

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 Wednesday, November 4, 2009 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

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

(Supervisor Cardinale called the meeting to order at 2:10 p.m.)

Supervisor Cardinale: "Bill, can I have the- on my desk is the hearings calendar. Would you grab that?"

Okay. We are ready to begin the November 4th meeting of the town board and we'll begin with the Pledge of Allegiance. Laverne will lead us as the assessor."

(The Pledge of Allegiance was recited led by Laverne Tennenberg.)

Supervisor Cardinale: "Okay. We have- we have an approval of minutes and we also have a presentation to make. So why don't we approve the minutes of the town board meeting of October 20th and October 22nd and then congratulate the employee of the quarter?"

Councilwoman Blass: "Approve the minutes."

Councilman Dunleavy: "I second it."

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

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

yes. The minutes are approved."

Supervisor Cardinale: Okay. And we're going to go down and do this honor of the employee for the quarter.

Okay. We have the labor management committee here and we have the honoree, Joan Mottern. So I'm going to read the proclamation and then turn it over to the committee.

But first I want to bring the family up, so, please, come up. This is George and Sarah, right, and Bill Rothaar the department head. Okay. Joan is the senior account clerk typist in the accounting department and Bill Rothaar who heads that department will speak to her excellence in a moment.

She started in April, 2005 and has been a better and better employee over those four years now that you've been there, over four years. And I know we have your husband who is here and your daughter Sarah and Jennifer is at school. Right? Okay.

I'm going to— before I read the proclamation, ask Bill to tell us how he came to recommend you for this."

Bill Rothaar: "Okay. How's that? Okay. So I've been here for a little over two years. When I first got to the accounting department, Joanie was in accounts payable. Joanie was always very dedicated, hard worker and she knew everything that she needed to know in her department.

At some point, I guess it was in 2007, there was an opening in payroll and Joanie was a natural fit for that position. She (inaudible) to payroll well, she (inaudible) assistant very well. As I said, she is a very dedicated employee, very hard worker, very intelligent. So she was able to take the skill that she learned in accounts payable and now applied in payroll.

She picked up on payroll very well in the short year or so that she's been there. She was promoted to a senior account clerk typist and she does a terrific job. So she is well deserving.

The town did a very good job of picking the employee of the quarter. So, we're proud of you Joanie. Good job."

Supervisor Cardinale: "Okay. I'd like to present the

proclamation and then have somebody from labor management whoever would like to speak comment and let Joan also say something.

It reads:

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

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

Whereas Joan Mottern has dedicated herself to the service of the government and its citizens; and

Whereas her service has exemplified the highest ideals in the expression of public duty;

Therefore, I Phil Cardinale, Supervisor of the town of Riverhead do hereby proclaim November 4th, 2009 to be Joan Mottern Day in recognition of being named employee of the quarter and I call upon my fellow citizens to join me in recognition of her accomplished service.

So, Joan, I'm going to give you this and congratulations and I'd like somebody from labor management to say something. Who would like to speak?"

Unidentified: "Bill pretty much wrapped it up. Joanie really is a prize employee. Her nomination for employee of the quarter came very highly recommended and really nothing else, but speaking for itself, she's got a complete show of her complete department here, so that's got to say something for her.

Not only does she get the proclamation, she gets a day off with pay and a hundred dollar savings bond."

Supervisor Cardinale: "That's great. Joan, why don't you tell us something that we—"

Joan Mottern: "I just would like to thank the labor management committee, my co-workers that are all standing in the back making faces at me. Thank you. Thank you for your support and

your help and thanks, Bill, good boss, and thank you."

Supervisor Cardinale: "Thank you very much. Now, maybe the most painful part, you've got to go and shake hands with the people over there. Congratulations. Keep up the good work and, again, congratulations. And thank you to labor management as well for bringing her to our attention, good employees like this."

Joan Mottern: "And I just want to thank my family because without them I couldn't do it."

Supervisor Cardinale: "Thank you. Okay. We are- we've concluded the congratulations to the employee of the quarter. We have some applications, town hall reports, fire department matters and correspondence. Could you give us that please, Diane?"

APPLICATIONS:

Special permit petition	Jorge Reilly - use of residence to doctor's office 1204 Hallock Street, Riverhead, SCTM #0600-102-4-8
	Riverhead Lions Club - Annual Santa Claus Parade - December 6, 2009

REPORTS:

Sewer District	Discharge monitoring report September, 2009
Building Department	monthly report Sept. 2009 - \$104,732.40
	monthly report Oct. 2009 - \$81,110.75
Town Clerk	Monthly report Oct. 2009 - \$8,886.38

FIRE DEPARTMENTS:

Wading River Fire District	2010 budget
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Jamesport Fire District	2010 budget
Riverhead Fire District	2010 budget
Jamesport Fire District	notice of annual election - Dec. 8, 2009 between 3:00 pm and 9:00 pm at 25 Manor Lane Jamesport, New York

CORRESPONDENCE:

Lawrence P. Simms, S. Jamesport	Letter re DEIS village at Jamesport
Richard Wines, Jamesport	letter re DEIS village at Jamesport
Theodore D. Sklar, Essesk, Hefter & Angel	Letter re special permit petition of John Reeve SCTM #0600-86-4-16.7
Richmond Realty Corp. Riverhead	Letter re acquisition of Property at 300 East Main St., Riverhead
High Point Engineering, Jericho, NY	letter re postponement of Public hearing of special permit petition of Schenck Gas Services, LLC
NYS Dept. of Transportation	notice of public hearing re reactivation of the at grade crossing of River Road over the tracks of the Connecticut Ave rail spur of the LI Railroad, Wednesday, November 18, 2009, 10:00 am at the Riverhead fire house, 540 Roanoke Ave., Riverhead

Diane Wilhelm: "And as a reminder, the next regularly scheduled town board meeting is Tuesday, November 17th at 7:00 p.m. here at town hall."

Supervisor Cardinale: "Thank you. We also have some public hearings scheduled, seven of them, the first at 2:00 p.m."

Public hearing opened: 2:19 p.m.

Supervisor Cardinale: "It being 2:19 we can begin. The first considers the adoption of the 2010 annual budget for the town of Riverhead including the elected officers salaries."

Bill Rothaar, who is the director of the department, finance director, is here. You want to sum it up, Bill, what it presently stands at?"

Bill Rothaar: "The budget that you have in front of you is the supervisor's tentative budget that now becomes (inaudible) budget. The public has a chance to make any comments they have on it and then the town board has until November 20th to make any changes to the budget as they feel necessary."

Based upon last night's election, the public safety dispatchers will be added to that budget and any other changes that the board agrees on, they need a three to two vote to make any changes to that.

In case they make no other changes, it automatically turns into the adopted budget on November 20th."

Supervisor Cardinale: "Okay. Anybody wish to comment?"

Councilwoman Blass: "Bill, I just have a question. Will you give us actual figures for the PSD line item?"

Bill Rothaar: "Yes. We have two numbers that we estimated calculating it two different ways. One was believe it or not \$911,000 and the other was \$938,000 I believe it was. So the board can look through and see whether they want to adopt the \$911 or the 930, depending on which way they believe it's going to be spent in 2010."

Councilwoman Blass: "And could you tell me how many employees that- "

Bill Rothaar: "It would be 10- "

Councilwoman Blass: "Ten."

Bill Rothaar: "Full time employees."

Councilwoman Blass: "Full time PSD's. Thank you."

Councilman Wooten: "But that 911 reflects a lot of police overtime, right?"

Bill Rothaar: "Well, the 911, you can calculate it one of two ways. If you have sufficient PSD's you don't need as much police overtime because the PSD's- "

Councilman Wooten: "So that number would be probably lower."

Bill Rothaar: "But when we've been short of PSD's in the past, the police worked overtime."

Councilman Wooten: "But properly staffed, it would probably be less I bet. Okay."

Supervisor Cardinale: "Does anybody- on that issue, I just want to understand this.

You said there were two figures, 911 and 938."

Bill Rothaar: "The 911 was a number that the chief and I sat down and he had planned for how we would want to run the department if he was given the proper staff and it was I think a combination of 10 hour shifts and so forth. So we have to go back to the detail of those - "

Supervisor Cardinale: "And the 938 was what?"

Bill Rothaar: "Well the plan that you and I came up with based upon the previous year and then just increasing it the last year they were here that we had a full staff and increasing (inaudible) cost of living."

Supervisor Cardinale: "So from the standpoint of the finance department director, are you prepared to recommend any addition to the budget less than the 911?"

