

4/22/2008

Minutes of a Town of Riverhead special informational hearing held by the town board of the Town of Riverhead at Town hall, 200 Howell Avenue, Riverhead, New York on April 22, 2008 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm,	Town Clerk's Office
Anne Marie Prudenti,	Deputy Town Attorney

Supervisor Cardinale: "Yes, we're ready. Good evening. This is the special informational hearing in regard to the group home proposed by Independent Group Home Living for 54 Palane East in Baiting Hollow. And I want to begin the hearing- I want to know if there is a representative here from the IGHL. Okay. Let me introduce you first, Mr. Stockton is it? Thomas Trakoval. T-R-A-K-O-V-A-L Trakoval. Okay. Thomas Trakoval. Close enough.

And you'll be representing or informing the public from your angle as the proponent of the home.

We have, I know, community members from Marwood, isn't it that this is in- who I have- who will have questions.

I don't know if all of you had seen in the newspaper this past week, News Review, the article on this. On the bet that not all of you did, it summarizes well the situation legally so I'll read it or excerpts and then we'll get started by I guess letting you indicate what you're proposing and letting the public ask what they need to ask to get to know what they think about it.

Independent Group Home Living has informed the town it plans to open a residential facility at 54 Palane East in Baiting Hollow. IGHL chief executor officer Walter Stockton informed the town in a letter dated March 31st that IGHL intends to purchase and renovate a home at 54 Palane East in Baiting Hollow and to operate it as a individualized residential alternative.

The proposed residence would serve six people who are mentally retarded or developmentally disabled. The placement of group homes for the mentally retarded is governed by the 1978 sight selection of a- of community residence for the mentally disabled law which has

4/22/2008

come to be known as the Padovan law after its author State Senator Padovan.

The Padovan law requires the agency sponsoring the group home to notify the municipality for which it is planned, after which the municipality has 40 days to either approve the site, suggest alternatives or object to the site on the grounds that the proposed location is already saturated with such facilities.

The municipality may also hold a public hearing on the issue.

The law says it is up to the community to prove that a group home shouldn't be built because a neighborhood already has a concentration of group homes such that a new one would negatively alter the character and nature of the community.

The group home agency also can reject a proposed alternative site at which point the municipality gets 15 more days to suggest other alternatives.

If a municipality objects to the site and the agency rejects alternate sites, the case can go to the commissioner of the department responsible for issuing the license for the proposed group home. After that the municipality can also file an Article 78.

Town officials have argued that there are far more group homes in Riverhead than in other towns but they have had little success in convincing the state of that.

And that— and the final points are IGHL operates 45 such homes in Suffolk County according to its chief executive. Through our 28 year history of providing quality residential care we have made our residents access to all the communities in which we reside.

He said the proposed Palane East home will provide meals, companionship, social activities, and training in the activities of daily living. During weekday, residents will attend social and vocational programs outside the house. During the evenings and on weekends residents are involved with recreational activities and self help groups such as going to local civic centers, restaurants, places of worship, banks and parks.

The supervision of the home will be provided by trained staff. The one acre site currently is a three bedroom, two bathroom house that IGHL proposes to renovate to include five bedrooms, three bathrooms, a living room, den and kitchen.

4/22/2008

Okay. That hopefully gets that information out. Anything I said that isn't accurate, would you address and add what you'd like to add and then we can get some questions."

Thomas Trakoval: "First on behalf of IGHL, I'd like to thank the board and the community for inviting IGHL to come and speak tonight about our proposed group home in Baiting Hollow.

My name is Tom Trakoval. I'm the director of programs at IGHL. With me is Dr. Barbara Carey-Shaw, director of clinical services at IGHL. Together, Barbara and I have over 50 years experience developing programs for people who are developmentally disabled in Suffolk County.

Our program tonight is going to be simple. It will have two parts. Barbara is going to come up and speak specifically about IGHL's history and some of the services that we provide and I'll come back and speak specifically about the proposed program that we have on Palane Drive in Baiting Hollow and then we'll be available to answer any questions that the town board or the community has this evening."

Supervisor Cardinale: "Very good. And I would like to introduce Ann Marie Prudenti, our deputy town attorney, and Miss O'Neill- Diane Wilhelm. Oh, I'm sorry. I thought we were going to get the other one tonight. Diane- Diane Wilhelm from the Clerk's office. But I'm not disappointed. I love this one just as much."

Dr. Barbara Carey-Shaw: "Hi. As Tom- good evening. As Tom said, my name is Dr. Barbara Carey-Shaw and I'm director of clinic services at IGHL. And I've been with IGHL for 24 years.

IGHL is an agency that offers services for developmentally disabled children and adults and as it did say in the article, we do have 48- well, we have 45 group homes and we have our furthest one is in Smithtown as far west and out east we go to Southold on the north fork and all the way out to Southampton on the south fork.

We've been operating group homes for the last 30 years and we also have a variety of day programs, day habilitation programs that the individuals that we service go to in the community.

We have a place over in- we have many places in East Moriches, we have places in Riverhead, we have places on the south fork as well and the individuals do go to those programs during the day as it did say in the article. So that was true.

The developmental disabilities that we service are mental retardation, autism, epilepsy, cerebral palsy, and then there's a variety of other neurological disorders that people may have.

4/22/2008

And I guess that's what I would like to say about IGHL and I guess Tom was going to talk a little bit about the group homes in general."

Thomas Trakoval: "At the home that we've proposed the home would have six male adults ages 25 to 35 years of age. But these individuals function within the mild to moderate range of mental retardation.

Currently these individuals are living at home in local communities with families awaiting the opportunity to live independently in a group home setting.

All six of these young men and women have been known to IGHL for many years as Barbara mentioned and continue to attend our day programs and from childhood many of these individuals have used our family support services throughout the years.

A little bit about the staffing for the home. The home would have a manager and an assistant manager responsible for the day to day operation and supervision of the home. Supervision will be provided seven days a week. Nine full time direct care staff will provide supervision and assistance to the residents with all their activities of daily living.

There will be 24 hour seven day a week awake staff with a minimum of two staff on duty at all times. All employees who are hired will go through an extensive interview process which will include criminal background checks, motor vehicle background checks, drug testing and psychological testing.

All employees will participate in an extensive orientation and training program prior to the home opening. This would include programs such as med administration, first aid, CPR, and emergency procedures.

On a typical day, the residents would be up assisted by their staff in the morning. They would be picked up by local transportation and transported to either a vocational or day habilitation program.

At the end of the day, the individuals would be transported back to the home where they would be greeted by their afternoon staff who would assist them with evening chores such as dinner, ADL activities and recreational activities as well.

On the weekend, staff and consumers certainly would be involved in the Riverhead community and be a very integrated- and actively involved.

