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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, August 4, 2009 at 2:00 p.m.

PRESENT:

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman
James Wooten,	Councilman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

ABSENT:

Barbara Blass,	Councilwoman
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Supervisor Cardinale: "-- begin the August 4th meeting of the town board with the Pledge of Allegiance, as always, and we're going to have Mr. Donnegan lead us in the Pledge of Allegiance."

(The Pledge of Allegiance was recited led by Mr. Donnegan.)

Supervisor Cardinale: "Okay. We're going to attend to some important things before we get started with the meeting in earnest."

Good afternoon. We have two things that we must do before we begin the meeting and one is to proclaim National Night Out and honor the young people with the poster contest, I guess, right? And the other is to honor one of our employees.

So let's start since you guys are up here already and I beg your indulgence to the labor management committee to start with the proclamation of National Night Out which is tonight, isn't it? Okay.

I'll start by proclaiming and handing you this in our appreciation and then we can move on to awarding the kids, the important stuff, right.

This proclamation reads:

Whereas the National Association of Town Watch is sponsoring a unique nationwide crime, drug and violence prevention program on August 4, 2009 entitled National Night Out; and

Whereas, the 26th annual National Night Out provides a unique opportunity for Riverhead town to join forces with thousands of

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other communities across the country in promoting cooperative police community crime prevention efforts; and

Whereas, Schwing Electric, more specifically, Mr. Robert Donnegan, plays a vital role in assisting the Riverhead town police department through joint crime, drug and violence prevention efforts in the town of Riverhead and is supporting National Night Out 2009 locally;

Whereas, it is essential that all citizens of the town be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in the town of Riverhead; and

Whereas, police community partnerships, neighborhood safety awareness and cooperation are important themes of National Night Out.

Therefore, I Phil Cardinale, Supervisor, together with my entire town board, John and Jim of whom are here, do hereby call upon all citizens of the town of Riverhead to join Schwing Electric and the Riverhead police department crime prevention unit in supporting the 26th annual National Night Out, August 4, 2009;

And Be It Further Resolved that I as supervisor with my board together with all of them extend our appreciation to all those who participated in National Night Out and proclaim tonight National Night Out in the town of Riverhead.

So I'm going to give this to Mr. Donnegan and thank him again for your efforts this year, and I know you do this annually and it's a great- we greatly appreciate it.

And then I'm going to hand this over to Lt. Boden."

Lt. Boden: "Thank you, Mr. Supervisor. National Night Out was pretty well explained in that proclamation, that was a great proclamation. Thank you very much.

I'd like to thank the town board for their support as always. A couple former police officers on the board here I think were here when we started this whole thing 26 years ago. I know I was. We've been doing it a long time, got a lot of support from the community. Bob and Schwing Electric have been a huge supporter of National Night Out.

It's an effort where we get neighborhood watch groups together to go outside, put their lights on, have a little get together, and meet their neighbors and just it's kind of a show of support.

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Everyone hasn't forgotten that crime still is out there even though everyone feels safe in their homes and in their communities. We let our guards down just a little bit, sometimes we can become a victim. So we just try to do that every year.

So after tonight, around 7:00, we're going to go out and visit some of the communities that have neighborhood watch groups. Bob is going to bring his Schwing Electric group with us. We have all kinds of giveaways and stuff so if you ever want to get interested in having a block party, contact the police department, we'll tell you how to do it. It's not very hard.

Thanks to Chief Hegermiller for having his support, Office Joe Wicklund (phonetic) who is kind of new to the crime prevention unit, and (inaudible), she's doing a great job. So we're trying to keep this going.

It gets a little bit harder and harder to get the same people involved all the time, so we're trying to get some new blood in here so hopefully that works.

Part of what we do also is a coloring- a poster contest. We look around the walls of the auditorium here, you'll see all of the posters that the- it's the summer youth program, that's what it's called, I guess, they're doing it at a couple different locations.

They do a crime prevention theme and some are pretty interesting and some are pretty good actually and Bob has prizes for the winners that were chosen by Officer Wicklund and her staff, they chose the winners, I take no credit if you didn't win (inaudible).

I think we only have a couple of the winners here but we have prizes for first, second and third, so I'm going to read the names. If you're here, come on up, we'll do a photo op and then that will be it. You guys can go on your way. We'll hold the prizes for the people that didn't show.

You want to say anything, Bob, quick?"

Bob Donnegan: "That would be great."

Lt. Boden: "We'll have like a little soft shoe thing here. We'll do the five to eight year old group first. We'll start from third and go to first place.

Third place in the five to eight year old group was Joshua Johnson and I know he is here. He looks excited, I can tell."

Bob Donnegan: "And there is a foursome for miniature golf for you and three of your friends. Enjoy that and congratulations."

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Lt. Boden: "Very nice. Good job, Joshua."

Supervisor Cardinale: "You have to shake hands with this fellow, this fellow, and those two over there. So, congratulations."

Lt. Boden: "Congratulations, Josh."

All right, second place in the five to eight year old group is Sarah Rempe, I don't think she's here. What do we have for second place, Bob, for prizes?"

Bob Donnegan: "Second place is ice cream."

Lt. Boden: "Ice cream, is always good on a 90 degree day, for sure. We'll make sure that gets to Sarah."

And first place is Casey Hansen, I don't think he's here. I don't know what happened to the kids this year, they normally show but maybe they have other things going on."

Bob Donnegan: "First place, four tickets to Splish Splash."

Lt. Boden: "Nice, that's a great prize, very good. I'm sure Casey will appreciate it."

All right, now we go to the nine to 11 group and third place in that is Rachael Phillips, and I know she's not here. All right.

Second place, Olivia Ruskowski (phonetic), and I know the first place winner is here, Cento Emanuel (phonetic). All right. Congratulations, good job."

Bob Donnegan: "Congratulations. Who are you going to take to Splish Splash with you? Congratulations."

Lt. Boden: "I'm available."

(Inaudible comments)

Lt. Boden: "You guys did a great job with the posters. Thank you very much. And that's about it for us unless anyone else has something to say."

Please, tonight, even if you don't participate in National Night Out officially, it's going to be a really nice night out. Put your porch lights on, maybe take a walk around the neighborhood. If you see anything suspicious in your neighborhood, we ask you to call the police department.

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So many people see stuff and they don't feel they want to bother us or they don't feel it's a thing to do, call us. All right. That's why we're here and that's what stops a lot of things before they do happen. So we ask you to do that tonight if you don't do an official National Night Out event.

Thank you, Mr. Supervisor."

Supervisor Cardinale: "Thank you. And thank you, Mr. Donnegan. This is 19 years? Thank you. We're onward to 20. Thank you very much.

Okay, it's a quiz while they're clearing out. One of the things we spend a lot of money on in Riverhead is COPE and what do you think that stands for? Anybody out there? I only learned this a few months ago. Community Oriented Police Enforcement. Because without the community, these guys can't do their jobs so they really do need your help. So try helping. It beats just complaining.

Now, the next task before us is to honor the employee of the quarter. So, the labor management committee, if you could come up, please.

We've got great representation from the labor management committee and they do a lot of good work all during the year and we also have an honoree, Dave Zebrowski. Come on up, Dave. Congratulations."

Dave Zebrowski: "Thank you."

Supervisor Cardinale: "Dave is a maintenance mechanic II in the building and grounds department, hired in 2004, and I'm about to hand him a proclamation and then hand the microphone off to Christine, I guess, or Guy or who? Christine, okay, here. As soon as I finish reading this, I'll hand it to you.

This, Dave, proclamation which indicates:

It is fitting and proper that the town recognize the outstanding service of its employees and 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, Dave Zebrowski has dedicated himself to the service of this government and its citizens;

Whereas, his service exemplifies the highest ideals in the expression of public duty;

I, as supervisor, do hereby proclaim together with my town board August 4th to be Dave Zebrowski Day in recognition of being

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named employee of the quarter and call upon my fellow citizens to join with me in recognition of his accomplished service.

So, Dave, thank you. You are— you've been here— I guess we actually hired you during my tenure. So at least one decision was a good one during that period. And I'm going to hand off to Christine."

Christine: "We're very excited that you've gotten this honor today, the engineering department. Dave has been integral in building and grounds and saves the town a lot of money in everything that he does in terms of the repair, the maintenance of lawn equipment and boating, the boat motors that we use. And you've very much appreciated as is the rest of buildings and grounds for all of the hard work and the diligence that you show.

And it's been recognized with this as well as outside letters from the public and appreciation from everybody within. So thank you very much for your dedicated hard work."

Supervisor Cardinale: "Thank you, Dave, and somebody should say that-- doesn't he get a day off or something? A day off and— "

Christine: "He gets a day off with pay and a hundred dollar savings bond plus he gets his name on the wall of fame outside."

Supervisor Cardinale: "I have a question. In addition to those good things, if you're the employee of the quarter, do you get like immediate consideration for the employee of the year award or is that a separate— oh, this is good. So if you're employee of the quarter, you could become employee of the year if you work at it.

What do you get if you're employee of the year?"

Christine: "You get the recognition, a proclamation, and the town seal."

Supervisor Cardinale: "But not more hundred dollars? I think we can change that. I think we should do something— seriously, I think employee of the year— yeah, all right. There's a proposal, Bill. We should do for the employee of the year. Let them reach out for it, you know. Thank you, Dave, appreciate it. Thank you very much.

Oh, you get— that's— like I told the kids. That's one of the problems, you've got to shake hands with all these people.

Okay. We are going to start by approving the minutes of the July 21st town board meeting and the July 23rd town board meeting. I should note that Barbara is away this week. We are usually an understaffed four out of five so we're— I can tell you already, we're going to agree on everything as far as the resolutions,

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because we wouldn't put anything on that we weren't because we need three votes to pass. So we're going to start by someone, I hope, offering the minutes."

Councilman Dunleavy: "Okay. I move the July 21st and July 23rd minutes. So moved."

Councilman Wooten: "I'll second."

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

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

Supervisor Cardinale: "Okay. Now we have awards and applications and town hall reports. Would you tell us about them, please?"

APPLICATIONS:

Riverhead Bay Motors Used car sale at dealership
1521 Old Country Road,
Riverhead

Garden of Eve Farm festival with craft &
food vendors September 26 &
27

REPORTS:

Tax Receiver Tax year collection report
2008-2009 - \$119,109,668.12

Utility collections report July, 2009 - \$329,982.12

Town Clerk July monthly report -
\$8,948.16

FIRE DEPARTMENT:

Jamesport Fire District regular monthly meeting of
Wednesday, August 5th is
canceled. The next meeting
is Tuesday, August 18, 2009

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Diane Wilhelm: "And as a reminder, our next town board meeting, or regularly scheduled town board meeting, will be Tuesday, August 18th at 7:00 p.m. at the George Young community center in Jamesport.

And that's it."

Supervisor Cardinale: "Thank you. We do have a number of public hearings on commencing at 2:05. It's 2:21, so we can commence."