Bill Rothaar: "I'm going to say it really depends on what

authority you give the chief and if you agree with his plan and that he can do it a little bit cheaper by having different shifts and that comes into can you have the PSD's work 10 hour shifts instead of eight hour shifts and so forth."

Supervisor Cardinale: "Do you have that figure?"

Bill Rothaar: "Well then we would go with your figure which would be the previous spending plus the increases. It's the only way to do it. You can't project what the- "

Supervisor Cardinale: "What's the lowest number we can add to the budget with your recommendation?"

Bill Rothaar: "911 would be the lowest."

Supervisor Cardinale: "That's what I'm getting at. It's either going to be 911 or 938 or if we pick another number, you're not recommending it as being- "

Bill Rothaar: "Depending on how the chief is going to staff you know 24 hour service- "

Supervisor Cardinale: "So that's a difference of arithmetically \$27,000."

Bill Rothaar: "Right."

Supervisor Cardinale: "So it's either going to be 911 or 938. We could pick either one, I guess we'd pick 911 and move onto something else.

Okay. Any other things you wanted to mention and I'd like to take comment from the public."

Bill Rothaar: "I'll answer any questions the public has."

Supervisor Cardinale: "Thank you, Bill. If anybody wants to comment on this budget, we'll take comment today in verbal and if anybody wants to comment quickly because we- I guess it's the 4th- we'll give you 10 days because we must pass it by the 20th, so by Friday, the 13th, right, the 13th, would you please get your written comment to Diane Wilhelm, the town clerk.

If there's no other comment, I will move on from this hearing and call it closed at 2:25."

Public hearing opened: 2:25 p.m.
Left open for written comment for
10 days to Friday, November 13, 2009
at 4:30 p.m.

Supervisor Cardinale: "And move on to the next hearing which is a scheduled 2:05 hearing."

Public hearing opened: 2:25 p.m.

Supervisor Cardinale: "To discuss the increase and improvement of the Riverhead water district regarding the construction of a booster pump station at Dogwood Lane.

And we have Gary Pendzick, our water department head and we also have Dennis Kelleher from H2M the engineers for the water district."

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher from the engineering firm of H2M. We are the engineers for the Riverhead water district.

The public hearing this afternoon is for the approval of the construction of a booster pump station at the existing inter-connection with Suffolk County Water Authority on Dogwood Drive in Wading River.

As presented in the 2006 master plan and as discussed at some previous town board meetings, the Riverhead water district needs to increase its water supply capacity to meet the increasing water demands throughout the community.

The district is presently constructing additional wells at plant 15 on Tuttle's Lane. In addition the district is in some preliminary stages of a new well where (inaudible) plant 16 on Edwards Avenue.

There will be another public hearing coming up in the next couple weeks on that project.

So the water district is planning for additional wells.

However, the district right now has four inter-connections with the Suffolk County Water Authority, two on the Southold town line where Riverhead supplies water to Southold, and then there are two on the Brookhaven town line.

However, due to pressure differentials between the Suffolk County Water Authority and the Riverhead water district at the Brookhaven town line, it is only when our tanks are more than half empty does water actually flow from Brookhaven into the town of Riverhead.

The Suffolk County Water Authority had a similar problem in Southold and several years ago they constructed a booster pump station at the Peconic Bay Blvd. inter-connection and in 2008 the Suffolk County Water Authority actually pumped 40 million gallons of water from the Riverhead water district into the town of Southold.

What we're proposing to do is construct a similar booster pump station at the Dogwood— at Dogwood Drive.

So the water district can actually pump water when it is necessary before our tanks go to more than half empty.

The pump station will be very similar to the design that the Suffolk County Water Authority uses. So we're proposing the pump station number one because it will increase our capacity to approximately an additional well, I'm talking about a thousand gallons a minute which would be close to 1.5 million gallons a day.

It will be on an existing inter-connection. Suffolk County Water Authority has been told of our intentions of doing this and it will be designed to match very similar in nature to their pump station that they have on the Southold side.

And we hope to have this on line by the summer of 2010.

As I previously mentioned, it will be for a thousand gallons a minute. It will be a variable frequency drive so we can actually control from the main office, the Riverhead water district office on Pulaski, that we could change it from 500 gallons a minute to up to 1,000 gallons a minute only when necessary.

It will be constructed on an existing town of Riverhead piece of property where we already have one water main running through the property connecting Suffolk County to the Riverhead water district and it will be a below grade (inaudible).

To the left I have a site plan, highlighted in blue are all the existing water mains in the town of Riverhead in this area of Dogwood. In yellow is really the town line of Riverhead and Brookhaven town line. And highlighted in pink is really the pump station that we're proposing to construct.

So right now there is a- the pipes are actually tied together and they are valved off. Whenever Riverhead wants water from Suffolk County we just go and we just open up the valve.

As I mentioned before we would only- actually the water would only flow into Riverhead when our tanks are half empty on a very hot summer day. So what this would do is assist the flow of water from Suffolk County.

And the final thing is the project cost. We estimate the total construction cost of the project of \$260,000 which is about 20% of what a new well would cost. We feel this is a very cost effective way to boost up our capacity for those hot summer days when we need it.

Construction cost of approximately \$200,000, survey, engineering, inspection and contingencies and legal bring it up to \$260,000.

We've talked to the town accounting department and there is sufficient money in the Riverhead water district reserve account to finance this project.

Thank you."

Supervisor Cardinale: "Anybody have a comment that they would like to make in regard to this hearing and the presentation by the H2M engineer?"

Councilman Dunleavy: "Can I ask a question? How much water do we purchase from Suffolk County Water Authority now?"

Dennis Kelleher: "Superintendent Pendzick could probably

answer that but I think very little. As I stated, in 2008 they purchased 40 million gallons from us and I'm not sure what we purchased from them."

Councilman Dunleavy: "Yeah. Let's see if it balances off."

Gary Pendzick: "No. Actually we probably do less than 10 to 15 million gallons a year."

Councilman Dunleavy: "Okay, thank you."

Supervisor Cardinale: "Any other comments from any members of the public? All right, if not, we're going to keep this open for 10 days until the- well, whatever the days are, I guess it's eight or nine to Friday, the 13th at 4:30 p.m., written comment to the clerk."

Public hearing closed: 2:30 p.m.
Left open for written comment to
Friday, November 13, 2009 at
4:30 p.m.

Public hearing opened: 2:30 p.m.

Supervisor Cardinale: "This is 2:30 now and we have a hearing scheduled for 2:10 for consideration of a local law amending Chapter 45 entitled alarm systems of the Riverhead town code.

Mr. McCormack is familiar with this and can summarize what the law is proposing to do and then we'll take comment."

Dan McCormack: "Thank you, Mr. Supervisor. The amendments to Chapter 45 involve two different amendments. The first relates to elimination of the registration fees for the residential part of alarm permits.

The second involves a fine schedule regarding third, fourth or thereafter violations concerning false fire alarms within the same calendar year at \$100 per occurrence.

(Inaudible) that the section in question waives any false alarm fees for the first two occurrences within the same calendar year.

We are specifically addressing those scenarios where you have multiple false alarms after the second false alarm which would involve (inaudible).

There's a provision in the amended section that relates to a hearing schedule in the event that someone wishes to challenge the charge of a false fire alarm by the police department and those individuals would be afforded a hearing under our new code provisions, principally because in the event that there's a determination that in fact a false alarm was valid and the offending party does not pay that false alarm charge, the town will now have the option of placing a lien, a property lien upon the property in question to collect that fine."

Supervisor Cardinale: "Thank you. You may have to turn up the volume in the back maybe.

Any other mention you want to make in regard to this? Okay. That's a summary of this proposed law. Would anyone like to comment on it? Yes, come on up, please."

Sal Diliberto: "Sal Diliberto, Jamesport. A few quick questions. One is I think that this law now relates to residential and that (inaudible) only related to non-residential. So this would be the first time that the town is asking people to register or obtain a permit for alarm systems that they have in their own home. Am I correct about that?"

Supervisor Cardinale: "Is that correct?"

Dan McCormack: "45 (inaudible) to residential. We're just (inaudible) and adding the term residential to that section. I understand that always was always a residential fee (inaudible)."

Councilman Wooten: "Never adhered to but it was there."

Sal Diliberto: "But I took a look at the town code the way it is now (inaudible)."

Supervisor Cardinale: "Well, that's the question. Does the—you want to come on up, Dan?"