4/22/2008

Regarding the house. IGHL has not entered into a contract at this point with the home. We have become aware that there are some covenants regarding the property that may exist which need to go to our counsel before we can proceed and I'm sure some of those issues will come up tonight.

If approved, our plans for the home would include converting the garage into additional living space which would include two additional bedrooms and an additional bathroom. We would completely upgrade the inside of the house, the kitchen and some of the bathrooms and we would include some life safety equipment such as fire safety- fire evacuation equipment that would be necessary.

We would also update all mechanical systems within the house.

There would be no significant changes to the outside of the house. We wouldn't extend or expand the footprint of the house. The driveway would remain the same and we believe that the parking is adequate.

And that's really about what we have to present tonight and we welcome questions and comments and we'll do our best to answer them for you."

Supervisor Cardinale: "Thank you. I want to- I know that I spoke earlier today with Terry Harger (phonetic) who I see is here and Kerri Figurniak (phonetic) is here. One of you or any other would like to start with some questions, please do so.

I do have one question though because I spoke about this with Terry. The covenant and restrictions that exist on the property and which I have looked at, do you have that- I assume that it occurs in many communities where you have homes, there are annual dues, forgetting about enforcement issues. Do you participate by- as a community resident by joining the association and participating in the dues."

Thomas Trakoal: "If there were association dues, we would expect that we would be treated like any other family that came in, you know, in terms of abiding by the laws and the regulations and the covenants, you know, that exist.

Certainly the issue of single family residency comes up and the law is pretty clear about that with regard to group homes. But with regards to paying association fees and some of the other covenants, you know, that's certainly something that our counsel would have to look at and we would have to consider before we move forward and purchase the property and ultimately get approval from you guys for building permits and for us to be able to proceed."

4/22/2008

Supervisor Cardinale: "Approval of plans is a part of these covenants. Have you dealt with that before?"

Thomas Trakoval: "In general, building plans- "

Supervisor Cardinale: "No, no. I'm talking about in addition to the town's approval, these particular covenants call for approval of even alteration plans by the association."

Thomas Trakoval: "By the association."

Supervisor Cardinale: "By the association, yeah. Have you dealt with that before?"

Thomas Trakoval: "Generally not. Generally not, not to my knowledge have we had specific calls to deal with associations. It may be, but I can't recall at this point."

Supervisor Cardinale: "Another one that is unique here is that there are no more than two regularly used automobiles. And I ask this- I'm not surprised that you don't know the answer, neither do I and neither did our attorney frankly but the way that you deal with those particular covenants is probably- may well be defined or by previous cases, but I'm not sure.

But I'm not sure if you have to- and I'm sure that they would like to know, are group homes compelled to your understanding to comply with those?

We know that by law you are a single family residence so that when it says you can only have a single family residence what you are is a single family residence under the law.

But the compliance with so many autos, review of plans, obviously they have an obligation to be reasonable and not arbitrary and capricious in review of plans.

I just wondered if you had dealt with this before and you have a position for the IGHL."

Thomas Trakoval: "You know, we have not dealt with not and certainly when you are going to run a group home, you need certain parking because you're going to have staff and employees that are there.

In this particular house because of the nature of the disabilities, as I said they have mildly disabled, they're going to require 24 hour supervision but in our view it's not going to require an inordinate amount of cars and parking space.

4/22/2008

To think that two cars, you know, would be a limit, I don't see how that's reasonable for anybody. I mean you have kids, you have cars- "

Supervisor Cardinale: "That's why you should have- I think you indicated your attorneys are going to look at this. That's the nuance that I couldn't get a straight answer even out of our attorney. She said, well, the cases make clear that you must be treated as a single family residence.

On the other hand, these people have imposed these restrictions on themselves and it is also clear you want to blend into the community. And the worst way to blend in is not to obey the covenants. So it gets- but I understand that covenants that make it impossible for a group home to exist aren't going to be enforceable. So it's an interesting legal mix here."

One other question- "

Thomas Trakoval: "And certainly, Mr. Supervisor, we want to be very cognizant of the fact that there's neighbors and you know we are very mindful of traffic flows and parking and things like that.

And to the extent that we would need reasonable parking for the people that are working there, obviously that's the case. But in terms of making sure we're mindful of parking on streets and having excessive cars there and traffic that we just don't need to bring to the program, we certainly would pay an awful lot of attention to that."

Supervisor Cardinale: "One other question and then I want Terry or someone else to come up and ask.

Some programs I have learned over the years have a model by which a person resides at all times at the house and in effect they create an apartment for that person whose residence it is. Some do not.

In your instance, you said there will always be two people there on duty. Is one of them- is that- will there be an apartment which will be residence for any staff member?"

Thomas Trakoval: "No. No one will live there and reside there. Many of our homes have over the years but not in the design of this home.

We generally do that in homes where the individuals need a tremendous amount of supervision, where for emergency and relief and back up for staff we find that to be necessary.

4/22/2008

But as I said, this is going to be a fairly low key group of men, people that we've known for a long time, people that come from local communities and they're just not going to require that intensive amount of supervision."

Supervisor Cardinale: "Thank you. I hope that anticipated some questions and can we have some more, please, from the public who is attending? If anybody has them or if the board has any, we have the representatives here to be a resource for you.

And the town attorney is here to be a resource to explain the law and the limited activities that the town can take. If you have any questions about that."

Kerri Figurniak: "Hi, my name is Kerri Figurniak. I'm the president of the (inaudible) Baiting Hollow Property Owner's Association and I also live two doors down from 54 Palane East on the same side of the street.

I do after reading the letter and I've done some homework and research and I do have questions as per the letter that was written to the town and I also want to mention that we do have the C&R's and they do apply to everyone in the neighborhood.

We do actively enforce them and everybody in the neighborhood does participate. You know, recently someone wanted a fence. They present us with plans for a fence, the board reviews them and then sends a letter of approval or guides them to follow town code and all that.

We also— some things that you had said before in dealing with your attorney so we'll actually have our association attorney work with your attorney on certain matters in the C&R's.

As far as— "

Supervisor Cardinale: "How many lots are there in the subdivision, Kerri?"

Kerri Figurniak: "About 40. We have 38 homes."

Supervisor Cardinale: "Okay. Thank you. And incidentally I know that they enforce their covenants and restrictions diligently because when I was in private practice before I was supervisor, one of my clients got sued by them so I know that they're serious about these covenants and restrictions."

Kerri Figurniak: "Okay. Let's see. We have a committee so I'll have people who have actually lived in the neighborhood— we've been there nine years but we also have many neighbors that have been

4/22/2008

there longer and past presidents and they also have a history of various different situations the neighborhood has come into regarding the covenants and restrictions and we formed a committee and they will update you later on.

