

4/18/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 18, 2006 at 7:00 p.m.

**Present:**

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

**Also Present:**

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney
Mary Hartill, Esq.	

Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited, led by Vince Tria.

Supervisor Cardinale: "There's our local WRIV drowning out our regional coverage from Newsday once again. You know, these guys in Newsday, they operate under some constraints that, you know, they actually have to be accurate. And I like to acknowledge them, you know, when they are here."

(Inaudible comment from the audience)

Supervisor Cardinale: "I'm afraid so. For everything but the local stations. Yes."

(Inaudible comment from the audience)

Supervisor Cardinale: "Oh, good, good. Okay, we have several hearings this evening but we can begin with the approval of the minutes of the Town Board meeting of April 4<sup>th</sup>. Somebody pointed out to me after the last session that we had approved the minutes of May something last- yeah, but we meant to say March but it was actually May, so we meant March last meeting. This one is April 4<sup>th</sup>, we're approving the minutes. Can we have a motion and a second?"

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Can we have a vote on approval of the minutes?"

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

Supervisor Cardinale: "Reports, please."

**REPORTS:**

Receiver of Taxes  
Total collections to  
date:  
\$55,722,246.40

Police Department  
Monthly report for  
February,  
2006

Juvenile Aid Bureau  
Monthly report for March,  
2006

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

**APPLICATIONS:**

Site Plan  
Colleen Buckley Mondello  
-  
Route 25, Aquebogue, renovate  
existing two story residence  
to become an antique shop

Site Plan  
Peconic Bay Medical  
center -  
Hospital expansion

Special permits  
Atlantis Marine World -  
to  
build a hotel and indoor  
recreational facilities

Special permit  
New Cingular Wireless  
PCS, LLC  
to install antennas on exist-  
ing building

Special permit  
Pamela Hogrefe - East  
Avenue  
Extension - renovation and  
addition to houses

Parade permit  
Combined Veterans - May  
29  
at 9:00 am

Petition  
Blackman Plumbing Supply  
Co.  
to extend the sewer district

Special events  
Martha Clara Vineyards -  
various dates and events

Special events  
Riverhead Elks - May 7 -  
car  
show

Special events  
Wildlife Rescue Center of  
the  
Hamptons, Inc. - July 4<sup>th</sup>  
fireworks show

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Thank you. Special permits."

Barbara Grattan: "No."

Supervisor Cardinale: "Correspondence. What else are we doing here?"

**CORRESPONDENCE:**

Ronald Rakowicz  
Letter of resignation

Helen Senkow  
Regarding Sunken Pond  
Estates  
complaints

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Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Are there any announcements or committee reports that the board members would like to note?"

Councilman Densieski: "Yeah, Phil. It's not a committee report but it's an announcement. Long time town board advocate George Schmelzer is a little bit under the weather and I talked to him the other day and he's not feeling so good. So I just wanted him to know that we're thinking about him and we wish he was back."

Supervisor Cardinale: "Yeah. Not only do I think about George, even though he isn't able to get here, I hear from George, literally every morning around a quarter of eight at my house and he often calls there. He calls at the office. We often miss each other but we keep- and he still has great ideas. At least George thinks they're great, and he shares them vociferously and often. So I hope he's feeling better because he is ailing as you say."

Anything else?"

Councilman Bartunek: "How about the STOP date?"

Supervisor Cardinale: "June 24<sup>th</sup> is the STOP date for hazardous materials to drop them off at- where- at Youngs Avenue. At the Youngs Avenue site, at the landfill."

Councilman Dunleavy: "Are you going to announce for Saturday?"

Supervisor Cardinale: "Oh yes, Saturday. Litter."

Councilman Bartunek: "Mentioned at the last two town board meetings that there is a town-wide litter clean up. We're meeting 9:00 at the Elks Lodge hopefully. Rain is supposed to be keeping the dust down for us. There are going to be some prizes that are going to be raffled off, some very significant prizes. So I would encourage anybody who is interested in the litter problem in the town of Riverhead to show up at the Elks Club at 9:00 on Saturday morning."

Supervisor Cardinale: "Great. What time?"

Councilman Bartunek: "Nine o'clock."

Supervisor Cardinale: "And what time does it end?"

Councilman Bartunek: "Twelve o'clock."

Supervisor Cardinale: "Is there like coffee at the end?"

Councilman Bartunek: "With coffee and cake--"

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Supervisor Cardinale: "It ends at 12?"

Councilman Bartunek: "Twelve o'clock."

Supervisor Cardinale: "I think I can get there around 11:45."

Councilman Bartunek: "Just in time for lunch."

Supervisor Cardinale: "For coffee."

Councilman Bartunek: "I know. I know, John, we're working on it. We're working on it."