A question raised is— no, I mean just at the mike. The question raised is the statute, ordinance, as it sits right now, did

it allude to residential and commercial or simply commercial?"

Dan McCormack: "My understanding was this statute did allude to residential (inaudible). You have a separate section under 64 that addressed commercial."

Supervisor Cardinale: "Okay, Chapter 45 previously said non-residential and now is going to say residential."

Dan McCormack: "That is correct."

Supervisor Cardinale: "And what's 64, where is that?"

Dan McCormack: "Chapter 64- "

Supervisor Cardinale: "The one right behind it, yeah."

Councilman Wooten: "It's the next public hearing."

Supervisor Cardinale: "And what does that say?"

Dan McCormack: "That relates to commercial. That has always been a traditional commercial section regarding fire alarms in the town of Riverhead to my understanding."

Supervisor Cardinale: "So I guess what Mr. Diliberto's question is, is on 45, Chapter 45 since the paragraph now reads the purpose of this chapter is to establish standards and controls for the various non-residential types of fire intrusion and other emergency signals from fire and police alarm and you're changing it to residential. Isn't that imposing for the first time on residential whatever it is you're imposing."

Dan McCormack: "Yes. In that sense yes. But in the past, there had been nothing collected regarding residential. So that is correct. Yes. There's now an understanding that- "

Supervisor Cardinale: "Well, there's nothing collected because it didn't say residential in the past. It said non-residential."

Dan McCormack: "That's correct."

Supervisor Cardinale: "So what- why- what is your- do you-

what we're trying to do here, sometimes we actually do do things that make sense, we are trying to minimize the false alarms that keep reoccurring, keep calling out fire and police and at public expense, by registering them and giving them two free and after that they- in an annual period, they have to pay something."

Dan McCormack: "Yes."

Supervisor Cardinale: "Okay. But we're doing this for both residential and commercial under this scheme."

Dan McCormack: "Yes."

Supervisor Cardinale: And his point is we never did it on residential before. Is that a valid point?"

Dan McCormack: "Yes. And if I could point out, Mr. Supervisor, the impetus for this is the inordinate number of false alarms, both commercial and residential in nature that have been generated within the various fire districts within the town of Riverhead.

The data we had showed approximately 250 to I believe between 450 to 500 false alarms per year coming out of those various fire districts. So there was an impetus to create a mechanism to eliminate as much as possible those false fire alarms, notwithstanding the fact that the residents and commercial owners are still getting a free pass at least as to the first two occurrences within any given calendar year.

So this is really targeting that frequently false alarm scenario beyond two in a year."

Supervisor Cardinale: "And I presume your conclusion of the research is that to limit this as previously to commercial applications only would not resolve the problem."

Dan McCormack: "That is correct because we had a substantial number of residential false alarms to my understanding as well."

Supervisor Cardinale: "Okay. You want to come on up, Sal, and tell us what you would like to tell us now that we know, you're right, that it didn't previously."

Sal Diliberto: "I can understand wanting to collect a fee because individuals, the fire department, the police department have to respond to these calls and I don't have a problem with after the first two times in a year that an individual should be charged for the police or fire department responding, because it is our responsibility as homeowners or as business owners to maintain our system properly so that you don't have these types of false alarms.

The problem that I have goes beyond that though. In the law, a few things. One is why do we have to register our fire alarm systems or our burglar alarm systems with the town? What benefit-- what role does that play? Do we have to disclose all of the information? According to this law, there's going to be information that's going to have to be disclosed regarding the details of our system.

Do we have to tell people about motion detectors, what windows, and what doors are alarmed? It would seem to me to be an invasion of privacy to require that and I see no reason for it.

For the most part, the most onerous part of this law to me is the part that says that a violation of this law, meaning that if you do not file for your permit on an annual basis, that a violation of this law will incur for the homeowner a \$250.00 penalty per day for every day that you have not filed for your permit. That's \$91,250.00 a year. It makes absolutely no sense.

Now, is that something that as Mr. McCormack said, that can be added then at the town's discretion to my tax bill? So instead of getting a \$12,000 a year tax bill do I get a tax bill for an additional \$91,000 because I did not file for my permit?

In the other provision that you're going to go through in Chapter 64 which related to commercial properties, there is a maximum penalty, I think of \$2,500, of either \$1,500 or \$2,500.

So for businesses, we'll cap it at \$2,500 but for homeowners, it's \$91,000 a year. That doesn't make any sense whatsoever. I mean I would say onerous but it's obvious that it goes beyond being onerous."

Supervisor Cardinale: "Yeah, why don't you come on up and-- on the residential, is that part of the existing law or is it a change?"

Dan McCormack: "Yes, that has not been changed. That's what I wanted to point out. That's already on our books. That has not been changed. All I did was simply add the language regarding now that new 45 concerning the new fee schedule.

What the gentleman just refers to has already been on our books."

Sal Diliberto: "But for non-residential. As we said before, there was never a residential component."

Councilman Dunleavy: "It was for non-residential. Not for residential."

Sal Diliberto: "Now we're talking homeowners."

Dan McCormack: "That's correct."

Supervisor Cardinale: "Well, either way, if- it seems a little excessive if you're doing it on a daily basis, don't you think?"

Dan McCormack: "Well, again, the impetus for that section originally was to enforce compliance. And by requiring them to come in as soon as possible to register those devices and also to point out, of course, we're talking about central station fire alarm scenarios, not your run of the mill so to speak fire alarm that you buy at Home Depot or the like to put in your house. These are false alarm charges related to central station monitoring."

Supervisor Cardinale: "Which go right to the police."

Dan McCormack: "That's correct. Well, they generally will go to private companies who also then will notify the police accordingly. So that information concerning addresses or the like is already out there so to speak. You're involved in a private contract with a private company for that type of monitoring service and as part of that package, you're also notifying the respective police or fire departments in the area."

Councilwoman Blass: "Mr. McCormack, do you have a reason to suggest that the two penalties for violations should be different to that degree? I mean if it's the same basic violation that they fail to do whatever the requirements are with respect to registering and

whatnot, should the discrepancy in the violations be so disparate?"

Dan McCormack: "It's a point well taken. I think they probably should be similar if not the same."

Supervisor Cardinale: "Okay. Then why don't we figure out how to do that?"

Dan McCormack: "I can add additional language in that particular area."

Of course, the most important concern is generally speaking, residential false alarms or fire alarms in general involve parties who are sleeping at the residence. So generally speaking, there is a greater danger so to speak from these types of activities. Generally speaking, you don't have folks sleeping in commercial premises albeit except for hotel accommodations or lodging of that type.

But that may have been the original impetus for that section. I don't know because it was already in existence."

Councilwoman Blass: "And something like- I'm just curious, something like an apartment building would be considered a commercial- "

Dan McCormack: "Well, it's commercial to the owner, obviously it's residential to the individuals who live there. But generally speaking, that's a commercial establishment for purposes of the fire alarms."

Councilwoman Blass: "Okay. Thank you."

Sal Diliberto: "Just two quick other issues. One is in terms of who has- who have these systems. I would think that many of the people who do have the residential alarms systems are people who are not full time residents in the town and I think that clearly people who are not full time residents probably do not read this in the News Review."

And if we know that there's a group of people out there, if there have been 450 false alarms or whatever in the past year, I mean something like this, a law like this that can impose such serious penalties, there should be some better way to notify people

rather than just having this publication in the News Review. When you can see from the number of people who are here that it doesn't get the kind of readership that you would want.

I can't imagine that if people knew that if they have an alarm system in their house, that it might cost them \$91,000 this coming year if they don't file for a permit, that they wouldn't be here.

I think if you sent them a letter and said if you don't show up, you might have to pay \$91,000 next year, they would be here.

So we've got issues with not just the way it's drafted in terms of the onerous penalty, but also the notification that you have to send out to people.

Lastly, the way I read the law and I didn't bring my copy of it with me, but the way I read the law, they talk about intentional false alarms. And my question is, is that the only thing that we're looking to penalize people for, is an intentional false alarm. Because I certainly wouldn't have a problem with that.

I think for the most part people, you know, when I wasn't a full time resident several years ago, you know, I had a motion detector that went off because a spider apparently walked across it. So, but is it intentional false alarms which would certainly limit I would think the number of cases."

Supervisor Cardinale: "I don't understand what an intentional false alarm is."

Sal Diliberto: "Neither do I. But it does state there that it's something that you intentionally file- "

Councilman Wooten: "If somebody pulls a fire alarm or something."

Sal Diliberto: "Yeah."