As far as the idea of the group home and I understand the law and they are classified as single family home but in following the covenants and restrictions, that's how we keep the neighborhood looking the way it does and my concern is I've driven by other homes in town and there is dumpsters and that does not comply with our C&R's. They're-- basically the front yards are parking lots and that doesn't comply with our C&R's.

And regarding the cars, yes, a lot of families do have kids and do have more than one car but we have garages so the cars aren't-- some cars are parked in the garage. There's not always cars around.

Also concerned, I read about the property value and I know the state said it does not hurt property values but I've also mentioned-- talked to a realtor and also talked to an appraiser and an appraiser said it doesn't hurt the value of your homes nearby when you go to refinance your home or take out a second mortgage, anything like that. But it can hurt a sale and it can hurt the value of the homes nearby on a resale point of view.

Also, in the letter of intent to the town, actually this gentleman did answer a couple questions because I noticed a few details were missing.

The house in Mesta Vista is actually pretty large from the article I read. It's with patio, about 6,000 square feet so that was a concern we have as far as the home on 54 Palane, whether-- they said in the letter they would increase from three bedrooms to five bedrooms and make modifications so I don't know if that included going beyond the footprint that's already there.

And the parking, if you have staff like-- the letter also doesn't say how many staff members. So you said two full time but I know from reading other articles there are staff that come and go. So we would like to know how many coming and going.

The deliveries-- because there are a lot of little kids and especially a lot of kids under 10 on the two streets leading into that particular house. So that's a concern with kids playing in the street and additional traffic beyond what our neighborhood has now.

So I guess if you can answer how many staff in total and the shift changes and when they come and go.

4/22/2008

And another thing with the vehicle, you said a vehicle comes and picks up but the letter had stated the vehicle that goes with the property. And I noticed the other homes in the area have buses assigned to the homes so, again, that's not in compliance with the C&R's as being stationed there.

And actually I can save some of the questions for later and also I can introduce the president of the committee that we put together, they research topics and things that come up in town. That would be Terry Harger."

Supervisor Cardinale: "Right. One of the things that comes out of these meetings that are very positive is that your committee and Tom— did I get that right— Tom's people whoever he uses for parking and garbage and building department code and traffic at the site can communicate and get a lot of confusion and concern alleviated that way.

I took down the questions you asked so maybe you can try and answer them and if you missed one, I'll let you know and so will she."

Thomas Trakoval: "I'll do the best I can to hit the points that she brought up. First and foremost, it's out intent to be a good neighbor. We've been doing this a long time. We do it in 45 communities and we work very, very hard to be a good neighbor and to be responsive to communities and, you know, as I said before, I've got personally 30 years experience doing this and Walter Stockton, our CEO, even more than that and we are committed to being available and open to the community and to deal with their issues and try to be good neighbors.

We get nothing out of aggravating people and doing anything to the contrary.

You know, regarding garbage, that's certainly one issue. We would do the same that any other family does. If it's, you know, garbage cans that get brought out and town bags that you purchase, you know, to put the garbage in, we certainly are not going to have any dumpsters that are going to be out there. I can promise you that.

With regard to the schedules of the employees and things like that, maybe I can you know just elaborate a little bit more than I did before.

In the afternoons when the guys come home from their day program, there would be generally speaking three staff on duty, a minimum of two staff. There would occasionally be a manager and two staff that would be there throughout the evening to help them with

4/22/2008

their meal preparation, with preparing themselves for the next day, taking showers if they needed supervision.

In the mornings, let me just back up. So they would work from 3 to 11 o'clock at night. Obviously there would need to be a shift change. From 11:00 until 8:00 in the morning, we would have our overnight staff on duty. There would be two awake overnight staff there. Those people would be the people that get the individuals up in the morning at around 6:00 for an approximate 8:00 departure.

The vehicle that's - there would be a vehicle purchased for the residents that they would use for their community outings and that vehicle would be there permanently.

The vehicles that would come and pick up the individuals for their vocational day program would generally be provided by the organization that they're going to. So if an individual goes to an AHRC workshop, their workshop would provide the transportation and pick up the individual.

And generally more than one person goes to the same program so there wouldn't be six different vehicles. There may be two vehicles that would pick people up.

If a person goes to an IGHL program, IGHL has its own transportation network and we would pick the individual or the individuals up at approximately 8:00 in the morning and then the same would happen in the afternoon in terms of bringing them back to the program.

Phil, you said you would help me with the questions."

Supervisor Cardinale: "The issue of parking was brought up as regards what would be in the- what would be in the driveway. You said you weren't going to change the driveway but you also said that you were going to use the garage I think for an increase in rooms.

So they'd like to see, I get the gist, their covenants say two cars. Obviously you're going to have to have some sort of a van or bus for the six people. What else will be in the driveway?"

Thomas Trakoval: "Well, there would be the van and there would be you know a three car limit I would say, you know, the three people, no more than three people on the weekend. But to say that there would be no van would be misleading. We have a van. And to say that there would be only two cars, you know, that's just not something that would happen either.

To say that there would be five or six cars there, I think that's grossly overstated and would be inaccurate. So I would say a

4/22/2008

lot of times there would be two cars and you know at times three cars."

Supervisor Cardinale: "The other mentioned point was on the size of the— you know, the enhancement. I think you reiterated now twice that the footprint would remain the same in this particular instance. You would use the garage as additional area but you would not enhance the footprint of the existing home."

Thomas Trakoval: "That's correct. And the house that was referenced over in Jamesport that we did was, you know, a new construction. It was for an entirely different type of person. It's a wheelchair barrier free— accessible barrier free program that just brought a whole different level of care and dynamics into the building design based on the needs of the people we serve there. It's just, you know, it's just not apples and apples."

Supervisor Cardinale: "And one of the other things the community should be aware is that all of these programs must provide— must comply with the building department code and the state building code so that they could build nothing larger on this parcel in theory much less in actuality than could be built by any other individual in the community."

They're still limited to the square footage footprint and the like that everybody else is and to the code provisions everybody else is.

I think you addressed the traffic to the site when you described the day. That was the other question she had asked. I think that's it unless I missed something Terry— Kerri, I'm sorry. Kerri and Terry, I get confused, I'm bad with names. It's— I know it's Terry Harger and Kerri Figurniak, right?"

Terry Harger: "My name is Terry Harger. I was the first president of this association and actively involved in putting it together."

None of us were aware of covenants and restrictions. We didn't have that luxury when we moved in. So we all decided that it was a good thing. In our charter of incorporation, we are charged with maintaining the area and also maintaining the beach there for which we have to have liability insurance. We have (inaudible) that we fund and keep. We have a bluff that have cost thousands upon thousands of dollars (inaudible) for maintenance and recreation. This was handed over to this community and this community pulled together with their (inaudible). So we had a tremendous investment dollar-wise in (inaudible).