Public hearing opened: 2:21 p.m.

Supervisor Cardinale: "The first is a major piece of legislation that we're going to consider which is called loitering under the Riverhead town code. And that has to do with filling a need that has been unfulfilled for years in this town.

Apparently we never had a public urination prohibited and this reads that no person shall urinate in any public place other than restroom facilities or in public view within the town of Riverhead.

We did have one but- "

Councilman Wooten: "It was part of the graffiti law."

Supervisor Cardinale: "Okay. Somehow we enforced- however, you'll be pleased to hear, we enforced the rule of no urination through the graffiti ordinance. Could you tell me how we got there? How did we get there through the graffiti- "

Councilman Wooten: "Maybe they were spelling words."

(Inaudible comments)

Supervisor Cardinale: "John has pointed out something and this is why we have public hearings on weighty matters like this. Because it may be that this language, albeit simple, may need work.

It reads as follows: Public urination prohibited- no person shall urinate in any public place, other than restroom facilities, or in public view within the town of Riverhead.

I think this could be read as- if you look at it. This could be read as either in restroom facilities or in public view. I don't think that's intended.

So we mean to say only in restroom facilities, not in public. So I think with some work- ."

Councilman Wooten: "That's the lawyer in you. You can see both sides."

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Dawn Thomas: (Inaudible)

Supervisor Cardinale: "She says- "

Councilman Dunleavy: "We have to amend it."

Supervisor Cardinale: "Maybe my, what do you call it- my pronunciation or my- but we'll- yeah, reverse the first two sentences- those sentences could work as well."

Anyone want to comment on this? If you do, we're all ears which reminds me of a terrible joke which I will not tell you, but the punch line of which is don't bother me now dear, go whisper in my ear. And you have ever heard the joke, it will come to mind.

The next- can I go on? Unless there is public comment, I'm going to move on- I'll leave this open for 10 days so if you want to make further comment, you can do so in writing to the town clerk."

Public hearing closed: 2:23 p.m.
Left open for 10 days for written
comment to the town clerk

Public hearing opened: 2:23 p.m.

Supervisor Cardinale: "That leads us to 2:10 p.m. and the second hearing for consideration of a local law amending Chapter 108 entitled zoning Article XIII entitled supplementary use regulations Section 108-56 signs of the Riverhead town code."

Okay, yes, go ahead and tell me about that one if you will, please."

Dawn Thomas: "Yes. This amends the definition section to include a very clear definition of a public information sign which we do regulate within the code. So we needed a better definition, we've provided that here."

And also it clarifies the definition of a temporary sign and corrects some language there.

I think we do need to add in the temporary sign definition- the last sentence reads a temporary sign may not exceed 32 square feet. I think it needs the additional words, in area."

Supervisor Cardinale: "In area. Okay."

Dawn Thomas: "And that's it."

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Supervisor Cardinale: "Okay. So we are re-defining temporary sign or clarifying the definition-- and public information sign. Do you have-- is the definition long enough-- could you read them?"

Dawn Thomas: "Sure. A public information sign would be defined as any sign erected by a governmental agency or at its direction warning the public of a specific danger, with no other advertising on such sign.

Such signs shall include direction flow of traffic signs and entering and exiting parking lot signs and shall be designed and placed in accordance with the New York State Manual of Uniform Traffic Control Devices.

A temporary sign would be defined as any sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a 90 day period following receipt of necessary approvals by town agencies or departments.

A temporary sign may not exceed 32 square feet and then I would add the words in area."

Supervisor Cardinale: "Okay. So that's the proposal. If you'd like to make public comment, this is your opportunity. We'd like to hear it if you have anything to say. If you do not, we will again leave this open for 10 days for written comment to be presented to the town clerk prior to 4:30 p.m. on that would be the 14th of August."

Public hearing closed: 2:26 p.m.
Left open for 10 days for written
comment to the town clerk

Public hearing opened: 2:26 p.m.

Supervisor Cardinale: "The third public hearing is scheduled for 2:15. It being 2:26 we can begin it.

The consideration of a local law amending Chapter 108 entitled Zoning, Article XII entitled supplementary use regulations, Section 108-60 off street parking of the Riverhead town code.

And Dawn will tell us what this is doing."

Dawn Thomas: "This corrects several sections of our parking regulations, particularly stall signs, size rather, and allows the approving board, the board responsible for approval to amend the size from 10 by 20 which is the typical required size, to 9 by 20.

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It also clarifies— it simplifies really the emergency access requirements to be consistent with the New York State Uniform Fire and Building Code.

It also has a lengthy clarification on the proper composition of the paving surface which I won't get into specifically but is outlined in the public notice, and also more specifications on drainage standards.

The emergency— the stall size, pavement standards and drainage are also amended to give the approving board discretion to alter them as is deemed appropriate by the board which is not helpful because it could expedite an approval rather than require a variance. The approving board could evaluate the criteria or the information provided by the applicant and adjust the dimensional requirements accordingly.

And that's it."

Supervisor Cardinale: "Okay. In adjusting the dimensional requirements, are we talking about 10 by 20 to 9 by 20?"

Dawn Thomas: "That also and in addition curbing could be altered at the discretion of the board responsible for review. Drainage also. So if an applicant weren't be able to establish to the satisfaction of the approving board that the requirements didn't apply well to its project or for some reason were not appropriate, the board could approve something other than what's required in the statute."

Supervisor Cardinale: "Are there— are there restrictions on the amount of discretion or is it like could I— like I can go to 9 by 20 I see on parking spaces but could I just say no curbs?"

In other words— one of the questions I would have is whether there are restrictions otherwise we really don't have a law. But I just throw that out as a thought for you all. Do you have a suggestion?"

Dawn Thomas: "It looks like it would be at the discretion of the board responsible for review other than the parking stall size which would be specific. But if the board responsible for review declined for whatever reason, a variance could be sought from the zoning board of appeals."

Supervisor Cardinale: "Right. You always have the right to go to the variance anyway."

Dawn Thomas: "Correct."

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Supervisor Cardinale: "Okay. I will- that's a good explanation, we thank you for it. Does anyone want to make a comment on it?"

Jodi Giglio: "Good afternoon, Mr. Supervisor, Members of the Board."

Councilman Dunleavy: "It's not on."

Jodi Giglio: "Mr. Supervisor and Members of the Board. My name is Jodi Giglio and as the past president of the Riverhead Business Alliance I am still a board member for the Riverhead Business Alliance.

And I have some concerns with it. But first I'd like to ask what caused the board to take action on this specific section of the code?"

Supervisor Cardinale: "This came through code revision. Is that correct?"

Dawn Thomas: "Typically, it would come through code revision."

Jodi Giglio: "Okay. And as the past president of the Riverhead Business Alliance we had discussed on numerous occasions if the board would consider bringing experts in on these particular code issues which is board is seeking revision.

I'm just wondering what the process is when a code revision comes- where someone says we need to change the code or we need to revise it because of this specific reason, where does it go from that point? Does it go right to the town attorney's office where they start drafting legislation?

Who is on the code revision committee and do you have any experts that have experience with these particular aspects of the code on the committee?"

Supervisor Cardinale: "Yes. We wrote- actually I wrote a letter to Marty Sendlewski and I hope you have a copy of it recently which laid out how the code revision committee works. (Inaudible) get a copy and give it to you from Ann Marie Prudenti.

But she specifically laid out exactly what you are asking. Maybe- would ask Ann Marie to get a copy of that letter for her?

So to answer your question, the code revision committee generally speaking meets each Tuesday I think- "

Councilman Dunleavy: "Each Wednesday."

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Supervisor Cardinale "-- and is in the process of reviewing those portions of the code that need revision in the judgment of, I guess initially, the legislators and then the town building department or the town planning department might make recommendations or a public citizen might make a recommendation.

They look at the code provision and then they make a decision whether or not to recommend an amendment. They then recommend an amendment, it's drafted by the town attorney, and then the town gives the opportunity to the public such as yourself or any other group that's involved to make comment.

So that's what we like to hear. Is there anything we can do to make this any better?"

Jodi Giglio: "Yeah. Specifically with regard to item #f- "

Supervisor Cardinale: "Yes."

Jodi Giglio: "The subparagraphs 1 through 5- "

Supervisor Cardinale: "Right."

Jodi Giglio: "Where it refers to for retail businesses, #1, a home occupation or home office with a maximum required number of four parking spaces, a crushed stone aggregate with a sieve no greater than 3/4 inch placed at a rate of 25 pounds per square yard on a compacted four inch thick stone blend base and stabilized sub-grade.

I think that it should be added in there and asphalt if the applicant so desires because this is basically just saying that if you're having four parking spaces that you have stabilized sub grade but it doesn't refer to what the stabilized sub grade might be, where it does in the subsequent paragraph."

Supervisor Cardinale: "Are you talking about page 2 of this- you are looking at what page?"

Councilman Wooten: "She's talking about the minimum acceptable (inaudible). It doesn't mean you can't asphalt- "

Supervisor Cardinale: "Oh, the third page, thank you."

Jodi Giglio: "#1."

Supervisor Cardinale: "Okay. Because there's an "f" that's crossed out and I was getting confused- a portion of the "f" was crossed out- 1 on that, right?"

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Jodi Giglio: "Right. Thick stone blend base and stabilized sub grade. So it doesn't— where in the subsequent paragraphs, it refers to— "

Councilman Wooten: "I don't think it precludes asphalt. I think that's a minimum standard, right?"

Jodi Giglio: "This is the code so you are creating it."

Councilman Wooten: "A minimum acceptable pavement."

Supervisor Cardinale: "What are you suggesting we add, Jodi?"

Jodi Giglio: "And asphalt, if the applicant desires."

And also a lot of the subsequent paragraphs refer to a six inch base including the asphalt where most of the other town require four inches. I'm just wondering where the extra two inches came from as this could cost a developer an extra 20, 50, \$100,000 based on the size of the parking lot for the sub grade and the asphalt requirements.

I'm just wondering where it came from, but Marty Sendlewski is here and he designs a lot of these site plans throughout the various towns so he's going to come up and discuss the specifics as to the core sample that would come out of this.

The next thing that I would like to discuss is item #k which would be self contained drainage."

Supervisor Cardinale: "Yes."

Jodi Giglio: "Where it appears to me that the code is reading as it's written that anything more than five acres should be required to have a recharge basin on site in the parking area rather than drainage structures. Am I reading this correctly?"

Councilman Dunleavy: "Rick, do you want to come up and answer some of these questions?"

Supervisor Cardinale: "That would seem to be to me too as I look at it. Would you— Rick, to the extent that— we're working at a disadvantage because Barbara was on the— is on the code revision committee and is away this week. But if you can answer that question."

Rick Hanley: "I'll try my best."

Supervisor Cardinale: "Okay."

Rick Hanley: "Just initially, the reason why we're having this haring about change in the minimum standards is because a

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number of our districts allow for stone blend as opposed to asphalt. So this is a way of providing a minimum standard to allow developers to not have to pay for asphalt but to lay down stone blend. So that's the purpose of this code revision.

