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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 7, 2009 at 2:00 p.m.

PRESENT:

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman
Barbara Blass,	Councilwoman
James Wooten,	Councilman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Dan McCormick,	Deputy Town Attorney

ABSENT:

Dawn Thomas,	Town Attorney
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Supervisor Cardinale: "Can you hear me? Okay. Now we're okay. Thank you. If you did anything, we thank you."

I just met with the college class that is with us from Farmingdale with Jim DeLuca our former building inspector and now an architect and professor so I apologize for the brief delay.

I'd like to begin with the Pledge of Allegiance and ask Jodi to lead us."

(At this time, the Pledge of Allegiance was recited, led by Jodi.)

Supervisor Cardinale: "Yes, we're going to come down and present an award to an employee and then we'll get to work."

Okay, we'll defer that for a moment and get right into the acceptance of the minutes of the meetings of March 17th, March 19th, March 31st and April 3rd. Would somebody offer those for acceptance, please?"

Councilwoman Blass: "So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote, please?"

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The minutes are adopted."

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Supervisor Cardinale: "Okay. We have town hall reports, correspondence, and applications and the town clerk will read them."

Diane Wilhelm: "Okay."

REPORTS: Tax Receiver

Total tax collection dated March 25, 2009 - \$61,735,536.64

Total tax collection dated April 1, 2009 -\$61,859,090.19

Utility collections report March 9, 2009 - \$153,708.26

Town Clerk Monthly report for March,2009 - \$8,518.68

Police Department Monthly report for February, 2009

Juvenile Aid Bureau monthlyreport, February, 2009

CORRESPONDENCE:

Conrad Dabrowski, re letter regarding River-side Drive, proposal to dead end street

Peter Danowski, Jr., Esq. Re letter regarding special permit of Terry Girls Realty

Phyllis DeMartino of letter in favor of naming Virginia Lutz of Riverhead park in Calverton in memory

Ridge; Maureen Brady of of Jonathan Keller Moriches

Ann Priapi, Aquebogue letter regarding special permit application of John and Sandy Reeve

Sean McCabe for the letter regarding Planning Conservation Advisory Department personnel Council transfer

Bea Huntington, Prudential re letter to the supervisor Real Estate acknowledging outstanding assistance of Julie O'Neill in the Town Clerk's Office

Riverhead Fire District letter authorizing the exchange of property with the TOR/Water District

APPLICATIONS:

Special events (Chapter 90) Wading River Shoreham Chamber of Commerce,Community Day (Duck Pond Day) May 3, 2009

Peconic Bay Medical Center Garden Festival - May 7-10, 2009

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Peconic Bay Medical Center Fundraiser at Martha Clara
Vineyards - June 19, 2009

Cooley's Anemia Foundation Motorcycle ride for a cure June 28, 2009

Supervisor Cardinale: "Okay, thank you, Diane."

Diane Wilhelm: "You're welcome."

Supervisor Cardinale: "Are there any announcements the board would like to make or any committee reports? If so, please go forward, otherwise we'll-- yeah, that's a good point. Jim was saying we should wish everyone a Happy Easter and we all do.

Public hearings. We have one, two, three, four, five, six of them, the first of which is scheduled for 2:05. It's 2:13 and we can begin.

Now, do we have the rest of the committee here yet? Okay. So this would be a good time to break before we start the hearings and give out the award for Employee of the 1st Quarter.

Good afternoon and we have the usually fun duty to give out today the first quarter Employee of the Quarter which is given out each quarter and at the end of the year for the Employee of the Year by the labor management committee who is here and whom I'm going to turn this over to in once second.

We also have Geo Woodson, the superintendent of highways who is the supervisor of the person who is being honored, who is Jarrod, Jarrod Hayes, come on up, Jarrod.

I congratulate you and so too does the board. Come on up, please.

Now I know that not only do I know what Jarrod was-- because they told me-- was hired in June of 2007. He's an automotive equipment operator and he is about to get a day off with pay, a hundred dollar US Savings Bond and a proclamation saying kind things about him, and some kind words from Geo and the labor management committee, but he also has gained fame and attention because were you not the individual who stopped the alleged graffiti artist and brought him to justice? So thank you for that, too. Thank you for that.

I'm going to read and present this to you and then get out of the way and let labor management say some kind things, and Geo.

This says on behalf of the town board:

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Whereas, it is fitting and proper that the town recognize the outstanding service of its employees; and

Whereas, in order to provide a mechanism to recognize said employees and at the recommendation of the labor management committee the employee of the quarter program has been established; and

Whereas, Jarrod Hayes has dedicated himself to the service of this government and its citizens; and

Whereas, his services have exemplified the highest ideals in the expression of public duty,

I, as supervisor, together with my town board proclaim today, April 7, 2009, Jarrod Hayes Day in recognition of Jarrod being named employee of the quarter and call upon my fellow citizens to join with me in recognizing his accomplished service.

So, that's for you and I don't know- did you really- who did this? Is my staff here? It would be nice if they'd let me sign this before I give it out. See how it says Philip J. Cardinale there? I'll even get you my signature because one day it could be famous but this is for yours.

Yeah, and the town board is already famous so they want to sign. So we'll get them to sign it as well and give it back to you.

I am going to give this to the labor management rep and then to Geo. Here you go."

Maureen Lynn: "I would like- I'm Maureen Lynn from labor management.

I would like to say that Jarrod, you know, went above and beyond the call of duty and he is well deserving of this award. As Supervisor Cardinale said, he does get a hundred dollar savings bond and a day off with pay. So congratulations, Jarrod."

Geo Woodson: "I just would like to congratulate Jarrod. The night in question, we got a call at the highway barn from Jarrod, made a phone call to the police, and this is what came out of it. One of our workers from the highway department actually seen a guy doing spray painting.

A couple weeks before that, we- I was riding on Osborne Avenue and everything was nice and fine and then two days later I ride down Osborne Avenue and see graffiti all over the place.

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So at least we caught one or two of these individuals and once again on behalf of the highway department and the town board, I would like to thank you for your work. Well done."

Supervisor Cardinale: "Again, anybody else want to say anything? Okay. You can't get out of here without shaking hands with that esteemed group and I really thank you.

And I also— young, aggressive, efficient and excellent employees, that's what we need more of around here. Right? So, thank you."

Public hearing opened: 2:18 p.m.

Supervisor Cardinale: "The first public hearing we can begin, it's now 2:18. It's scheduled for 2:05 for consideration of the special permit petition of John and Sandy Reeve to allow the expansion of a non-conforming marina use, White Lane, Aquabogue, New York, SCTM #0600-86-4-16.7.

John is here. He is the applicant. He's also head of our sanitation department, been with the town for a long time, 30 years.

John, you want to kick it off?"

John Reeve: "Okay. I'd like to make it brief. What our intentions are is to take three existing permitted docks out, expand the "L" dock to the length of 180 feet which is 96 feet lineal— "

Supervisor Cardinale: "Hold on a second, John. We want to get you sworn in for a special permit. The town attorney— "

John Reeve: "Okay."

(At this time, John Reeve was sworn in by Dan McCormack, Deputy Town Attorney)

John Reeve: "Yes."

Supervisor Cardinale: "Okay, John, you are now sworn in so you have to tell the truth although I know you would have anyway. But, go ahead."

John Reeve: "Okay. Our intentions are to take away three finger docks. They're permitted, have floats on them. Remove those three, the existing "L" dock, bring it back five feet towards the shoreline, extend it 96 feet longer than it existed now, with 20 fingers on it. That allows for two extra boat slips.

And the reason to do this is I want to remove the three fingers from access on the shoreline, you know, people crossing the grass,

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and the new dock would be lower in place. The finger docks stick up pretty high. That's pretty much- "

Supervisor Cardinale: "Do you have a picture of this?"

John Reeve: "Yes, I do. Not with me- oh, everybody has the map. I have a copy of the map."

Supervisor Cardinale: "Okay, I may have seen it but I don't have it."

John Reeve: "Okay."

Supervisor Cardinale: "Tell me that again because I think the key to this hearing is- "

John Reeve: "My lineal footage is increasing."

Supervisor Cardinale: "Yeah. That's- we've had this discussion as you know whether you need or do not need a non-conforming pre-existing use expansion permit, but can you tell us what you've got there now and how it is allegedly going to be expanded?"

Because what you have there now is pre-existing, non-conforming, correct?"

John Reeve: "Exactly- yes."

Supervisor Cardinale: "Okay. So tell us what you've got and how it's going to change."

John Reeve: "Well, I've just done that. The three finger docks which total out to be a 66 feet roughly each, take that footage out and extending the "L" dock that's there now, permitted dock, to the length of roughly I think 189 feet which increases my lineal footage by 96 feet."

Supervisor Cardinale: "Okay."

John Reeve: "That allows for two extra boat slips only. The Inside of that dock space can only be utilized for kayaks or canoes. It's not going to be- it's too close to the shore line. There's not enough water, maybe a medium tide for a zodiac."

That pretty much explains that.

The other issue I've heard about town is the parking, which is on the map. The state has asked us to who auxiliary parking. That shows on the map along- parallel with the hedgerow.

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Currently we park cars on grassy shaded areas. I have room for approximately 50 cars at any time, not including where people park for cottages. This is just for boating.

Generally out of 12 boats, 50% of the boats are at the dock; 50% are being used. Very seldom, maybe on a holiday, everybody goes out in a boat, still does not create any problem for parking. I have ample parking anywhere on site.

We even have relatives, neighbors, that borrow our area for parking."

Supervisor Cardinale: "Aside from the configuration of the docks and the length- the lengthening or shortening or whatever, how many slips do you have now and how many slips will you have?"

John Reeve: "We have 12. There will be 14. We're expecting 14."

Supervisor Cardinale: "All right. So you have- right now you are- it is your position you have a pre-existing, non-conforming use for 12 slips and this would add two slips."

John Reeve: "This is also- I'm still- by doing this and bringing the dock landward, I'm using 20% of my 33% required by town code and state law. So I'm not maximizing the space I could use.

Also, my fingers are 30 feet apart, not the normal 12 or 15 feet apart which allows for crowding of boats. Most marinas do that."

Supervisor Cardinale: "Thank you."

John Reeve: "Okay?"

Supervisor Cardinale: "Okay."

John Reeve: "Thank you."

Supervisor Cardinale: "Okay. I'd like to- the applicant, he'll be around in case questions come up.

Is there anyone from the public who would like to comment and I'd like you to come forward."

Theodore Sklar: "Good afternoon, Mr. Supervisor, the rest of the town."

Supervisor Cardinale: "How are you? Yes."

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Theodore Sklar: "I'm an attorney with Esseks, Hefter & Angel, 108 East Main Street, Riverhead, New York."

Supervisor Cardinale: "My town attorney tells me that because you're an attorney you theoretically don't have to be sworn but I said all the more reason, being one myself. Swear everybody in, will you please?"

(At this time, Theodore Sklar was sworn in by Daniel McCormick, Deputy Town Attorney)

Theodore Sklar: "I do, thank you."

Supervisor Cardinale: "Thank you."

Theodore Sklar: "We represent William and Eva Andes who live at 12 Whites Lane which is the parcel immediately south of the parcel under consideration."

The Andes learned of this application about two weeks ago. They came to us to review it to give them some advice on it, and we've gone through it. I have a letter, an original and four copies, I'd like to make and submit for the record which outlines issues we believe the board has to address."

Supervisor Cardinale: "Thank you. Sure, if you'd give them to the clerk. Diane will take them and give them to us."

Theodore Sklar: "I could go through the issues one by one briefly."

We haven't seen any SEQRA compliance, any SEQRA determination yet there's a public hearing on the merits of the application. I think the board is well aware that you have to make a SEQRA determination before you can consider the merits of an application.

There's been no classification of the action as a type I, a type II or an unlisted action.

There's been no designation of lead agency.

There's been no coordinated review. The DEC is involved as a permitting agency in this application. There's been no determination of significance so I think that's problematic in terms of the board going forward and considering the application."

Supervisor Cardinale: "There's no doubt that you're correct as far as what has to be done. Isn't it— don't we generally have to

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determine them simultaneously? If we could get Rick in here, we might be able to address that. I'd like to know the answer.

Rick, could you address that and then I'll let you go on again. Because that's an obvious point."

Rick Hanley: "As the board is aware, we have a SEQRA report from Joe Hall- "

Supervisor Cardinale: "Yes."

Rick Hanley: "And typically all the SEQRA recitals are made at the time when they're approving or disapproving the action."

Supervisor Cardinale: "Yeah, that's what I recall, too. Now that we're on the subject, is that a good policy, do you think?"

Rick Hanley: "Well, I think we'd have many resolutions on one application so we've consolidated them into one."