Supervisor Cardinale: "But I will get there- I may be a little delayed. Okay. So that's this Saturday."

There's also a number of other events on Saturday, including a hazardous material- what do they call that- practice, on Kroemer Avenue in the afternoon. An ambulance corps dedication--"

Councilman Dunleavy: "Wet down."

Supervisor Cardinale: "Yeah and- a wet down, yeah, the opening- dedicating- wetting it down. And there's also the Jamesport Fire Department dinner on Saturday."

Anyway, that being said, we should move to the public hearings. I want to note that the public hearing #3 which I think some people may have been here for, the declaration of the water district's premises located on the northwest corner of Midland Street where it intersects with Park Road and Reeves Park is actually a re-hearing to establish our right to sell it through means other than auction, is not going to happen. And can you tell me, Dawn, there is a problem with the notice or something. At least Mary Hartill told me that a minute ago.

Okay, maybe you could just speak into there and tell the people why- "

Mary Hartill: "The appraisal didn't come back and also the posting of the property wasn't done."

Supervisor Cardinale: "Okay. So we have to re-post and obtain the appraisal. It will be on two weeks- "

Mary Hartill: "As soon as possible."

Supervisor Cardinale: "-- or four weeks, either one, probably four, and if anyone has come in for that hearing, you can go home."

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Public hearing opened: 7:20 p.m.

But the first hearing is the 7:05 hearing for consideration of the purchase of development rights of agricultural lands owned by John and Raymond Kujawski.

I should point out that we have three hearings. This one, another, the fourth hearing- I'm sorry, the fifth hearing and the sixth hearing, Joseph Alberta property and Maurice Goldman and I understand that we are considering the resolutions this evening after the hearing absent any particular problem with any one of them. So speak now.

Do you want to take it from here?"

Mary Hartill: "Thank you. This is the map that pertains to the Kujawski property. The yellow portion is their subject property and the striped portion is the portion that pertains to the purchase of development rights.

It's- this hearing pertains to the development rights on approximately 28 acres of a 79 acre parcel owned by John P. Kujawski and Sons along Herricks Lane in Jamesport. The property is bordered by protected land on the south and the west. The price is \$88,500 an acre for a total of \$2,478,000.

An appraisal was completed by Patrick Gibbon Assoc. on February 21<sup>st</sup> of 2006 which supports that price.

The purchase of development rights has been reviewed by the Farmland Select Committee and the Committee recommends that the Town Board authorize the purchase of these development rights."

Supervisor Cardinale: "Thank you. Is there any comment from the public with regards to this proposed purchase of acreage at the indicated price and the indicated amount? If there is no comment, I had asked at the work session- apparently this is a particularly desirable piece because we have other land in the area, is that correct? Yeah. Can we see the map because I can't see it from here.

Good. We have--all that other green stuff is already preserved so this kind of completes the puzzle. And the valuation- the price we are paying is consistent with the appraisal so I can see why there might not be any questions.

If there are not, I will note that we opened the hearing at 7:20. We're closing it a 7:23."

Public hearing closed: 7:23 p.m.

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Supervisor Cardinale: "And move to that hearing which is scheduled for 7:10 which is in regard to the extension #84 at Splish Splash water park. And someone is here I imagine to present this from the engineering office.

I will note that all of my ranting and raving about the GIS system and the overhead projection will have come to some good whenever we start using it at this hearings. But, go ahead."

Dennis Kelleher: "Mr. Supervisor, the next public hearing that I hold, I will do that. I thought about it on this one and I said, oh-- "

Supervisor Cardinale: "I'm thinking to myself if you guys are the most computer literate and- people I know, so if you don't use it, nobody will."

Dennis Kelleher: "I will make a note and I will be the first one to-- "

Supervisor Cardinale: "Thank you, Dennis."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher from the engineering firm of H2M. We are the consulting engineers for the Riverhead Water District.

Tonight I am here to present the findings of an engineering report that we prepared on the proposed extension of the Riverhead Water District, known as Extension 84 Splish Splash water park, the 2006 expansion.

The owners of Splish Splash approached the town several months ago about the construction of two bathroom facilities on their existing property. In addition, the town Fire Marshal required that a new fire hydrant be installed within the existing parking lot to provide fire protection.

On the map shown, I have- I'm having trouble seeing it- highlighted in yellow is the existing Riverhead Water District boundaries. The existing Splish Splash facility when it was originally constructed is included in the existing Riverhead Water District boundaries. However, highlighted in pink is the adjacent tax lot which is currently Splish Splash property that was purchased after the original facility was built. It is now used as a parking area.

