northville Turnpike at St. John's Place, the one way is to the north. The stop sign is right at the intersection of St. John's, facing St. John's but some people stop at Fifth Street."

Councilman Bartunek: "So before they turn onto Fifth Street- "

Councilman Dunleavy: "Right. You have to stop."

Supervisor Cardinale: "The conclusion of this is stay on Northville Turnpike, do not turn until the highway committee figures it out. In any event, does anyone want to say anything further, because if they do I'm going to scream."

I think that we're going to leave this open for written-- can you imagine somebody writing-- for written comment through 4:30 on the 31st of August.

Public hearing closed: 7:55 p.m.
Left open for 10 days for written
comment to August 31, 2007

Supervisor Cardinale: "That completes our hearings because the sixth hearing isn't going to be heard because it was on the ethics code. We were going to strengthen the ethics code but how did that get screwed up?"

Barbara Grattan: "Because they didn't have- they had it in Riverhead town hall."

Supervisor Cardinale: "Oh, they notified the public to be at Riverhead town hall instead of here. I hope there's no one there but we'll do it two weeks from now."

Okay, this means now that we can move to the commentary on the resolutions and Sal will explain to us just how many things we failed

to proofread correctly now. Go ahead, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Actually I didn't get a packet, but I do have comments on two of them."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "778. Approves a stipend for Deputy town clerk."

Supervisor Cardinale: "Right."

Sal Mastropolo: "My first question is why are we giving the deputy town clerk a stipend? And at the last meeting, I asked for a list of people in the town that got stipends and I haven't seen it yet."

Then I go down to 784 and it appoints a deputy town clerk which is the second deputy town clerk. Now my question is how many deputy town clerks do we have? And I found out we have two."

Supervisor Cardinale: "Let me add a little something to help you out, make you feel a little better and let Barbara take it because it's her office."

The town board coordinator is moving over to the— she is non—she's non civil service exempt position, is moving over to be the deputy treasurer because the treasurer, Melissa— the deputy town clerk is leaving the state, showing good judgment probably, but she's leaving so we're taking the salary that she was making and Barbara had the option of giving the new deputy town clerk 42 or so. Instead you'll note she's giving her 39 and taking that extra 3 and giving it to the other one who is also a deputy so she at least gets something for serving as a deputy.

So it's kind of convoluted but we're not actually spending any money. We're taking the same 42 and change that the departing member is leaving and giving it— 3,000 less in salary to the new deputy replacing her and giving 3,000 to the one who fills in."

Sal Mastropolo: "Yeah, but what you're doing is you're opening up the town to a discrimination complaint."

Supervisor Cardinale: "Why?"

Sal Mastropolo: "Because you're giving one deputy town clerk a \$3,000 stipend and you're not giving the other one."

Supervisor Cardinale: "Well, I don't know. Are we? I defer to my legal staff for that. Do you think there's any problem with that? That's what we're doing."

Sal Mastropolo: "They both have the same title, deputy town clerk."

Supervisor Cardinale: "Well, you can actually-- "

Barbara Grattan: "They don't have the same titles. I explained to you before, Sal. She is civil service, Diane is civil service. Her title is senior account clerk typist. The stipend is for acting as deputy town clerk. The other one is not civil service, she's an appointed position, she's appointed deputy town clerk. She could be appointed as deputy supervisor but it's an appointment not protected by civil service."

Sal Mastropolo: "They have the same title. Well that brings up another issue, okay. You have a union employee who you give a stipend to and I don't know if that's a valid situation either. Because the salary is based on union, okay, levels and steps, and you're giving her a stipend on top of that."

I just think that you have some exposure here and I think you should take a look at it and either rename one of the jobs from deputy town clerk-- don't call them both deputy town clerks, if you're going to differentiate between the two, okay. And I understood what you said.

I just thought that the board should hear the discussion, okay, and take another look at the whole situation between the two people, the two jobs, calling both of them deputy town clerks in this document, giving one a stipend and not giving the other one."