4/22/2008

Anybody that moved in is presented with the covenants and restrictions and basically that is the seller's obligation. We have notified title companies, we have notified real estate agents, and believe me they know we exist. I can assure you of that especially since I was instrumental with my board to bringing lawsuits which we have taken to court and have won.

(Inaudible) all right, that's the yearly rate but also can be assessed if we decide to take anything legal. We have that right, it's provided by our C&R's, our bylaws, and we have used it and we have tested them.

This is not a small endeavor. We have (inaudible) preservation of this bluff area. We had to sink wells because of runoff. We have taken it upon ourselves as a community to do this and, you know, it would have been much easier to sign it over to the town. And all of this money could have been appropriated (inaudible).

So you'll have to understand our concern here. It's not a matter of whether or not you fit in as much as whether or not you want to be part of this. Okay. That's the whole thing.

We are not looking for the commercialization of this area. It is a dead end area and we have no way out.

I mean I have seen some marvelous group homes on Sound Avenue and I certainly would not be adverse to living next to them. But I do have a way out. They're not that close together so parking is not a problem and even as you drive by (inaudible), I've seen them long before you even (inaudible) and, you know, I've never seen a problem with it.

But we are a very small area. The houses are close together. The streets are not that wide because we are definitely a dead end. So this community has put a lot of money into preservation. We have fought as Supervisor Cardinale knows, he had been a lawyer to one of the clients- "

Supervisor Cardinale: "On the receiving end. Yes."

Terry Harger: "-- on the receiving end of the association. And we are fair but we are activists. Politically we are active in preservation. We did spend a long battle with the golf course adjoining us as Mr. Talmage would know and while we didn't get everything, we did get a lot along with the Pine Barrens Association, we fought this. And we fought for some preservation and we got some preservation. You know, you win some, you lose some, and you negotiate.

4/22/2008

So we are not adverse to this. This is not our problem. And to speak to the covenants and restriction at this time would probably not gain us anything. Since this is going to go counsel to counsel, right? Exactly. So in other words, your counsel is going to take a look at our charter, our certificate of incorporation, our bylaws, our covenants and restrictions and probably our history.

And everything that you say sounds very fine in theory but I'd like to see in practicality and of course I'd like to visit some places. And I want to see, I mean I would like in some way to communicate through counsel perhaps a list of group homes in our area so we can see exactly what it is you propose and how you facilitate that proposal.

Okay? I mean, I think that's fair. That's pretty fair. So I think that we are very concerned, traffic, I'm sure Kerri spoke to traffic but the point is you mentioned not only two staff, and I'm just bring up a hypothetical question. You mentioned two staff, you mentioned six people and then you said something about nine. What, you know, you said nine full time. Did I get that- did I listen correctly?"

Barbara Carey-Shaw: "Around the clock (inaudible)."

Terry Harger: "Oh, so you're talking about like a rotating staff."

Barbara Carey-Shaw: "Right."

Terry Harger: "Okay."

Thomas Trakoval: "Not that there will be nine people there to cover (inaudible)."

Terry Harger: "Now I could go into with you all the (inaudible) regarding our covenants and restrictions and regarding approval. That we want hands down, approval of all architectural plans. Building (inaudible). The judge stopped the building in the area until all architectural plans were approved by the board of directors."

So we are very concerned and so I think at this point since your counsel has not been apprised of the situation and probably has no copy of our covenants and restrictions, a copy of our bylaws, so I think at this point what we're saying here is that we'll have to have some sort of dialogue between (inaudible).

And I'm sure we would get some of the addresses so we could take a look at what basically you propose and how you come (inaudible).

4/22/2008

So I don't really have any other questions until (inaudible)."

Supervisor Cardinale: "I have a question for Terry."

Terry Harger: "Yes."

Supervisor Cardinale: "Terry, Tom has already graciously bought into the \$300 annual fee but I'm curious. I know that you do special assessments for special improvements and you also do special assessments for litigation."

Terry Harger: "Yes."

Supervisor Cardinale: "Does that mean that if I'm the guy you're suing, I have to participate and pay in as well?"

Terry Harger: "You'll pay, you always pay."

Supervisor Cardinale: "So the 40- the 38 homes, so you actually have to pay to yourself. Okay, I get it."

Terry Harger: "You know, that's true, that's exactly right. No, we do have the power to assess legally and we also assess for the bluff area. You know, we have, you know, we have been very fortunate that the people in our community agree or disagree but come to a decision that's usually pro-- the pro board (inaudible), the majority of these people are and for that we are grateful because we have a tremendous problem with the bluffs. (Inaudible) the town's problem. You're looking at 133 stairs. We replaced them once at around \$15,000 and that was many years ago and so we have to keep them up because anything, any erosion down at the bottom of the beach.

When this was turned over to us, it was a mess, a total mess. A parking lot that we had to destroy and we had to learn real fast about bluff restoration. So it is a very- and you have it all along the north shore."

Supervisor Cardinale: "Right."

Terry Harger: "So it is a big problem and there are bluff dynamics and plantings that we have to do year after year in order to maintain the bluffs."

Supervisor Cardinale: "The assessments, do you routinely assess in excess of 300? He wants to know what he's getting into here. How much does- what's the average?"

Terry Harger: "Not routinely and it will depend on whether we have enough money to meet our obligations regarding restoration and

4/22/2008

rebuilding and insurance because we have to carry liability insurance for that bluff and the stairs.

Because it is quote unquote (inaudible). But it's not like you just grab a towel and your bathing suit and go down the stairs. It's a little more than that.

So I think we probably (inaudible) for anything that we can etch out of this and, hopefully, we'll get some dialogue going between attorneys and then we'll each know what we're obligated to do and what you actually feel you want to do.

Thank you."

Supervisor Cardinale: "The date of that letter, Kerri, you have the letter, right? What's the date."

Kerri Figurniak: "March the 31st."

Supervisor Cardinale: "So we have 45 days- 40 days, excuse me so that means by the 9th of May the town as you know, we- I think you- I invite you to the conversation with our attorneys and may you continue to discuss and never return.

However, from our perspective, the only thing we can do as- and reach agreement, is that within 40 days either approve which we never do, suggest alternatives, or object and when we object, we generally lose because you have to argue saturation. So that leaves suggest alternatives.

So if anyone out there has an alternative, I'd like to hear about it and he'd like to hear about it because with this dues thing, I think Tom is beginning to re-think this. I would. Because you say it's 300 but you're not sure how much more than that depending upon restoration and litigation.

So if anyone has an alternative please let us know before you leave tonight. And please come up."