Supervisor Cardinale: "Okay. Regardless of if it's good or bad, is it legal?"

Rick Hanley: "Well, I don't dispense legal advice any more, Phil."

Supervisor Cardinale: "That's right. Because I- "

Rick Hanley: "You told me not to anymore."

Supervisor Cardinale: "Check with my town attorney, make sure it is. Go ahead."

Rick Hanley: "As far as coordinated review, that is only required if it's a type I action. I don't believe it's a type I action but I'll check Mr. Hall's report and be sure it's certainly not a type I."

Supervisor Cardinale: "I know we've been doing it this way but then again for 20 years we didn't swear people in on special permits until the Riverhead Center case in which the judge said, where's the sworn testimony? So make sure we're right."

Rick Hanley: "Yes."

Supervisor Cardinale: "Thank you."

Theodore Sklar: "All right, thank you for recognizing the issue. It would be our position that you can't co-mingle the SEQRA review process with the determination on the merits. You have to

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comply with the SEQRA first and then proceed to the consideration of the merits. I think that's what the courts have said.

In terms of the merits of the application, there— the application itself doesn't say what statute it is seeking relief under. The report from planning staff I believe indicates it seeks expansion of a pre-existing non-conforming use under Section 108-51 of the town code but there's absolutely no proof in the record by affidavit by anybody with personal knowledge that there's a legal pre-existing non-conforming use.

In order to be expanded, it has to be legally existing I believe before 1957 when zoning went into effect in this town. And there's nothing, zero, in the file that I'm aware of indicating that the docks at issue and the anecdotal evidence is it's a commercial marina, this is in RB-40 residential district.

So in order for a commercial marina to be operated there it had to be legally existing before the adoption of zoning and had to be continuous and not abandoned for any period of time exceeding one year during the last 50 years. And, again, there's no proof in the record about that so the application has to be denied on that basis."

Supervisor Cardinale: "You know, I almost anticipated that issue by calling Leroy Barnes up to verify what's in his records, but you're right about the point. We do need to verify that we've assumed it."

Theodore Sklar: "Okay. And, again, with regard to the town code, there's very little guidance in there as to even if it is a legal pre-existing non-conforming use, what is the extent of the expansion that would be allowed.

The purpose of zoning is to eliminate non-conformities, not to perpetuate them or to expand them. And here this conflicting information in the file— the applicant says he wants 14 boats but the reviewing report indicates that at least 25 boats could be accommodated there.

And then again the history of this seems to be that at one time there may have been permission granted for three finger docks for residential purposes for the cottages and now that has turned into some kind of commercial marina with boats stored on the property.

There's a Google Earth aerial photo attached to my letter showing vessels in the middle of the property. What are they doing there? It's not on the site plan and the site plan is supposed to indicate all structures.

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There are at least two trailer structures on the property that are not on the site plan and it appears from all the anecdotal evidence from my clients, the property owners who live there since the 1990's, that this has been an illegal commercial marina and it should not be expanded under any circumstances. In fact, the zoning code should be enforced to stop this.

So moving on past the non-conforming issue, even if it was legal, the town code requires site plan review and site plan approval by the planning board before this board can act on the application because it's a non-residential use in a residential district. And in addition, it's an expansion of a non-conforming use.

So code sections 108, 133.4 and 108-130 require a site plan be prepared and require the planning board to review and approve the site plan before consideration be granted to the special permit application.

And as to the special permit itself, the application- it does not reveal compliance or any evidence of any of the standards which would warrant the granting of the special permit under the town code, specifically 108-133.5 the items to be considered and 108-133.7 the town board determination factors, the typical special permit issues, whether it would substantially impair the neighborhood and would it cause any hazards or disadvantages to the neighborhood or create adverse health, safety and welfare issues in the neighborhood.

I mean the thing just leaps out at you. The 37 car parking lot I think is larger than the lot by the front of the police department. What's that doing in- why should a new parking lot be put in a residential district? I mean that really flies in the face of zoning and can't be allowed under the special permit.

I mean, you're going to have vehicles there- the Peconic Bay is a critical environmental area which should factor into the SEQRA determination. If it's a critical environmental area, then it's more likely to have an adverse impact on the environment. That's an indicator.

The applicant himself in his application, indicates that the proposed use is inconsistent with the character of the neighborhood. So, again, on the SEQRA level and on the special permit level, this application simply does not have any information to allow the board to grant it and even consider it without the basic evidence on the existence on a legal non-conforming use which is different than an illegal non-conforming use. You can't go forward with this.

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My client, Mr. Andes, who has personal knowledge of the subject site is here and he would like to address the board, with your permission, Mr. Supervisor."

Supervisor Cardinale: "Sure. I want to ask on other- I understand you make basically four points clearly which is refreshing, and I understand three of them.

On the fourth being the purpose of the hearing to determine whether the presentation meets the criteria and maybe it does, maybe it doesn't. But the no site plan and no planning board approval. Obviously that would come but subsequent to the hearing because my understanding is- I think our operating procedure is why get into the site plan unless we know the use is permitted and we're here to ascertain whether it is going to be a specially permitted use.

Where is Hanley? Is that accurate? Is that- so that together with the first point you made I think- the second point with regard to the- it's a question of I think the timing- the SEQRA point is a question of whether our policy is incorrect and I'll check those two things out.

I would like to hear from the neighbor. Mr. Andes. And then the next neighbor."

Theodore Sklar: "Thank you."

Supervisor Cardinale: "Thank you."

(At this time, Mr. Andes was sworn in by Dan McCormick, Deputy Town Attorney)

William Andes: "I do. It's the first time for me doing this."

Supervisor Cardinale: "Always a first time."

William Andes: "Maybe it will be the last, I hope.

My name is William Andes, my wife is Eva. She's in the front row in the green top. We live at 12 Whites Lane, immediately adjacent to the subject parcel, immediately to the south.

I've lived there since 1994. We got married in 1999. She's lived there since 1999. We have some personal knowledge based upon that timeframe.

We're here today to object to the project. Not to hurt anyone. We're objecting because it infringes upon our enjoyment of our property. Our objection should come at no surprise to anyone. We're both- my wife and I are in an awkward position objecting to

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neighbors that we otherwise like. They're (inaudible) people but this is totally out of character.

We bought a house in a residential neighborhood on the water. We don't want a parking lot. The 37 car parking lot proposed or the 54 car parking lot mentioned, the parking lot to the south between this building and East Main Street is 35 parking lots. That's what is being proposed. Something bigger than that, next to my house on the water.

I don't want it. I bought into a residential neighborhood. That's what zoning is all about.

The project involves the construction of a commercial marina and a parking lot in a residentially zoned neighborhood. These were not permitted and they're not pre-existing. They're not pre-existing as a matter of fact.

I have a letter of objection here which I've addressed individually to each board member and also a petition from neighbors in the immediate vicinity which with your permission, I'd like to give to the town clerk.

We only learned of this parking lot two weeks ago, less than two weeks ago when we got the certified letter. When we looked in the town clerk's office and in the planning department, there were surveys dated from January of '07. So this thing has been kicking around for two years. We were clueless.

And when we got the certified letter, we wondered what was going on. We went down to town hall. We were just horrified. We went between being angry to being disappointed to being sad to being angry again.

We should have been in the loop. We should have been approached by somebody before it got this far.

The dock expansion is an expansion no matter how you look at it. There's references in there, I forget the numbers, a few numbers have been thrown around. I think 20 or 25 slots it can accommodate. It will be the maximum, whatever you might allow, it's going to be the maximum use for it. Why would the applicant put 12 when he could put 25 there? It's just a matter of economics. You want to maximize your benefit.

So it's going to be a substantial expansion in terms of number of boats, lineal feet of dock, and encroachment into the middle on the creek. Any way you want to measure it, it's an expansion.

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What my attorney said earlier about the three finger docks. From what I gathered when speaking with the CAC, the Riverhead town CAC and others in the community, those three initial finger docks were put in because the applicant's tenants wanted to use them which, you know, seems like a nice enough idea. They were given permits.

Well, the public- he's been renting out to the public, not even the tenants, people that we probably all know around the community, nice people but they're renting to the public at large. That's not what it's supposed to be. This is a residential neighborhood.

It's not pre-existing as a matter of fact. I can tell you from my own personal knowledge, living there since 1994, I've spoke to people in the community and Mr. and Mrs.-- Judge Tom Stark, other neighbors in the community, it's just not there. And you don't have to believe us. We're all consistent with that and you don't even have to believe the applicant.

I would suggest those aerial photographs, this day of technology you can't do anything it seems like without getting a picture of you, from the mid '90's, even the '80's. Just take a snapshot and we'll all abide by what the disclosure is in the photograph. That seems fair enough.

We've never complained to anyone as you know. You don't see me here. You'll never see my wife here probably. We've never complained to the Reeves' we've never complained to any of their tenants. We've been real good sports about it.

There's things going on there that, you know, good fences make good neighbors and we believe that. But when does it end? I mean this application is so over the top and it's so overwhelmingly that we're forced into this awkward position of having to object to our neighbor's application. It's just not fair. It violates zoning; it's factually inaccurate, and we just can't sit by.

I won't be able to live with myself if I just acquiesce to all this.

For what it's worth, I know you've got a room full of people and I don't want to be the longest speaker here. There's a survey that's made in connection with the application. The survey omits a lot of information. There's a freshwater pond not disclosed on the survey. There's room for it, it's just a blank space. But there's no pond shown.

There's another dock. These docks that are on this survey, there's another survey out there somewhere showing a dock to the south of those which is being proposed which is not on that survey. So I don't know about the second proposal. They're waiting for this

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to go through before they get that? Why don't they just do it all together, you know, for better or worse.

The northwest portion of the survey, there's a rental unit, I think it's a camper or whatever it is, that's blank in the survey. It's blank, it's omitted. It's just a blank space. I don't know why it would be omitted. Perhaps there was some better mathematical calculations with the code for parking slips or boat— number of boat docks or something, but it's omitted. I mean there's tenants there, there's a structure there, it should be on the survey.

There's a lot of oyster cages and boats blocked up in the yard. They're not shown. It's just a blank space and led to believe that it's essentially a parcel but it's not. There's always stuff in there.

The special permit application also contains not the most accurate information. They say there are no slopes. There's a slope right where they want the proposed parking lot. Slopes right into my land. So what does that— I mean run off.

Paragraph A-10 of the application says there's no fishing or shell fishing, it says no fishing and shell fishing. Of course there's fishing and shell fishing. They rent to an oyster company. There's oyster beds right at the southern of Reeves Creek, right at the mouth. Of course, there's oysters there. The application says there aren't any shell fish.

I catch striped bass, blue fish, we fish right in the creek. Of course, there's fishing.

The application states there's no wetlands in the area. Yeah, there are wetlands. It's not shown on the survey but there's wetlands right at the end of my driveway right across from the parking lot. I'll show you if you want to go there this afternoon.

The applicant states there's no odors, there will be no additional noise, no additional community services. All of those things are going to be present with boat engines, diesel exhaust fuel, and everything else, boat hauling, trucks, trailers.

They say no new traffic will be generated. They say that in their application. No new traffic will be generated. Well, what do they need a parking lot for? Of course, there's going to be new traffic. That's paragraph C-12.

What I would like is for the application to be denied and if it's not, have a survey that's accurate, have a special use application that's accurate and that it be independently verified and that the SEQRA rules that I'm not that familiar with but you all seem to be, that those get followed.

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Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Yes, let me hear from the next commentator."

Jane Crabtree Stark: "Do I give my name first or do I get sworn first?"

(Inaudible comment)

Jane Crabtree Stark: "Jane Crabtree Stark."

(At this time, Jane Crabtree Stark was sworn by Dan McCormick, Deputy Town Attorney)

Jane Crabtree Stark: "I do. Jed Stark (phonetic) and I have lived in Bay Woods for over 40 years, 23 of them on Reeves Creek otherwise across the street, and we used to take— or have taken boats and go down to the end of the creek over those years.

During all those years, Ben White owned the present Reeve property. There was never a marina on it. He had an oyster clam shack with all sorts of shells piled up. Maybe they're the same ones. And he kept his own boat there and he provided rowboats for the cottages. I don't know whether there was occasionally another boat there. I don't know what type of dockage Mr. Reeve provided when he bought Ben White's property and I do not know what type of permit for docks he applied for and received from the town and DEC.

But there— to our knowledge, it was never any pre-existing marina or stuff, just Ben White's oyster house and oyster shack and the cottages.