As far as the particular comment about the recharge basin, I'm not familiar with it specifically but this came out of Gordiello's (phonetic) shop- "

Supervisor Cardinale: "That would be our engineer- our site plan engineer."

Rick Hanley: "Right. So these are standards that he believes are minimum standards for parking areas that have stone blend but have heavy traffic, i.e., commercial areas as opposed to residential areas or low traffic commercial areas. I think that's the reason for the different standard in terms of the six inch and four inch."

Supervisor Cardinale: "Okay. Now that sounds fine. So you want to give them the option of stone blend--"

Rick Hanley: "We already have in our code a minimum standard for asphalt. The intent here is to allow the developers to meet storm water management- new storm water management techniques to allow for stone blend as opposed to standard asphalt. There's always the option to build to code with the asphalt."

But we also have codes that have a maximum impervious surface areas so this is a way where an applicant can meet that maximum impervious surface by providing stone blend as opposed to straight asphalt."

Supervisor Cardinale: "What about the comment for parking areas in excess of five acres a positive drainage area or recharge basin shall be provided?"

Rick Hanley: "That says parking area, Phil? It doesn't say lot area, does it?"

Supervisor Cardinale: "No. It says for parking area- "

Rick Hanley: "A parking area of five acres, that's a very, very large parking area."

Supervisor Cardinale: "I was going to say we don't have any, do we?"

Rick Hanley: "I don't think we have a parking area that large. Tanger is a possibility, but that's a very, very large parking area."

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Supervisor Cardinale: "But it's not five acre parcel- it's five acre parking area."

Rick Hanley: "Five acre parking area which- "

Supervisor Cardinale: "What about this- going from six inches- four inches of asphalt instead of six?"

Rick Hanley: "Yes. It was a comment from Jodi that some towns allow for four and we're providing for six. These are going to be applied to commercial areas that have high traffic volume, truck traffic, so I think it's Vinny's opinion that he would like to have the difference- the two inch difference, just for stabilized parking areas."

Supervisor Cardinale: "Would this apply to- how do we know this won't apply to a little parking lot where only cars going in like an office?"

Rick Hanley: "I think that's something we can just deal with in site plan review."

Supervisor Cardinale: "Not if you tell them you have to have six. Does that say you have to have six or is that optional?"

Rick Hanley: "Unfortunately, Phil, I don't have my glasses with me. I can't see anything. If you give me a couple of minutes, I'll go get my spectacles."

Supervisor Cardinale: "Yeah, good, go and get them."

Rick Hanley: "Okay."

Supervisor Cardinale: "All right, good, thank you. Anything else?"

Jodi Giglio: "Yeah, I would just like if possible before the board actually acts to adopt this legislation, if you would get an engineer who handles these particular issues, that maybe they could meet with the town engineer and the town board and iron out some of these issues, because the drainage calculations as being proposed are for an eight inch rainfall and I don't think we've ever had more than a three inch rainfall. So I don't know why we're over-building these drainage structures when it may not be necessary based on an eight inch rainfall."

Also, I think that with the commercial development that's being proposed out at EPCAL with the five acre parking areas, I believe that that would have if Riverhead Resorts came in or if the industrial park were to be built, that you would have recharge basins in parking lots rather than underground drainage structures which would eliminate the amount of parking that you could put on

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the property because recharge basins can sometimes take up to a half acre to an acre of land out of that parking area if it were required.

So I just think that you know, I understand the intent of the natural drainage but the water from the drainage from the storm water that's going up to the parking lot is going into the ground, whether it's going through a recharge basin or going through a drainage structure, I think that choice should be left up to the applicant.

And, again, I ask that the board please consult with engineers and people that have educated familiarity with these particular issues before code changes are adopted."

Supervisor Cardinale: "Okay, we certainly will take that into consideration. Remember Mr. Gardiello is the outside engineer for site plan work for many years for the town of Riverhead and is fully knowledgeable on these areas.

However, we do invite participation of the developer public to comment if they think any of his proposed- he's the guy actually when you sit down at site plan now that asks you what- tells you what he wants. So if you think he's being excessive, we would like to open up that discussion."

Jodi Giglio: "That would be great. So that would be done prior to the adoption to this?"

Councilman Wooten: "Well, this is why we have public hearings. That's why you are here now."

Councilman Dunleavy: "This is a public hearing."

Councilman Wooten: "This is exactly why we have them."

Supervisor Cardinale: "That's why we have them but I would like maybe if you- obviously the town engineer who is consulted would like to have good standards so that the facilities are good. On the other hand, the developer, at least all the ones that I've ever represented would like to do it as inexpensively as possible, but somewhere in between we should be able to reach a reasonable consensus."

Jodi Giglio: "Right. Well, like I said, the difference between four inches and six inches, Marty Sendlewski is here, he can attest to the fact that there's not really much of a difference when it comes to where- when it's between four inches and six inches, that four inches is standard throughout most of the towns and acceptable for the most part. So- "

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Supervisor Cardinale: "We certainly would be willing to enter into that discussion (inaudible). Sure."

Jodi Giglio: "Thank you."

Supervisor Cardinale: "Anyone else- Larry, anybody else?"

Larry Oxman: "Good afternoon, Larry Oxman, commercial real estate agent, broker, also a member of the Riverhead Business Alliance."

While we're talking about the code revision, paragraph 1 talks about commercial vehicles, I guess parked in residential zoning districts. So is parking a defined word? In other words, because this doesn't talk about when. So if I read this, unless there's a definition for parking then maybe it's covered. But the way I read this is that two commercial vehicles are not allowed to be parked on a residentially zoned piece of property.

So a person, homeowner, doing a construction project on his property and he's got his electrician, he's got his plumber and he's got his carpenter. And there are three vehicles on the property there parked. This says he's in violation of the code. I certainly don't think that was the intent.

So if parking is not defined maybe with application to this particular section, you might want to consider a time, that you can't park overnight, that you can't park between the hours of so and so and so and so.

But it comes back to, I guess, the code revision committee, it's a huge task to take a look at our code and try and do it and revise it so that it's a better document.

I'm just wondering, I'm curious, when it comes to specific passages or a specific area, do they bring in people with expertise in that particular area?

So two comments. One specifically about this. I think that you may be- this may not be the actual intent of paragraph 1 and may have repercussions. And you certainly don't want your residents, the people of Riverhead in violation, not, you know- "

Supervisor Cardinale: "Yeah. I understand your comments and I appreciate them. I- they do bring in experts but to the extent that we get public comment on specific matters, that highlights them so we get other opinions and make sure that we're doing the right thing. So it's helpful to have specific comments."

I would suggest that maybe the small- whoever is most involved in this, small business administration or contractor's association give us- as they do in the county and state level, just give us some

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written comments on the text of this and how it might be improved and I'm sure we'll consider it. Because this is in every way a draft, that's why we're having a public hearing.

It's simply that we all agree that we need to do better than what's existing but this is not gospel by any means."

Larry Oxman: "Right. If an expert or different organizations are brought in earlier then it's not-- kind of this last moment where it's brought before the public and I'm sure there are many people that want to attend but can't. So-- "

Supervisor Cardinale: "We are-- the experts-- well, if I leave the letter that they placed in my hands, you'll see that we do get a lot of help I'm told within the revision committee but you don't-- you're talking about volunteers for starters. So it's tough.

We use our-- in this letter I gave to Marty, I say that the code revision committee is comprised of town employees trained in different areas of expertise, two staff members of the planning department, a member of the building department, members of the town board and a representative of the town attorney's office.

In addition to the members of the code revision committee set forth above, numerous other departments are asked to participate based upon the provision of the code recommended for revision, including code enforcement, GIS, engineering and at times outside consultants such as Vinny Gardiello.

In addition, the code-- which I presume we had to pay because he gets a hundred or better an hour. In addition, the code revision committee of the town of Riverhead has created several advisory committees including the traffic safety advisory, agricultural advisory, landmark preservation, agricultural review, conservation advisory, East Creek advisory, parking district advisory, small business advisory. The individuals that comprise the membership of these committees are part of Riverhead's local business, residential, arts and agricultural community.

So if it's a piece of legislation having to do with them, we call in them.

As the code revision committee is charged with the responsibility of seeking input from all potentially interested and impacted advisory committees (inaudible) stated above, many of the individuals serving on them are representatives or our local business community. And I'm confident the town's recommendations seek to advance the town's goal of health and safety.

But you can never be sure that you're doing the right thing until those that are impacted by it come up and testify as you're doing today and say, you know, you can just as well do four inches

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as six inches and you're probably right. Maybe we could. So we look at that and then amend before we pass it."

Larry Oxman: "Okay. I would hope that the final draft- this is a draft but the final version again may have another chance to be heard again. So- "

Councilman Dunleavy: "Larry, I think this section here pertains to if you have a home business. It doesn't pertain if someone comes to your house and doing work on your house. It has to do with someone having a home business that they don't want two- more than two commercial vehicles parked in your driveway."

Larry Oxman: "And, again, John, that may be the intent but if I just read this by itself in isolation, it doesn't appear that the words completely echo that sentiment. Yes, and I understand that you don't want commercial entities, you know, filling up their residential site. So the intent is fine. I am just suggesting clarification and there's maybe a time element, so, thank you."

Councilman Dunleavy: "Thank you."

Patrick Fedun: "Hi, Patrick Fedun, small business advisory committee. Phil, that's good that you read that, you know, include all these committees. But the small business advisory committee hasn't been contacted once with any of these resolutions or proposals or anything.

We've been asking repeatedly."

Supervisor Cardinale: "Well, they should be."

Patrick Fedun: "Never once. I've been chairman for two years, not a one."

Supervisor Cardinale: "Good. Well, that's good to know, because the objective- how shall we put it? In this place, the stated objective is not always the operative procedure but you try to make them as close as possible. But the will of the board is that that should happen, so you know.

The other thing, now that we're on these committees and particularly small business and parking, you know what I haven't seen in years out of any of these committees, a resolution."

Patrick Fedun: "Small business has put resolutions in on their own."

Supervisor Cardinale: "Yeah, well, I haven't seen them. Okay. We need to have resolutions recommending things to the town board. If you're going to advise us, you've got to advise us by- for example, I know that there's things you want- the parking

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district committee wants done, you know, in the back, but I can't- I can't get the board to discuss it at a work session unless I get a resolution from them saying resolved by a majority of the committee, not just one of the members who has a business, you know, in the area, in that particular location.

But the whole committee votes four to three that we would like to have the town board consider doing x, y, z. Then we can put it on a work session and we could actually have some progress. But that's kind of an aside point."

Councilman Dunleavy: "Can I- but again, you have to realize that a lot of times the small business administration doesn't meet. Last month they did not meet. You were here and I was here but no one else came so we did not have any meeting last month. So it has to be consistent meetings and it has to be people that want to come. They're all volunteers. I know they're busy."