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Splish Splash is proposing to install a small bathroom facility which is highlighted in the little box of orange down at the bottom right hand side of that pink area. However, since it's an entire tax lot, we are proposing to extend the Riverhead Water District boundaries to include this entire tax lot.

Even though the existing Splish Splash facility is provided water from the Riverhead Water District from an existing service, water service that is located near the main entrance of the park, the owner requested an additional water service, since the bathroom is on a separate tax lot.

The Water District also requires that a separate service be installed. Since this is a separate tax lot, the Riverhead Water District boundaries really need to be extended.

Normal Water District procedures, when a tax lot is to be brought into the Water District through an extension, we require that the water main frontage— the frontage of the property include the extension of the water main.

Highlighted on the map in blue is the existing water main on Middle Country Road, Route 25, which really goes against— along the northern property line of the original Splish Splash property.

Now we're proposing to extend the water line, a 12 inch water line, across the highlighted in pink property, again, approximately 1,100 feet of pipe, 12 inch pipe would be installed.

The owner of the property, Splish Splash, will then install a service connection off of that 12 inch pipe and run a private water main through the lot to service the bathroom facility. And off of that line, they will install two fire hydrants.

We estimate the water use of the proposed extension at approximately 10,000 gallons per day and noting that Splish Splash is open for approximately 100 days during the year, it will be approximately 1,000,000 gallons of water every year.

The— we estimate this water use working with Suffolk County Department of Health Services where they wanted to calculate— they based it off the number of parking spaces, estimate number of cars that would be in the facility, the estimated number of people per car, so we worked closely with the Suffolk County Department of Health Services to create the estimated water flow for the bathroom facilities.

Noting that there are already bathroom facilities on the existing property, it was then pro rated between the different bathrooms. So the 10,000 gallons per day is an increase over existing water use.

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The Riverhead Water District is currently in the planning stages of constructing additional supply wells to provide additional water capacity to the Riverhead Water District to meet this additional demand and additional demands throughout the Riverhead Water District.

We estimate the cost of this extension at \$65,500 which includes the construction cost of the 1,100 feet of water main, 12 inch water main to be installed on Route 25, in addition to the engineering, inspection and contingencies associated with installing that pipe. This entire cost will be paid by the developer.

In addition, all the other costs of the installation of the water main going through the property including the appropriate meter and back flow prevention device, will be paid by the developer and will not go through the Riverhead Water District.

In addition, we have calculated a key money fee of \$27,500 for this extension. This fee is based on a flow equivalent of 11 single family homes and the Riverhead Water District charges \$2,500 per single family home. This key money will be used to build the additional capacity that is necessary for the Riverhead Water District.

Thank you."

Supervisor Cardinale: "Dennis, the key money. We had a very amusing conversation, I don't know if you've heard about it, at one point on this, as I recall. How did you calculate what this bathroom is in the equivalent of 2500 per home unit? How do you do it?"

Dennis Kelleher: "Well, as I mentioned before- "

Supervisor Cardinale: "Because apparently it's the equivalent of 11- "

Dennis Kelleher: "Eleven single family homes."

Supervisor Cardinale: "-- single family homes. Why?"

Dennis Kelleher: "We have an estimate of what the Riverhead Water District homes use on a typical day and we divided that number- I had mentioned before the 10,000 gallons per day for this facility and then we divided by what we feel the single family home equivalent is so that comes out to 11- "

Supervisor Cardinale: "Is that like 900 gallons in a single family home use? You should have been here a couple weeks ago to help out Gary. Are you here, Gary? He was trying to figure out how you did it and he was not getting us there, but now I understand it."

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Dennis Kelleher: "Again, we treated this extension just like any other extension. Of course, it's simple to calculate it when we have a proposed residential subdivision and it's a single family home but whenever we have something out of the ordinary, we have to do it on flow equivalent."

Supervisor Cardinale: "Now, how much is this costing them to get water to this bathroom?"

Dennis Kelleher: "Well, the- "

Supervisor Cardinale: "Total."

Dennis Kelleher: "-- total again, I would not know that number."

Supervisor Cardinale: "But you just gave it to us, didn't you?"

Dennis Kelleher: "Oh, no. The \$65,500 just to install the- extend the pipe on 25. Now there's a whole bunch of water main that has to be installed inside the facility that will become- it will not become Riverhead Water District property. It's a long service line in and it's probably at least double that amount."

Supervisor Cardinale: "Two fifty."

(Inaudible comment)

Supervisor Cardinale: "You really want a bathroom. And isn't this the bathroom that costs a million bucks? This could be an attraction at Splish Splash, forget about as a bathroom. That's amazing. It's a royal flush, yeah."

(Inaudible comment)

Supervisor Cardinale: "Okay, I figured you must do it for some other reason as well. Okay, thank you very much. Anybody have a question?"