Charles Vadala: "My name is Charles Vadala. I'm the treasurer of the organization. I've been a homeowner since 2000 and the treasurer since 2004.

To answer your question on assessments, we've haven't assessed in the last four years because we haven't had a need to. We've had money in the treasury that we've used for repairs for the stairs which we had done two years ago after some erosion occurred. So we've assessed \$300 a year, every year, and we'll probably keep that for this year.

4/22/2008

We budget to break even. Sometimes we don't break even, we run into a deficit, we use the funds that we have accrued over the years through some of the lawsuits and through some of the other assessments we've made. So, hopefully, that will answer your question.

I guess I have a couple of questions on some of the things you said. Number one, you said that you would hire staff to support the house and I was wondering how you source your staff. Is it an ad in the paper, do you go to hospitals, would it be new staff you would hire in this home? That would be my first question.

I guess the other question I had was in terms of turnover. How much turnover in staff do you have and, you know, I'd be interested in that just from, you know, some sort of consistency on how you manage the home.

In terms of the overall feel of the neighborhood, I guess a lot of what we're concerned about and Terry mentioned it and you'll probably hear some more from some of the other homeowners that are here, is how, you know, you blend to the neighborhood.

If you're going to change the character by doing away with the garage even though, you know, the C&R's call for garages to be had to cars can be put in the garage and no more than two cars remain in the driveway. I'd like to understand how that will fit in.

I guess the other question I have is in terms of refuse collection. Right now the town collects for us. Do you have a private contract for pickup or would you use the town facility or how would that work?

So, you know, I'd like to thank the town for inviting you guys here so we could hear and start a dialogue and hopefully get some questions answered and we'll probably have some more.

So, thanks."

Thomas Trakoval: "With regard to the garbage pickup, we would use the town to pick up the garbage and pay the town to do so. In fact, we had issues over in Jamesport with that and that was resolved through Dawn Thomas and we're back to the town picking up our garbage like anyone else.

The other issue is hiring staff. When we open a new staff, the management that we hire for the house, 100% of the time are people that have come up through the ranks and people that are known to us and we don't go outside for new management people.

4/22/2008

We're an organization of 1,300 employees and there are people that want to be managers and assistant managers and we do a lot of training to prepare people to be good managers and good leaders.

We would advertise in local papers. We go to job fairs looking for direct care staff. As a general rule, we open a new program, we get a percentage of people that want something new so you have a (inaudible) that's working in another house, may want to transfer in, we like to blend some experience with some new people but as I said all new people that come in are-- go through a thorough background check including the things I talked about before.

It's a state law that they have to be drug tested. We go a step further and do criminal and motor vehicle background checks so anyone that comes in to our organization does not have a record of any type. I can guarantee you that.

And then Barbara is the director of clinical services. Her team of people do an awful lot of training with staff to prepare them for their job and the success of these programs is in the management that's there.

If you run a group home or any other business with absentee management, it doesn't work. We have managers that have supervisors that they report to that know what they are doing, that are held accountable for the way the facility looks inside, the way it looks outside.

They are responsive to neighbors. If a neighbor has an issue, we want that manager to know the neighbors and, you know, generally speaking it better not be coming to me because if it's coming to me, it's gone too far and I want it to be dealt with there.

By the same token, I want everyone here to know that my business card, my personal number, my cell phone number is available to any neighbor that wants it and if there's issues we're going to be responsive.

None of us have anything to gain if we're there by us creating any type of an adversarial relationship for people that are living there and raising kids there and, you know, all these folks want is to live in a home like anyone else.

As I said, they're living home with families, they've attended local school districts, it's a mildly disabled group of people who we've known for a long time and I know there are a lot of issues with the covenant.

But there's another issue that we deal with and it's their right as people to live in a community. A lot of their families live in local communities that are not far from here and they have

4/22/2008

some say so in terms of the type of neighborhood that they live in, whether there are a lot of houses or a few houses and we've met over the last couple months with them and we've heard their preferences in terms of where they want to be located and, you know, we want to work— I want to bring people around but it's our job to advocate for people as well.

And, you know, if the covenants are such that we can't be there, you know, we're out looking to be treated no differently than anyone else. By the same token, if it's our right to be there, we feel that we should be there."

Councilman Wooten: "Mr. Trakoval, can I ask you just a couple questions? You said that you wanted to convert the house although you wouldn't go outside the footprint to five bedrooms. Would that be the three that exist in the house and the two additional ones in the garage?"

Thomas Trakoval: "Correct. Correct."

Councilman Wooten: "Okay. And I guess one bathroom out there. Okay. That was one question I had for you.

The other one is not that I have a feeling one way or the other, but how many IGHL houses are there within the town of Riverhead? Do you know off the top of your head?"

Thomas Trakoval: "I don't. I can guess but I can't give it to you exactly. I'd say at least five or six that I could think of off the top of my head."

Councilman Wooten: "Okay."

Thomas Trakoval: "We have one on Gregory; we have one on Horton; we have one on Sound."

Councilman Wooten: "I realize that Riverhead's close to all amenities county-wide, but I just think as far as location because that seems a little remote to me. I mean up north of Sound Avenue just seems like a real remote area for amenities like services and if you've ever been up there in the winter time, it's not a good place to be as far as getting back to town. I just think the location is kind of — why that location just came on the market?"

Thomas Trakoval: "It was affordable price-wise, proximity to families was good. Our ability to make some simple, and we consider the conversion of a garage into additional living space as a simple renovation because it just doesn't work for us in a three bedroom house for six people."

Councilman Wooten: "Right."

4/22/2008

Thomas Trakoval: "It's why any community-- after a while, we have many homes, you know, in Moriches and Manorville, you know."

Councilman Wooten: "I was just curious why that location because I just find it's like so far off the beaten path. That's all."

Councilwoman Blass: "I have a question."

Supervisor Cardinale: "She has a question. Bear with her, she's got laryngitis."

Councilwoman Blass: "In following up--"

Supervisor Cardinale: "You want to write it out?"

Councilman Wooten: "Did you see the movie, the Mist?"

Supervisor Cardinale: "Yeah, write it out. I'll read it for you. Okay. It's a long question so there may be other ones in between. But it's a good one. It's a good one."

The import of the question about the garage. That is going to get interesting and I'm glad I'm not involved and neither are you because it's a private covenant thing.

You could probably comply with the covenant to keep two vehicles outside if you had a garage but you're not going to have a garage. That's going to make it more difficult for you to comply with the covenant. So it will depend I suppose on what the counsel determine about your obligation to comply with that particular covenant and if they do and you have to go another route to enlarge, you'll have to make that decision.

So this covenant thing gets interesting because your present plan would preclude the possibility of garaging of say the vehicles. I'm glad you don't live in my neighborhood. We've got boats and cars and trucks.