The construction of this marine would do irreparable harm to all the residents along this creek. Even now boats sometimes come in close to shore at high speeds which is a worry for those of us who swim in front of our homes and I know— I didn't see them as much last year, but in the evening, every evening in the good weather, there's a man who swims out toward where the— right out of the creek toward where the oyster— or toward the end of Bay Woods and the house on the point, but, you know, out into the water and back. And every night during the good weather, there's a man with his two dogs who goes out in his little rowboat, takes them— well, there's a motor on it for a little ride and comes back.

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And there are other vacant spots along the creek and there's lots of wetlands. I think some of ours, we had to when we built, go along with wetland rules. And other people along the creek might be encouraged by this permit to buy some of that land and build and rent docks causing more overcrowding.

I also worry about the runoff into the water from so many boats and from the large parking lot proposed and, of course, there's also the worry will they dredge, will they want to dredge in front of our house, etc.

So my husband and I rely upon the town board to protect its residents' interests and to deny this application."

Supervisor Cardinale: "Thank you. May we take additional comment? Brian."

Brian Stark: "Brian Stark, Aquebogue."

(At this time, Brian Stark was sworn in by Dan McCormick, Deputy Town Attorney)

Brian Stark: "Yes. I just wanted to weigh in. I'm a boat user and owner and renter from Johnny down in the creek. And also a pre-existing non-conforming owner of a use in town here.

I think the important thing that everyone should look at is commonsense and if Mr. Reeve is asking for two more slips that when I use the marina there are never 30 cars there. I don't think there are even 10 cars there and maybe on a busy weekend there are six or seven cars there.

So I think you need to take into account that the maintenance of that property is impeccable. I mean I manage a lot of properties and I can tell you that it's well maintained. It's a lot better than other pre-existing non-conforming uses in this town that survive and go on every day without code violations.

My point is if the gentleman has used the property for many years as a marina and he seeks to take a finger and bring it back out of a navigable waterway, then you should look at that. And you should also look at the fact that a 30 unit parking lot is much, much too much overkill for what 14 slips would necessitate.

So I think commonsense should rule the day. I'm sure a compromise can be reached because, you know, he's a good neighbor. I'm across the boulevard and I keep my boat there and it's a good project and he maintains his property very well.

Thank you."

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Supervisor Cardinale: "Thank you, Brian. Can we take any other comment, please?"

Bruce Schroeher: "Bruce Schroeher. S-C-H-R-O-E-H-E-R."

(At this time, Bruce Schroeher was sworn in by Dan McCormick, Deputy Town Attorney)

Bruce Schroeher: "I've lived in the area 61 years and since '84 I've had property on the creek, the deep water creek is 450 feet and I own the head of the creek on the south side of the road.

And all these years that I've been there, 25, I've never seen more than three boats at the dock. I've never seen any activity and I've never seen a boat move.

It startles me to suggest that there's a marina there and that there is a pre-existing use of some kind in the form of a marina. I've— that's really what motivates me to come here, is the surprise that this is a business operation there.

The suggestion that it's now going to be expanded into a commercial marina operation brings images of the magnificent Lighthouse Marina complex on Meetinghouse Creek, none of which— I mean it's wonderful Meetinghouse Creek, they've approved all that and I'm sure they love it.

I certainly wouldn't want to see something like that evolve or to get the first step, the process of that kind of evolution on this creek if, however, you would feel inclined to want to encourage that, then maybe with me and my 30 acres I might go ahead and try and put a Hyatt Hotel up there and put in more expansive facilities to support an ever growing population in this town.

I'm in this town because this town board has been opposed to the aggressive growth of vastness of population. You've been trying to hold it down. You've been trying to keep it in a rural environment as much as possible. So it's a big surprise.

Other aspects to this that no one else mentions is I consider the ecology of the area to be pristine and absolutely beautiful. On my end of the creek where the water— fresh water spring fed comes up out of the ground and mixes with the salt water has been a breeding ground for lots of ecology and it's really truly beautiful.

The changes that have occurred and I say since the year 2000, was sort of a change in the way the waterfront is managed on the Peconic Bay side— Boulevard, side of the creek has— I have observed and you could look at the Google maps or you can drive by and see

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truckloads of dumped waste of concrete, masonry materials at the edge of the creek which I'm thinking need to be a scientist to know that that stuff leaches and goes into the creek and that at the— there's a town piece— a triangular town piece at the eastern side of the bridge which might be 50 feet or 100 feet wide where occasionally people will come and surf cast and try to get some fishing in.

In the last two or three years, the town trucks that do road work, I think that means the highway department but I'm not sure, have used it as a dump site for unused asphalt waste materials that would I think in their view harden the surface of the ground that leads into the creek itself to give better access for local fisherpersons who want to drive their trucks onto that little stretch of land to get access to the water and together with their trailers and with their small boats and rafts and things that they use to get out into the creek so that you can enjoy the creek.

I also want to add to you that the existence of a marina would make the waste of the concrete and the waste of the asphalt together with the new marina, in my opinion, is going to further threaten the ecology of this creek, not only the deep water side of the creek but the shallow end that goes all the way back to the railroad tracks.

That's a deep enough concern for me to get me to come up and talk to you folks and I wish you'd give it some consideration.

Thank you."

Supervisor Cardinale: "Thank you. John, I know you wanted to speak again. Is there anybody else that would like to speak? Yes, then come on up if we have another comment."

John Reeve: "I think the piece of property this gentleman was speaking about is not my property. It's the head of the creek on the north end."

Supervisor Cardinale: "Okay."

John Reeve: "It's not ours."

Supervisor Cardinale: "All right. Thank you. Yeah, John, we have a question."

Councilwoman Blass: "Mr. Reeve, a question. Did you receive further correspondence from the Department of State about the completeness of your application?"

John Reeve: "We're expecting that any day now."

Councilwoman Blass: "Okay. Thank you."

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Supervisor Cardinale: "Okay. Any other comment that anyone would like to make?"

Okay, I want to thank everybody for their comments. They were very thoughtful and helpful. I'm going to leave this open for 10 days for additional written comment to Friday a week from now which I think is the 17th at 4:30.

I'm going to ask the district- I find- one of the things I take away from this hearing is- which is generic and Sandy you are going to speak? Okay, I'll comment and then I'll let you speak.

One of the things that's generic and I'd like the Town Attorney to help out with the town board as we consider this, is not only in this hearing but in every hearing, and we do them frequently, where we're expanding a pre-existing- we're being ask to expand a pre-existing, non-conforming use. How do we know who certifies, is it the building department, the assessor, the legal department, what the nature of the pre-existing, non-conforming use is?

Because I've had people come up in this hearing and say the pre-existing, non-conforming use is no more than three boats at any time, none of them moving near this area, and I've had testimony in this hearing that there were 12 slips that were pre-existing, non-conforming and this is an expansion of two.

We've got to know what is pre-existing, non-conforming before we can consider the expansion thereof. So who certifies that? Not just in this hearing but in any hearing.

Sandy, please come up."

Sandy Reeve: "Hi. I'm Sandy Reeve."

(At this time, Sandy Reeve was sworn in by Dan McCormick, Deputy Town Attorney)

Sandy Reeve: "I do. First of all, I'd like to comment on Mr. Schroeher I believe is the one that just spoke and I believe like my husband just said that he is speaking out the docks that are off Peconic Bay Blvd. and like he said there was three boats that he's seen there and that's what exactly is, is three boats at the end. It's not our creek at all- "

Supervisor Cardinale: "Okay. I get you. That's the one right on the Boulevard, is that what you are saying?"

Sandy Reeve: "Right. Where he said that there was concrete- "

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Supervisor Cardinale: "That's for the other side. Okay."

Sandy Reeve: "Right. It's right next to the road."

Supervisor Cardinale: "I get what you're saying."

Sandy Reeve: "So that everybody can understand that."

Another thing is I'd like to comment on Mrs. Stark's proposal that she had gotten up and spoken about, is that she did mention that there was rowboats that had been rented out by Mr. White and she does remember that. So, in fact, you can see that there were many more than just one, two or three boats, you know. Because that did happen and all these docks were pre-existing when Mr. White was alive and working the property. And he did not have any lapse in time, you know, for any of these docks that were there.

Thank you."

Supervisor Cardinale: "Thank you."

Bruce Schroeher: "If I may, I assure you I'm not confused. I know precisely what I'm looking at."

Supervisor Cardinale: "Okay. You're not talking about the dock on the far- "

Bruce Schroeher: "I've been looking at it for 25 years. That's correct."

Supervisor Cardinale: "Okay. It's their property."

Bruce Schroeher: "That is correct."

Supervisor Cardinale: "Okay. The other thing that I'm asking for some help from legal is this. Not only do you have to know what's the pre-existing, non-conforming use, but you have to address the discontinuance issue because that's very tricky. So I need a certification of what the use is as of the day I'm hearing the application.

Yes, sir."

Rick Nemchick: "Hi. My name is Rick Nemchick (phonetic) and I live at 65 Jacobs Place, across the pond from Johnny and Sandy.

I've lived in Riverhead for 24 years. I've known Johnny and Sandy Reeve- "

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(At this time, Rick Nemchick was sworn in by Dan McCormick, Deputy Town Attorney)

Rick Nemchick: "I've lived in Riverhead for 24 years and I've known Johnny and Sandy for most of those years. I've known them to be very honest hard working good neighbors. I've lived in that neighborhood for quite a while and they've always maintained their property perfectly, excellent, and I have no problem with what's going on now with this application."

Supervisor Cardinale: "Thank you. Any other comment? Okay, it's open for 10 days for written comment. I'm waiting for some info from legal and, yes."

(Inaudible comment)

Supervisor Cardinale: "Oh, yes. And Mr. Sklar, if there's anything you- Dan McCormack is counsel for us and is sitting in for the town attorney, Dawn Thomas, who is away. If you have any specific case law that you- "

Theodore Sklar: (Inaudible comment)

Supervisor Cardinale: "All right. Thank you for those who commented. We're going to close this hearing at 2:59."

Public hearing closed: 2:59 p.m.
Left open for 10 days for public
comment to April 17, 2009 at
4:30 p.m.

Public hearing opened: 2:59 p.m.

Supervisor Cardinale: "We are going to take the second hearing which is for the purpose of consideration of a local law amending Chapter 105 entitled Water Table No. 11 Riverhead Water District evaluation of key money fees proposed development categories for key money assessments of the Riverhead town code.

This is a clarification of a provision of a code that we had passed a while back as to when key money is required in the commercial sector and otherwise for access to the water district.

And what this does is makes clear the method by which that's going to be calculated.

Come on up, Jodi, and make a comment."

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Jodi Giglio: "Good afternoon, Mr. Supervisor, and members of the board. Jodi Giglio, President of the Riverhead Business Alliance."

(At this time, Jodi Giglio was sworn in by Dan McCormick, Deputy Town Attorney)

Jodi Giglio: "I do. In looking at this Riverhead Water District evaluation of key money fees the top category says outside of the district boundaries which means that public water is not currently available to those sites. Is that correct?"

Supervisor Cardinale: "Yes. Incidentally that's not being changed though. The only thing being changed is at the bottom, but go ahead."

Jodi Giglio: "Okay. But if we're going to fix it, we might as well do it right. Right?"

Supervisor Cardinale: "Yes."

Jodi Giglio: "Okay. So the one question that I have is so you're saying that if anybody wants to build a residential development or if a single lot wants to hook up or any commercial or retail want to hook up and public water is not available, that they have to pay the cost to extend the main to their property which is a benefit to the water district.

And then they would also have to pay \$10.70 a gallon for key money assessment for estimated use."

Supervisor Cardinale: "The- yes, but it is not a benefit to the district necessarily to expand- it's a benefit to the developer that- when we expand a district and he pays for the expansion."

Jodi Giglio: "Right. I understand that because there have been people that have been paying the taxes for the water district for many years and for their taxes to go up because a new development is coming into town is not fair but in looking at this proposal, I mean, maybe it just needs to be clearer in where it says all residential developments, single lot existing or proposed, all commercial and retail that are outside of the district.

Perhaps if we just put a statement after those items saying as required by Suffolk County Department of Health Services. Because if the Suffolk County Department of Health Services does not require the proposed development to hook into public water, then they shouldn't be required to pay any key assessment fees."

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Supervisor Cardinale: "Well that- it's anticipated as Gary is back there, these are only if they're applying. We have no control whether- we can't make them apply to our district. If they want to apply, apply. If you do, you're going to pay as indicated.

In other words, we're not requiring them to apply, you're right, some of them might decide to do wells and stay out of the district. That's perfectly acceptable but if they do apply we're notifying them that these are the fees that will be required."

Jodi Giglio: "Okay, so maybe we can just put a statement in there only if requesting permission to connect or tie into- "

Supervisor Cardinale: "Or that this by no means requires them to apply. Yes."