Supervisor Cardinale: "Is that what you're trying to- "

Dan McCormack: "Yeah, and if I can address that."

Councilman Wooten: "Sometimes you pull the police away from the scene by sending them to another scene."

Dan McCormack: "Right. Again, regarding Section 45, intentional false alarms was already a section on the books. The fine schedule in the back related to that already existing section. The amendments relate to unintentional or happenstance false alarms where the alarm signal goes off. It summons the police or fire department to the scene but, in fact, there was no emergency, no criminal activity, nor any fire on site. It's related to the equipment or some other issue but not of an intentional nature.

If somebody physically calls in a false alarm or activates a device intentionally by physical use or any other- "

Supervisor Cardinale: "And what is this proposed ordinance supposed to reach?"

Dan McCormack: "Well, the existing already reaches the intentional which was on the books already and the new amendments will relate to the unintentional or happenstance false alarm that's not related to an actual emergency."

Supervisor Cardinale: "So it will reach both with the new amendments."

Dan McCormack: "That's correct."

Councilman Dunleavy: "Dan, it's on the books already but it's for non-residential. This is a- we changed this section so the complete section has been changed to residential so I think that personally I think that the whole section should be looked at and referred to a residential- what we can do with a residential and not just change one word as non-residential to residential.

I think a lot of these things pertain to non-residential homes."

Dan McCormack: "Okay. Okay. What I did, Councilman, I did include in a numbered section in there referral to residential to make it clear it is related to that but I'd be happy to take a look at it further."

Councilman Dunleavy: "Yeah, okay."

Councilman Wooten: "Mr. McCormack, I've just got one question. I think we discussed this a couple of months ago when we

were talking about this at work session but what is the real reason for having to register or permit your alarm system with the town clerk? I mean are we just trying to collect a data base of houses that we know have alarms? Is that what the purpose of that is?"

Dan McCormack: "Yes. It's my understanding it aids in regards to response issue concerning those respective agencies. Because remember the signal is going to a private company- "

Councilman Wooten: "Right. Mine goes to Slomans."

Dan McCormack: "Exactly."

Councilman Wooten: "I don't exactly agree with Mr. Diliberto. I think a lot of people have alarm systems even that live here but- "

Sal Diliberto: "I do."

Dan McCormack: "And it's a valid question. I mean the whole point of having the alarm system is to get emergency crews to the scene to prevent either an actual fire- "

Councilman Wooten: "Right. That's what Slomans is going to do but I don't know what the town clerk having a record of that aids any emergency response in the evening time."

Dan McCormack: "Secondly, it's related to the building issue."

Councilman Wooten: "Oh, I see. Okay. Right."

Supervisor Cardinale: "All right. Any other comments?"

Martin Sendlewski: "Martin Sendlewski, Calverton. I think in all of the years I've done business in the town and gone through the code, I was never aware of the fact that there was a registration requirement for alarm systems."

Councilman Wooten: "I didn't either. And I've had one for years."

Martin Sendlewski: "And that would mean that right now you could violate just about every business in this town because I'm

sure none of them are registered.

Secondly, if you register alarm systems, doesn't that allow people to find out who doesn't have an alarm system and target their residence? I just think that the whole registration thing, maybe while you're looking at this code, what you might want to do is go back and look at the whole thing instead of just taking one aspect of it and revising it and revising the whole code in a uniform and proper manner.

Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comment? We have a related-- this is now 2:50. We're going to close the 2:10 hearing."

Public hearing closed: 2:50 p.m.
Left open for written comment to
November 13, 2009 at 4:30 p.m.

Public hearing opened: 2:50 p.m.

Supervisor Cardinale: "And open the 2:15 hearing which is for consideration of a local law amending Chapter 64 entitled fire prevention of the Riverhead town code, which is apparently related to the Chapter 45 change which we-- and we alluded to it in discussion on the 45 change.

So this is now open in regard to Chapter 64.

What does that do, specifically?"

Dan McCormack: "Mr. Supervisor and the town council. Sixty-four and its amendments related to commercial and/or industrial property owners and/or their lessees concerning false fire alarms of an unintentional nature."

Supervisor Cardinale: "Okay. And would you like to make any further comment on that and if so, please do, and if not, let's take comment from the public."

Dan McCormack: "I would reiterate again the first and second occurrences of an unintentional nature are waived concerning any fines. It's only the third and all subsequent false emergency alarms within the same calendar year that will incur a \$100.00 fine."

Councilman Dunleavy: "Can I ask you a question?"

Dan McCormack: "Yes."

Councilman Dunleavy: "What's the difference between 64 and 54- 45, that we just heard other than changing from non-residential to residential? Weren't they- one was for police alarms and one was for fire alarms?"

Dan McCormack: "Yes. Well, the definition of false emergency alarm incorporates both fire and police alarm scenarios."

Councilman Dunleavy: "Now in Chapter 64, you added police to that."

Dan McCormack: "Well, what we did was we added an actual definition of false emergency alarm to 64 which had not been present previously. So it's clear as to the nature of the activity that will generate a fine. And the subsection of both fire and police false alarms."

Councilman Dunleavy: "Well, no, what I'm getting at is that because you changed 45 to residential, you had to add to chapter 64 the police alarms."

Dan McCormack: "Regarding commercial and industrial."

Councilman Dunleavy: "Because this used to cover the police department."

Dan McCormack: "Yes. In 45. That's correct."

Councilman Dunleavy: "All right. Okay."

Dan McCormack: "And, again, we do have a hearing schedule in the event that a party is found to have violated this section but failed to pay."

Councilman Dunleavy: "Okay."

Supervisor Cardinale: "Okay. Any other comment on 64? If so, please come up, if not, I'll leave this open as I did the previous and others to the 13th at 4:30 p.m. for written comment to the town clerk. We have- yes."

Councilwoman Blass: "Just one general comment. Looking at Chapter 64 and I know some of this was in place already, but it seems like you're involving the police department, the town attorney's office, the receiver of taxes, the assessor and the town clerk, all have to be involved in this. It seems to be somewhat cumbersome. I don't know. I would respectfully ask that perhaps you take a look at it and figure out how to deal with it a little bit more reasonably."

Dan McCormack: "Yeah. That's a fair question, Councilwoman, but that actually was generated in our discussions with the town board itself concerning the notification process as well as the receipt of the monies process."

Councilwoman Blass: "Right. But now that it comes back and we see the potential ramifications if you will. I mean I don't ever remember talking about it involving six departments but I would suggest that it go back to the drawing board for- that would be my personal input into it."

Dan McCormack: "I would point out that the lien schedule would necessarily involve both the receiver of taxes and the assessor. There's no way to avoid those respective public officials if the board wishes to have a lien in the event someone does not pay that fine."

The police department is currently going to be monitoring that with a new software program concerning those false alarms so they would have to necessarily be involved. If the hearing is going to be conducted that would necessarily involve the town attorney's office. So with regard to these various elements, if we want to eliminate one or more of those particular considerations, that would probably be the only way to eliminate the number of public departments involved in this.

But I would be happy to take a look at it."

Councilwoman Blass: "And the clerk would be administering the fine."

Dan McCormack: "Receipt of those fines. That's correct."

Councilwoman Blass: "Receipt of the fines."

Dan McCormack: "Yes."

Councilman Dunleavy: "I think they would be— they would have to hand them out, too. They would have to go to court to be fined."

Dan McCormack: "No. As you, Councilman, had specifically addressed, the impetus for this procedure based upon my understanding from the town board was to involve a scenario concerning the town itself and not the justice court."

Councilman Dunleavy: "Right."

Dan McCormack: "If the town board itself wishes to be involved in this particular fine scenario schedule, then a hearing would have to be afforded to those challenging parties under due process considerations."

Councilman Dunleavy: "Right."

Dan McCormack: "So this was a mechanism to my understanding to avoid going through the justice court."

Councilman Dunleavy: "But that was a fee and not a fine. Right here you have it's a misdemeanor punishable by a fine of not less than \$250.00 or no more than \$2,500.00 or by imprisonment. We can't imprison anybody. It would have to go through justice court for that to be litigated."

Dan McCormack: "Actually that section only relates to the previously on the books intentional scenario not the unintentional. As you can see, there's a specific fine schedule only related to the unintentional as an amended schedule within this particular section."

Councilwoman Blass: "I personally don't think it's a wise use of the police department's time to send the invoices to these people. I think that could administratively be done by somebody

else. That's what it's suggesting."