Patrick Fedun: "I understand, John. There's meetings you've missed, too, so I understand."

Councilman Dunleavy: "But it has to be consistent. Okay?"

Supervisor Cardinale: "Well, you're pointing out a good point and I know you would agree that when you have an all advisory committee of like say seven, getting a quorum of four or five to show up is your first battle because you're not getting paid to be there. You're trying to serve the community. What are you going to do? Shoot the guy that doesn't come?"

Patrick Fedun: "Well, Phil, too, if we got stuff to review and look at, it might bring a little more cooperation, a little more interest- "

Supervisor Cardinale: "Who's the Chair?"

Patrick Fedun: "I am the Chairman and we are seeking members for it."

Supervisor Cardinale: "Okay. So let me- on this one, actually, what is this? This has to do with development, so it really wouldn't have gone to small business anyway."

Patrick Fedun: "Well, it would if you're involving the home businesses."

Supervisor Cardinale: "Yeah, that aspect of it, yes."

Patrick Fedun: "As a matter of fact, most of your resolutions in code do involve the small business advisory at one point or another. At least if we can get the information and look at it."

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Supervisor Cardinale: "Well, the way this has gone in the past year or two since the business alliance was born, is basically the hearings occur and then the discussion of- we have to have a working document to make amendments to. So then you get a response such as we are receiving today and then we've had extended meetings with the business alliance in regard to text and then we cleared it and we've often passed it.

Occasionally we'll have disputes that we disagree with the business alliance because it's too- seeking something we don't think is in the best interests of the public. But most of the time we agree and say well, yeah, we need to consider that.

So let me get this to you and we will invite your written comments. I'm going to leave this open for- is 10 days enough for you to comment?"

Patrick Fedun: "Yeah, that would be fine, sure."

Supervisor Cardinale: "All right. So I'll do that and then we'll no doubt have another hearing on this."

Patrick Fedun: "Great. Thank you."

Martin Sendlewski: "Good afternoon, Martin Sendlewski, Riverhead business alliance. I just had in reviewing this, just had a couple of quick comments or thoughts that you may want to consider.

On the first item when it talks about the parking spaces being 10 by 20 and then you have the option for the nine foot space, this is very subjective. It says, well, they shall be 10 by 20 but the board can make them nine.

Why don't you just consider a certain size parking lot that you're allowed to do a certain percentage at nine feet along the perimeter so that when somebody is doing a site plan or a developer is developing a property, then know right out of the box where they stand. They can put in so many nine foot spaces and so many 10 foot spaces. That could be limited. Instead of it being subjective, I just think it might be a better way to go to actually codify it.

Also, on the perimeter of parking lots, one thought that we've had is a lot of people when they park on the perimeter, they'll bring their bumper right up to the curb as opposed to in the middle of a parking lot, you don't want to hit the other guy's car.

You could consider going to 10 by 18 spots at the perimeter and what that does is it cuts down your paving by about six percent on a, you know, double loaded aisle. So you get more greenspace which is a good benefit and if you had- if you think of it, if you had a big parking lot where you had numerous rows and you did this on two rows, you could actually in the middle gain like an eight foot

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planted area with trees like they have at the— where they have the car show in Mattituck. You know how their parking is separated by nice landscaping.

If you allow the developers the option of smaller spaces, you'd get more landscaping. It might not be a bad idea, just at the perimeter.

The— you should have the town engineer also check the paving spec that they have because he talks about a 6f top course as well as a 6f binder. You know, usually in the past we had a binder course in a type 1a top. I don't know, I mean that's his call but it's just something that you may want to double check because it seems odd that you'd be using the same asphalt for the binder course as you would be for the top course.

If the 6f is a top wearing course, you really don't need to use it, you know, for the two and a half inch base course. You could use just a regular asphalt binder and save some money.

Also, on the section on the curbing, where it says curbing shall be constructed where required, I can't find any place where it says curbing is required in the code. You know, and then again it also says the locations can be altered, you know, at the discretion of the board responsible for the review.

I think most commercial developers would feel a little bit better if they just had a code that said, you know, you have to have curbs in these areas, whether you could use cobblestone in certain areas or whatever. I think it would just be better if you spent some extra time maybe to clarify the code and just make it a set standard as opposed to anything discretionary.

Also, the— going back to the recharge areas as opposed to the storm drains, one of the reasons that we've never used the recharge areas is because they do have, and this has been in the code, that's why I've never used it, they do have the .66 calculation, that's an eight inch rainfall for a storm recharge area.

That just seems like a lot so maybe if you're trying to encourage more people to use them, instead of making it mandatory, you might want to make it an option and you may want to reduce the storm water, you know, the rain calculation.

The area that they have above of the 211 cubic feet for the 1250 square feet if it's a drainage structure, that's two inches of rain. That's a two inch rainfall. And then you go to the other one and it's eight. It's like four times as much. So you just may want to have the engineer take a second look at that.

And then the item 2 under the drainage where it says, where storm water runoff from parking areas would be naturally contained

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on site or other extenuating conditions prevail, these requirements may be altered at the discretion of the applicable board and/or department.

I have no idea what that means. If I'm doing a site plan, I have no clue what that means. If- I have no idea what that means. I don't see- I just don't know what they're talking about."

Supervisor Cardinale: "Give me that reference again, please."

Martin Sendlewski: "It's item- it's under K, sub-items 2. It talks about other conditions that prevail naturally on the site. I don't know what that means. If they could sort of look at that and see what- sort of write it better. I don't- "

Supervisor Cardinale: "Frankly, I'm concerned about the- as you are, it's not helpful to have the unfettered use of discretion because it gives no predictability to the development community."

Martin Sendlewski: "Right. Exactly."

Supervisor Cardinale: "You know, on a given day they could waive everything- they could waive everything and on another day, and how do you know when you put your plan in.

You know, one of the things that I had indicated earlier was that there's- Gardiello is the town engineer, but there ought to be a dialogue between him and someone such as yourself who is looking at it from the perspective of developer to see if these areas which are quite technical can be adjusted to be more in tune with reason and mainstream.

So would you- even if you don't want to write a lengthy letter in commenting on this statute because I know you've got a job too and have got to make a living, maybe if you called him and spoke to him about the matters that you're talking about, because what's going to happen here is he's going to say well, this is why I put it in and you're going to say yeah, but you didn't consider this, maybe you can reach an accommodation that reaches both his concerns and the developer community concerns."

Martin Sendlewski: "Yeah, and if there's- actually if there's a schedule for the code revision committee, if they actually meet at a certain time, I assume that they meet like all the other boards, if we know when that is and if they were to e-mail let's say the RBA when they're proposing certain things, I'm sure members would come down and just sit in the audience and, you know, if they had something to say it might be helpful."

Supervisor Cardinale: "Right. But I think there's a difference between the technical expertise such as in discussion like you're having and policy, their concern, of course, the policy

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discussion about whether it's a good or bad idea is kind of implicit though when you're saying the technical standards.

So I guess there's no way around it. But I think the discussion should be had and then decisions made and then we will pass something that will be better than what is existing, I hope."

Martin Sendlewski: "And then lastly there's a section on if you have greenspace parking where you don't build them all but you allocate an area which is a common practice that we do, it says that there's got to be some kind of a form acceptable to the town attorney filed with the Suffolk County Clerk.

That could just be included as part of the site plan resolution and as part of a condition on the approval so you don't have to file something just for the parking and then go back and file the conditions of the approval separate. I don't see why that would be a separate item in here at all. I think it could just be a condition of the site approval.

And then lastly the very last item, item Q, it talks about handicapped parking and meeting the requirements of handicapped parking and it says this is for all buildings, facilities, and all sites developed prior to the adoption of the code.

It says that if you don't provide a handicapped spot within 12 years, you will lose your CO. Obviously a lot of places in town such as Polish Town, Jamesport where people have a building where they have no parking and they can't provide parking and if you leave this the way it's termed, they're going to lose their CO in 12 months. I don't think you want to do that."

Supervisor Cardinale: "Yeah. It's 12 months too which is even worse because it's a very short amortization period. All right. We'll look at those and I'll ask them to take very- take care in looking at those items."

Martin Sendlewski: "Thank you."

Supervisor Cardinale: "Thank you. Anybody else want to comment?"

Councilman Dunleavy: "Can I tell them when we meet?"

Supervisor Cardinale: "Yes. Mr. Dunleavy wants to tell you when they meet."

Councilman Dunleavy: "They usually meet every Wednesday at 10:00 in the morning or if someone can't make it or there's other things, they'll move it to two. But it's every Wednesday, usually at 10:00 in the morning."

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Supervisor Cardinale: "That's the small business- "

Councilman Dunleavy: "No. That's code revision."

Supervisor Cardinale: "That's code revision. Okay. Ten o'clock every Wednesday unless it's moved to later in the afternoon."

Councilman Wooten: "Now just for clarification. Is there an agenda that comes out prior to the meeting?"

Councilman Dunleavy: "No. What happens is we usually set an agenda up before the meeting. If you call Donna, she's the secretary of the code revision committee, and she will have all the information for you."

Supervisor Cardinale: "Okay, thank you. That's the secretary of the town council."

Anybody else have a comment? If you don't, we're obviously going to keep this open for written comment for 10 days through the 14th at 4:30. We'll also be reconsidering the other points made and making some changes and probably re-hearing the more complete draft."

Public hearing closed: 3:00 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m.

Public hearing opened: 3:00 p.m.

Supervisor Cardinale: "The next item is a hearing for the consideration of a local law amending Chapter 108 entitled Zoning Section 108-133 entitled conditions for approval of the Riverhead town code.

Dawn, would you tell us about this?"

Dawn Thomas: "Yes. This proposed local law would amend Section 108-133 to correct some inconsistencies in the type of performance security we were (inaudible) out and so we are- just- it's really housekeeping work, correcting some problems that were previously there."

Supervisor Cardinale: "Yeah. This is a suggestion I think by the- "

Councilman Wooten: "It's more than housekeeping. This is actually changing- "

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Supervisor Cardinale: "Actually, this is a suggestion from the small- from the business alliance and I think Bob Kozakiewicz, I think you were also urging us, to make it possible for performance bonds, letters of credit, or other equivalent security to be submitted to make it as easy as possible for the developers as long as the town is secured in a proper fashion."

Councilman Wooten: "And I think that letter of credit only be for- "

Councilman Dunleavy: "And it's only for public- "

Councilman Wooten: "I'm sorry."

Supervisor Cardinale: "And more significantly as John points out- "

Councilman Dunleavy: "It's only for public improvements and not on site improvements. It used to be it was all improvements. This is only going to be for public improvements now."

Supervisor Cardinale: "Bob, do you have a comment?"

Robert Kozakiewicz: "Yes. Robert F. Kozakiewicz, 431 Griffing Avenue, Riverhead."