Councilwoman Blass: "I have a question."

Supervisor Cardinale: "Go right ahead."

Councilwoman Blass: "The eight inch stub that's going to be left at the property line for connection for private service, where is that? Is that on the west side?"

Dennis Kelleher: "Actually, we're going to extend the pipe- the existing pipe- 12 inch pipe stops at about the circle as you go into and turn around at the entrance of Splish Splash, we are going to

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extend it down about 1,100 feet which is the end of the property, and the stub- there's going to be a fire hydrant installed at the end of that line and then there will be the eight inch- eight inch service stub that will enter at that point (inaudible)."

(Inaudible comment)

Councilwoman Blass: "Okay, thank you."

Supervisor Cardinale: "Do you own anything to that side?"

Chip Cleary: "I own (inaudible)."

Supervisor Cardinale: "On the further west, I guess."

Dennis Kelleher: "Splish Splash also owns this part as you can see is additional parking. And all this is parking. And right down here is where the bathroom facility is so there will be additional water main installed with the dotted orange line to feed the bathrooms and also where the fire hydrants- "

Supervisor Cardinale: "I thought you sold this."

Chip Cleary: "No."

Supervisor Cardinale: "You can't believe the newspaper. I know you can't believe RIV but I was hoping Newsday was going to be right. I think it may have been the Business News. I'm sorry."

Chip Cleary: "We basically changed (inaudible)."

Supervisor Cardinale: "You're still the principal there. Good to know. Okay, anyone from the audience have a question in regard to this proposed extension?"

If not, I will note that we started this hearing at 7:22. It is now 7:32, and close this hearing."

Public hearing closed: 7:32 p.m.

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Supervisor Cardinale: "And go on to that hearing which is scheduled for 7:15, which as I mentioned earlier, we will be re-posting and hearing in probably four weeks as required by law."

The hearing that was to have started at 7:20 can be started, it being 7:33."

Public hearing opened: 7:33

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Supervisor Cardinale: "This considers a local law to amend Chapter 108 Recreational fees for major subdivisions, minor subdivisions and residential site plans.

The town attorney is familiar with this piece of proposed legislation. It's been discussed at some length in the work sessions. So if you could add anything that would be helpful, please do, Dawn, about what it is, and then I'll take comment."

Dawn Thomas: "This public hearing is to discuss or consider the amendments of Chapter 108 of the town code which is our zoning code to add the ability of the town to collect recreation fees on both minor subdivisions and site plans that result in residential development.

There will be a couple of minor changes to the text that was published in the paper, specifically, there's a B section at the conclusion of each change.

At the conclusion of the section amending minor subdivisions, there's a small sentence number D, that should be deleted which isn't really purposeful for us here and that same section in the following sections for site plan and major subdivision.

And in addition we referenced in the site plan acres but really we have to change that reference to units. So what we'll be doing is collecting subdivision fees- recreation fees based upon a calculation- a percentage calculation of the properties. For major subdivisions, they'll be based upon an appraisal for an area equal to five percent of the lot shown on the plan. For major subdivisions- for minor subdivisions, we'll be collecting a five percent of the total property area an appraised value for that amount of property, and for site plans, it will be five percent of the total units and that amount of property would be appraised. If the applicant- at the applicant's expense. That appraised value would be basically the recreation fee that's paid.

So rather than the \$3,000.00 per unit now or lot that we collect, we'll be going based on market value. The positive to that is that we don't have a static number, we have a number that increases. We don't have to change the statute when the market changes. And in addition we collect a fair amount for what the recreation- the property's worth. So, I think that's it."

Supervisor Cardinale: "Thank you. Okay. Does anyone have any- in the audience or otherwise on the board have any questions or comments they would like to make? Yes, Larry."

Larry Oxman: "Larry Oxman, offices on Route 58 and downtown. The appraised value, based on what? The finished map, the approved map, the raw land. How does one determine the appraised value?"

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Dawn Thomas: "It will be appraised at what the value of the land would be as developed. So if you have a one acre lot, whatever the value of that one acre lot is as a residential building lot, would be the appraised value."

Larry Oxman: "All right. If they had a 20 lot subdivision, as an example, currently they would pay 20 times \$3,000.00. Correct?"

Dawn Thomas: "Yes."

Larry Oxman: "So and so now we're going to say that the lot is the property- let's pick a number, \$200,000 per lot, so \$200,000 times- so it's gone down?"

Dawn Thomas: "No. Up."

(Inaudible comment)

Larry Oxman: "Right. So, but you said it was five percent. It would be ten grand, \$10,000 times 20 times five percent?"

Councilman Densieski: "It would be 10 grand times 20."

Larry Oxman: "Right. \$200,000 from 60."