Dan McCormack: "Within that department, Councilwoman, or- "

Councilwoman Blass: "I just- "

(Inaudible comment)

Dan McCormack: "Okay. If the board likes, I'll put it on for another work session and we can discuss it again or- "

Supervisor Cardinale: "I think perhaps you could draft in some of the suggestions we've made and then let us take a look at it. This is the first hearing; these typically do have two. So I think that's probably the most effective way to do it and the revision committee that meets weekly, Ann Marie I think oversees that. Maybe just sit down with them before we get it back.

This has been a long term project, I know, because- and I think I'd like to do something but we want to simplify it."

Dan McCormack: "Okay. Thank you for your input."

Supervisor Cardinale: "Thank you. All right."

Public hearing closed: 2:56 p.m.
Left open for written comment to
November 13, 2009 at 4:30 p.m.

Public hearing opened: 2:56 p.m.

Supervisor Cardinale: "The next hearing at 2:20, it being three- not quite, 2:56, the 2:20 hearing is for the consideration of a local law amending Chapter 62 entitled excavations of the Riverhead town code.

Dawn, do you want to tell us what this does?"

Dawn Thomas: "Sure."

Supervisor Cardinale: "Or proposes to do."

Dawn Thomas: "This modifies Chapter 62 to require in the event of an agricultural excavation which was previously exempted with a blanket exemption to prepare an application for an exemption from our excavation code which would include a plan prepared by an engineer and approval— a review and approval by the national— Natural Resources Conservation Service or Suffolk County Sewer and Water Conservation for Agricultural Production to verify that in fact the excavation purpose is necessary for agricultural production rather than just for excavation in and of itself."

Supervisor Cardinale: "Thank you. All right. Would anyone like to comment on this? Succinctly put, it tightens up what we mean when we say there's an agricultural exemption. Right? And it's been run through Farm Select apparently and Ag."

So if anyone has a comment from the public, we'd like to take that now and if they do not, we'd like to give you the opportunity to put it in writing between now and the 13th of November, 4:30, to the town clerk, Diane Wilhelm.

And I'll call this hearing open at 2:56 and closed at 2:59."

Public hearing closed: 2:59 p.m.
Left open for written comment to
November 13, 2009 at 4:30 p.m.

Public hearing opened: 2:59 p.m.

Supervisor Cardinale: "There's a 2:25 hearing which it being 2:59 we can begin. For consideration of a local law amending Chapter 108 entitled zoning, Section 108-3 defining building trade shop and defining it more fully as a building or part thereof which may include office space, storage and preparation space for use by the practitioner of a building trade such as builder, carpenter, cabinetmaker, electrician, mason, painter, paperhanger, plumber, roofer or sign painter and such other trades primarily concerned with the construction and finishing of buildings."

So that is presumed to be clearer than the present one and that's why it's there if you want to comment. If you do, come on up. If you don't, again we will leave this open until the 13th at 4:30 p.m. for written comment to the town clerk which will be

considered by the town board before considering passage."

Councilman Wooten: "I'll discuss it- I don't know why we took landscaping out to be honest with you. I mean I know plenty of friends that have landscaping and they sharpen their blades and they work on their mowers and you know I don't know why that had to come out of a building trade."

Councilwoman Blass: "I don't know why it came out. I think it should be in here."

Supervisor Cardinale: "Okay."

Councilman Wooten: "I think it should be."

Councilwoman Blass: "Yeah, I think it should be."

Councilman Wooten: "Yeah. And landscaping is a big one."

Supervisor Cardinale: "Who prepared this? Do we know? Was it Ann Marie or was it code revision? It might be an oversight that landscaping was not included as an example. So let's check that."

Anything else that the board or anyone else wishes to comment? All right. If there is no further comment, then we'll consider it closed for verbal testimony at 3:01 and ask that any written testimony be presented by November 13th at 4:30 to the town clerk."

Public hearing closed: 3:01 p.m.
Left open for written comment to
November 13, 2009 at 4:30 p.m.

Public hearing opened: 3:02 p.m.

Supervisor Cardinale: "And we have a final hearing scheduled for 2:30 and it's 3:02 so we can start that for consideration of a local law amending Chapter 108 entitled zoning Section 108-298 uses and permitted uses of the Riverhead town code-- 108.298 permitted uses."

This is the DC-1 change which is accommodating the Summerwind

project and making clearer what it permitted other than simply what was in the code previously.

Anyone want to make a comment on this?"

Martin Sendlewski: "Good afternoon, Martin Sendlewski, architect. The— I think this is exactly what the intent of the code originally was to have a mix of units for a mix of much needed residences downtown. So it's a good change.

The only comment that I have is on item B, the way it's worded. It says except as set forth in 12A above. I don't see why, you know, any item in a bullet list of a code has to refer to the upper list. You can just simply say instead of except as set forth in 12A above, the dwelling unit, if you cross that out and you just said one and two bedroom units which may contain one kitchen, etc., etc., etc.

So I don't see why the people have got to read the first one again to see what they can do on the second one. Just define it so that they both stand alone. I think it would be much better.

So I made a little mark up if you want me to leave you a copy of it."

Supervisor Cardinale: "Yeah, I see what you're saying, but how does that— if you are going to begin with except as set forth in 12A, and then say one or two bedroom units."

Martin Sendlewski: "No, no. Get rid of the except as. Just say the first one A, would be studio apartments, you know, and then it says what they are. And then the second one should just say one and two bedroom units and say what they are, instead of you know except of a studio, it's a one and two bedroom."

Supervisor Cardinale: "Okay, you want to give us— if you have it let us see it. I understand."

Martin Sendlewski: "Thank you."

Supervisor Cardinale: "Thank you, Marty. Okay. Any other comment? If there is no other comment on this, again, it will be open until November 13th at 4:30 for written comment to the town clerk. And I understand your change. I'll suggest— I'll ask legal

to look at it. There you go, you've got it?"

Public hearing closed
Left open for written comment to
November 13, 2009 at 4:30 p.m.

Supervisor Cardinale: "That concludes the hearings. That means that we will consider now the resolutions but we wanted to take comment from anyone that wants to make comment on the resolutions we're going to consider.

I should also add that we're going to take— is it just one, Jim off the floor?"

Councilman Wooten: "Yes, just one."

Supervisor Cardinale: "We're going to take a resolution off the floor which we've discussed previously but it's being presented today. Terminates the master developer agreement between the town of Riverhead CDA and the town of Riverhead parking district #1 and Riverhead Renaissance LLC. And that has to deal with the Apollo agreement which has been voidable on 30 day notice by either parties since February of '07 but has never— I've never received authorization to send the 30 day notice.

Okay. Go ahead."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Resolution 995."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Everything in the front column, you've got to take the parenthesis off."

Supervisor Cardinale: "Everything in the what column?"

Sal Mastropaolo: "The front column. They shouldn't be parenthesized. That implies negative."

Supervisor Cardinale: "Oh."

Sal Mastropaolo: "They should be-- "

Supervisor Cardinale: "Is that right?"

Sal Mastropaolo: "They should be just whole numbers, positive whole numbers."

Supervisor Cardinale: "Okay. See what he's saying, Diane? Could you make that amendment? Thank you."

Sal Mastropaolo: "997."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "I just have a question. Did the town consider putting a roof over the existing two buildings and then using the space underneath as a third bin?"

Supervisor Cardinale: "I don't think we did."

Sal Mastropaolo: "Versus putting two new ones up."

Supervisor Cardinale: "We've talked about this for years and I am amazed at the expense of these things, too. But I don't know if there's enough under them? Is there enough under them to-- "

Councilman Dunleavy: "You see the condition of these things, they're all falling apart."

Sal Mastropaolo: "Okay. I just asked."

Supervisor Cardinale: "Yeah. I don't think there was enough under them to preserve."

Sal Mastropaolo: "1007, there's no attachment."

Supervisor Cardinale: "Okay. Yeah, we've seen it but it would be nice to have the public see it. Yes."

Sal Mastropaolo: "1010. In the Now, Therefore, Be It Resolved, I just want to make sure that the extension is through 2011."

Supervisor Cardinale: "Yeah it is. It's-- he left April 17,

2006 and by law we have to give him five years."

Sal Mastropaolo: "Okay. 1015, the third Whereas."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Change has to have."

Supervisor Cardinale: "Okay."

Sal Mastropaolo: "The next Whereas, the project will include the construction of seven residential lots, that's wrong."

Supervisor Cardinale: "Yeah, we don't construct residential lots."

Sal Mastropaolo: "You're talking about the support of providing water or the addition of mains to provide water for seven additional construction lots."