Jodi Giglio: "Okay, that would be great. And the other question that I had, I just want to be clear that if it is an existing use and the gallonage is going to increase, that they're only going to pay the key money assessment based on the increase in usage and not on the existing."

Supervisor Cardinale: "That's correct. And then that would come from the calculations of the Health Department. They will tell you, you know, whether there's going to be an increase and what the difference is considering wet use, dry use, or one use or the other use."

Jodi Giglio: "Okay. I just- I think it's beneficial to all of the residents of Riverhead for most of the people that we can get hooked into public water to be hooked into public water for the aquifer and what have you.

I just think it will be very discouraging for anybody to tie into the district if you have to pay \$150,000 to extend the main to your property and then you have to pay \$10.70 a gallon for usage.

So I'd just like the board to take that into consideration because any commercial or any development that does occur is actually bring a tax- or increasing the tax base which is actually reducing the tax burden on the taxpayers throughout the town.

I'm talking about- "

Councilman Wooten: "A hundred and fifty thousand dollars. Where did that come from?"

Jodi Giglio: "Yeah. Because if you have to extend the main, you're paying per square foot for the piping, for the contractors to install it, for the trenching. So it could cost you anywhere from \$100 to \$150,000 in order to extend the main to your property."

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Councilman Wooten: "You're talking you're outside the district."

Jodi Giglio: "Right."

Supervisor Cardinale: "These actually were prepared by H2M when they were passed about a year or two back and they did do calculations establishing them to be reasonably related-- the costs associated with providing service because this isn't a number we can just pick.

We have to have a number that is as you've pointed out in the past and others, is not another tax or an excuse for a tax. It has to be reasonably related to the cost to provide the service.

And there's a report if you want to take a look at it in the clerk's office associated with the first hearing that lays that out, why it should be 10.70 and not 8.60. About a year ago, Jodi."

Jodi Giglio: "That would be great. Okay, so we're going to change then that if they're outside of the district boundaries, that only upon application to request to come into the district, they would be required to pay these key monies. Correct?"

Supervisor Cardinale: "That's correct. We can put in a note to that effect and I'll ask Gary to mention that to Ann Marie please."

Jodi Giglio: "Thank you very much."

Supervisor Cardinale: "Thank you. Okay, that's one comment. Can we have any other-- do we have any other comments? If we do not, I'm going to leave this open for 10 days for written comment on the 17th at 4:30, get it to the clerk by then if you want to comment, and then we'll consider it at the next meeting which will be the 21st at 7:00 p.m."

Public hearing closed: 3:05 p.m.
Left open for 10 days for written
comment to April 17, 2009 at
4:30 p.m.

Public hearing opened: 3:05 p.m.

Supervisor Cardinale: "This third public hearing is scheduled for 2:15, it being 3:05, we're beginning. And it is a public hearing regarding a restore NY community initiative grant

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application for the town of Riverhead by the town of Riverhead Community Development Agency.

I see Christine Kempner our CDA director and famous woman on the north fork now that she's also a Greenport Trustee. Would you tell us what this hearing is about, please?"

Christine Kempner: "It's actually an application by the Community Development Department through the town and New York State Empire State Development is making \$150 million dollars available for the third round of the Restore New York grant.

And this is a program designed to encourage economic development and neighborhood growth through financial assistance for revitalization of commercial and residential properties.

The time line for this grant process has already begun and we've submitted a letter of intent for the Atlantis Marine World Aquarium expansion.

The way we selected the project is we started the process last summer with projects that were moving forward in our urban renewal area. This particular project furthers the goals of the urban renewal plan update that we recently passed in 2008 to encourage tourism on the waterfront.

The project itself will encompass demolition, reconstruction, and expansion of anchor buildings in the Riverhead urban renewal center which is actually a New York State Empire Zone area and it will reconstruct two demolished under utilized properties into a five story 101 room Hyatt Place Hotel with a changing exhibit gallery and catering hall and the project is shovel ready so we think that will add to our points when the application is reviewed because this is a competitive process.

With regard to employment, we expect that the expansion will add approximately 140 permanent employees, 107 part time, 33 full time and 150 construction jobs for approximately 12 to 18 months. With affiliated businesses, we expect an additional 20 jobs and we're hoping that the hotel occupancy year round will extend the four month tourist season for the entire east end and help to revitalize the waterfront gateway location that the aquarium is currently located.

If you have any questions, I could answer those."

Supervisor Cardinale: "Okay. Thanks for that summary. Are we soliciting public comment? Is that the idea here on that- "

Christine Kempner: "If anybody had a comment."

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Supervisor Cardinale: "-- effort on our behalf to make this application for the grant."

Councilwoman Blass: "Could I just ask Christine a question?"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "First of all, I think it's a great application and a great use of-- or a great project that you selected.

How much did you put in for?"

Christine Kempner: "The maximum is based on population so for our population we're allowed to submit one project for \$2.5 million dollars. We're going for the maximum amount.

And actually the aquarium has engaged a consultant to work on the application. It's a very labor intensive application so that it would-- it wouldn't drag downtown south because the bulk of the award will help their project.

The grant itself is to stimulate private investment into the community so we think that it's a very competitive project within the projects that will be submitted state-wide."

Supervisor Cardinale: "And when will the decision be made?"

Councilwoman Blass: "What is the award?"

Christine Kempner: "Well the applications are due May 4th and we are expecting a quick turn around because of the job creation that's going on right now with the funding for the American Recovery Act, that they want to get the money back into the community and get the projects going."

Councilwoman Blass: "Is it a safe assumption that in the event that the project does not get the award, it would still be moving forward?"

Christine Kempner: "We are looking at a few different capital programs, capital lending programs that might be available in the downtown area because of the demographics. There's been some additional funding through the American Recovery and Reinvestment Act that would be available to our downtown area, so we're looking at several areas of capital to try and get some of the projects to move forward."

Councilman Dunleavy: "Yeah, I think this is a great project and this will help with the redevelopment of Main Street. This is

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one of the first projects that came on the board for Main Street and we have to start getting projects built so we can revitalize downtown and the aquarium does a fabulous job bringing people to Riverhead but we have to keep them in Riverhead and let them go to the east end so I support this 110%."

Supervisor Cardinale: "Thank you, Christine, thank you, John. I see the principal Jim Bissett here from the aquarium. I should also point out that this is insight plan. This is presently being reviewed for site plan approval and I don't think there's any other approval that is necessary other than I believe we have to give a special permit that we've already heard the hearing on. So this is ready when the developer is ready and I guess I'd be more ready if I had two and a half million dollars so, hopefully, he will be successful. So good luck.

Any other comment? If not, I'm going to leave this open for written comment for 10 days 'til the 17th at 4:30 to the town clerk and we'll act on this as required, if required, on the 21st. The time now is 3:11."

Public hearing closed: 3:11 p.m.
Left open for 10 days for written
comment to April 17, 2009 at
4:30 p.m.

Public hearing opened: 3:11 p.m.

Supervisor Cardinale: "We're going to start the fourth hearing scheduled for 2:15. The notice of a public hearing, again, a Restore New York Community Initiative Property Assessment List, town of Riverhead, Community Development Agency hearing which I believe Christine will take as well.

Christine, that fourth hearing is for a Community Initiative Property Assessment List? Could you explain to us what exactly that on for hearing for? I guess that's property that we're doing work on? Could you just tell us about it?"

Christine Kempner: "It's just a public notice of the lots that are involved in the redevelopment and the target of the grant is to redevelop properties, facade, improvements, and revitalization of the community so we're publicly noticing which lots would be incorporated into the redevelopment. So those are basically lots surrounding the existing aquarium itself- "

Supervisor Cardinale: "-- of the following properties and grant application called Restore New York Community Initiative, 431

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East Main Street, commercial reconstruction; 469 East Main, commercial reconstruction."

Christine Kempner: "And 469 East Main is actually three different lot map numbers so they have the same commercial address but they have different tax lots."

Supervisor Cardinale: "So what are you going to do?"

Christine Kempner: "It's actually the subject of the Restore grant, the same grant application. They just require two separate notices."

Supervisor Cardinale: "You going to take some of the money, if you get the money but what are they going to do?"

Christine Kempner: "The Atlantis Aquarium is going to redevelop- "

Supervisor Cardinale: "Oh, it's the same addresses."

Christine Kempner: "Yeah. It's actually two notices, one hearing."

Supervisor Cardinale: "Okay. Fine. I don't have to do this again."

Christine Kempner: "And it's required by the grant application."

Supervisor Cardinale: "So it's the same property upon which sits the aquarium- "

Christine Kempner: "And the lots that they're redeveloping."

Supervisor Cardinale: "Okay. So I'm going to direct that the record from the previous be considered part of the record for this fourth hearing listed separately and if anybody wants to make a comment upon the addresses, come right up. But this is what it does. It indicates the addresses where the money would be spent.

If there isn't any, you can keep coming up written 'til the 17th at 4:30 at the clerk's office and that was a quick hearing so at 3:14 we'll close that."

Public hearing closed: 3:14 p.m.
Left open for 10 days for written
comment until April 17, 2009 at
4:30 p.m.

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Public hearing opened: 3:14 p.m.

Supervisor Cardinale: "And open the 2:20 hearing at 3:14 for consideration of a motion to amend the zoning use district map to provide for the Business Center (BC) zoning use district to the exclusion of the shopping center zoning use district.

And I bet you this is for the Lowe's. This is the old Suffolk Life parcel which is at the border between the business center and the shopping center and consistently with the master plan we are able to consider it for business center use to the exclusion of the present shopping center.

Anybody have a comment on that? Moving that line over a bit. If- Rick, did you want to say something. Director of Planning Rick Hanley."

Rick Hanley: "Yes. Thanks, Phil. Subsequent to the Lowe's application I prepared a planning study for the board in the vicinity- "

Supervisor Cardinale: "Yes."

Rick Hanley: "And essentially it concluded that of all the parcels in the area presently zoned shopping center, either- they're either non-conforming or prohibited land uses today. So by making this change you would rectify that problem."

Supervisor Cardinale: "So let me see if I got that. That all of the ones that are in the shopping center district which this one is now- "

Rick Hanley: "That's correct."

Supervisor Cardinale: "-- are all non-conforming anyway."

Rick Hanley: "Either non-conforming or prohibited."

Supervisor Cardinale: "Or prohibited. So moving the business BC district to the west- east to encompass this piece, is recommended. Why?"

Rick Hanley: "Was recommended by the department to satisfy the ordinance with respect to non-conforming uses and prohibited uses to make them- if you did this, all of those non-conforming uses would be made conforming.

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It would also allow flexibility for that parcel where we're considering a cut off Pulaski to Route 58, that vacant piece. It would make that more flexible as far as that- "

Supervisor Cardinale: "How many lots are involved in that?"

Rick Hanley: "One, two, three, four, five, six, seven, eight, ten, eleven, thirteen lots."

Supervisor Cardinale: "I understand. All right, thank you."

Rick Hanley: "Yes."

Supervisor Cardinale: "Any comment by anybody in regard to this hearing? Yes, sir."

Tom McCarthy: "Good afternoon. Tom McCarthy, McCarthy Real Estate in Southold.

I'm here not specific to those properties that are being changed today but in the immediate vicinity you also have other properties that are zoned industrial C."

(At this time, Tom McCarthy was sworn in by Dan McCormack, Deputy Town Attorney)

Tom McCarthy: "Yes, I do.

There are other properties in the immediate vicinity of the proposed Lowe's project down Raynor Avenue and I'd like to be able to bring something back to the board at some point in the near future.

But I wanted to go on the record today to say that there are some other properties in the vicinity that are zoned industrial C that may be more appropriately zoned BC, if we could take a look at that in the light of this application as well or the board's motion, and perhaps even looking at some cross access agreements to some of the side streets and what may be happening with the impending YMCA application coming in to the north side of Stotsky Park."

Supervisor Cardinale: "Sure. We- I point out also that the master plan zoning was implemented in '05 and somewhat in '06 and we said at the time we wanted to look at it in five years so we're getting close to that."

Tom McCarthy: "Right. We just feel that some of the industrial properties around there would be more appropriately benefitted from some of the retail traffic on 58 and that some of the industrial uses, you have a plethora of inventory of industrial C and some of the stuff could really benefit the town with the tax

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base as well as some of the existing landowners in that particular area and we'd like to be able to come back and speak to the board about that in the near future."

Supervisor Cardinale: "All right. Thank you."

Tom McCarthy: "Thank you."

Supervisor Cardinale: "Any other comment? If not, I will close the verbal testimony, keep open the written 'til the 17th at 4:30 to the town clerk."

Public hearing closed: 3:18 p.m.
Left open for 10 days for written
comment until April 17, 2009 at
4:30 p.m.

Public hearing opened: 3:19 p.m.