Supervisor Cardinale: "Incidentally, that could be-- Mr. Zuckerman who is our labor counsel has looked at this before and cleared it but on 784 we appoint the deputy town clerk, it's Donna, right?"

Barbara Grattan: "Right."

Supervisor Cardinale: "Then we do another one which approves

the stipend for the deputy town clerk. Shouldn't that be part time deputy town clerk because that deputy town clerk is a fill in, is she not, that works hours of the deputy but is actually a senior account clerk typist in her real life.

So wouldn't it be a better designation on 778 to say she's part time as the deputy town clerk?"

Barbara Grattan: "Well, how do you differentiate part time? I don't understand, Phil."

Supervisor Cardinale: "Well, she doesn't do it all the time because she has another title that she's actually in. The other one doesn't— see what I'm saying. (Inaudible) is there all the time. She's the deputy but she needs to go to lunch. So when she goes to lunch, the part timer comes in or when she needs to stay late, the part timer comes in— "

Sal Mastropolo: "That begs the question then, why give a stipend to a part time deputy town clerk, whose— it's not her full time responsibility."

Supervisor Cardinale: "That's the whole idea of stipends. It's when, for example, if you're doing additional duties outside of your CSEA position, most people want to be paid for it so they— "

Barbara Grattan: "But she is full time though at the same time, too, Phil, because if I am not there--"

Sal Mastropolo: "I'm just parroting what Phil said. Phil said she's only part time so you can't have your cake and eat it. It's either she's full time or she's part time."

Barbara Grattan: "To me I think she's going to be full time. I can't see the part time."

Sal Mastropolo: "I would suggest you do because— "

Supervisor Cardinale: "Go with previous deputies."

Sal Mastropolo: "I think you need to run both of them by him so that he sees the inconsistencies on both sides. You're got union versus non-union. You have stipend versus no stipend."

Barbara Grattan: "There's quite a few of them in town hall."

Dawn Thomas: (Inaudible comment)

Sal Mastropolo: "Okay, thank you."

Barbara Grattan: "The second one if you want to table is okay."

Councilman Bartunek: "So you're saying we should table this one until we look into it- "

Supervisor Cardinale: "Okay. So if you'd like to- Dawn would like to take the opportunity to look at 778 with Zuckerman. Would you do that before our next meeting? Fine.

Any other comment on any of the resolutions? If not, we will consider resolutions and consider whatever else you'd like to say to us. Could you start with 777 and fire away, Barbara?"

Resolution #777

Councilman Densieski: "Sewer department budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #778

Councilwoman Blass: "Motion to table Resolution 778."

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "Moved and seconded to table. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is tabled."

Resolution #779

Councilman Bartunek: "This amends Resolution 722 changing some dates. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #780

Councilman Dunleavy: "Ratifies the authorization for the town clerk to publish and post a help wanted ad for a town board coordinator. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yeah, Barbara. The only change that I'd make here in the ad is the second sentence where I would cross out the word some-- "

Barbara Grattan: "Which I did change."

Councilman Bartunek: "I'd make it a little more experience in clerical, secretarial (inaudible). I vote yes."

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #781

Councilman Densieski: "Authorize the supervisor to execute a stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass."

Councilwoman Blass: "Yes. Could I just ask that not everyone get a certified copy of the resolution (inaudible)."

Supervisor Cardinale: "Right. Please make sure of that, Barbara."

Councilwoman Blass: "Thank you."

The Vote (Cont'd.): "Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #782

Councilwoman Blass: "Authorizes the supervisor to execute contract agreement. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #783

Councilman Bartunek: "Accepts the resignation of a deputy town clerk and we want to thank Melissa for all the work that she's done during the years that she's deputy town clerk. So moved."

Councilman Dunleavy: "And seconded. And I want to thank her for all her duties that she performed while she was working with us. We're going to miss her."

Barbara Grattan: "Okay, there's a vote."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass."