Supervisor Cardinale: "Okay. Will provide water service-- "

Sal Mastropaolo: "Right. To seven new residential lots. The sixth Whereas, take the 's' off calls."

Supervisor Cardinale: "The map and plan call as opposed-- map and plan is plural, right? So make it-- yes, fine."

Sal Mastropaolo: "Okay. 1019."

Supervisor Cardinale: "Oh, is it. Okay, Barbara is pointing out that it may be correct because map and plan is actually one document."

Councilwoman Blass: "Map and plan is what it's called."

Sal Mastropaolo: "Well, then you've got an and in the middle. Put a slash, map slash plan."

Councilwoman Blass: "It's always called a map and plan though and that's the document, the single document is the map and plan. Right? It doesn't matter. We're talking about an 's' on-- "

Sal Mastropaolo: "1019. The first Whereas says it is the

belief of this town board that consistent personnel policies, consistent personnel policies, and then you go to the second page and as far as I'm concerned, it's discriminatory because you have legislative slash secretarial gets two, three and four weeks vacation but middle management gets three, four and five weeks.

If you want consistent personnel policies, then they should all have the same schedule. Okay? Middle management, deputies, assistant department heads and town officers should not get more vacation than legislative slash secretarial non-management and department heads shouldn't get more, if you're going to be consistent.

They're all employees. There's a differential in their salaries to reflect their responsibilities. I don't understand what vacation has to do with it."

Councilman Wooten: "I think the responsibilities are more than your salary."

Councilman Dunleavy: "Yeah, but I thought this was to- that every legislative and secretary non-management, everyone hired will be consistent with the vacation and the sick days. Everybody hired in middle management will be consistent with those and all department heads will be consistent."

Sal Mastropaolo: "No, I think you're- I think you're forming the words to satisfy your intent but if you read it, okay, it says it's the belief of this town board that consistent personnel policies promote an environment that is free of arbitrary or discriminatory practices and force the harmony among the employees of the town of Riverhead."

Councilman Wooten: "Which is their union counterparts. Every department has- "

Sal Mastropaolo: "They're all employees, it doesn't- it has nothing to do with- "

Councilman Wooten: "But Sal if you're working a non-union job and you are working extra guys in a union, you should have the same benefits as that guy you're working next to."

Sal Mastropaolo: "Okay."

Councilman Wooten: "That's what this does."

Sal Mastropaolo: "And if I'm a legislator or a secretarial non-management employee, I should have the same benefits as a middle management employee."

Councilman Wooten: "As your union counterpart."

Sal Mastropaolo: "Forget about the union, non-union."

Councilman Wooten: "Well, that's what this is for, non-union personnel. You don't get it?"

Sal Mastropaolo: "I get it. I hear what you're saying. But that's-- it doesn't say anything in here about union versus non-union. It says about discriminatory practices and harmony among the employees. And all I'm saying is I'm making the point that you're discriminating between non-management legislative secretarial, middle management and department heads."

Councilman Wooten: "Well, that's what you see. That's not what it's saying."

Sal Mastropaolo: "Huh?"

Councilman Wooten: "That's not what it's saying. This is a benefit package for non-union personnel. Don't equate them and put them on the same playing field as people that work in an office that are union. It makes it an even playing field. It's not amongst just those particular groups. It's they are groups and how they interact with union personnel."

Sal Mastropaolo: "I understand the point you're making. Okay."

Councilman Dunleavy: "Sal, what word would you use? I'm just-- "

Sal Mastropaolo: "Well, my point is, okay-- "

Councilman Dunleavy: "I know what your point is. What word would you use?"

Sal Mastropaolo: "Every employee should have the same schedule

of vacation benefits, be they non-management, middle management or department heads. They should all have the same schedule. Okay? Otherwise it's discriminatory. You're reflecting-- their salary reflects their level, okay, their responsibilities. Vacation has nothing to do with their level of responsibilities. That's my point."

Councilwoman Blass: "Meg, did you want to respond at all or clarify something?"

Meg Ferris: "My name is Meg Ferris. I just wanted to address this because I do feel it is consistent based on the class of employee we're speaking of.

Typically department heads have more responsibility than a secretary."

Sal Mastropaolo: "Which is reflected in their salary."

Meg Ferris: "It is. But I think it's consistent with practices in the private sector where they reward vacation time is based on your level of authority and your level of responsibility."

Sal Mastropaolo: "I beg to differ with you. I spent 30 years in private industry. Okay?"

Meg Ferris: "As did I. Maybe not 30 but 25."

Sal Mastropaolo: "And management has the same vacation schedule as the lowest level employee. It's all based on years of service. It has nothing to do with your job responsibility."

Meg Ferris: "I respectfully beg to differ. Okay? My experience department heads typically get more vacation time than the people that they supervise. That's why we did it. We wanted to be consistent within the levels or the classifications of employees because right now it's not.

It's been arbitrary which as you know could very well lead to a discrimination lawsuit in case one department head found out they were getting less vacation time than another department head who may be a female and the other one may be a male.

So this is all done really to protect the town from things of

that nature."

Sal Mastropaolo: "Let me ask a question. Okay."

Meg Ferris: "But I'm just saying."

Sal Mastropaolo: "I'm a non-management person and I got hired three years ago and I warrant two-- well, I think it's three-- two weeks until five years. The same day somebody gets hired into a management or an assistant department head at a much higher salary because of their responsibilities and they get a different vacation schedule."

Meg Ferris: "Yes. And that's spelled out-- that's all spelled out so you should know that going into the job and then it would be up to you whether or not you want to accept it. That's-- I don't know how else-- "

Sal Mastropaolo: "The only difference is the private industry that I came from didn't have any unions."

Meg Ferris: "Neither did some of my-- "

Sal Mastropaolo: "All right, I made my point. And I understand where you're coming from but I still think it's discriminatory."

1022. The Now, Therefore, Be It Resolved-- "

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Should the lump sum price be in here or do we have any idea of the lump sum price for each phase of the project? Or are we going to-- I mean they're given no greater than or-- "

Councilman Wooten: "They came in at \$20,000 which was the lowest of the ones we got."

Sal Mastropaolo: "Twenty thousand is for the consulting contract."

Councilman Wooten: "Right. The first phase. Right. And that's contingent upon grant money."

Sal Mastropaolo: "Okay. You may just want to add some of that stuff in there because I mean right now there's no mention of any kind of price. You're just giving the contract out to what looks like four groups, Vision Long Island, Glatting Jackson, ADL III and H2M."

Councilman Wooten: "It's a team from Vision Long Island, right."

Sal Mastropaolo: "I mean at first I thought they were doing it for free until I saw the lump sum price."

Councilman Wooten: "I know it's \$20,000, first phase."

Supervisor Cardinale: "And the other thing, it does not reflect that it is subject to our obtaining the grant."

Councilman Wooten: "It says (inaudible) securing the funds for the project."

Supervisor Cardinale: "Where is that? What paragraph?"

Councilman Wooten: "Keep reading. Project is subject to the town of Riverhead securing outside funds for the project."

Supervisor Cardinale: "Okay. Anything else, Sal?"

Sal Mastropaolo: "Yeah, 1026, the second Whereas."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "Just take out in the first line you have that, the; that, the transfer. It looks like somebody forgot to delete two words.

That's all I have."

Supervisor Cardinale: "Do we have the other MOU?"

(Some inaudible discussion)

Supervisor Cardinale: "All right, so we'll table 1026 and do them both tomorrow because we want to do both at the same time."

Councilman Wooten: "Oh, this is the MOU?"

Supervisor Cardinale: "Yeah."

Councilman Wooten: "Okay."

(Some inaudible discussion)

Supervisor Cardinale: "What Suffolk County contract? I don't know if I have it but who gave it to us initially? Chris? What? Let's get it back to him. But that's what we need, that one?"

Dawn Thomas: "We need three things."

Supervisor Cardinale: "All right. One of them is this, what's the others?"

Dawn Thomas: (Inaudible)

Councilman Wooten: "Found another one, Sal?"

Sal Mastropaolo: "Yeah, just one other comment about 1019. That's the one about the benefits package. Was it by design that if you look at legislative secretarial, it changes after seven completed years of service; middle management changes after seven; department heads changes after five.

The first group changes after 12; the second group changes after 12 and the third group changes after 10. Is that by design or is that-- was that an oversight on somebody's part?"

Councilman Dunleavy: "That's by design. I went over this with our personnel director and that was by her design."

Sal Mastropaolo: "Okay."