Supervisor Cardinale: "I would work on that, yeah. Also, a factor here, is you're picking up minor subdivisions for the first time in this, are we not?"

Dawn Thomas: "Yes. And site plan--"

Supervisor Cardinale: "Site plans for- what- condos- "

Dawn Thomas: "Apartments, right."

Supervisor Cardinale: "And apartments. And the concept is- usually are singing the praises of our neighbors to the south. We didn't just think this up. We're aware that it's from- it's based largely on the Southampton statute which you may know.

We have to have a- we have to have a rate that relates to a park area that if we were going to insist upon a private park would cost the developer and that's where you get- that's what they're trying to do in Southampton and we're trying to do by emulating them, that if you were going to put aside a pocket park, you would lose- well, in this instance, what is it, \$200,000 is that it?"

Dawn Thomas: "Right."

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Supervisor Cardinale: "You'd lose a lot. So if you're not going to lose the lot by having a pocket park, which we don't want anyway because who the heck wants to maintain pocket parks, you're going to pay us the \$200,000. That's the gist. Now whether we're - and it's based largely on Southampton."

Larry Oxman: "So in a subdivision where it's a cluster and then there's open space which could be utilized for recreational uses, tough luck."

Supervisor Cardinale: "We wouldn't let you do it before. You'd never be able to put in a pocket park in open space. It would be like a double dip. It's like when they used to let you do golf courses in open space."

Larry Oxman: "Right. And the same for apartments downtown."

Supervisor Cardinale: "That's a very big- that and the minor subdivision are two significant- very significant additions, right. The concept was to try to reach all residential units in town. It's only going to be about another 3,000. To try to reach all of them and to make sure that we- incidentally, this isn't just made up. Have you taken a look at tonight's- another million one going out for the EPCL park. We're committed to \$5,000,000 to build that park. It's going to cost us a lot more than that by the time we finish. We need to have money to do that. So that's why we're trying to revamp the rec fee to reflect reality. And the gist of it is on your example, is that we would, you know, instead of making the guy dedicate a lot to rec- to a pocket park, we're taking the cash equivalent. Thank you."

Larry Oxman: "It will be interesting. How does this compare to Brookhaven?"

Supervisor Cardinale: "I don't know. Have we looked at Brookhaven? I know we looked at Southampton."

Dawn Thomas: "The reason we didn't look at Brookhaven- I think Brookhaven has a flat fee, but the reason we looked at this was because it gives us more flexibility. It's a more elastic statute because when we put a flat fee, for instance we put \$2,000 10 years ago, when the market changes dramatically and \$2,000 covers nothing. But we need to have a nexus between the need for park and the cost of park to the expense- the cost that we charge per lot. So this gives- this is an appraisal. It's an outside party creating the number, not us, not the town board, and so it gives us that flexibility and it's really more appropriate."

Councilman Dunleavy: "Larry- "

Larry Oxman: "Yes."

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Councilman Dunleavy: "Before this, we weren't collecting anything off of apartments, complexes or condos."

Larry Oxman: "Right."

Councilman Dunleavy: "They also use our recreational facilities. So we have to revamp so everybody pays their fair share. And the next five years with building recreational facilities in the town of Riverhead because we're getting more population in here, it's going to cost us a lot more money so we had to adjust the way we collect the money to help defray the cost for the taxpayer on these recreational facilities."

Larry Oxman: "I understand and I think that at some of the work sessions it was really discovered that condominiums do not pay park and recreation fees so there's really no- the problem- "

Supervisor Cardinale: "Actually it turns out they do."

Larry Oxman: "They do?"

Supervisor Cardinale: "Condos do, right, Dick, both your condos and our condos, the planning board condos but the ones that don't are the rental units."

Larry Oxman: "Okay."

Supervisor Cardinale: "And the townhouses."

Larry Oxman: "That seems right. I just think that this is quite a high number and are there any exemptions or exceptions?"

Supervisor Cardinale: "How do you feel about minor subdivisions? Like say a guy wants to do a minor subdivision for himself and his three kids and say the lot's worth 250, which everything is by the time you are finished if you're going to do it on the- I'm not so sure- you're doing it on the improved cost--"

Dawn Thomas: "On the cost of the subdivided vacant land, yes, it would be lot, the cost- "

Supervisor Cardinale: "The lot value. Well say the lot value would be like 400 but the improved cost would make the lot cost a million for four lots in many places. So are you going to take on a minor subdivision five percent of 400,000 or five percent of a million? That's what you asked earlier. What are you basing it on? Are you basing it on- I haven't looked at it carefully."

Dawn Thomas: "Right."

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Supervisor Cardinale: "Is it based upon the raw land value or is it based upon the improved lot value?"