Supervisor Cardinale: "The final hearing of the afternoon is for consideration of a local law to amend Chapter 101 entitled Vehicles and Traffic, Section 101-3 Stop and Yield Intersection, Railroad Crossings, Parking Fields of the Riverhead town code.

This has to do with a stop and yield at- or a stop sign on Sound Road and Oliver Street and Sound Road and Hill Street. Isn't that the 14th time we've done this? Yeah.

We had some technical errors on this but anybody here that wants to comment, I'm listening and this is to put a stop sign on Sound Road and Oliver Street and Sound Road and Hill Street.

If there is no comment which is a blessing because we've heard this often, we will keep it open for written comment 'til the 17th, close it for verbal comment now at 3:20 and ask that any written comment be given to the clerk by the 17th at 4:30 p.m."

Public hearing closed: 3:20 p.m.
Left open for 10 days for written
comment to April 17, 2009 at
4:30 p.m.

Supervisor Cardinale: "I will close the hearings, we are complete, and ask for comment on any of the 60 or so resolutions we are considering today from anybody who wants to make it. Yes, sir, please come up. Sal, how are you?"

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Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution 293."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "What does the youth court do?"

Supervisor Cardinale: "The youth court is a system that we've had in place for about 10 years. It's supported by grant. It tries by a jury of peers kids diverted from the real court system accused of minor crimes and it allows their peers to judge them and sentence them to community service or other such."

This particular attorney has been a volunteer for many years and there was about \$1,800 left in the grant funds and they asked-- the administrator of the program indicated that it would be permissible to pay her for what nine or 12 hours of work and that's what this does."

Sal Mastropolo: "Okay. So the money's coming out of a grant, not out of the budget."

Supervisor Cardinale: "That's correct."

Sal Mastropolo: "Okay. Resolution 305. What are the tax implications of moving that 21 acres to the town?"

Supervisor Cardinale: "There are-- not great, in fact-- this was a requirement when the subdivision was done that it would be transferred to the town. It was a no or minimal tax placed on it."

I think, Barbara, did you have a question on this one? Because Ann Marie Prudenti had addressed the issue you were concerned about, not taking-- did you talk to her?"

Councilwoman Blass: "Well, I had asked if there were covenants that were filed and they are just the standard covenants but I have other-- I don't have the same recollection that it was always intended to be transferred to the town and, in fact, I think it had been offered once before and the town had refused it for that very reason. I thought there was-- "

Supervisor Cardinale: "I want to be-- before we pass this, I want to make certain that we're all on the same page. Bill, would you get Prudenti?"

Sal Mastropolo: "The second Whereas just says woods to remain. I mean-- "

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Supervisor Cardinale: "I don't understand this as well as I might. I did discuss this several times with the town attorney Prudenti who is close to it and prepared the papers and indicated that- I know one thing. That the taking of this property according to the engineer saves us 50 to 75,000 in reducing expenses at the town landfill capping which we are paying out of real money from the townspeople. So I know that it does that for me, it saves 50 to 75,000."

Sal Mastropolo: "That's a one time expense."

Supervisor Cardinale: "But it- yeah, in other words it saves us in the landfill. But also the taxes are not a factor because when it was set up, the piece, and I will find out the exact amount, I would like to know it myself- "

Councilman Wooten: "Thirty-two hundred."

Supervisor Cardinale: "Thirty-two hundred dollars for that piece. Okay, that's a factor but it's not a huge one. Presently according to Jim the tax is 3,200 for that- for this piece and Ann Marie Prudenti made the point that she didn't want us taking the backyards of condo people because they can maintain their own backyards and I believe that this does avoid that."

But if we don't have the answers we want, we'll defer action on it until the next meeting. There's no urgency."

Councilwoman Blass: "Is it possible to just take that portion of that property that would accomplish what it is you're looking to do and not take the full 22 acres?"

Supervisor Cardinale: "Yeah, that's what I think she did but I want to make sure. Why don't we table this to make sure we- it's not going to kill us for two weeks. Everybody is doing it for the reason indicated, the landfill, but we want to make sure that the benefit outweighs the burden."

Sal Mastropolo: "307."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "What's the reason for the town purchasing those, one, two, three, four, five, six pieces of property on East Main Street and where's the money coming from?"

Councilman Wooten: "This is for appraisals."

Supervisor Cardinale: "This is for the appraisal of the property east of the- west of the East End Arts which we are- we want a valuation on so that we can either take it by condemnation"

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with a private partner or determine what the true value is because that's the (inaudible) Gordon property and another property that's been (inaudible) what's it worth."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "This allows- this does the environmental- in order to get the appraisal which we're going to pay I think, what is it, six or ten thousand for, seventy-five hundred, we also need to pay twenty-five hundred for a Phase I environmental assessment to make sure that there's nothing evil in the- that lurks in the basements. Because once we tear it down, it may be more expensive and that comes off the price- value."

Sal Mastropolo: "Okay. Thank you."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "312."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "We obviously passed a resolution sometime back to spend \$75,000, okay, for the map and plan."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Now all of a sudden they ask for another 35 and we're going to give it to them. I mean- "

Supervisor Cardinale: "Go ahead."

Sal Mastropolo: "Would we have passed the resolution in the first place to spend \$110,000 to do the map and plan plus 7,500 for them to do some additional work?"

Supervisor Cardinale: "Well, I can't agree with you more. I did have an extensive discussion with Michael Reichel, is he here? And also- what's the number on this one?"

Sal Mastropolo: "307- 312."

Supervisor Cardinale: "307? 312? Yeah, I had an extended discussion with Michael Reichel and Ehlers and they finally convinced me to vote yes. But here's why.

When they talk about a capped- when they talk about a cap, they don't mean a cap and we had a discussion because I think that we should change the way we do business with our engineers. What they mean is they cap the amount of billing and they have to come back

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and explain what additional work was required and then they get authorized.

Now, that's what they're doing here. They are coming back and saying we have to do additional work and therefore we are asking for an additional 35,000.

I understand a cap to mean what you understand a cap, that you're agreeing for a lump sum to do the job and if you find it's more difficult or more expensive than you thought it was, it's on you."

Sal Mastropolo: "I mean that's the price you pay for doing poor planning."

Supervisor Cardinale: "Right, exactly. Apparently that is not the deal here and the way we deal with our engineers and I'm telling this to the board, too, because I didn't share this conversation with Ehlers that I had Friday.

The way we deal with our engineers is identical to the way they take us at the auto repair facilities in which you see the sign \$100 and then you see the guy work for an hour and he gives you a bill for 240, and he says I know I only worked an hour but it's against the book. The book says it's a 2.4 hour job, therefore, you're getting paid 240, not 100. I'm just very good, I work fast.

The same thing is true of engineers. You have an hourly rate which we approve every year I learned on Friday, but then there's this curve, this engineer curve for a job that says based upon the job, this is the end price. They bill against the curve, but if they- if they bill- if the billing hours are less than the curve, they get paid the curve price, you know, the percentage of the job.

I told them I didn't want to do that anymore, I wanted to have them bill against the curve and if it came in less, then we pay less. If it comes in more, they eat it. They're getting the benefit but not the negative and that is what I learned."

Sal Mastropolo: "Okay. That is my only comments."

Supervisor Cardinale: "Thank you. Jim knows about that, right, Jim, those engineers. They're worse than attorneys, all attorneys do is just charge by the hour and pad the bill a little. But they don't bill by the hour as against you know a bigger fee and the worst of them is the guys who fix your cars. Do you ever see that? I've watched guys do an hour's worth of work and give me a bill for 240 on a hundred hour- and I say what's the deal and they show me the book. It's 2.4 hours. I know you just did it in an hour. I work fast. Yes, do you have a comment on any of the- "

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Matt Hattoff: "Just a question. Resolution 323 and 324."

Supervisor Cardinale: "Yes."

Matt Hattoff: "Don't they have to go for a referendum?"

Supervisor Cardinale: "Yes. Yes."

Matt Hattoff: "Okay, thank you."

Supervisor Cardinale: "They do. This is just authorizing the referendum. It would have to be on the November ballot. Yes."

Matt Hattoff: "We shouldn't have a hearing either."

Supervisor Cardinale: "Yeah, you're right. First you have the hearing then even if you pass it, it doesn't count until the referendum. Yes."

Matt Hattoff: "Okay."

Supervisor Cardinale: "Okay? Thank you. Anything else? Okay, we would like to consider the resolutions starting with resolution 291. Would the clerk begin that call?"

Councilman Dunleavy: "Can I just say something?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "On one resolution here. We had a Chapter 90 resolution, now she's leaving the room. We're not acting on because we have to wait for the county to give us information. So that's why we're not acting on this chapter 90 right now. Okay. Just to let her know."

Supervisor Cardinale: "Oh, we're-- which one is it? Okay, yeah, we can't act on it."

Marie Tooker: "Every time I have an event, I have to deal with the county. Marie Tooker, we know who I am."

Councilman Wooten: "I don't know."

Marie Tooker: "Okay."

Supervisor Cardinale: "First of all, it's not a resolution."

Councilman Dunleavy: "It's not a resolution. I just want to let you know, you have to talk after the resolutions are passed."

Supervisor Cardinale: "Yeah."

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Councilman Dunleavy: "Okay?"

Marie Tooker: "After the resolutions. Are you putting it up right now or no?"

Councilman Dunleavy: "No. We can't."

Marie Tooker: "You can't."

Councilman Dunleavy: "I just want to let you know we can't put it up and it's not going up until we hear from the county. That's what our town attorney told us."

Marie Tooker: "If it's on- if somebody lives next door to preserved land, do they have to answer to the county every time they want to do something on their own land? I don't understand."

Supervisor Cardinale: "Since this isn't on, I'm not familiar with what it is. Do you know what we're talking about? Why don't you speak into that so she can- "

Dan McCormick: "Apparently a portion of the land involves preserved rights through the county. We're seeking confirmation- "

Marie Tooker: "None of the land this is on is on preserved land. Okay? None of it. There is 21 acres on the front of the property that is not preserved. Every time I want to do something in this town, I am constantly being discriminated against.

So April 25th I'm having this event. People are coming from all over the country and you didn't put- why hasn't somebody contacted us or let us know before so we could resolve this before today because April 21st is your next meeting, is too late. So I would like something to happen because we're dealing here, we're raising money for veterans, and I really don't think that you guys want this on your back. Okay?

So someone right now, because I've had it. Cardinale, the last event I had you stood on public television and you canceled it by somebody else's word. You're constantly discriminating against me and I have had it.

I want someone on the phone before this meeting ends, somewhere, somehow so we have this event on the 25th. Now I'm coming before you guys because we're out of time."

Supervisor Cardinale: "The- wouldn't it make more sense because we do have this problem repeatedly on this parcel, to get a map of the area that is not preserved- "

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Marie Tooker: "We did give you a map."

Supervisor Cardinale: "All right. Then we should be able to look at that and know whether this— whether your plan is for that or another piece. That's pretty straightforward."

Marie Tooker: "It's 21 acres. It's for one hour, okay, that's all it's for. It is not a big event. It's not a carnival. Probably 500 people are going to be there. I have more than enough land to not be on preserved land."

Supervisor Cardinale: "When was the application received?"

Councilman Dunleavy: "I saw it in March."

Councilman Wooten: "About two weeks ago, I think, in March."

Dan McCormick: "Miss Prudenti is coming back on another matter with the board so perhaps she would have additional information for the board at that time."

Supervisor Cardinale: "Why don't you— I understand your concern. I'd prefer not to have a special— but Ann Marie is coming in. Ann Marie, come on in for a sec."

This is unusual but since we're into it before we start the resolutions, there's an application for a Chapter 90, it's the Abyss Farms. The contention is there is a map that we have received which indicates that property which is not preserved property.

The indication is that whatever this event is will be on property which is not preserved property. Is that the only thing that's holding up the approval?"

Ann Marie Prudenti: "That and an inspection of the property."

Supervisor Cardinale: "Okay. Well, we could—"

Ann Marie Prudenti: (Inaudible)

Marie Tooker: "Well, you guys have been there many times inspecting the property, that's no problem."

Ann Marie Prudenti: "Require— it's my understanding there were some difficulties with our code enforcement officer gaining access to the property."

Marie Tooker: "When was that? When he came two weeks ago with the police? Why is the police coming for a code enforcer and

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then when I called to find out what it was, everyone said there was nothing that they wanted- "

Ann Marie Prudenti: "Well, I can't answer the question with respect to the police. But if you're telling me now, making a representation there's no issue with respect to our code enforcement going on, we'll make sure within the next two or three days they do that."

Supervisor Cardinale: "Would it be possible to approve this subject to the inspection?"

Ann Marie Prudenti: "No. Because this also involves preserved property by the county, typically, it's our practice, to require the (inaudible)."