But anyway, she's right, she's on her fourth line now. She wasn't kidding, it's a long question. All right, she's writing a novel here guys, so stay with us.

Oh, the Obama-Clinton polls close at 8:00 and your first projections will be coming. Yeah, we're going to pipe them in."
(Some inaudible comment)

Supervisor Cardinale: "Right, come on up, please."

4/22/2008

(Unidentified): "There's a little bit of the way the land's cut, it goes down into the basement level where the full door is. There's a little flooding drainage issue. Have you figured out how you are going to deal with that?"

Thomas Trakoval: "You know, I do know of the issue and it's been mentioned to us and I know— we're doing a feasibility study with our architect who is going to address that issue. Exactly how it's going to happen at this point, I couldn't tell you but we are aware of it, yes."

Supervisor Cardinale: "Don't you have a drainage issue on Mesta Vista, too? What do you guys— how do you attract these opportunities that you find for purchase."

Astrid Lehmann: "Astrid Lehmann and I live in Baiting Hollow in the community. And actually I'd like to (inaudible) into what you just asked because I'm a nurse at a group home, I'm very familiar with all the practices, clientele. We don't happen to have (inaudible) but we do have adolescents and I know that I'm in charge of the medical budget and I know how tight money is, what the bills are, and I'm really at a loss to understand how you have unlimited resources to address all the concerns without any seeming concern."

This is taxpayer money. You get your money from New York State, is that correct? Okay. So New York State taxpayer money funds the purchase of these homes. Is that correct?"

Thomas Trakoval: "State and federal money."

Astrid Lehmann: "State and federal Medicaid. And Medicaid is collected from whom, the New York State taxpayer, right?"

So the idea that you would go into the highest end neighborhood you could find to— what did you say, to make sure you met the commitment of the individuals from where these families came from so that they could have the similar lifestyle? Is that what you're implying?

Well, it sounded like you wanted to make sure their parents, who probably would be visiting them on Sundays, so just staff won't be there. People get visits from families, they have cars, they need a place to park and they will increase the concentration to really much more. If you have six individuals with six individual families visiting at any given time.

I'm at a loss to understand why you would want to take six guys, put them in the middle of nowhere, when they could be in a home much closer to town, walk to services, have a job, go shopping,

4/22/2008

go to the coffee shop and really be independent and integrated into the community.

Instead, they have to be driven every single place you can go which, I guess, it wouldn't be a big deal if gas prices weren't so cost prohibitive. But now I'm thinking, this seems like I wish I worked for this group home because they have the biggest pockets I've ever seen.

Where does this money come from? It comes from us and even though the law indicates that you can build all these homes, there should be some kind of moral conscience about the money that is spent that belongs to the taxpayer.

And doesn't this house now come off the tax rolls?"

Supervisor Cardinale: "Yes."

Astrid Lehmann: "I pay \$10,000 a year in property taxes. Is this not a significant loss to the community?"

Supervisor Cardinale: "Yeah. That's one of the reasons why we have been concerned about the tendency of these homes to be centered in affordable areas like Riverhead as opposed to East Hampton.

So actually you're bringing a different question which is an interesting one. Now these are in better neighborhoods within Riverhead so the normal response we've had on the saturation argument is, you know, it's intelligent to go to the area where it's affordable. I think what she's saying is aren't there more affordable homes that would be attractive to you."

Astrid Lehmann: "Than north of Sound Avenue and Mesa Vista? I mean these are beach communities. People pay a lot of money to live there."

Supervisor Cardinale: "That's why I asked if there are any true alternative sites that you would like the town to consider suggesting we should- you should let us know. Yes."

Thomas Trakoval: "Just a comment regarding the price of the house and how we determine from a cost factor. You know, (inaudible) approves and allocates a certain dollar amount per person for the construction of a house which includes the development and your architect fees and the renovation and the purchase of the cost that needs to come in.

The house needs to come in at fair market value and the entire package when you put it together has got to come within the state

4/22/2008

screen that they provide. There's not an endless amount of money available. We get "X" amount of dollars and we spend "X" amount of dollars.

We wouldn't go into a neighborhood where the price of a house far exceeds the limits that we are approved to spend and once of the reasons why we went to that particular house was because of the price of the house and the viability of that when we considered the amount of renovation that was necessary to put the whole thing together. It certainly-- the numbers certainly worked.

The woman right here, Stella (inaudible) represents the Office of Mental Retardation and Developmental Disabilities and she works closely with us in our pursuit of properties to make sure that there is not a saturation issue and to make sure that they're within the guidelines that the State of New York has set forth with regard to taxpayer dollars and things like that.

So this house certainly is well within the screens if you will of what's allowable."

Supervisor Cardinale: "Thank you, Tom. I-- the question is here. Barbara's question has arrived and it is worth waiting for.

She wants to follow up on a concern she had expressed with you regarding the Timothy Lane house and assure that the same concern doesn't follow here.

After they were in, there were complaints about traffic and that there was too much traffic and on street parking at the site and you had responded and investigated and indicated that the site was being used for training or staff meetings with staff and she inquired and you said from other facilities.

Will this site be used in such manner?"

Thomas Trakoval: "No."

Supervisor Cardinale: "Okay."

Thomas Trakoval: "And to be honest with you, had I known that they were going to schedule that type of a meeting on that site, it wouldn't have happened."

Supervisor Cardinale: "Yeah. That's what I hear because-- "

Thomas Trakoval: "We do training. We have a big organization and there's better places to do that and that was a bad choice by the management."

4/22/2008

Supervisor Cardinale: "All right. So it's not a common practice because I imagine it would be inconsistent with the goal of blending the home into the community. So thank you for that."

Thomas Trakoval: "And the other thing about families visiting. There would be families visiting, there would be an occasional holiday party and things like that like any other family."

Supervisor Cardinale: "Sure. On a pragmatic question before the young lady- the- since it looks like depending upon what the discussion between counsel is, there's more than two vehicles in the driveway. Is there plans to buffer the driveway so that whatever you are doing in the driveway, the community doesn't see."

Thomas Trakoval: (Inaudible)

Supervisor Cardinale: "I knew it rang a bell. Yes. Go ahead, please."

Elizabeth Backel: "I'm Elizabeth Backel, I live on Warner Court in Baiting Hollow in this community."

When I researched- did some research on your website, it referred to a lot of programs that you offer and one of those I noticed was called a respite home. And in there you provide for respite care for families who require some down time for care of dependent children or adult children.

And I was wondering, does the type of residents that you are providing- the home that you are providing them, I'm talking about the six people who would live there, would the nature of the home change to provide for a more transient population in the future or does it- is that opportunity (inaudible)?"