Dawn Thomas: "I think what we discussed was based upon the improved lot value."

Supervisor Cardinale: "So a guy with four-- a minor subdivision with four, himself and his children, is going to pay in this town now about 40 grand in rec fees on those four lots."

Councilwoman Blass: "What it says is the appraisal of the raw land value of the subject parcel at the time the application for final plat approval."

Supervisor Cardinale: "Okay. And we do that--that's not what she said. If it's raw land, you really can go-- if it's raw land, then you're only going to have to pay, in that four lot situation, eight percent of-- five percent of 400,000 which is 20,000."

Larry Oxman: "The cost of improvements that you're going to be doing for the community, that doesn't change, that would be a fixed cost at the time that it's done. Now I mean are you going to change all of your fees on an appraised basis for building permits, for, you know, I don't know."

Supervisor Cardinale: "It's an interesting idea."

Larry Oxman: "You know, just raise more money."

Supervisor Cardinale: "Incidentally, this is very close-- if you think about it, your calculations again. Because I thought it sounded high when you first said it, the improved cost. This comes out, right now, when we figured it out. It is 5,000 or so. If you figure land around here is worth a hundred or so an acre, most land, it's basically five grand instead of three grand per lot."

Larry Oxman: "But it's no \$100,000. You're buying development rights for \$88,000."

Supervisor Cardinale: "Yeah, and it's another 20 or 25 for the agricultural value. And that's very expensive development rights (inaudible)."

Larry Oxman: "I could sell lots all day long for \$125,000. I don't think there are any."

Supervisor Cardinale: "Buy development rights for (inaudible). But, whatever. Let's say it's 120 an acre. It's still going to be around 5,000, you could look at it that way. That what we're doing is-- you got 10,000, that scared me too incidentally. But if you do

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your arithmetic, you'll find that what we're really doing is going to work out basically to move to 5,000. And the good thing about this is every time we try to raise this fee, which we periodically do, you should be up there screaming it's a tax, it's not a fee because it's not based on, you know, the value that I would have had to devote to the recreation for the pocket park. This is-- definitely answers that challenge. It's definitely based upon what you would have had to pay-- the loss of land. The loss of land and what it's worth to you, because we're taking it a raw value. Instead of making you put aside an acre, we're making you take the lot and pay for the acre."

Larry Oxman: "I appreciate the clarification. Thank you."

Supervisor Cardinale: "Okay. Thank you. Yes, Joe. Oh, Sal and then Charles."

Sal Mastropolo: "Sal Mastropolo, Calverton. When we posted this two weeks ago there were paragraph B's in there that talked about in determining the number of lots you may exclude the existing overall parcel if said parcel existed in single and separate ownership. Did we delete all of that stuff?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "That was an error."

Sal Mastropolo: "Okay. Thank you."

Supervisor Cardinale: "Thank you. Charles."

Charles Cuddy: "I would suggest-- it's Charles Cuddy on behalf of several clients that I represent that are now developing subdivisions."

I believe that in this instance you made a mistake. I think having a fixed number, re-visiting the fixed number would be a lot smarter than trying to do appraisals. You don't have just one appraisal in here, you have the possibility of three appraisals. You can reject one, you can reject two, and then you get a third one and then you take an average. This could cost time, it's going to cost money, and I'm not sure that you are going to achieve as much as if you had a fixed amount of money. And you can change that every year if you wanted to.

I mean there's no problem-- and I'm not here by the way voicing the concern with a higher number. I agree that it should go equally to the minor subdivision, to the major subdivision, condominiums, to site plans, whatever. But my point is to do three appraisals which is a possibility here. You don't have to do them but you could do them, is just going to be, I think, a mess for the people involved. And I'm

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talking about for the people who are the planners, and I'm talking about for the people who are the developers.

I agree with you, the current market, if you take \$100,000 and I think that's a fair number, that it right now would increase the number from three to five, it would be a 67% increase right away. I think that's high. I would have hoped that you would have just done \$1,000 and then re-visited and then \$1,000 later on. But I think it's a mistake and I think it's much too much to ask people to go through a whole process and have the uncertainty at the end of not knowing exactly what you're going to have as a recreation fee. And you're not going to know that.

When people plan for subdivisions, they come in and say, okay, we know \$3,000, \$4,000, \$5,000. That's a number. We have to borrow money to do our subdivision. They can know that, that's a certainty. What you've done is you've just created a vagueness that's unnecessary. This doesn't have to be a three or four page addition to the text of the code. I think you could do this in a few lines. But you can say that minor subdivisions, major subdivisions, all of residential units have to pay a fee and the fee is "x" number.