Supervisor Cardinale: "Yeah, but that's what we were talking about. Is it necessary to have the property- is it necessary to have the county every time get involved if, in fact, we can certify once that this is the preserved property and- "

Marie Tooker: "It is not the preserved property . We're well aware of what the preserved property is. Okay, we go through this all the time. You know, I don't understand."

Supervisor Cardinale: "Well- "

Ann Marie Prudenti: "Well, with all due respect, I've reviewed several of the applications for the Chapter 90 on this parcel of property and I can represent to this board that all the Chapter 90's are not, in fact, identical. There are different groups, there are different vendors, there are different layouts."

Supervisor Cardinale: "Right."

Marie Tooker: "There is no vendors here. There's nothing like that. There's no food."

(Inaudible comment)

Supervisor Cardinale: "So you're saying that there's other issues that you have to clear?"

Ann Marie Prudenti: "Absolutely."

Marie Tooker: "What other issues? What other issues?"

Councilman Wooten: "I'm sure we'll get through them."

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Marie Tooker: "No, because we're out of time here and April 25th is- "

Supervisor Cardinale: "When did this application come in?"

Councilman Wooten: "We're not out of time."

Marie Tooker: "Yes, we are. Yes, I am because I have to let people know from California that they could come. I can't tell them on the 21st."

Ann Marie Prudenti: "March 16th."

Supervisor Cardinale: "All right. The application was not received until March 16th and how many days do we take to process an application?"

Marie Tooker: "Forth days."

Supervisor Cardinale: "All right. So we're not there yet."

Ann Marie Prudenti: "And I will tell the board though that Nicole from code enforcement did attempt to go out to the property and inspect the property and I believe was denied access."

Supervisor Cardinale: "All right, well, then there's- "

Marie Tooker: "That is so not true. Okay. That is so not true."

Supervisor Cardinale: "Well, why don't you talk to Nicole, she's here."

Marie Tooker: "No. Why don't we pass this resolution and then all you have to do is come onto the property and look. It's a cleared field. There's not much inspection that you have to look at."

Supervisor Cardinale: "All right. Thank you. We'll take it into consideration- "

Marie Tooker: "Phil, Mr. Cardinale."

Supervisor Cardinale: "Yes. We will- "

Marie Tooker: "April 25th is my event. I need to know today."

Supervisor Cardinale: "Well, that's apparently not possible. I'll tell you what I will do though. I have a meeting on Thursday."

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If you will cooperate with the town attorney and the code enforcement, I will have a special meeting Thursday and pass it at our work session so that— because I understand your need, that you're having an event, to have an approval.

Could we do that? Could you sit down and tell her whatever issues exist? I do not— as far as the county, if she represents that it is not on preserved property, is there a problem if we have a map of what is and isn't preserved? What difference— we can rely on the map. We can say it's going to be— "

Ann Marie Prudenti: "Well, I have a copy of the application here and the application does not include what is or where— "

Supervisor Cardinale: "Okay."

Ann Marie Prudenti: "-- it is with respect to the entire parcel of property. And you're right. We do go through this every time. You know, if the map would show— "

Marie Tooker: "It's for one hour. One hour, Phil, come on. It's one hour."

Supervisor Cardinale: "All right. Let's not— I understand what you're saying. You're trying to do a good job, let's not make a major mountain out of it. You're here, you're here, can we sit down and talk— "

Ann Marie Prudenti: "What I would like is you know if you want to make a representation in front of this board at this time that you grant access to code enforcement by the end of the week, code enforcement will go out and do an inspection and make sure— "

Marie Tooker: "Code enforcement comes on the property whenever they want and whenever they feel like it."

Ann Marie Prudenti: "Well, if that's your representation— "

Marie Tooker: "Okay, when they showed up with the police the other day and I wasn't home, my workers don't let anybody on the property unless there's a warrant or a problem when the police show up, you get— you know, concerned here. So, I called, my lawyer called. No one said they were there to inspect for the Chapter 90. No one. Okay. So if that's just the issue here, let them come right now and come inspect and by 4:00 we could have this resolved. At the end of the week, your meeting is on Thursday."

Supervisor Cardinale: "Ann Marie, we need to do it by— can we do it tomorrow? Ann Marie, let them get the inspection in— "

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Marie Tooker: "You know, Ann Marie--what's your last name, Ann Marie?"

Ann Marie Prudenti: "Prudenti."

Marie Tooker: "Prudenti. Are you the one that wrote a letter opposing my project for veterans to my lawyer, my attorney, at one time?"

Ann Marie Prudenti: "No."

Marie Tooker: "Yeah, I have a letter from you. Okay. I have a letter stating that. So you know what? I feel a little (inaudible) constantly with you guys."

Councilman Dunleavy: "Miss Tooker, we have to continue this after the resolutions."

Marie Tooker: "Okay, so what- "

Councilman Dunleavy: "Okay? So if you could just wait until we pass the resolutions and come back up and we can have more discussion on this. Okay? Thank you."

Marie Tooker: "Thank you."

Supervisor Cardinale: "Ann Marie, thank you for your assistance and if we can get anything done while we're here, we'll get it done."

I would like to begin with the call of 291, please."

Resolution #291

Councilwoman Blass: "Is a budget adoption in connection with the 2009 recreation capital improvement project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #292

Councilman Dunleavy: "Pumpout station budget adoption. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #293

Councilman Wooten: "Authorizes the supervisor to execute a retainer agreement with Mary C. Hartill, Esq. of the law firm of Saladino & Hartill, LLP for legal services for the year 2008/2009 Riverhead Youth court. So moved."

Councilwoman Blass: "Seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is a very good educational program for the high school and junior high school pupils and I think the \$2,500 that we're going to pay her for the school year is worth it. Yes."

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

Resolution #294

Councilwoman Blass: "Authorizes Riverhead town historian to attend a conference. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #295

Councilman Dunleavy: "Authorizes employee to attend National Fire Protection Association annual conference & exposition. So moved."

Councilman Wooten: "Seconded."

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

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

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Resolution #296

Councilman Wooten: "Accepts the retirement of a police officer Linda Erick. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes, and I wish her luck in her future endeavors."

The Vote (Cont'd.): "Blass, yes, as do I; Cardinale."

Supervisor Cardinale: "Yes. And thank you for what is it-- 20 years of service-- 20 years of service and two weeks. Thank you. And yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #297

Councilwoman Blass: "Authorizes the publication of display ad re part time public safety dispatcher. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This will save us quite a bit of overtime in the police department. So I vote yes."

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

Resolution #298

Councilman Dunleavy: "Amends Resolution #502. So moved."

Councilman Wooten: "Seconded."

Councilman Dunleavy: "Are we going to-- we're going to table this one?"

Supervisor Cardinale: "I think so for further-- "

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Councilman Dunleavy: "Is this the- to call in. I move to table Resolution 298."

Councilman Wooten: "Yeah, I'll second it."

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

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

Resolution #299

Councilman Wooten: "It appoints a justice court clerk to the Justice Court, Mary Beth Vail. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #300

Councilwoman Blass: "Ratifies the appointment of an intern to the police department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #301

Councilman Dunleavy: "Ratifies the appointment of a custodial worker I to the building and grounds division of the engineering department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #302

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Councilman Wooten: "It terminates provisional employee Meghan Garrison. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. I hate to see her leave but due to civil service we have to do this. I vote yes."

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

Resolution #303

Councilwoman Blass: "Accepts the retirement of a custodial worker I, Stephen Magee. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "Yes. We wish Steve a lot of luck."

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

Councilman Dunleavy: "Yes. And he was a great employee and I wish him luck to continue on."

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

Councilwoman Blass: "Yes. I know they're going to miss him down at the senior center."

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

Resolution #304

Councilman Dunleavy: "Appoints an account clerk to the accounting office. And this— he's two people short down there and this is to help him out a little bit because he has only four people— two people doing the job of four so now he's going to have three and we're still keeping the budget down for not approving another one. So moved."

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Councilman Wooten: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale."

Supervisor Cardinale: "I'm going to vote no. I understand what John said but I prefer-- if we start breaching the attrition theory, we're going to run into trouble. So I vote no."

Diane Wilhelm: "The resolution is adopted."

Resolution #305

Councilman Wooten: "I move to table 305 until we get some verification about the acreage and the pluses and minuses. Move to table."

Councilwoman Blass: "Second to table."

Supervisor Cardinale: "Moved and seconded. Vote please for a table."

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

Resolution #306

Councilwoman Blass: "Authorizes the placement of Long Island Farm Bureau Pride of New York campaign banners. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded."

Councilwoman Blass: "Question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I see the dimensions-- "

Supervisor Cardinale: "Ann Marie, before you leave. This was worked on by you, the banners. There was a question."

Councilwoman Blass: "I see the dimensions of these banners but do we have an idea of how many we could expect across the town? Because there's no indication of how many they're looking to install."

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Ann Marie Prudenti: "No. But you all know that under our sign ordinance, the temporary signs, all that language is consistent with what we require in the code including size of the signs. No, I don't have an answer for you regarding the number of them. It depends on the amount of farms that want to participate in the Long Island Farm Bureau's program.

But all the criteria in there is that what we require under the code for all temporary signs so they would be a bidding by everything that we typically require."

Councilwoman Blass: "Banners themselves are usually prohibited, right?"

Ann Marie Prudenti: "Well, I discussed it with Leroy and they're going to be in the form of signs and/or banners. They may be like fabric type signs."

Councilwoman Blass: "I certainly- I don't want you to misunderstand my questions because I certainly support whatever we can do to highlight the agricultural presence in our community.

But I'm just not having an indication of how many there are going to be. Their signs are fairly large. I was just curious as to what we could expect and I don't know if we want to put a number on it or leave it to everyone's best judgment. Do we have the option to say, you know, you have enough?"

Ann Marie Prudenti: "You mean the number of- "

Councilwoman Blass: "The number they're actually going to be installing across the town. I mean we have quite a few farm operations and I'm just wondering are there more than one on an operation, however many that could be I'm questioning. That's all."

Supervisor Cardinale: "So what we do know is they can't exceed 32 square feet these banners, nor exceed a height of 15 feet and set back 25 feet and the question is- and then you comply with all the other rules except the number which we wouldn't have a right to- if everybody applied, we'd have to accept them anyway, wouldn't we?"

Ann Marie Prudenti: "Correct. So what could be added to that resolution is one business or commercial operation."

Councilwoman Blass: "Is that considered reasonable?"

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Supervisor Cardinale: "Yeah, because you're supposed to get one temporary sign, aren't you?"

Ann Marie Prudenti: "Correct. But I'm confident that the Long Island Farm Bureau- "

Supervisor Cardinale: "That was what was intended anyway but that is a thought."

Councilwoman Blass: "You would never know that that was intended."

Supervisor Cardinale: "Yeah, but I think we should and I had not picked that up either. We can add it anywhere. We can add it on the Resolve clause appropriately when we say no sign shall be placed in a public right of way and not more than one sign per- one banner or sign, what are they calling them- banner. Banner. Not more than one banner on any business- any business site or farm site."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "At any one site, not more than one on any one site. Okay. Fine. With that amendment, clarification, can we have a vote?"

Councilman Wooten: "I don't think it was ever seconded."

Supervisor Cardinale: "Can we have a second?"

Councilman Dunleavy: "Oh, seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote?"

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is just keeping with New York State grown on Long Island and part of New York that we should buy Long Island products instead of California or Florida. I vote yes."

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

Resolution #307

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Councilman Dunleavy: "Authorizes the supervisor to execute an agreement with Nelson, Pope & Voorhis, LLC, for a Phase I environmental site assessment regarding properties located at 103-105, 111, 117, 121 & 127 East Main Street, Riverhead. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #308

Councilman Wooten: "Authorizes the town clerk to post and publish the attached notice to bidders for the Town of Riverhead Peconic Avenue crosswalk improvement project. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinal, yes. The resolution is adopted."

Resolution #309

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing regarding the special permit of Omnipoint Communications, Inc. Bonsal American building (EPCAL). So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "I'm going to vote no because the town is putting one up there and I think this hearing is just going to cost a lot of money and because we have a location-- Omnipoint location that's going to be turned down anyway. So, I vote no."

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

Councilwoman Blass: "Yes for the public hearing."

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

Supervisor Cardinale: "Yes for the public hearing."

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Diane Wilhelm: "The resolution is adopted."

Resolution #310

Councilman Dunleavy: "Authorizes the town clerk to publish and post notice of public hearing regarding the special permit petition of Bernard J. Kito, Jr. So moved."

Councilman Wooten: "I'll second it."