Usually I come here to complain and say, hey, it's really, really bad. This time I'm actually saying it's getting there, it's better and this is something that's needed because in the absence of the allowance for different forms of performance security, I think that you're running afoul of what the state law said anyway and then it became a battle and a bone of contention who's right, who's wrong and it's just a waste of time and it's not beneficial to the applicant, it's not beneficial to the developer who's trying to get things done.

It's not beneficial to me to come in here and constantly argue with your more than competent town attorney, Ms. Thomas. So it's better to have this a little bit more clear and clarified.

I think that maybe there's also an opportunity to further define what the public improvements consist of in order to make sure that when the bond estimate or performance estimate is issued by Mr. Gordiello to the developer they's in sync with what the actual costs are.

And I know that individuals are probably going to speak after me can tell you that the problems that resulted when you had one number that was coming from Mr. Gordiello and what his bonding company said needed to be done and just for round numbers, Mr. Gordiello says the work was \$100,000, the bonding company says no, no matter how many times we look at it, we don't see it costing more

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than \$25,000 to get this job done. Why do you want us to give a performance bond for 100? It's like going for a mortgage for 400,000 when you really only need 25,000. What are you doing with the other 75?

And in the case of a performance bond, it's worse because if the person defaults, the performance bond is called upon because of the default and they have to do the work. So inherently, they're not trusting the individual who owns the property who's developing it and saying you're going to walk away from this. There's no incentive for you to finish it with this performance bond for more than what you really need.

So the two should be in sync or at least close to being in sync so that someone who needs to get a performance bond can get a performance bond and in this case this individual couldn't because the town's number was one number and every time the bonding company looked at it, it said, no, it can't be right."

Councilman Wooten: "So you think by defining-- "

Robert Kozakiewicz: "I think this helps. I think this helps because I think it gives Mr. Gordiello direction that what he's bonding for, what his estimate will be for is public improvements. And, again, I know-- "

Councilman Wooten: (Inaudible)

Robert Kozakiewicz: "What's that?"

Councilman Wooten: "You thought it should be more defined?"

Robert Kozakiewicz: "Well, I think there's other codes that have public improvements defined and they spell them out so that might be something you may want to do to add to this to make it a little clearer for everybody's concern."

Councilman Dunleavy: "I think you're talking about construction costs that of the public improvements, what your construction cost is going to be, that our engineering is saying one, the bonding company is saying it's going to cost this to construct it. I think that should be ironed out between the bonding company and the engineer on construction costs. That's what you're talking about."

Robert Kozakiewicz: "Well, the reality is your consultant is always going to estimate a little bit on the high side because he doesn't want to be on the low side because that's not good for them.

The problem has been, however, in the past, in the absence of the public improvement definition being there, you've bonded for items like the stockade fence around a dumpster-- the dumpsters.

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Plantings, putting down mulch; putting down lawn. These are not public improvements and that's where the problem has been."

Supervisor Cardinale: "That (inaudible) as a public improvement when we move from— all improvements to only the public improvements because those aren't public improvements."

Robert Kozakiewicz: "Right. Again as I said, I think this is an instance where it's something that's better for the development community. I know that Ray Castranova who I represented, is probably going to tell you a little bit about what he encountered as a result of the lack of clarity in this particular code provision in 108-133 and maybe suggest some other things that you can do that might help. So I'm just saying that it's on the right track."

Councilman Wooten: "Thank you, Bob."

Supervisor Cardinale: "All right. Any other comment on this? If so, please come forward."

Raymond Castranova: "Hi. My name is Raymond Castranova. I'm the owner of the Zenith Building, the proposed Zenith Building, and I own a construction company called the Zenith Organization.

I'm going to talk about what Mr. Kozakiewicz just was speaking about. So I'm in the position which Mr. Gordiello had given me an estimate on what my on site improvement should be and the public improvements so I can move forward because Ms. Giglio is in the process of trying to get my building permit.

With that in mind, he had given me an estimate of \$100,000. So I own a construction company and I do some major commercial buildings and I myself prepared an estimate which on my end what I have to pay which is a wholesale price which we don't want to go on to was about 19,000, so I went out to get a couple of other consultants to give me the proposal for my public and the on site work and the highest price that came in which three bidders was the right number to get was \$29,000.

So I proceeded to talk to Mr. Gordiello about this because he had added a couple of things on the proposal that weren't really on my site plan. For example, a dumpster enclosure. Well, we're putting the dumpster under the building so he was able to take that off.

So he came down to about \$82,000, so I proceeded to go to a bonding company. So I have to get bonds for the DOT, Suffolk County on a lot of other developments around, actually a few I'm doing in Mt. Sinai now and it only pertains to their work, if I'm doing a little curb cutting, doing a little asphalt, doing sidewalks. That's all they're concerned about, is their work not what's on the site.

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So I went to the bonding company and the bonding companies wouldn't give me a bond. I went to three different bonding companies. I get them all the time and they wouldn't give me a bond because there's an \$82,000 price- "

Supervisor Cardinale: "Well, you know if this happens- if that actually happened, all of the improvements are 29 at most retail not wholesale and you want an \$82,000 bond, I mean I can understand the problem.

They're not going to give you a bond for 82,000 because they don't want to be on the hook for 82,000 and- but Gordiello has always seemed to me to be a reasonable person. What's- why- and he's an outside consultant to the town and he'd like to continue to be.

What's the problem with being reasonable? Maybe I'd like to hear that answer not only from you in your opinion but also from Rick."

Raymond Castranova: "Actually I sent him a breakdown of all the quantities also but he just didn't seem to move off of \$82,000.

I went out to a couple other consultants myself."

Supervisor Cardinale: "Are you agreeing- well, there's another factor, of course. How long is the bond good for, a year?"

Raymond Castranova: "Yes. Actually it's good until I'm finished with the job. It can go on like (inaudible)."

Supervisor Cardinale: "It can go on for two or three years. He's got to build in the price for the increases into that bond, too, so it's not just the cost today. It's the cost in the future.

But I would like- have you seen this problem that's been discussed? Because I'd like to solve it. It shouldn't be 30 to 80. It should be, you know, a 10 or \$20 differential- the 10/20% differential and we're always going to win that argument because we're always going to want it a little higher."

Raymond Castranova: "And the actual calculations for the improvements that are related to the public as far as the sidewalks and the curb, is 63 linear feet of curb and 400 square feet of sidewalk which comes to \$2,056 on a high end. That's just the public improvements side.

So if he wanted cash for that amount, I'd have no problem. Just if he wanted to take care of the public side of it all so I can get my building permit and I could start something in downtown Riverhead. I'm ready to go."

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Supervisor Cardinale: "And this is one issue— this is the issue that's holding you up?"

Raymond Castranova: "Yes."

Supervisor Cardinale: "Okay. Would you give my— right across there— give Sarah your number? I'll get this solved in like an hour."

Raymond Castranova: "Okay."

Supervisor Cardinale: "It's not really a big deal. We're going to agree on a number."

Rick, can I talk to you for a second on this? And before— is there anything else you want to say, Mr. Castranova."

Raymond Castranova: "No. That's it. Thank you very much. But this is the way the other towns are doing it, it's great to see that."

Supervisor Cardinale: "My office is just across the hall. Give her your number, I'll call you tomorrow."

Raymond Castranova: "Okay."

Supervisor Cardinale: "You know, this— since we all agree on what we've just been talking about, let me shake this up a little bit, this hearing."

We're agreeing to make a significant change here, Rick, in saying that on site plans for example— I guess site plans, that we're only going to bond for the private— the public improvements."

Rick Hanley: "Improvements within the roadbed of the town of Riverhead or the state."

Supervisor Cardinale: "Now let's say we have a condo and as we know the roads and the clubhouse and the recreational areas and the landscaping and all the things that make condos in our community beautiful are private improvements."

Rick Hanley: "Yes. Except for possible entryway from a state highway or Sound Avenue."

Supervisor Cardinale: "Yeah, except— if any part of it is in the public way and there shouldn't be in my right of way putting their entrance."

Rick Hanley: "Well, there will be an apron, a driveway and some curbing."

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Supervisor Cardinale: "So the only public improvement for a condo is going to be the apron."

Rick Hanley: "Anything that's within the roadbed, right."

Supervisor Cardinale: "So you look at- I'm doing this to be a devil's advocate for a moment. So you are looking at Saddle Lakes, Sunken Pond, Stoneleigh, what's the other one across from Riverhead Center- not Glenwood, the Foxwood and then the other one, yeah, the other- what's the name of that one?"

Rick Hanley: "To the rear of Riverhead Center?"

Supervisor Cardinale: "On Middle Road."

Councilman Dunleavy: "On Middle Road, across from Foxwood."

Councilman Wooten: "Riverhead Landing."

Councilman Dunleavy: "No. It's east, it's- I just can't think of the name."

Supervisor Cardinale: "Whatever the name is that we can't- "

Rick Hanley: "That's a condominium. Right."

Supervisor Cardinale: "It's these condos in town."

Rick Hanley: "Right."

Supervisor Cardinale: "If we say that we're only going to bond for the apron and we're not going to consider any of those other improvements that make a condo attractive, then those people have no- when we approve the condo map, have absolutely no protection that that's ever going to get done."

Of course they don't anyway is the appropriate answer because we're never going to be able to get in there and do the work because it's private property but how are those people then protected? Does anybody in my legal or my planning department want to tell me?"

Rick Hanley: "Presently we- "

Dawn Thomas: "Road and drainage get bonded."

Supervisor Cardinale: "Yeah. But we issue CO's for the buildings without regard to the site plan- "

Rick Hanley: "CO's are typically issued prior to all the improvements being made."

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Supervisor Cardinale: "Yeah. But the problems is they could get CO's for the buildings without having done the improvements."

Rick Hanley: "Right now, Phil, on a condominium map under the old rules, we would take a performance bond or a letter of credit for all the improvements, all the site improvements. But if you- and I think you should adopt this legislation- "

Supervisor Cardinale: "This would preclude that is my point."

Rick Hanley: "Right. I think they would rely upon the association to make sure the prospectus- is built out according to the prospectus and the condominium map."

Supervisor Cardinale: "Would you both legal and you, would you check and see what other towns do? I can't believe that they don't do anything to protect- "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah. Okay, she thinks there may be another section of law that protects them in our own code. So let me just make sure of that.

Other than that, I think in that concern, I think the statute is- "

Rick Hanley: "I would support this very much. Thank you."

Supervisor Cardinale: "Okay. Jodi."

Jodi Giglio: "Hi. Jodi Giglio and I had actually submitted a letter to Rick back in the early part of June because my client owns the Riverhead Outlet Center right between Tanger I and Tanger II, and we had gotten a building permit and he had- they had to post a bond for \$147,650 and I had asked or actually it was a letter of credit which actually holds cash in the bank against that dollar amount.

And I had submitted a letter request that it be switched over to a performance bond where they might only have to pay a two and a half percent premium annually in or der to keep that bond posted.

And then Rick told me that you were adopting this so I just wanted to say my hat is off to you. Thank you very much. You're making a lot of people very happy and it makes a lot of sense.