Councilwoman Blass: "Yes. I wish Melissa well."

The Vote (Cont'd.): "Densieski."

Councilman Densieski: "Yeah, I'd like to thank her for all the diligent work over the years to the taxpayers. Yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. And thank you for your service."

Barbara Grattan: "The resolution is adopted."

Resolution #784

Councilwoman Blass: "Appoints Donna Zlatniski as a deputy town clerk. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. We're losing a great town board coordinator to the town clerk's office and I'm going to miss her. Yes."

The Vote (Cont'd.): "Bartunek."

Councilman Bartunek: "Yes, Donna, we hardly knew you."

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Great. This woman is here for what, two months, she's great. I'm here for almost four years, I can't even get an okay from them. Two weeks. How long has she been here, six weeks, she's great. John says he'll thank me when I leave which is the sooner the better."

Councilman Dunleavy: "I think if she wasn't great the town clerk wouldn't be taking her."

Supervisor Cardinale: "That's true. They just picked her up, stole her from your very midst. Okay, so that's-- she's a deputy town clerk now. God bless."

Barbara Grattan: "Thank you. The resolution is adopted."

Resolution #785

Councilman Densieski: "Ratifies the appointment of two homemakers in the seniors program. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #786

Councilwoman Blass: "Ratifies the appointment of a pumpout boat operator in the police department. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. We keep appointing these pumpout boats because they don't last, these people."

Supervisor Cardinale: "I don't want to ask why."

Councilwoman Blass: "I can answer that. (Inaudible)."

Supervisor Cardinale: "Oh, they went back to school? I thought they jumped overboard, they couldn't take pumpout boat, okay."

The Vote (Cont'd.): "Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #787

Councilman Bartunek: "Accepts the retirement of a highway labor crew leader, Charles Allen. So moved."

Councilman Dunleavy: "And seconded. We're going to miss him."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. Was I supposed to vote? Yes. And thank you for your service."

Barbara Grattan: "The resolution is adopted."

Resolution #788

Councilman Dunleavy: "Ratifies the appointment of a confidential secretary. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #789

Councilman Densieski: "Appoints engineering consultants. So moved."

Councilwoman Blass: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #790

Councilwoman Blass: "Awards bid for landscaping items for 2007-2008. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #791

Councilman Bartunek: "Authorization to publish advertisement for milk. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #792

Councilman Dunleavy: "Appoints member to the parking district advisory committee. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #793

Councilman Densieski: "Authorizes town clerk to publish and post a public notice for a public hearing regarding a local law to repeal all sections of Chapter 109 entitled moratorium on residential development of the Riverhead town code. So moved."

Councilwoman Blass: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #794

Councilwoman Blass: "Authorizes town supervisor to execute change order No. 2 for recreation modular office building. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "Yeah, this is for a concrete pad under a 500 gallon propane tank. I just wish things like these in the future would be included in the original bid specs so we wouldn't have to do as many change orders and we really know the full price of the project

up front.

I know things happen but some of these things I think should be picked up. Yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. I had that discussion with Ken today exactly for that reason. The good news is they're still within their contingency on the contract but this is the second change order and I think the last. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #795

Councilman Bartunek: "Rescinds Resolution #767. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #796

Councilman Dunleavy: "Authorizes the town clerk to publish and post a notice to bidders for the purchase of one New Holland TN60DA 4 wheel drive tractor or approved equal and one New Holland TC45DA 4 wheel tractor or approved equal. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #797

Councilman Densieski: "Amends Resoltuion #740 of 2007 and accepts 100% security of John Damianos Jason's Vineyard, Inc. for certificate of deposit. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #798

Councilwoman Blass: "This authorizes the town supervisor to execute change order for East End Arts Council Carriage House plumbing renovations. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #799

Councilman Bartunek: "Authorizes the town supervisor to execute change order for East End Arts Council Carriage House renovations. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. These are coming out of the grant. I did check that. Not our money. We're just administering. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #800

Councilman Dunleavy: "Approves Chapter 90 application of Darkside Productions, Inc., that's the haunted house on 25A. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #801

Councilman Densieski: "Approves site plan of Riveredge, LLC. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. This is a site plan approval for 120,000 or more square feet at the Burman subdivision, new construction, the first construction out there of 2,000,000 square feet of new construction we anticipate and fortunately it is coincidentally and happily it is Riverhead Building Supply and they're going to build as much as 250,000 square feet of the 2,000,000 square feet of new development at the Burman subdivision. I vote yes. And welcome."