Councilman Wooten: "Sal, I'll have those numbers for the fair for you probably by next week. Sal, you asked for the country fair numbers. I'll give them to you."

Sal Mastropaolo: "Okay."

Supervisor Cardinale: "Okay, any other comments on the resolutions? If not, let's consider the resolutions."

Resolution #992

Councilwoman Blass: "Terminates a call in recreation specialist. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolutions #993

Councilman Dunleavy: "Ratifies the appointment of volleyball attendants and officials. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #994

Councilman Wooten: "It amends Resolution 409 of 2009 which approves extension of security posted by CTR Development LLC in connection with the subdivision entitled Demchuk Estates road and drainage improvements. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #995

Councilwoman Blass: "Operating funds budget adjustment. So moved, as amended. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #996

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

Councilman Wooten: "Seconded."

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

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

Resolution #997

Councilman Wooten: "It authorizes Dunn Engineering Associates PC to proceed with design of salt storage buildings for Osborn Avenue highway maintenance facility. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #998

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

Councilman Dunleavy: "And seconded."

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

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

Resolution #999

Councilman Dunleavy: "Amends Resolution awarding bid for abandoned/junk vehicles. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1000

Councilman Wooten: "It authorizes the supervisor to sign consent order with New York State Department of Environmental Conservation and agreement with H2M Group. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1001

Councilwoman Blass: "Adopts a local law to repeal Chapter 17 entitled Electrical Inspectors of the Town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1002

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 of the code of the town of Riverhead entitled zoning, Section 108-282 rural corridor permitted uses. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1003

Councilman Wooten: "Accepts the letter of credit Route 58 LLC, bowling center. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1004

Councilwoman Blass: "Ratifies the appointment of a call in recreation specialist. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1005

Councilman Dunleavy: "Authorizes the release of security for John and Maria Vanderber. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1006

Councilman Wooten: "Authorization to publish advertisement for heating fuel. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1007

Councilwoman Blass: "Authorizes the supervisor to execute agreement with Doculex, Inc. for system upgrade and management. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1008

Councilman Dunleavy: "Appoints a call in chaperone. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1009

Councilman Wooten: "It accepts the retirement of a construction equipment operator, Mr. William Devoes. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "We thank him for his years of service. Yes."

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

Councilman Dunleavy: "Yes. And I'd also like to thank him for his years of service."

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

Councilwoman Blass: "Yes and thank you."

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

Resolution #1010

Councilwoman Blass: "Extends military leave of absence. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1011

Councilman Dunleavy: "Accepts the resignation of automotive equipment operator. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1012

Councilman Wooten: "It appoints a civil engineer to the engineering department. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "I still am against new hires. I vote no."

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

Resolution #1013

Councilwoman Blass: "Authorizes the release of a site plan security of PC Richard and Son Long Island Corp. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1014

Councilman Dunleavy: "Authorizes the submission of a memorandum of agreement for the 2008 hazardous material grant program. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1015

Councilman Wooten: "Resolution calling for public hearing regarding lateral water main extension for Cedar Cove subdivision, West Lane, SCTM# District 600 Section 66 Block 02 Lot 004 Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

Resolution #1016

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 1825 Main Road, Jamesport, New York. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Where is this?"

Councilman Wooten: "It's down near the Jamesport (inaudible)."

Supervisor Cardinale: "Okay, this is the one we looked at. Okay. Moved and seconded. Vote please."

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

Resolution #1017

Councilman Dunleavy: "Authorize the supervisor to execute a security agreement. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #1018

Councilman Wooten: "It appoints a hearing officer and authorizes unpaid suspension of employee. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1019

Councilwoman Blass: "Adopts a standard benefit package for non-union personnel. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1020

Councilman Dunleavy: "Adopts a health insurance policy for elected officials and non-union personnel. So moved."

Councilman Wooten: "And seconded."

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

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

Councilwoman Blass: "Yes. I just want to make clear that this does not affect my particular situation as an elected official

and my status. It doesn't entitle me to anything other than what I would have already been entitled to.

So I wanted to make sure of that.

Yes."

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

Resolution #1021

Councilman Wooten: "1021 general fund police department budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1022

Councilwoman Blass: "Authorize the selection of Vision Long Island, Glatting Jackso, ADL II and H2M team as consultants for downtown Riverhead visioning. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1023

Councilman Dunleavy: "Authorizes the extension and renewal of building permits for Maidstone Landing Homeowner's Association, Inc. So moved."

Councilman Wooten: "I'll second."

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

Councilwoman Blass: "Question. Did we determine whether this was going to be a policy from here on out that buildings in the condominium complexes be treated as residential?"

Supervisor Cardinale: "Yeah, there was an outstanding question on that, that we were going to get from legal. Let's put it over for tomorrow.

Yeah, we have to make certain that this is distinguished from all other situations so that- or we have to acknowledge that all buildings should be considered commercial- condos are commercial for purposes of the code.

So we need to know that.

It affects only one part of this but there was a question on the floor and I don't think we got an answer from Ann Marie."

(Some inaudible discussion)

Supervisor Cardinale: "We want to pass it tomorrow with the other four that we're supposed to pass.

All right, you want to table this for a special tomorrow with the other three relating to Canon?"

Councilman Dunleavy: "I'll make a motion that we table Resolution 1023. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1024

Councilman Wooten: "Approves the defense and indemnification for Barbara Blass. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1025

Councilwoman Blass: "Approves the defense and indemnification for Richard Hanley. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1026

Councilman Dunleavy: "Resolution 1026, can we table that? So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #1027

Councilman Wooten: "Motion to pay the bills. So moved."

Councilwoman Blass: "And seconded."

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

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

Diane Wilhelm: "The resolution off the floor which will be 1028."

Resolution #1028

Councilman Wooten: "Terminates the master development agreement between the town of Riverhead CDA, the town of Riverhead Parking District No. 1 and Riverhead Renaissance LLC. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Any other resolutions before us?"

Okay, would you come up, please, any comments."

Larry Oxman: "Larry Oxman, good afternoon. With regard to the termination of the master builder designation for the Apollo Group or whatever, it's been in the paper that the town board was considering reissuing another RFP.

I would strongly urge the board not to do anything until there's a new board in place. It's been a long time- "

Councilman Wooten: "Can't believe everything you read, Larry."

Larry Oxman: "Well, I'm just commenting on what I've read, so if someone doesn't bring it out, then who knows.

With regard to other master developers downtown, the Vintage project in particular, I think they're the only one that has some type of designation. I would think very strongly about renewing any master builder designation if you decide to go that route again without making sure that everyone is meeting the proper criteria that they had originally, meaning that they have the funding, that they have the ability to go ahead and do this.

I personally, as a commercial real estate broker, I think that the master plan just was not successful and that the new town board consider other avenues for the revitalization and the regrowth of the downtown.

Second, I did not want to comment personally on the public hearing talking about excavation with regard to agricultural exemptions because of my litigation with the town, I didn't think it was appropriate that I make a comment.

However, I just wonder— I didn't see anyone from the farming community here present to make any type of a comment. I don't know if they were involved."

Councilman Wooten: "Yeah, they drafted it."

Larry Oxman: "This came out of like the Long Island Farm Bureau?"

Councilman Wooten: "Barbara took it to the Farm Bureau; I took it to Ag."

Larry Oxman: "I'm sorry."

Councilman Wooten: "I was at the agricultural meeting; I'm the liaison for that. Barbara had it at the Farm Bureau."

Councilwoman Blass: "At the Farm Select Committee. I'll read to you what they said. I do have minutes from the Farm Select Committee which by law is— has to be— it's a committee with at least four members from the farming community. Ours actually has more. If you'd like, I could read the comments that were in the minutes."

Larry Oxman: "No. It sounds then like they did have input so I was concerned that it was very silent here and I didn't know if they were aware— "

Councilwoman Blass: "They understood the legislation and were agreeable. And I'll make this available to you if you want."

Larry Oxman: "I'm glad that they had involvement. Okay, thank you."

Councilwoman Blass: "You're welcome."

Supervisor Cardinale: "Any other comment? Yes, come up, please."

Natalie Alenski: "Hi. My name is Natalie Alenski (phonetic).

I live in Bear Estates, 32 Roan Lane (phonetic). I've been trying to resolve a matter for 17 years off and on behind the scenes in regards to stop signs, one on Arrowhead and Old Farm Road, the southwest corner. They're is an existing stop line but the stop sign has disappeared for 17 years. Can't seem to get it back up.