One thing, and my clients are here today. They wanted to also thank you because now they can probably put some of it towards the project in getting the project completed."

Councilman Wooten: "Nice. That's what we want."

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Jodi Giglio: "So you're helping them.

One thing that I just wanted to touch on what Bob said. I know that several other towns when they give you a performance bond estimate, they give you a line by line item just as Mr. Castranova had said. Where there is 670 feet of lineal feet of curb at \$8,50 a lineal foot. There is this many feet of lineal sidewalk at this.

And then if they wanted to do a five percent increase after the first year or another five percent after the second year, I think that would be acceptable to everybody.

So thank you for getting this done and it's great work. Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Do we use that technique— we do a line item estimate? Okay.

Anybody else have a comment on this legislation proposed? If not, I'm going to leave it open until the 14th at 4:30 p.m. with written comment to the town clerk."

Public hearing closed: 3:15 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m. to the town clerk

Public hearing opened: 3:15 p.m.

Supervisor Cardinale: "We have the next public hearing which is for 2:25. It is now 3:15, the consideration of a local law amending Chapter 44 entitled agricultural lands preservation Section 44-6 entitled administration by farmland preservation committee of the Riverhead town code.

Could you tell us about that, please, Dawn?"

Dawn Thomas: "Yeah. It's a very minor amendment to this section of the agricultural lands preservation chapter which would require the members who are on the committee to be actively engaged in the ownership and/or operation of a farm, not both."

Supervisor Cardinale: "This would allow people who are operating farms in the town of Riverhead to serve on that committee, the farmland preservation.

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Okay. Anybody have a comment on that proposal to be eligible to serve as an agricultural farmland preservation committee member if you own or operate a farm located within the town of Riverhead's agricultural lands?

If not, we will keep this open again until 4:30 on the 14th of August for written comment to the town clerk."

Public hearing closed: 3:16 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m. to the town clerk

Public hearing opened: 3:17 p.m.

Supervisor Cardinale: "And move onto the next one which is 2:30, now 3:17, the consideration of a local law amending Chapter 65 entitled flood damage prevention of the Riverhead town code.

Dawn will explain this."

Dawn Thomas: "This is a comprehensive amendment to Chapter 65 of the town code which brings-- would bring the town code in this chapter in conformity to the new storm water management legislation, FEMA regulations, and New York State DEC Division of Water and Bureau of Flood Protection and Dam Safety and it's pretty self-explanatory."

Supervisor Cardinale: "Okay. Is this a-- we're basically doing away with our previous code on the subject and re-writing the code and is this model code stuff or did we actually write it?"

Dawn Thomas: "I think we probably did a little of both."

Supervisor Cardinale: "Okay. So this is necessary for most-- all towns right, as new storm water management rules are in effect?"

Dawn Thomas: "Correct. It's bringing it into conformity with all the new applicable regs."

Supervisor Cardinale: "-- upgrade our codes to the federal requirements.

Any comment on this we'll be glad to take and we'll take it now. And if you want to read it more carefully because it is extensive. You may want to comment in writing between now and

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the 14th at 4:30 p.m. Otherwise, we'll probably pass it and then you won't be able to tell us what we screwed up on."

Public hearing closed: 3:18 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m. to the town clerk

Public hearing opened: 3:18 p.m.

Supervisor Cardinale: "The next public hearing I'm going to begin at 3:18. It is scheduled for 2:40.

Consideration of a local law amending Chapter 108 entitled zoning Section 108-152 entitled open space conservation district - schedule of dimensional requirements of the Riverhead town code.

Could you tell us what this is about, please?"

Dawn Thomas: "Yes. This- I just- is Rick still here or no?"

Supervisor Cardinale: "We can get him back."

Dawn Thomas: "It looks like- the amendment the way it's printed looks like it's a- just an addition to the open space zoning dimensional regulations. I can't tell and I haven't been able to find if it's replacing anything or it's just creating a new- I think it's creating a new."

Supervisor Cardinale: "Bill, would you get Rick? Thank you. All right, my deputy is going to get Rick to comment on this before we take public comment. But if anybody here wishes to comment, come up now who may know more than we do about it or more than the planner who is about to come in.

So we want to know if this is added or changing. Open space zoning district schedule.

Rick, on the seventh hearing for the open space conservation district schedule of dimensional requirements, we'd like to know if that's an addition or an alteration and tell us why it's here."

Rick Hanley: "We never had a schedule for that district, ever. We had the text in the code but we never had a dimensional schedule in the ordinance."

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Supervisor Cardinale: "And there's so much action in the open space conservation- "

Rick Hanley: "Well, we thought at least we should direct anyone who wants to develop so that's the reason why it's here."

Supervisor Cardinale: "For those of you who didn't catch that. For at least three years we haven't had a schedule for a district but it hasn't bothered us because nobody's done anything in that district."

Rick Hanley: "Well that district is quite rigorous. It doesn't allow very much, so I'm not surprised."

Supervisor Cardinale: "Yeah. Nobody wanted a park in the open space conservation district. So this gives a schedule for minimal lot area, minimum lot width, minimum without sewer, minimum with sewer, minimum transfer of development rights, minimum impervious surface, etc."

Rick Hanley: "Right. Like any other district."

Supervisor Cardinale: "As we have in any other. That was an oversight we didn't have. Okay. Anybody have a comment? If you do not have a comment and want to make one thereafter, please- oh, you know what I need? Is Bill here? Bill, I need Kempner now on the last hearing. She's coming in. I'm just told the town attorney called her."

So I'm going to close this hearing, the verbal testimony and keep it open for written to the 14th at 4:30. It's now 3:21."

Public hearing closed: 3:21 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m. to the town clerk

Public hearing opened: 3:21 p.m.

Supervisor Cardinale: "And I'm going to start the final hearing which is a public hearing in regard to a notice that the town of Riverhead intends to apply for New York State Department of State Brownfield Opportunity Area program fund."

And the draft application will be made available to the public for review and input for a period of 30 days from the date of this notice. The public hearing on the draft application will take place today at 2:45. It being 3:21, I'll open it up for

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presentation by our community development director, Christine Kempner.

In addition, the application will be available for review for a period of 30 days from the date of the notice.

Okay, thank you. Chris, you're going to give us the low down on this."

Christine Kempner: "Oh, okay. The purpose of this hearing is we're submitting a Brownfield Opportunity area application to the department-- the New York State Department of State and the hearing is required in the application process just to let the public know what we're trying to do.

The Brownfield Opportunity area is commonly referred to as a BOA program and it assists communities with redevelopment that will return dormant and blighted land into productive and catalytic areas while restoring environmental qualities.

So we've been working with the Department of State to define an area that could be useful for the process and we're looking at this area in purple that runs alongside the Peconic River. It's a 452 acre area with approximately 18 potential brownfield sites.

Really it's any site that might be contaminated by petroleum. There may be actual or perceived contamination but the goal is to leverage private investment through cooperation with public agencies.

And this corridor is the area that runs along the Peconic River and New York State 25 and runs from the terminus of the LIE to our downtown business center and it's commonly referred to locally as East Main Street and West Main Street.

The projects are going to capitalize on our previous planning documents and incorporate more of the West Main area and will be structured to enhance a sense of place along the river and accentuate the river as a resource.

Our basic goals for the program are to prepare an area-wide inventory and identify opportunities for revitalization which would probably include a market-- an economic study along West Main for what type of activities would be most beneficial. So the reuse of some of those properties may-- maybe we could target uses that a marketing study helps us to identify.

As far as the particular items with a \$260,000 grant and we would be asking specifically for the marketing and economic study, some planning assistance and then some targeted appraisals for properties we'd like to acquire.

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If anybody had any comments or questions, you're welcome to either ask them now or after the meeting or contact me at my office and I can speak to you more about the project."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Is there anyone who would like to make a comment in regard to this? If there is, please come up. If there's not we'll leave this open for 10 days as well for written comment through the 14th of August at 4:30 p.m. to the town clerk."

Public hearing closed: 3:26 p.m.
Left open for 10 days for written
comment to August 14, 2009 at
4:30 p.m. to the town clerk

Supervisor Cardinale: "That concludes the eight hearings today. We have resolutions to consider which are about 35 and we would like to get any comment. Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Before we get started, can you answer how much does the town have out in bonds currently? And does anybody have a schedule as to when they mature? Because you have the first three resolutions up for over \$2,000,000 in bonds."

Supervisor Cardinale: "Yes. I'll have some comment on those, I think we have a million and a half, but why don't we do that?"

The-- there's a difference between your authorized bonds and your outstanding bonds. A lot of the bonds that the town has authorized will never occur.

For example, we have a-- we applied for a grant for \$17,000,000 for mandated sewer district bonds-- mandated sewer district improvements by the DEC unfunded and we didn't get the grant so we're not going to bond that but we-- so there are a number of authorized but unissued bonds which will be taken off the books in the next six to eight months.

But these are-- these bonds-- the first one that you are asking about is-- 741 is \$115,000 to address the spill-way.

The second one is for Oakley Avenue which has collapsed into the Sound and we have no alternative but to do this. However, we did receive a \$250,000 in grant funds.

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The third is a million and a half for the Pulaski Street purchase which is actually the condemnation price is \$630,000 and we expect the county to share that with us. We have an inter-municipal agreement proposed but unsigned at this moment so the true expense will be 315 I think plus whatever the court thinks in addition to that is fair as it goes-- and we're asking the county to share those costs with us and do all the work. So that bond is a lot overstated.

The reason we're passing it is because once we get the inter-municipal agreement with the county we can't proceed to do the condemnation which is ready to be purchased, it's already occurred, we just have to pay, until 50 days passes from the authorization of the bond. So it won't be that large; it will probably be more like 500 that we actually spend on that, maybe 300 if we're lucky."

Sal Mastropaolo: "Okay. This is the property where the engineering department went in?"

Supervisor Cardinale: "No. This is the-- that-- this is the intersection of Pulaski, Mill-- "

Sal Mastropaolo: "Oh, okay, and 58. Okay. Behind the gas station."

Supervisor Cardinale: "Yeah. We're straightening out the Pulaski Street intersection which is a three-way there."

Sal Mastropaolo: "Okay. Thank you."

Supervisor Cardinale: "The county is paying for the work. We're hoping to split the condemnation cost with the county."

Sal Mastropaolo: "Okay. All right. Resolution 748 and 749. Are they new hires or transfers?"

Councilman Wooten: "Replacements."

Sal Mastropaolo: "Huh?"

Supervisor Cardinale: "These are replacements. We had a great amount of discussion at work session about whether we could attrition these people but there was no place-- the consensus was that there was no place where we could move them from to building and grounds so we're replacing the two that left. They're not new hires."

Sal Mastropaolo: "Okay. "

Supervisor Cardinale: "They're also not attrition which is what I would prefer which is you don't fill the old ones

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either. You move people from inside to them but we just didn't have anybody to-- "

Councilman Wooten: "You're pretty close to the bone, Phil. You really are-- "

Sal Mastropaolo: "Okay. 751. Does he have a level of expertise? I noticed on one of the other ones that there was a recreation specialist level I and in quotes in said Spanish so I'm assuming that that was the expertise. I'm just wondering what the expertise is for this one."