The fee could be adjusted as I say every year. It's not a problem to do that. You have a hearing now, you've had hearings before. But I think it's a mistake to do it by way of appraisal. And I think that it's going to hurt the process. I think it's going to hurt all the people involved in the process.

And I also would point out to you that in other communities when they do this, there's an incentive to doing things. In Riverhead there doesn't appear to be an incentive to do very much as far as saving land. Here we have an obligation to try and save 70% of the primary soils. If somebody achieves that, which not too many people have, but if they do, then shouldn't they be given some incentive by reducing the amount of this fee. And I would also hope that you consider that."

Supervisor Cardinale: "What was that last point? I missed that because I was calculating- "

Charles Cuddy: "The- in other towns where you have cluster subdivision, where you reduce the size of the overall parcel and you preserve land, and Riverhead requires that you try and save at least 50% and hopefully 70% of primary soils, I would hope there would be some reduction in some fees, perhaps in this fee, if you achieve that result. Because there's no incentive otherwise to do that."

Supervisor Cardinale: "But, yeah, you don't need an incentive because I think we absolutely mandate cluster, don't we?"

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Charles Cuddy: "No, you don't mandate it. You mandate the cluster- "

Supervisor Cardinale: "Yeah."

Charles Cuddy: "-- but you have a 50 to 70% number."

Supervisor Cardinale: "Which is basically based upon the Planning Board's ability to get 70. Sometimes it's just not possible."

Charles Cuddy: "But to the extent that you get closer to that number, I would hope that there would be some incentive to the people.

I also need to know- it talks about subdivisions total acreage that's involved in this, that is, it talks about a percentage of the total acreage to be subdivided. Does that include the yield map? In other words, does it include areas that are wetlands? Does it include areas that we don't count in the yield, because that's the way it is written. And that's unfair to an applicant.

So I would hope that you take a look at some of the language. Take a look at the concept. And I think it would be a great improvement to do it in the simple fashion and not make it the way you have it here."

Supervisor Cardinale: "What do you think the survey cost of say a four lot- or an eight acre parcel would be?"

Charles Cuddy: "You mean the appraisal?"

Supervisor Cardinale: "The appraisal, I'm sorry."

Charles Cuddy: "Appraisals can go anywhere from 500 to \$1,000."

Supervisor Cardinale: "Do you think that it would be more than that? I have not been able to get a survey- an appraisal for less than \$2,500."

Charles Cuddy: "And I think- the higher amount that you go, in other words the greater land value that you have, the number of acres, the higher it's going to be. You could ending up paying \$4,000 or \$5,000 for an appraisal."

Supervisor Cardinale: "We pay, well, of course, that's improved property. But for improved property I think it's very difficult to get a survey for less than--"

Charles Cuddy: "This is raw land basically."

Supervisor Cardinale: "So the predictability you would say is more valuable than- and you would be avoiding the survey- the other

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thing is, if the market goes down, these fees go down for us, right, under this plan. If the market goes up, the fees go up. But if the market goes up, we can always move our number up."

Charles Cuddy: "That's right."

Supervisor Cardinale: "But if the market goes down, we won't. So it's actually a better win for us to do it with a fixed number."

Charles Cuddy: "And I think it's— it really assists the people that are in the process to do that. It's much harder to do it the way you propose."

Supervisor Cardinale: "Incidentally when is the appraisal called for? Because in a hot market it could be 50% higher if you wait two years."

Dawn Thomas: "You'd have to pay it before you get your final map approval."

Charles Cuddy: "The appraisal is called for— it doesn't say when. It just says it's to be submitted at that time. Now presumably if you submit it early you might save time but you might have a bad appraisal. It doesn't give you a time frame."

Councilwoman Blass: "It says the fee has to be paid prior to the final approval of the plat."

Charles Cuddy: "That's all. But the appraisal could be done earlier and then you might— the board might reject it and say that in that time the price--"

Supervisor Cardinale: "The market went up."

Charles Cuddy: "So it's a problem to do appraisals."

Supervisor Cardinale: "Okay, thank you."

Charles Cuddy: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "It certainly— it serves one function though. It keeps everybody's argument away that this is not a fair number because it is a fair number calculated in this fashion. Whether or not we choose to calculate it or just name a number, it certainly answers that it's not a tax. It is a fee based upon the loss of the lot. Lyle, did you have a point?"

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Lyle Wells: "Lyle Wells from Aquebogue. I really hadn't intended on speaking on this until I started hearing the figures. And my concern, I agree with Charles almost completely with what he's saying there.

Predictability is a must in planning and when you have a variable, and I also agree about the appraisals and the cost of them and stuff like that. They can be— you'll be spinning your wheels spending more money trying to receive more and it's not going to happen.