Thomas Trakoval: "With regard to that. The respite houses are a totally different type of program. They're designed for families that are in crisis and in need, you know a single parent that's sick and a disabled kid that needs to be cared for would go in one of our respite houses. But that wouldn't happen in this type of program."

And the only way that another person would come into that house is if somebody unfortunately passed away. It wouldn't be a place where people would come for short term and in order for the house to be changed and over, we would have to go back to the Padovan law, go back to the town and, you know, in 30 years we've never done it and I don't know anybody that's done it to be honest with you."

4/22/2008

Supervisor Cardinale: "Thank you. Yes, anyone else have a question? Yes, please come up."

Paul (inaudible): "My name is Paul (inaudible). I'm the ex-president of Baiting Hollow Association. I have a couple of questions for the town board attorney.

Group homes. Would you consider that a business?"

Anne Marie Prudenti: "No."

Paul: "It's not a business?"

Anne Marie Prudenti: "No. The law is really quite clear and there's a lot of decisional law on that. It's not considered a business. It's considered a single family residence and there's-- the highest court in the State of New York has made that determination."

Paul: "Has it (inaudible) in the federal level?"

Anne Marie Prudenti: "Yes, it has. And I actually at the request of the commissioner of the town board, I've actually made copies of some cases for the head of your association so she can take them back to your attorney on that."

Paul: "So you're telling me this is not a commercial business. It's a single family home. You have six individuals living in this home. Now these people will be permanently-- these are only six people that will be living in this home entirely or are there going to be changeovers? It's their home.

Now, who owns this home? The taxpayers or your company?"

Thomas Trakoval: "The independent group home purchases it."

Paul: "So these six individuals do not own the home so how could you classify it as a single family dwelling if they don't own it? Could somebody explain that to me?"

Supervisor Cardinale: "It's (inaudible) fiction but that's what it is."

Paul: "Oh, now we're into fiction and not a reality."

Supervisor Cardinale: "Well, it's what it is. It's IGHL stands for independent group home living. They're not for profit if that makes a difference. A not for profit organization that runs group-- independent group homes and pursuant to the law, any home of this type is a single family residence but the objective I assume of

4/22/2008

the not for profit is to stay in business so they've got to collect money."

Paul: "So, because in our covenants and restrictions there's people that wanted to open businesses in our neighborhood and were denied that."

Supervisor Cardinale: "Yeah, well, this is not a business in that sense. Honest. I mean that's what the court says."

Paul: "That's what the court says, it has to be a matter of, you know, interpretation."

So when you bring supplies into this single family home as you say, commercial vehicles will bring in supplies or are these people going to go out shopping and bring their own food and so forth in?"

Thomas Trakoval: "They will shop for food supplies and paper products and do that at the local market."

Paul: "Okay. The closest market is five miles away. And if you want these people to blend into the community, to get jobs and so forth, the only way they could do this is by you shuttling from point A to point B to point C to point D and back to point A. How are they going to— how do they— it seems like you're isolating these individuals than helping them."

If you take people to blend them into, you know, the rest of the, you know, the rest of society, you would try to put them the closest facility to be with everybody. But this area here is north of Sound Avenue, it's all a dead end area and nobody goes there except for the people that live here.

So I don't understand how you are trying to help these individuals if you are putting them into an isolated area."

Supervisor Cardinale: "Thank you. I guess that was consistent with what the earlier question was, north of Sound Avenue as Councilman Wooten indicated would seem a remote location."

Then again, it's nice, that's why people live there.

Okay, any other questions? Yes. We've got a question coming up. Oh, yes. And then once we have the questions on the floor, we'll summarize on where we should be going from here. Yes."

Warren Pierson: "Warren Pierson of Warner Court, right around the corner. Just some concerns I have."

4/22/2008

They're going to be altering the house and basically at that point it's unsaleable as a residential house. I mean it's being changed.

When you drive around the neighborhood there are virtually no cars parked on the street at all during the week, maybe on the weekends if there's a party of somebody is having--but Monday through Friday, you know, I drive around all the time and there are no cars parked on the street.

And what I fear is that once they're there, they're there and you've established a (inaudible) and all of a sudden that dumpster is going to be there one day or cars are going to be parked out on the street and down the driveway and I don't know what could be done at that point other than you throw your hands up and you say, well, we're stuck.

And I don't know what-- if there is even a procedure say, you know what? You guys have overstepped your bounds, we don't want you in our neighborhood any more. Is there a process to even approach that and say, you guys have not lived up to the expectations we had of being a good neighbor but be damned, we're here."

Supervisor Cardinale: "If you can find that process, I want to use it on my neighbor."

Warren Pierson: "Yeah, you know."

Supervisor Cardinale: "My point is that problem exists regardless of whether it's a group home. You've got a bad neighbor, you've got a bad neighbor and it's hard to get them to go."

(Inaudible remark)

Warren Pierson: "But a bad neighbor has-- "

Supervisor Cardinale: "Oh, you mean within the covenants? Oh, all right. Well, the covenants are an issue that they're going to explore.

Another thing that any of the violations that you mentioned, for example, having a dumpster in the front yard, IGHL would not presume to indicate that they are able to get a way with anything that you couldn't get away with. In other words, if you put a dumpster in your front yard, you're in trouble, and so are they."

Warren Pierson: "This young man had already admitted to the fact that there was a meeting that was conducted at one of these homes, he was unaware of it, okay. And I don't know what his-- what

4/22/2008

type of daily contact, weekly, monthly, annual contact with any one of these particular 48- "

Supervisor Cardinale: "Yes."

Warren Pierson: "-- was the number- "

Supervisor Cardinale: "Forty-five homes, yeah."

Warren Pierson: "Okay. You know, I just- I see some problems here in a very small community, you know, 40 houses or whatever. I just see some real potential for violations of what the rest of the community really holds near and dear.

So those are my concerns."

Supervisor Cardinale: "I appreciate your comments and, again, I think we're going back to the covenant issue. Yes, sir."

Unidentified: "I had asked for statistics on turnover in staff, I don't know (inaudible)."

Thomas Trakoval: (Inaudible)

Supervisor Cardinale: "So they stay about four years."

Unidentified: "Twenty-five percent turnover on an annual basis."

Thomas Trakoval: "For new people coming in. Now if somebody comes and stays (inaudible)."

Unidentified: (Inaudible)

Thomas Trakoval: "It would be less, but I would say 15 to 20%."

Unidentified: "Okay, so in other words if you have (inaudible)."

Supervisor Cardinale: "Any other questions? Yes, ma'am."

Unidentified: "The individuals that come to visit you know family members, disable brother on a Sunday afternoon, as individual homeowners, are they going to avail themselves of the beach there (inaudible)."

Thomas Trakoval: (Inaudible) "We're paying the association fees (inaudible), they can walk down to the beach."