Supervisor Cardinale: "I asked about this."

Councilman Dunleavy: "Yeah, that's the question I asked. Yeah."

Supervisor Cardinale: "John had asked me this. I got an answer-- I said why do recreation specialists generally get \$20.00, Spanish or English and he says, well, that's because they're recreation specialists. So I said, yeah, but why are they worth 20?"

Apparently-- "

Councilman Wooten: "I think it's the number of years they've been here."

Supervisor Cardinale: "-- they teach things, like they teach tennis or they're at a level where they're teaching them so they let them take \$20.00 and teach. That's the best I got out of him."

Sal Mastropaolo: "Okay. 759."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "I read this thing and one question that comes up is doesn't the receiving property have to be in the pine barrens? I mean aren't we looking at a situation where we could have super-saturation at the South Jamesport site? I mean that's what I got out of reading this."

Supervisor Cardinale: "759."

Sal Mastropaolo: "Yeah. The second Whereas says-- the second line says wishes to increase the available sanitary density for said premises. So you're switching a credit from the pine barrens to South Jamesport."

Supervisor Cardinale: "Right."

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Councilman Wooten: "Zero point one percent."

Supervisor Cardinale: "The reason that this is not- there- whenever a credit is used either a portion of a credit- this is point one-tenth of a credit, is that right?"

Councilman Wooten: "Yes."

Supervisor Cardinale: "Point one-tenth of a credit. Whenever a credit is used from Brookhaven we have to review it and okay it. So your point is well taken. If we're okaying like 40 credits from Brookhaven to come to Riverhead for sanitary water, but this is a very small amount. We've done another one for another one credit or something.

But you do have to be careful about allowing credits to cross county- Brookhaven credits to be used in- "

Sal Mastropaolo: "Well, crossing county lines is one thing but the other thing is the credit is from the pine barrens. Doesn't it have to be used in the pine barrens? It can be used any place in town?"

Supervisor Cardinale: "No. It can be used any place in the three towns. That's the whole point. They move them from the pine barrens to some place else in the three towns."

Sal Mastropaolo: "Okay. And there's no concern with the saturation level at the premises?"

Supervisor Cardinale: "Not at the premises but in general it's a good point."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "You don't want to take hundreds of credits. This is point one-tenth of one credit. And Suffolk County Health has approved it in any event."

Sal Mastropaolo: "Okay. Last question. 776."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "What are the ground rules for filing a Chapter 90 application and paying a fee? I mean should this have been five different Chapter 90 applications because there is five different months that he's applying for three day sales.

I mean, what's to stop, for example, Martha Clara from coming in and putting in a Chapter 90 application for two years worth of tent events and pay one single fee?"

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Councilman Wooten: "I think it's-- "

Supervisor Cardinale: "There's no question but that-- "

Councilman Wooten: "They do that now, Martha Clara."

Supervisor Cardinale: "-- but is this longer than eight weeks?"

Sal Mastropaolo: "Yes, it is. It's August, September, October, November and December."

Supervisor Cardinale: "Yeah. Then we can't-- okay, that's an interesting point. You can do it for eight weeks. This is weekend events over more than eight weeks so the question is should it be one or two."

Sal Mastropaolo: "Well, when you say eight weeks, is it 56 days worth of events or is it eight weeks from a calendar point of view? In other words, the first day and the thing ends after eight weeks."

Supervisor Cardinale: "That's what's not-- I don't think it's clear from the statute."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Yeah. Do you think that this should be divided into two is my only question."

Dawn Thomas: "I don't think so but-- "

Supervisor Cardinale: "She's going to check that."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "Whether as you say 56 consecutive days or 56-- "

Sal Mastropaolo: "You may want to look at the ground rules on the application for Chapter 90 applications and be more specific as time frames."

Supervisor Cardinale: "Okay."

Dawn Thomas: "We do. And it's very specific in the Chapter 90 legislation and what we did was years ago we amended it because we had a lot of events particularly seasonal agricultural events that needed six weekends in a row, so rather than have six separate applications, we would have them make one application."

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We are-- this type of arrangement is okay. I just have to check the actual dates. And we do check (inaudible)."

Supervisor Cardinale: "You'll let us know if there's any concern about breaking it up."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "Okay, thank you. We have no-- if we have no other comment, we can consider the resolutions. Is there any other comment?"

Robert Kozakiewicz: "They're small and it's two. It's on 772 which is the DeMarco Galasso.

First I want to thank you for putting it on the agenda to extending the time period. My oversight. I should have been more cognizant of special provisions to ask for the additional time.

The other thing is just a small administrative thing, just Robert F-- you know initial "F" as opposed to the middle initial "J" in the first and sixth Whereas clauses. You got it right on the second page but didn't make it right-- "

Councilman Wooten: "What is it again?"

Robert Kozakiewicz: "Robert "F"."

Councilman Wooten: "Robert "F".

Robert Kozakiewicz: "So other than that, thank you."

Supervisor Cardinale: "All right. Can we call these resolutions, please?"

Resolution #741

Councilman Dunleavy: "A resolution subject to permissive referendum authorizing the reconstruction and improvements to the north spillway in Grangebelle Park located along the Peconic River in the town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$115,000 and authorizing the issuance of \$115,000 bonds of said town to pay the cost thereof. So moved."

Councilman Wooten: "I'll second."

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

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

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Resolutions #742

Councilman Wooten: "742 is a bond resolution subject to permissive referendum authorizing the reconstruction of Oakleigh Avenue in and for the town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$400,000 and authorizing the issuance of \$400,000 bonds of said town to pay the cost thereof. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #743

Councilman Dunleavy: "A resolution subject to permissive referendum authorizing the acquisition of land for condemnation in and for the town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$1,500,000 and authorizing the issuance of \$1,500,000 bonds of said town to pay the cost thereof. So moved."

Councilman Wooten: "Second."

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

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

Resolution #744

Councilman Wooten: "744, oh, sorry. It's a budget adoption for 2009 playground capital improvement project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #745

Councilman Dunleavy: "Recreation department budget adjustment. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #746

Councilman Wooten: "I have to read like every other one of these things?"

Supervisor Cardinale: "Apparently."

Councilman Wooten: "It's a budget adoption for 2009 fire prevention grant. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #747

Councilman Dunleavy: "Ratifies the appointment of water safety instructors to the recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #748

Councilman Wooten: "Appoints a ground keeper I to the buildings and grounds division of the engineering department. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Again, these are replacement people and not new hires. I vote yes."

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

Resolution #749

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Councilman Dunleavy: "Appoints a maintenance mechanic II to the sewer district. So moved."

Councilman Wooten: "Seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is a replacement, someone who retired, at a cheaper rate of pay. Yes."

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

Resolution #750

Councilman Wooten: "Appoints a member to the anti litter advisory committee. I believe free of charge. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #751

Councilman Dunleavy: "Ratifies the appointment of a recreation specialist Level I to the recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #752

Councilman Wooten: "It authorizes the attendance of assessor at seminar. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

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Councilman Dunleavy: "Yes. And we will be repaid by the State of New York. Yes."

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

Resolution #753

Councilman Dunleavy: "Appoints a call in chaperone to the recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #754

Councilman Wooten: "Ratifies the appointment of a recreation specialist (Spanish) to the Riverhead recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #755

Councilman Dunleavy: "Appoints a call in beach attendant to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #756

Councilman Wooten: "Appoints a maintenance mechanic II to the building and grounds division of the engineering department. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. Again, it's a replacement not a new hire. Yes."

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

Resolution #757

Councilman Dunleavy: "Appoints part time kennel attendants. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #758

Councilman Wooten: "It ratifies the appointment of a seasonal recreation aide to the Riverhead teen center. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #759

Councilman Dunleavy: "Authorizes the supervisor to issue a letter to the Suffolk County Department of Health Services allowing the use of a pine barrens credit on commercial property located in Riverhead. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #760

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Councilman Wooten: "Authorizes the supervisor to execute change order No. 1 Calverton sewer district extension No. 1 gravity sewers and force mains Calverton sewer district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #761

Councilman Dunleavy: "Authorize the supervisor to execute agreement with CGI Communications, Inc. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #762

Councilman Wooten: "It authorizes the release of a cash security of Amato & Associates, P.C. on behalf of Verizon Wireless. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #763

Councilman Dunleavy: "Amends Resolution #673 of 2009 approves extension of security posted by Harrison Estates at Aquebogue LLC in connection with the subdivision entitled Harrison Estates (road and drainage improvements).

And what we're doing, we're changing (inaudible) Harriman Estates. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #764

Councilman Wooten: "Authorizes the supervisor to execute a second amendment of the sub-license agreement with the Long Island Railroad Company and Open Arms Care Center, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #765

Councilman Dunleavy: "Authorize the town clerk to advertise for bids on a John Deere Model 5525 tractor with a Cheetah 17.5 flail boom mower or approved equal. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #766

Councilman Wooten: "I'm glad I didn't have to read that last one.

Authorizes town clerk to publish and post notice to bidders for water meters and accessory equipment for use by the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #767

Councilman Dunleavy: "Authorize the supervisor to execute agreement extending bid award contract. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #768

Councilman Wooten: "Authorizes the town clerk to publish and post a notice to bidders for West Main Street comfort station renovation project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #769

Councilman Dunleavy: "Authorizes the town clerk to advertise for bids on drainage rings and associated items. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #770

Councilman Wooten: "It awards the bid for quick lube maintenance for use by the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #771

Councilman Dunleavy: "Authorize the town clerk to publish and post a notice of public hearing to consider a proposed local law for an amendment to Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-10 parking prohibited. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #772

Councilman Wooten: "Extends the special use permit of Larry's Lighthouse Marina (DeMarco Galasso, Inc.). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #773

Councilman Dunleavy: "Accepts donations of flowers, shrubs and/or trees for placement around traffic circles within the Town of Riverhead. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #774

Councilman Wooten: "Authorizes the supervisor to execute UPS drop box agreement. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #775

Councilman Dunleavy: "Resolution and consent approving the dedication of highways known as Hidden Acres Path, Saint Andrews Path, Indianwood Court, Merion Circle and Oakmont Court (Birchwood at Wading River - Section 2). So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #776

Councilman Wooten: "Approves Chapter 90 application of Riverhead Bay Motors. I'll move it."

Councilman Dunleavy: "And seconded."

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

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

Resolution #777

Councilman Dunleavy: "Move to pay bills. So moved."

Councilman Wooten: "Seconded."

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

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

Supervisor Cardinale: "Okay. That concludes the resolutions before us. Anybody wishes to make public comment, please come up."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Just a couple of quick items."

What is the town code relative to parking along the roadways? Is it only where posted, no parking?"