The other problem is on Old Farm Road and Roan Lane, the northwest corner. The southwest corner is an existing stop sign. However, Old Farm Road protrudes out from Roan Lane and there needs to be a stop sign put on.

I was told by Mr. Kwasna that the homeowner doesn't want a stop sign there. Well, that's his brother. Okay. I don't care about politics or anything. I just want two stop signs put in my neighborhood for safety reasons.

Also on Old Farm Road and Roan Lane, to slow down the traffic, as well as to make it safe for the people exiting Roan Lane, okay, to have the people on Old Farm Road slow down, okay, since we can't see from all the foliage that has grown throughout the years.

Thank you. I wish this could be done."

Councilman Wooten: "You should write a letter and make sure the traffic safety committee- "

Natalie Alenski: "I had put this in to Mr. Woodson which he proposed to the council over 15 months ago. I had filed a FOIL, okay, and it does not exist, okay. I wrote a letter last night to Geo because he lives in that neighborhood, you know, just telling him that I was dissatisfied that this wasn't being worked on."

Councilman Dunleavy: "Miss, can you see the chief of police standing behind you, give him that information and we'll look at it at the next meeting."

Natalie Alenski: "Thank you."

Supervisor Cardinale: "Any other comment?"

Martin Sendlewski: "Good afternoon, Martin Sendlewski, architect. I'm here on behalf of one of my clients.

They have the property at Tanger I and II, they have the

outlet, the small outlet store. They had gotten their site plan approved and they've since got a permit for grading and did work on the site so their site plan is secured, grandfathered.

They have a building permit that they originally paid \$24,000 for. My understanding is and I think the town board would agree that from what I understand permit fees must reflect the service being provided. That may be a little bit steep but still I understand they've got to review the plans, there are inspections, the like and completely understood that there is a permit fee and that may be high but you know what, it's probably fair.

They're at the point now where they need to renew the permit because it's expiring. The plans aren't changing, they don't have to be reviewed again. They haven't had any inspections yet so they'll only order the inspections they would have ordered under the original permit fee in the future so it's going to take about two hours for a clerk to renew the permit, re-date it, maybe give it a new number or annex the number, put it in the file and send it to my client and he's told the permit fee is \$18,000.

How does two hours of clerk time, if the fee that you're allowed to charge has to reflect the service, equate to \$18,000?"

Councilman Wooten: "I want to know how it got down to 18 when it started at 24."

Martin Sendlewski: "Well, you know what? Unfortunately though, Jim, they actually paid \$18,000 last year to renew it once. Now they're being asked to pay another \$18,000 to renew it again. That's 36 plus the 24, that's \$60,000 in permit fees the town is asking for, for a 30,000 foot commercial building.

The 24,000 is probably high originally but you know what, I understand it. You've got to pay the department, you've got to review the plans, you've got to do inspections, absolutely. No argument there.

The first time they paid \$18,000 they weren't happy about it but they were told that that was the renewal fee. Since then, I'm not here representing the RBA, but I know that the town has told the RBA so we could relay to our members that the town by law can only charge the fee for the service.

How does renewing a permit clerically equate to \$18,000?"

Councilman Wooten: "I can't figure that one out."

Martin Sendlewski: "So can we agree then that the fee, if it's a few hours, that they can calculate the time and actually give us a fee that's maybe \$500?"

Supervisor Cardinale: "The way that works is this. If- when the town proposes those fees, and that incidentally has been on the books, that 75% as you well know for a renewal of a building permit, across the board it's on the books and it's been there for a decade or more.

At the hearing underlying that law, the public had a right to bring that up and at the hearing there should have been evidence of what justified the three-quarter fee. I presume there was; I wasn't on the board when they did that.

So what you're really asking for is something that I have suggested in work session, is that we have to look at the entire fee structure in the building department which I've never done and I've been associated with the town for 10 years and nobody that served on these boards has.

You really have to just do it all over again if you are going to do that. You have to do it all over again. You can't just do your guy. You've got to do the whole thing over again and it's a good question which should have been asked at the hearing, you know, 20 years ago or whenever it was, never was, and we found hearings in which there was absolutely no evidence justifying the fees for other things and after four months I think it is, you can't even sue over it.

So that's why people should come to public meetings and groups like the Business Alliance serve a function by watching out for those things."

Martin Sendlewski: "What should this gentleman do now because he's going to lose his building permit in December."

Supervisor Cardinale: "You're looking for a zone change- I'm sorry, you're looking for a major law change and I would support it. It won't make much difference. I won't be here. But what you need

is to get four people on- or five people on this board- or three board members who will go through an exhaustive review of the code. That's really what needs to be- I know that needs to happen. I've suggested we do it but it hasn't- you know, recently I've suggested we do it but it hasn't gotten done."

Martin Sendlewski: "Is it though- is it just that the town law says that, that you have to charge it or is there an actual like a law, a state law or some statute that says you can't- "

(Inaudible comment)

Supervisor Cardinale: "Right. It's case law, that if you didn't have that provision, Marty, exactly what is happening would be happening. In other words, you'd be giving big fees which would really be taxes in effect and they'd be masquerading as fees. And that's why it has to reflect and there has to be evidence at the hearing that reflects roughly or at least approximately the costs associated."

(Inaudible comment)

Supervisor Cardinale: "Yeah. And, you know, there could have been- I understand- she's saying what is accurate. That there could have been changes within the code during that period. But I never could quite understand that myself on a lot of these fees which have been imposed for years. And I don't- I bet you it's that way in a lot of towns, too."

Martin Sendlewski: "If- so the thing that I should tell them would be to write a letter to the town requesting that they revisit that section?"

Supervisor Cardinale: "Yeah. I've suggested we do it. I think this board that will continue would like to do that but then you've got to hold their hands to the fire because they're going to be taking money out of the fee revenue which is going to wind up on your tax side."

Martin Sendlewski: "Right. Right. But I mean this guy is looking at now paying up to \$60,000 for a permit."

Councilman Wooten: "How far along is he? Is he doing it- "

Martin Sendlewski: "I mean obviously with the economy they're waiting on tenants and a few other things but unfortunately the building permits, you know, maybe there's one thing that could be changed that's even easier, that the building permits just not expire in a year. I mean, you know, in a lot of construction projects, a building permit in a year is not a long time."

Councilman Dunleavy: "And don't forget, 20 years ago costs were down and fees were probably a lot lower and the economy wasn't in the sluggish mood that it's in now so these things are all coming to light now."

Martin Sendlewski: "That's a good point because if it's 75%, the original fees were so much lower that it really wasn't a big deal but now that the fees are reflecting a real service by the building department originally, just the renewal is way out of whack."

Councilman Dunleavy: "So all these fees have to be looked at and we're just going to have to take time out and look at them and correct some of these fees. Okay?"

Councilwoman Blass: "Mr. Sendlewski, can I ask is this the (inaudible) site?"

Martin Sendlewski: "Yes, it is."

Councilwoman Blass: "Okay. I don't want to get very particular about that site except that I'm sure that the site plan had included suitable screening from the residential apartments to the commercial and in that, nothing has been done with respect to movement on the site plan itself. They completely cleared it and they— is it possible to ask them to do something in the interim? Only because it's a site that attracts how many millions of people, you know, on a regular basis and it's unfortunate that it stopped in the condition that it's in. But I also feel for the residents that are in the apartments because they had expected some screening that was part of the site plan approval.

I appreciate that."

Martin Sendlewski: "I'll definitely bring that up and I'll also relate to him, you know, the feeling that the fees should be looked at. Hopefully, if, you know, I don't know if he can pay it

under, you know, I don't know- is he going to have to pay this \$18,000 or are you better off just letting it expire. I don't know what to tell him at this point. That's- I can't ask you for legal advice but I don't know what to tell him at this point."

Supervisor Cardinale: "Dawn is saying what I think is accurate, she can repeat it for you, that yeah, you need to make a decision about it because you're going to need a change in the law which changes the fee in order to help him out.

When do you have to do the renewal by?"

Martin Sendlewski: "I have to check the date."

Supervisor Cardinale: "If it's too long- if you can't wait- if the renewal has to be done before they get the law change, yeah, you're going to have to make a decision."

Martin Sendlewski: "Right, okay. Thank you."

Supervisor Cardinale: "Any other comments? If not, I thank everyone for attending. We'll have a work session tomorrow and also a special board meeting to consider the three Canon resolutions and the one Maidstone after we speak with counsel on it.

Thank you."

Meeting adjourned: 3:50 p.m.