Barbara Grattan: "The resolution is adopted."

Resolution #802

Councilwoman Blass: "Authorization to publish advertisement for two 12-20 passenger buses for the senior program. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, they surely need it."

The Vote (Cont'd.): "Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "Yeah, I'll ask the supervisor if he could to contact Tim Bishop and request a possible grant for some things. I know he did that for us in the past and we appreciated it."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I'll be happy to support this but if you could make that call and see if he can do that again, that would be great. I vote yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. And we would like to get some federal help on the purchases. This one we're going to have to make. Apparently the vans are falling apart but we need more to replace the other ones. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #803

Councilman Bartunek: "Ratifies the approval of the Chapter 90 application of Southbay Recreation, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #804

Councilman Dunleavy: "Authorizes the town clerk to republish and repost a public notice for a local law to consider amendments to Chapter 18 entitled Code of Ethics of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #805

Councilman Densieski: "Accepts offer of sale of development rights for the owners Richard Manzi, Trustee, Robert G. Manzi, irrevocable trust. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #806

Councilwoman Blass: "Approves the Chapter 90 application of Peconic Bay Region of the Antique Automobile Club of America. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "I'm only going to support this if George is going. Are you going, George? I vote yes."

The Vote (Cont'd.): "Cardinale, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #807

Councilman Bartunek: "Authorizes the supervisor to execute deed of gift for archeological materials. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #808

Councilman Dunleavy: "Authorizes the release of security for East End Vineyards, LLC, a certificate of deposit. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #809

Councilman Densieski: "Approves the application for fireworks permit of Riverhead Raceway. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #810

Councilwoman Blass: "Authorizes the supervisor to execute an intermunicipal agreement between the Town of Riverhead and the Riverhead Central School District. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. This is the local Veterans of Foreign Wars group for the monument they have there so we can repair it. I vote yes."

The Vote (Cont'd.): "Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #811

Councilman Bartunek: "Authorizes the attendance of assessor at seminar. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #812

Councilman Dunleavy: "Authorizes attendance of assessor at a seminar. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #813

Councilman Densieski: "Authorizes the retention of the law firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP as special counsel in various matters. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #814

Councilwoman Blass: "Appoints the firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP as special counsel with respect to federal litigation brought by Henry B. Silverman. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #815

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 Riverhead town code entitled zoning, 108-56 Signs, prohibited signs. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "I'll vote yes for a public hearing."

The Vote (Cont'd.): "Cardinale, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #816

Councilman Dunleavy: "This is to increase the improvements of the facilities of the Riverhead Ambulance District in the Town of Riverhead, County of Suffolk, New York, and it's calling for the purchase of one new ambulance. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #817

Councilman Densieski: "Acknowledges withdrawal of the Chapter 90 application of Abbess Farm for Marie Tooker. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #818

Barbara Grattan: "Resolution 818 is to pay bills."

Councilman Bartunek: "So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution to pay bills is adopted."

Supervisor Cardinale: "Okay. That concludes the resolutions before us this evening and we're open for any comment on any matter within our purview or authority. For those of you who would like to make a statement, please do so and if you do not wish to make a statement, that's delightful. We will go home and eat dinner. Going once, twice, the guy who ruined our record wants to comment. Okay. Yeah, we spoke. Okay, so, Sal, please."

Public comment: Martin Sendlewski
Sal Mastropolo

Meeting adjourned: 8:30 p.m.