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Okay. We have an area over by Hulse Landing Road between North Country and the triangle that goes into Wildwood State Park."

Councilman Wooten: "Yeah, that's before the committee."

Sal Mastropaolo: "Every weekend, out of staters park there."

Councilman Wooten: "I had a gentleman from that neighborhood stop in my office last week and I drafted up and gave to Donna to forward to the traffic safety committee about that."

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Sal Mastropaolo: "You probably want to look at the rest of the areas that are around the public beaches, too."

Councilman Wooten: "And there's a problem, I guess, even across from the restaurant on Ravine, people parking up there during the restaurant- "

Sal Mastropaolo: "I notice they park also between Hulse Landing and the actual entrance to Wildwood."

Councilman Wooten: "Right. That is supposed to be posted by the way. I think it is posted."

Sal Mastropaolo: "It is up by the Wildwood end but not down the lower end by the intersection of Hulse Landing."

Councilman Wooten: "Okay."

Sal Mastropaolo: "Okay. The second thing is more and more there's a proliferation of those fiberboard signs on poles around town advertising anything from science parties to tree spraying, power washing, okay. They're always going up on poles and now they use those metal things that stick in the ground, okay. You may want to pass that on to the sign ordinance officer.

And the third thing is what's the chance of getting project statuses at the town board meetings, you know, without us having to ask?"

Supervisor Cardinale: "Which projects are you- "

Sal Mastropaolo: "You know, like the movie theater on Railroad Avenue, that big project. And the ballfields at EPCAL which are still sitting there, okay."

Supervisor Cardinale: "Well, I can tell you the status- "

Sal Mastropaolo: "Suffolk Theater."

Supervisor Cardinale: "Suffolk Theater is what you just asked about and the ballfields. Anything else?"

Councilman Dunleavy: "And Railroad Avenue."

Supervisor Cardinale: "Yeah. The- most of these have been discussed, in fact all of them at the work sessions, but as a summary of that in the last week, couple weeks.

Suffolk Theater is scheduled for September- actually August 12th, right?"

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Councilman Wooten: "That's next Wednesday."

Supervisor Cardinale: "There's an August 12th meeting and there's a September date. Unless the meeting is successful in- to bond- to promise and secure his promise to do what he intended, what he promised to do in 2005 by 2008, we will have a hearing to take back the property pursuant to the judge's order in September.

We're hopeful that we can reach an agreement and that he will do as promised but we don't want to buy a pig in a poke, we want to be secured. So we'll have the meeting in August and if we don't get an agreement that is satisfactory, the hearing in September, we'll be back in possession.

I think it's the intention of the board to immediately RFP it for private development consistent with our master plan and our East Main Street urban renewal area update.

The ballfields, last work session we've discussed the success that was had that very day by Ann Marie Prudenti who went into the transportation department and was able to get- successfully dislodge that road opening permit that has been pending so that we can complete the improvements at the road opening and open the- open that park but we'll have to put the road in still and the parking area.

So that will be opened, the fields will not be accessible until the spring."

Councilman Dunleavy: "Spring, 2010."

Supervisor Cardinale: "And then there's a phase II that will start.

The Railroad Avenue- we also got some good news at the last work session on that.

On a suggestion of Barbara Blass, there was a request made because of the MTA tax that we're getting killed with now, this town is paying \$70,000 in that MTA payroll tax that was passed. It was suggested since they weren't going to call it back, the tax, that we get some services.

So we wrote a letter at the request of Mitch Palley (phonetic) who is on the MTA and also counsel to various- Riverhead Resorts and other operations. He said write to them, ask them what you would like them to do. We threw in that we would like you to be reasonable about doing \$200,000 worth of work that is holding us up from completing Railroad Avenue because they weren't going to move the stanchion. They wanted us to spend the \$200,000, and they actually agreed to do that.

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So instead of simply doing a— finish it up as quickly and as cheaply as possible job on Railroad Avenue, we're going to spend \$100,000 and do the proper crowning of the road, curbing, and layout of the road with sidewalks on the side of the Suffolk County National Bank commencing— we are told that that will commence in the fall.

That's the status of those three."

Councilman Dunleavy: "And the movie theater."

Supervisor Cardinale: "Oh, and the movie theater we went through. That was the first one."

Sal Mastropaolo: "One last thing. That gate into EPCAL that I brought up at the last meeting is not open."

Supervisor Cardinale: "Oh, I guess we went through Suffolk Theater we went through."

Sal Mastropaolo: "Okay. It's open when they need to use it so that their construction equipment can leave the site, but it's not open for public access."

Supervisor Cardinale: "Yeah, you're right. It isn't yet but let me clarify that."

The gate at Route 25 which I'm anxious to open because it would show the people that-- there are four of our top 10 employers at EPCAL now, there are four companies employing over 140 people each out there and we have 40 businesses operating. Nobody knows it because they're all coming in off Grumman Blvd.

That roadway will be completed by mid-September and the— they were having the same issue as we were having with the road opening permit onto Route 25A from the Department of Transportation.

Apparently that has been resolved and that will actually be opened officially by September or at the latest by October as a new road going into the subdivision right by Riverhead Building Supply and then beyond to the other buildings. It cuts right through a taxiway. In fact, I've been on the road. It's well done even already, but we— they asked for a temporary opening to the DOT to let their— "

Sal Mastropaolo: "Tractor trailers."

Supervisor Cardinale: "-- they— and get ready for the pavement of the old road coming in from Grumman Blvd., they said can we at least use it for that period. DOT was hesitant to let them do that and I think that's why they're insisting that it be closed except for construction traffic."

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Sal Mastropaolo: "That's what I noticed this past week, that only construction tractor trailers were coming out."

Supervisor Cardinale: "Yeah. That's the only thing they would allow, the DOT, until it's finished."

Sal Mastropaolo: "Okay, thank you."

Sean Walter: "Sean Walter, Wading River. I want to comment on the Riverhead police department is doing a fantastic job in this town.

The issue is that in the past 10 years, the town has expanded from 22,000 people give or take 1,000 to 33, 34,000 people. In 2004, the Riverhead police department was 79 people. In 2009, the authorization for Riverhead police department is 85 people.

However, two people have retired so while there was a six officer increase, it really isn't a six officer increase. It's a four officer increase.

Recently I think most people are familiar with the violence downtown. Some people say it's gang violence. Some people say it's not gang violence. But with what we have going on downtown and with what we have going on in Patchogue which I think they are definitely linked to gangs, I'm asking the board- I understand that Phil has a hiring freeze in effect.

I'm asking the board to authorize the two officers that have been retired- that have retired this year, authorize their replacement and call for a class and allow the police chief to call for a list.

I think at this point, I know that you've increased the presence of the police department downtown. The comment constantly from everyone that I've talked to is that you're increasing the police presence up until about midnight and everything that's- the last two things that have happened, happened after midnight.

So I think that there's at least two votes on the board probably to increase- put the police department to their full staffing. I'd also like to ask and should I be fortunate enough to get elected, I'm going to try and increase the police department to a full 90 and add another sector but at this point, at the very least, I'd like the town to consider pulling- bringing the police department into its full contingency.

Because with what's going on downtown with machete hackings and people's faces getting slashed. One of the prime jobs for the

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town board is to protect its citizens and this is one way that we can do it."

Councilman Wooten: "Very good."

Supervisor Cardinale: "Thank you. The current staffing of the police department is 85. We've also civilianized two positions so the increase during my tenure has-- was six cops plus two civilianization's or eight. We'd like to do more, Sean, but unfortunately the public has to pay for it and that is why we are hesitant to put a greater burden on them."

Sean Walter: "Well, your-- I mean your authorization is 85, your current staffing is 83."

Supervisor Cardinale: "And you know, Sean, do you not that-- "

Sean Walter: "Your current staffing is 83. It's right from the website. Your net increase is four. It's right from the website."

Supervisor Cardinale: "The website that's-- the accuracy of that is not as usual precisely correct. I will-- "

Sean Walter: "Phil, two of the officers that retired and I know that you didn't authorize two new officers. You're at 83 officers. That's a fact."

Supervisor Cardinale: "That is accurate. But even if we authorize them right now, they would not be on the road until they went through the academy."

Sean Walter: "Absolutely. Which is why we need to start next board meeting so your net gain is four. And-- "

Supervisor Cardinale: "There are also two civilianization's."

Sean Walter: "That's not a police officer. Your net gain is four. But I'm not arguing. I understand the police officers are expensive but one of the primary functions of a municipal government is to protect the health and safety of the people."

Supervisor Cardinale: "And you've just indicated we're doing it very well. And we appreciate your saying that."

Sean Walter: "And we need to add to the police department to do that. I think the police department is doing a fantastic job given the level of support that they receive from certain people."

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But the point is we should add the two officers to bring it back up to the full 85. And then you can say you added six cops. I will agree at that point."

Supervisor Cardinale: "In addition to two civilianizations."

Sean Walter: "That's not a police officer. I understand- "

Supervisor Cardinale: "You understand the concept of- let me lay it out for you."

If a police officer is in the police department doing computer work and you hire a civilian to do that, the police officer goes out on the street, that's an extra cop, Sean."

Councilman Wooten: "But you didn't hire another police."

Supervisor Cardinale: "Yes- we hired a civilian to do a police job and the police went out on the streets."

Councilman Wooten: "True. But that doesn't increase the police."

Sean Walter: "It's not increasing the police."

Supervisor Cardinale: "Yeah, it does. Because- "

Councilman Wooten: "You might be deploying- you re-deploy the police. I'll give you that."

Supervisor Cardinale: "Why would we have policemen doing civilian jobs escapes me."

Councilman Wooten: "Right, I agree."

Supervisor Cardinale: "And that is how you say you have cops on the beat without spending money. That's the way the people appreciate it."

Sean Walter: "Add the two officers and I think that would be fantastic and you can run on a platform that you- "

Supervisor Cardinale: "Sean, I think that we are going to be discussing that at a work session. We also discuss that at budget time and I'm sure we'll make a decision that's in the best interests of the town."

Sean Walter: "Well, you just said that it takes a long time so I would get on it as quickly as possible at the next board meeting to authorize the list."

Supervisor Cardinale: "Thank you for your thoughts."

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Councilman Dunleavy: "Thank you."

Patricia Holland: "Patricia Holland."

Supervisor Cardinale: "Yes, Pat."

Councilman Wooten: "And he left."

Patricia Holland: "This is not a big deal. There's a misspelling so if this is going to be typed Resolution #758 that you passed- "

Supervisor Cardinale: "Yes."

Patricia Holland: "-- it's a recreation aide, not a recreation aide."

Supervisor Cardinale: "Thank you. Now, you know I was really going to ask Sal because Sal did not mention- he didn't do his usual proofreading. Would you please correct that on the formal document?"

Patricia Holland: "Okay."

Supervisor Cardinale: "Thank you. Is there any other comment? If there is not, we will adjourn it. We will see you at a work session at 10:00 a.m. on Thursday."

Meeting adjourned