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

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

Resolution #311

Councilman Wooten: "Authorizes the town clerk to publish and post notice of public hearing - amendment to the zoning use district map of the town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #312

Councilwoman Blass: "Authorizes a fee adjustment for map and plan/facility plan for compliance with Peconic Estuary TMDL and stimulus intended use plan Riverhead sewer district. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "I'll vote yes but there has to be a better way to do this capping. Yes."

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

Resolution #313

Councilman Dunleavy: "Authorize the supervisor to execute change order No. 1 Calverton sewer district extension No. 1

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emergency construction - office pump station Calverton sewer district. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #314

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning Article XLV entitled Exterior Lighting of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #315

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-133 site plan review. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #316

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 213 Horton Avenue, Riverhead, New York. So moved."

Councilman Wooten: "Seconded."

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

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

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Resolution #317

Councilman Wooten: "Authorizes the supervisor to execute an agreement with Air Mark Air Condition Corp. for heating, ventilation and air conditioning service and maintenance. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #318

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code, Article XIII - Supplementary Use Regulations. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #319

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code, Article XXII - Business PB District. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #320

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code, Article XXXI - Open Space Conservation District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #321

Councilwoman Blass: "Authorizes the release of security of Sound Housing LLC a/k/a Willow Ponds on the Sound Condominium project. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote please?"

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

Resolution #322

Councilman Dunleavy: "Authorizes the release of security for Baiting Hollow Farms, LLC. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #323

Councilman Wooten: "Authorizes the town clerk to publish and post public notice to consider the adoption of a local law entitled Local Law to Change the Term of Office of Town Superintendent of Highways to from 2 years to 4 years. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #324

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider the adoption of a local law entitled Local Law to Change the Term of Office of Town Supervisor to from 2 years to 4 years. So moved."

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Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "Before I vote, the public has dealt with this I think the last few elections-- at least a couple elections, so probably three and they've always decided the Supervisor should be a two year term. So I'm not objecting to put it back out to the public so I'll vote yes."

The Vote (Cont'd.): "Dunleavy, no; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #325

Councilman Dunleavy: "Offers support to New York State Legislature for the creation of the Peconic Bay Regional Transportation Council (Senate Bill #S.3181/Assembly Bill #A.6743. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #326

Councilman Wooten: "Authorizes the town Supervisor to accept declaration of easement re 96 Main Road, Aquebogue, Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #327

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes. Oh, yeah."

(Inaudible discussion)

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Councilwoman Blass: "Okay, thank you.

Authorizes the reduction of site plan security of the Baiting Hollow Club. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Supervisor Cardinale: "Are you talking about the excavation issues?"

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "This is only reducing it to 750. I think it's been cleared. Is that correct? That's what Ehlers told me. I spoke to Ehlers on Friday. He did say this was appropriate-- yeah, this was appropriate because we're reducing it to 750. The other thing is ongoing discussion."

Councilman Dunleavy: "Okay, I vote yes."

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

Resolution #328

Councilman Dunleavy: "Authorize the town clerk to advertise for bids on a Spaulding 130 gallon crack sealer or equal. I don't know what that is, but so moved."

Councilman Wooten: "I don't think I want to know. Seconded."

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

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

Resolution #329

Councilman Wooten: "Authorizes town clerk to publish and post a notice to bidders for well and pump testing, evaluation, reporting and information management. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #330

Councilwoman Blass: "Amends the zoning use district map of the town of Riverhead Industrial B zoning use district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded."

Councilman Dunleavy: "Shouldn't there be a map with this?"

Councilwoman Blass: "We had a map. We had it attached."

(Inaudible discussion)

Supervisor Cardinale: "Three lots next to the gas station on 25."

Councilman Dunleavy: "Okay, so second."

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

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

(Some inaudible discussion)

Resolution #331

Councilman Dunleavy: "331 approves the Chapter 90 application of Jamesport Fire Department to conduct a firemen's carnival. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #332

Councilman Wooten: "Approves Chapter 90 application of Peconic Bay Medical Center for the 14th Annual East End Garden Festival. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #333

Councilwoman Blass: "Approves the Chapter 90 application of Martha Clara Vineyards, LLC. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #334

Councilman Dunleavy: "Authorizes Chapter 90 application of Cooley's Anemia Foundation, Inc. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #335

Councilman Wooten: "Approves the Chapter 90 application of Railroad Museum of Long Island, Riverhead Railroad Festival 2009. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #336

Councilwoman Blass: "I get this one all the time. Awards the bid for sludge cake removal Riverhead Sewer District. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #337

Councilman Dunleavy: "Authorizes public notice and submission of grant application to Empire State Development Corporation restore NY Round 3 to support revitalization of downtown Riverhead. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #338

Councilman Wooten: "It ratifies amended agreement with AKRF, Inc. for completion of bulk study of DC-1 zoning district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #339

Councilwoman Blass: "This is an addition to the adopted budget in connection with the Weeping Willow capital project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #340

Councilman Dunleavy: "Town of Riverhead recreation program budget adjustment. So moved."

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Councilman Wooten: "Seconded."

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

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

Resolution #341

Councilman Wooten: "It ratifies and approves stipulation of agreement (CSEA). So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Yeah, discussion for a moment."

Ann Marie, in view of our continuing discussion about the dispatchers, Ann Marie, I know you had suggested deferring decisions on agreements. Does that include this one or not depending upon what happens— "

Councilman Wooten: "I think there's a couple that already (inaudible)."

Supervisor Cardinale: "I did check. The difference is— the benefits that they would be entitled to if they left which they're not entitled to now, about 8,000, that's not the biggest deal in the world. So you want to give them the benefit?"

All right, then I guess what we can do is pass it then and keep it in play until we make a decision.

All right. So moved and is there a second. Vote please."

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

Resolution #342

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code, Article XXVIA - special permit. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #343

Councilman Dunleavy: "Authorizes the Supervisor to execute a consultant/professional services agreement with Unisys Corporation. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #344

Councilman Wooten: "Authorizes the Supervisor to execute a consultant/professional services agreement with Data Path, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #345

Councilwoman Blass: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded to pay bills. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution is adopted."

Councilman Dunleavy: "Now we have the tabled resolutions."

Supervisor Cardinale: "Well, we also— do we have 346 and 347?"

(Some inaudible discussion)

Supervisor Cardinale: "Okay, good. Then you're going to table— the only difference incidentally is the hearing date cannot be the 21st, so it's now the 7th, but you're going to withdraw the

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other ones and then you're going to go back to 346 and 347. Is that the idea? Okay."

Councilwoman Blass: "So two of these are publications for public notices and one is an actual adoption."

Supervisor Cardinale: "Okay. So why don't we start with 134 where we're actually going to adopt."

Councilman Dunleavy: "I remove this from being tabled. Adopts a local law to amend Chapter 108 Zoning of the Riverhead town code. So moved."

Supervisor Cardinale: "Second, please."

Councilman Wooten: "Second to untable."

Supervisor Cardinale: "Moved and seconded on Resolution 134 to untable. Vote please."

The Vote: "Wooten, yes, to untable; Dunleavy, yes, to untable; Blass, yes; Cardinale, yes. Resolution is untabled."

Councilman Dunleavy: "Now we want to- "

Supervisor Cardinale: "Consider it, yes."

Councilwoman Blass: "No, we want to withdraw."

Councilman Dunleavy: "We want to withdraw this."

Supervisor Cardinale: "Actually, this is the one we want to- "

(Some inaudible discussion)

Supervisor Cardinale: "Which is the one it's replacing?"

Councilwoman Blass: "This is replacing this."

Supervisor Cardinale: "Okay, you're right. So this is to untable- to withdraw now."

Councilman Dunleavy: "I'd like to make a motion to withdraw Resolution 134. So moved."

Councilman Wooten: "I'll second it."

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

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The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is withdrawn."

Diane Wilhelm: "Now we have the same for 249 and 250."

Supervisor Cardinale: "134 is withdrawn, then we have 346, 347 and 348 which are new and we also— and 349. We have 249 and 250, right? All right, why don't we untable and withdraw those."

Councilman Wooten: "I move Resolutions 249 and 250 be untabled."

Councilwoman Blass: "Seconded."

Supervisor Cardinale: "Moved and seconded to untable 249 and 250. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes; Cardinale, yes. The resolution is untabled."

Supervisor Cardinale: "Okay, now can you a motion to withdraw those."

Councilman Wooten: "I'd like to move resolutions 249 and 250 and be withdrawn."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes, to withdraw; Blass, yes; Cardinale, yes. Both resolutions 249 and 250 are withdrawn."

Supervisor Cardinale: "Okay. Now we have one— we have 346 through 349 to consider. Was there one other tabled one, John, that you wanted considered?"

Councilman Dunleavy: "No. There's just one that I'm taking off the floor."

Supervisor Cardinale: "Off the floor."

Councilman Dunleavy: "That's the last one."

Supervisor Cardinale: "Okay. That is today's, right?"

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "305. Okay, very good."

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Councilman Dunleavy: "Do you want me to go with 346 now?"

Supervisor Cardinale: "Okay."
Resolution #346

Councilman Dunleavy: "Adopts local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Repeal and Replace Sec. 108-235 through Section 108-245 - Planned Recreational Park (PRP) district. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. May we have a vote, please?"

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

Resolution #347

Councilman Wooten: "347 authorizes the publication of a public notice for public hearing to consider a local law which would adopt a map designation clearing limits pursuant to the Pine Barrens Overlay District (Riverhead town code Article XXXV) for the former Naval Weapons Industrial Reserve Plant (NWIRP) now known as Enterprise Park at Calverton (EPCAL). So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes, for the hearing; Cardinale, yes. The resolution is adopted."

Resolution #348

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 1008-175 and Section 108-179 - Pine Barrens Overlay District. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote, please?"

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

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Resolution #349

Councilman Dunleavy: "Authorizes the Supervisor to execute an agreement Town of Riverhead Seed Clam Program for 2009. So moved."

Councilwoman Wooten: "I'll second."

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

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

Diane Wilhelm: "Now we have one off- "

Councilman Dunleavy: "Yeah, what number is it?"

Diane Wilhelm: "We're going to give that 350."

Councilman Dunleavy: "350."

Resolution #350

Councilman Dunleavy: "Adopts a local law amending 108 entitled Zoning of the Riverhead town code, Agricultural Protection APZ zoning use district. So moved."

Councilman Wooten: "Seconded."

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

The Vote: "Wooten, yes; Dunleavy, yes; Blass, no; Cardinale, yes. The resolution is adopted."

Diane Wilhelm: "And that is it."

Supervisor Cardinale: "All right. That concludes the resolutions. I would like to take comment on any matter that the public would like to comment which is, hopefully, within our purview. Yes."

Marie Tooker: "I'm back. Listen, I'd like my Chapter 90 approved conditionally and if the condition is just to have a code enforcer inspect the field, then that would be a great compromise. Can we do that?"

Supervisor Cardinale: "Okay. Yeah, it's fine with me as long as I can get a resolution out of legal and on my desk Thursday at noon."

(Some inaudible discussion)

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Supervisor Cardinale: "All right. But the other issue he's reminding me. I don't know what issues exist but I would like to have a resolution on my desk over here by 10:00 on Thursday and if the young lady is willing to have the code enforcement people go out there tomorrow, I don't see why we can't do it."

Marie Tooker: "That would be great."

Supervisor Cardinale: "As far as the county, if the county doesn't get back to us and, frankly, they do that a lot, I think we should approve it on the property that is non-preserved and- "

Marie Tooker: "I would appreciate that. And, Mr. Dunleavy, you are a gentleman and thank you very much. I really appreciate it. Thank you, Mr. Cardinale, I appreciate that."

Supervisor Cardinale: "Thank you."

Marie Tooker: "So what do we have to do? Be here tomorrow or- "

Councilman Dunleavy: "No, Thursday."

Supervisor Cardinale: "Thursday at- we're going to have a special on Thursday to consider it. As long as you cooperate tomorrow with the people that want to inspect, I think that should not be a problem."

Marie Tooker: "When are they going to come? Can you give them my number?"

Dan McCormick: "Would you like to be present during the inspection?"

Marie Tooker: "Yes, I would."

Dan McCormick: "Okay. I can give you the number after we break- "

Marie Tooker: "Actually, I have to go. I have three children with the babysitter. I'll come and give you my number right now."

Supervisor Cardinale: "All right, thank you."

Councilman Dunleavy: "Thank you. Any other comment? Yes, sir?"

Louis Re: "Yes, my name is Louis Re. I'm actually putting on this event and I just wanted to thank you guys for your time."

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We are doing this all to raise funds and awareness to the men who fought for our country, the men and women who fought for our country. And all- the only- we're only asking for donations that day and all that money will go to the Veterans Beacon House and I have- we have personally donated money to the fire department, the Riverhead Fire Department, the Riverhead Ambulance Corporation, and I've spent all my own money on this to get the permits, to get the insurance policy, to get everything in order."