4/22/2008

Unidentified: (Inaudible)

Supervisor Cardinale: "Well, the answer was given that the six people under the state law for reasons that if you think about it you could, you know, you could understand, they said that's a family just like a mother, father and four kids. Obviously it's not just like a mother, father and four kids but under the law, that's what my legal fiction was. That's what the law says.

And they say it because they had to in order to get the program going otherwise it would never have been successful.

But it isn't. You're right. It isn't just like a family, a traditional family.

Any questions. Yes, sir."

Unidentified: "I have a question. So let me understand this. We have a group home coming in, a single dwelling, would be paying no taxes while our association if I recall directly pays the most highest taxes in Riverhead. Okay. Forty homes pay the highest taxes in Riverhead if I recall last time we checked. And- is that correct?"

Supervisor Cardinale: "Yeah. Pretty much."

Unidentified: "They pay no taxes and they have the same rights and privileges as taxpayer people in Riverhead."

Supervisor Cardinale: "They pay special district taxes only meaning they do not pay the town tax, the county tax or the school tax. What they do pay is fire district, ambulance."

Unidentified: "I do that, too."

Supervisor Cardinale: "After me. But, yes, that's the truth. That is true but the good news is that it will be made up across the town, not just from Marwood Community. The \$11,000 you're going to losing or the \$8,000, whatever it is."

(Inaudible comment)

Supervisor Cardinale: "The difficulty- we've gone through these hearings before so the difficulty in this is you're making points that are valid; he's making points that are valid but the legislature and the representative, the republic or the democratic republic we live in, has made the decision that they're not changing their minds.

4/22/2008

And incidentally the article— the part that I didn't read from the News Review article of April 17th is that actually if this law is probably challengeable and should be thrown off the books and then you revert to the federal law which gives us absolutely no say in regard to this matter, not even the ability to suggest alternatives or the ability to argue saturation which is, frankly, we've never been successful in anyway so it's not too far different.

But your points are well taken, but they've been made before and the legislature has spoken, the federal legislature, right?

Any other questions?

Going on from here, I think it's important— you want to do some— between their counsel— can someone give Tom the counsel's name if they haven't done so already so they can discuss the very important issue of covenants and restrictions that we've discussed tonight.

If anyone from the community, Terry or Kerri, could you give me, if there are any alternatives the town board I'm sure will ask Tom to look at them if you feel that they're that much more appropriate. Of course, then you're going to get me in trouble with that community, so, hopefully— "

Unidentified: "There's one on Fresh Pond Avenue that (inaudible)."

Supervisor Cardinale: "Is it for sale?"

Unidentified: "It's for sale. It's 338 Fresh Pond."

Unidentified: "You take a ride down Roanoke, there's several large homes with paved lots, you can get five or six cars in there, they're two story homes, it would be more simple to convert them and everything else (inaudible)."

Supervisor Cardinale: "Now remember, when I make that suggestions, Tom still has to look at it from the standpoint of his organization. He may reject it and he has every right to do so.

I was just thinking, and then he has-- I have 15 days to give another one. Did you every get involved with a town, Tom, that just wanted to delay you? Keep giving you alternatives?"

Thomas Trakoval: "As you said, your option is to turn down the site or not respond."

Supervisor Cardinale: "Yeah. I'm not— "

4/22/2008

Thomas Trakoval: "I mean our option would be (inaudible). Usually the municipalities do nothing (inaudible)."

Supervisor Cardinale: "Right. Well, I don't anticipate a saturation argument; I don't anticipate approval; I don't anticipate doing anything except giving you a realistic option if it is received from the community."

So if there is a realistic option, please let me know or let Tom more precisely know. He'll look at it. I'm sure that— "

Unidentified: "We're not the real estate agent for the town here. I mean I think there should be some kind of mechanism that you can put into place that offers them other selections."

Supervisor Cardinale: "I agree with that— I agree that you're not the real estate mechanism but I don't know of— I'm not either. I don't know— I do not know of other properties that are available and he's the guy that's buying. I assume you looked at them."

Thomas Trakoval: "We looked at a number of properties."

Supervisor Cardinale: "Yeah."

Unidentified: "How many properties did you look at?"

Thomas Trakoval: "Four or five."

Unidentified: "Out of 150 homes that are probably for sale in Riverhead alone."

Supervisor Cardinale: "What was the address Kerri?"

Kerri Figurniak: "338 Fresh Pond."

Supervisor Cardinale: "338— "

Kerri Figurniak: "Fresh Pond Avenue."

Supervisor Cardinale: "Avenue, in Baiting Hollow."

Kerri Figurniak: "Calverton. Actually there's a house for sale right here on Brook Street."

Supervisor Cardinale: "On Brook Street."

Kerri Figurniak: "Yes. Little Bay."

Supervisor Cardinale: "Okay."

4/22/2008

Unidentified: "There's a whole stretch on Roanoke, right down coming to Osborne that are closer to shopping, close to the hospital, close to doctors, closer to everything."

Unidentified: "There's four houses in a row for sale on Tall Oaks Drive at the end, big houses."

Supervisor Cardinale: "Okay. I'm sure as you say, the market is weak so there are a lot of opportunities for housing that are comparable and less remote and that's the message. Terry, yes."

Terry Harger: "How long- what's the time frame?"

Supervisor Cardinale: "The time frame is May 9th, by May 9th the town has only two options. They can challenge which we've been there and done that without success so I don't intend to, or they can offer alternatives. That's it."

Unidentified: "Is there a question regarding the (inaudible)?"

Supervisor Cardinale: "Yeah. That's a whole different thing and Anne Marie will explain it but it's a private matter and that's the most interesting aspect of this and apparently they haven't had great experience with it either.

Would you give them a pop course and give them the cases and tell their attorney to go look them up?"

Anne Marie Prudenti: "Okay. Basically the homeowner's association may have a private action should they not be able to resolve those amicably between counsel for the IGHL and counsel for the association. So the town can't really give you legal advice with respect to the provisions that we anticipate that you would want strict compliance with.

But that being said, you know, the town board asked that I provide you with some of the cases having to do with covenants and restrictions and their enforceability as they apply to group homes so I'm prepared to give that to you. You can turn that over to your counsel and you can work from there."

Supervisor Cardinale: "Good. If there's any question, Anne Marie Prudenti is very knowledgeable and Dawn Thomas our town attorney is even more knowledgeable because she did the litigations.

I thank you, Tom, sincerely for making yourself available and for giving us information which we otherwise would not have and also for the individuals who came with you.

4/22/2008

And if you have any questions, I'm available and Trina's available. If there aren't any more questions, we'll break and stick around and talk if anybody has to talk.

She can't talk, she's leaving. Yeah, Barbara, God bless you for coming."

Meeting adjourned