Councilman Wooten: "Louis, I can tell you right now, nobody on this board finds- your cause is laudable. We all appreciate what you're doing. It's not the cause."

Louis Re: "I appreciate that. I'm just under such time crunches right now."

Councilman Wooten: "I know. I talked to you earlier in the week."

Louis Re: "I have some really special people that are going to come in for this and I've already spent a lot of money on airfare and things like that."

Supervisor Cardinale: "I understand that you need to have an approval so that you can be assured of inviting people and knowing there's not going to be a problem. I will do everything I can to make sure legal gets me something that the board can consider it at noon at our special meeting on Thursday."

Louis Re: "Thank you very much. Do I have my original paperwork up there or- "

Councilman Dunleavy: "Oh, yes, give him back his paperwork. That's his originals. Okay. And thank you. I applaud the- we're doing this for our veterans, our wounded veterans and I think that we should do more for these people."

Supervisor Cardinale: "Yes, Larry, did you want to comment?"

Larry Oxman: "Good afternoon. Larry Oxman. I'm speaking to you on behalf of Riverhead Park which is a corporation that owns property up on Route 58.

Rather than come and speak to you guys individually, I thought that it was best that I take this opportunity to speak to all of you together so that there's a clear line of dialogue and that there's little room for miscommunication or misinformation."

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Supervisor Cardinale: "All right. Just so the public understands. Riverhead Park is in litigation which the town and Riverhead Park is involved in. But, go ahead, Larry."

Larry Oxman: "That's what I'll talk about."

As you know, almost five years ago while Riverhead Park was doing some work on their property which they believed to be within their rights as per the town code, the town issued about 50 violations, more than 50 violations and a stop work order, and as you just said, the town commenced a Supreme Court action against the owners of the property.

After several years after that happened and attempts to settle the litigation, which we were not able to do, we ended up starting a federal action against the town and board members individually and some other people individually which leads me to why I'm here.

On March 5th of this year, our attorneys received a revised settlement agreement from the town's counsel, Thomas Sajeski (phonetic) represents the town.

When I spoke to some of you individually after that, you guys weren't aware of this. You weren't aware of the settlement that the town portrayed as being acceptable to the town given to our attorney.

That's nuts. I- excuse my language. I was really blown away by it. I found it very troubling. Phil, you're an attorney. If you send out a contract for someone to sell their house, as an example, and the other party signs it, that's the deal."

Supervisor Cardinale: "No, that's not accurate nor is what you said so far."

Larry Oxman: "So- "

Supervisor Cardinale: "You sent out a contract. It's not a deal until you sign both sides, not just one side."

Larry Oxman: "Okay. But in other words, the offer came from the homeowner, these are the terms and conditions that they would sell their property. If the other side agreed to that without making changes that should be the deal."

Supervisor Cardinale: "Yeah, but it isn't until they sign. You're right. There's an analogous situation. Incidentally, I did talk to Sajeski- "

Larry Oxman: "Good."

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Supervisor Cardinale: "-- and he indicates a different set of facts. I don't want to get too far into it because it's litigation but the settlement offer that is being bandied about between the attorneys, will be brought to us as soon as he knows what it is, but that would be an offer from the litigant, that is you, to the town which the attorney believes might be acceptable. But he won't know until he shows it to us."

Larry Oxman: "Okay. So let's get this on the record. We sent you an agreement in September of last year-- "

Supervisor Cardinale: "Not to me, to our attorney."

Larry Oxman: "To your attorney."

Supervisor Cardinale: "Yes."

Larry Oxman: "Our attorney sent the town's attorney, outside counsel Thomas Sajeski, a settlement proposal."

Supervisor Cardinale: "Right."

Larry Oxman: "He's been telling the court that we're close to settling this. It wasn't until a March appearance that the court ordered him-- told him very strongly to get something done with the settlement. He came back and he gave us a revised papers that he portrayed that was acceptable to the town. Okay?"

Not that he's going to negotiate and he's going to guess what's acceptable to you, so who is he negotiating. You had the papers. You had the papers for six months."

Councilman Wooten: "I'd like to know that myself."

Supervisor Cardinale: "I would tell you that when I spoke to Sajeski, I had the same concern you had asked me to inquire about. Okay?"

First of all, we rejected the offer in September very clearly. Secondly, we lost a member of the board since then so we now have four members. And, thirdly, we have not seen any amended proposals since.

What he is probably saying as he tells it to me, is that he believes with the changes he is proposing and you're discussing, that the board would find the settlement acceptable. But remember when he brings a settlement to a board of four, he has a more difficult task because he needs three votes from four people. Previously he needed three votes from five people.

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So I think the best thing to do is rather than quibbling about the terminology, we would love to settle this action if at all possible. I've made that statement publicly. If we could get a proposal which you're working on in front of us for the work session on Thursday, I would be very glad to read it, consider it, and see if we can garner three votes for the language that's there.

There were problems in September, you acknowledge, you know, the method of which the— when the payments were going to be made, what the conditions of payment were going to be, even how much the payment was going to be.

But we would like to settle this and I think what he's trying to do is to get something in front of us that he can recommend to us that we settle. Because there were some legal issues on that, you know, he said he thought some of the things were not legally appropriate, not legally proper to put in it.

So if we get to that point, I would like very much to settle this action. I've said that and so has everybody else on the board. So let's not get too carried away, but I was concerned because I asked him after we spoke, what's going on because I hadn't seen any agreement since we rejected the one in September and neither has anyone else.

I think he's just trying to put together an agreement which he will recommend to us as acceptable. And I hope we get there."

Larry Oxman: "I also when I spoke to you I guess last week, I made you aware that the court has now ordered all parties to appear on April 28th. I don't believe that any of you have been informed of that date."

Supervisor Cardinale: "No, you did mention that to me and I appreciate that. I talked to him. He indicated and I indicated to him that you said that. He said that that was not a firm date yet. I said that's good because I won't be here but if I wasn't here, I could send my deputy or one of the other members.

But I know the judge wants us to settle. Every judge wants cases settled because nobody wants to try these lengthy cases. But we'll show up if they need us there, someone from the town. But why don't we try to get something in front of us either this Thursday or next Thursday because I think you told me that they were down to one or two issues back and forth."

Larry Oxman: "That's correct."

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Supervisor Cardinale: "And have everybody come in at the exec session and talk about what's the offer and whether it's acceptable."

Larry Oxman: "Actually, that's what I was going to recommend that we do speak about it before we actually go before the judge and the judge leans on everyone to do some type- some kind of a settlement."

Supervisor Cardinale: "I think that's helpful. I'd like to do that."

Larry Oxman: "Are you saying that I don't know if Sajeski- we could do it several ways. We could do it as principals without counsel or we could do it with counsel."

Supervisor Cardinale: "I'd like to do it with- on Thursday, this Thursday, or the following Thursday so that would be the 9th or the 16th. I'd like to do it with an agreement in front of us, with counsel."

Councilwoman Blass: "I would prefer counsel there."

Councilman Dunleavy: "With counsel."

Supervisor Cardinale: "With counsel because he has to explain to us why he's recommending the agreement. He's going to tell you guys I'm going to recommend this agreement. If he tells you he's going to recommend it, he's got to come to us and tell us why you recommend this agreement.

He's going to tell us like I recommend the agreement because you're vulnerable here, there and the other place. We want to hear that privately and then have you guys come in and say, you know, is there anything on this point that you can help us with."

Larry Oxman: "Okay. I would suggest that you start by receiving the settlement proposal that he had sent to us."

Councilman Wooten: "Yeah, I'd like to see it."

Councilman Dunleavy: "I haven't seen it."

Larry Oxman: "I know you haven't which is why I was a little surprised."

Supervisor Cardinale: "I will ask- so we don't get any confusion, I will ask Trina to get four copies of- "

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Larry Oxman: "Yeah, I could give you a copy but I don't think that you know that it's definite- you may think that maybe I altered it."

Supervisor Cardinale: "So I'll ask- "

Larry Oxman: "Ask your attorney."

Supervisor Cardinale: "That they have the last copy of the proposed settlement."

Larry Oxman: "The one that he sent our attorney."

Supervisor Cardinale: "Very good."

Larry Oxman: "Okay and I will check and see you the 9th or the 16th- I don't know what my attorney's schedule is like for the 9th. Maybe the 16th is probably more practical but I will certainly let you know."

Supervisor Cardinale: "Okay, let us know what is preferable."

Larry Oxman: "So thank you very much."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you, Larry."

Councilman Wooten: "Thank you, Mr. Oxman."

Supervisor Cardinale: "Okay, next commentor. Yes, Sid. He's going to change the tape I think."

Sid Bail: "He's going to change the tape especially for me, for my appearance. I'll have to comb my hair."

Supervisor Cardinale: "Sid, we were looking for you last Thursday at the work session. We finally got around to you. Finally got around to discussing the ponds and it was a fruitful discussion but not a dispositive one so I will catch you up on it when we see you Thursday."

Sid Bail: "I have the status of Brookhaven's efforts."

Supervisor Cardinale: "Good."

Sid Bail: "In writing, so I'll drop that off to you as soon as I can."

Supervisor Cardinale: "Great."

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Sid Bail: "Okay. Sid Bail, President of the Wading River Civic Association. I'd like to make some brief comments about a really exciting topic, clothing bins. Maybe some of you saw the article in Newsday, the Sunday Newsday, it was about Babylon's ordinance about controlling regulations of clothing bins.

Mostly in the towns to the west of us, the proliferation of these clothing bins and questions about the organizations that put these bins there, whether they're profit or not for profit have become somewhat problematic.

Three towns have adopted ordinances and I'm familiar with the Brookhaven ordinance. Kathy Walsh, a councilwoman from Brookhaven, was the driving force, etc. And I was asked at the time by Kathy and a couple other people, she said is this a problem out east. And I said no, not that I'm aware of, you know. I should keep my big mouth shut. Right?

In Wading River, the hamlet of Wading River, there's always— as long as I can remember there's been a clothing bin by the Catholic Church. It's very unobtrusive, etc.

A few months ago, there was another clothing bin put between the Suffolk County National Bank and it's by the Country Farms gas station. It's yellow, not too attractive, but it's by the side of the building.

In the last week or so there have been three other yellow clothing bins put on Route 25A by the abandoned ice cream factory, all right, which I guess is going to be a Chase Manhattan bank. And the organization, I don't know whether the organization is good or bad, it conforms to the new Suffolk County ordinance which they have to state on the bins whether they're a profit or a non for profit and there's a contact number, you know, on that.

But if you go to this organization's web site, they show this nice new shiny yellow bin glistening in the sun. Well, these three can be described as has bins. They've had better days like some of us. But you know I'm just saying is, you know, where are the next bins going to go? And, you know, is this spreading westward? Is this going to be a problem in other portions of Riverhead?

So what I'm suggesting is that I know the town has a lot on its plate, but to consider a review of what some of the other towns in Suffolk have done. From what I've read about Babylon's ordinance, it's pretty draconian in my view but Brookhaven has a good model, etc. to look at.

So I would greatly appreciate it."

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Supervisor Cardinale: "Thank you. We appreciate your bringing it to our attention.

Do you know on some of the profit making entities, whether those are rented, those spaces?"

Sid Bail: "I don't know and even from this particular group, it isn't clear whether the property owner is paid or it's implied if you look at the web site that they donated, they're allowing them, because— maybe it is. There's a lot of things that are very unclear."

Councilman Wooten: "They get first choice of the clothes."

Sid Bail: "Maybe."

Supervisor Cardinale: "All right. We'll look into it and I'll ask for a copy of Brookhaven's— could you get a look at the Brookhaven's ordinance and see if we need to do anything in regard to this?"

Councilman Dunleavy: "Most of the time they get a percentage of what comes out of the bin."

Supervisor Cardinale: "And if anyone of the members who would like to see it, get it to them.

Anything else from anyone as far as comment? If not, I want to thank the class for sitting through this and tolerating us for two hours and 20 minutes, and if the class has questions, I'd be glad to stay a few moments and so would the rest of the board to address them. And I want to thank everybody for coming and we'll see you Thursday, at 10:00 a.m. for the work session.

Anybody have any questions out there from Farmingville College land?

Councilman Dunleavy: "Farmingdale."

Supervisor Cardinale: "Farmingdale, I'm sorry. Farmingville is another town. Thank you, John. Farmingville is out in Brookhaven, right. Farmingdale.

If you have them, please. We're going to walk away now back to our offices, catch up with one of us and ask, and thank you for coming."

Meeting adjourned: 4:23 p.m.

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