A flat fee would be better and my other concern is with the minor subdivisions with a fee like this. Generally a minor subdivision is for a family member or something along those lines and when you do an appraisal it's going to be a single and separate lot. It's not going to be based on raw land. It's going to be a lot. So your fee may be \$10,000 to \$12,000 for a single and separate minor subdivision. Your rec fee. So keep that in mind as you go through this process. Thank you."

Supervisor Cardinale: "This won't do much for our next generation for affordable housing effort, will it. Okay, any other comment? Yes."

Eve Kaplan: "Eve Kaplan, town resident and I also was not here tonight to talk on this issue but I happen to also work as a senior planner for the Town of Southampton and I'm very familiar with this process.

It is an easy process, it's very straight forward and I would say one of the— the reality is that land for better and for worse in the town of Riverhead is going up in value very quickly and it's going to become almost impossible for the town board to keep up with providing new recreational facilities for residents unless the town has a means to acquire that land which is going to become more and more expensive.

People who are doing subdivisions and development are— they're also benefitting from that increase in land prices and you know, and along with that, so it's kind of across the board.

Another thing that I think one of the benefits we see in Southampton that Riverhead is also undergoing is that different areas of the town start to become— have different land values. So for example lots in one area may be selling for a lot more than lots in another area and this way it's not punitive to people in areas of the town that don't have those high values because they're not forced to pay the same kinds of park and rec fees as people with lots in other areas.

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Basically the way it works is it happens very quickly. We review a subdivision. At the end when the person gets the final approval they give us the fee for the appraisal. The fee that we get is \$1,000 and we have a list of pre-approved appraisers. We call them and we call someone and ask if they want the job, they always accept. And we send it out and in about a month we get it back. We send it to the applicant whoever is doing the subdivision. They review it. If it looks okay to them, it's also sent to the town attorney to review and if it looks okay all around, then the appraisal is adopted, the park fee is set, 5%, and it's paid."

Supervisor Cardinale: "What do you base your appraisal on?"

Eve Kaplan: "It's on raw land."

Supervisor Cardinale: "So that if it's a 20 acre- if it's a 20 acre piece let's say, you appraise the value of- "

Eve Kaplan: "Before any--"

Supervisor Cardinale: "-- 20 acres of earth."

Eve Kaplan: "Exactly. So it's not- "

Supervisor Cardinale: "-- in that area."

Eve Kaplan: "-- it's not going to be based on that additional value that's created through the subdivision. It's just based on the raw land. Obviously if there's wetlands, I mean wetlands are not going to contribute to the value of the parcel in an appraisal, they're probably going to subtract from the value, so the person is not being penalized for wetlands as far as having to pay, you know, additional fees, and that's basically how it works.

And, you know, the reality is, as the market changes it's a very fair process because the person who is getting the benefit of those land values, whether they're going up or down, is going to be paying in accordance with those values. So that's how it works.

And, you know, I talked to Rick a little about it a few months ago and I'd be happy to- "

Supervisor Cardinale: "Thank you. Yeah, I'd like to- I appreciate that."

Eve Kaplan: "And you know the main thing is that a lot of us are here today for different types, you know, of land acquisitions and thinking about, you know, the future of, you know, recreation in this town and, you know, it's got to get paid for some way. So this provides a way for the town to raise funds in an equitable way without

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additional taxes from people who are benefitting from high land values."

Supervisor Cardinale: "Thank you for your comments. Any other comment?"

Dawn Thomas: "Just also- "

Supervisor Cardinale: "Yeah."

Dawn Thomas: "-- I think it's important to note that if we do change the rec fee, the town has to generate a study that shows that there's a nexus between the fee charged. So we can't just pump it up \$1,000 next year and \$1,000 the following year. We have to do a study and show in the study through numbers- "

Supervisor Cardinale: "That's a good point."

Dawn Thomas: "-- do all that work. It's not hard to do but it needs to be done. It's just not- you just can't arbitrarily assign a number to it. There has to be a relationship between the number assigned and the fee collected-- and the cost of recreation and the fee collected."

Councilman Densieski: "We can simply show our master plan of EPCAL and that's about \$20,000,000 I think overall."

Supervisor Cardinale: "Well, you would have- you would have to establish the value, the relationship between the number you select and the values of your acreage basically. Is that what you're saying?"

Dawn Thomas: "The cost of recreation- the anticipated cost of recreation needs in the town- "

Supervisor Cardinale: "Yeah, that's- now I get your point. That would be easy (inaudible)."

Dawn Thomas: "Per unit cost- the recreation fee would be representative of a per unit cost for that."

Supervisor Cardinale: "You know, what I find interesting about this is under that theory, I get it that, you know, that if you're going to have to give me a piece of land, I won't take the value, thank you very much. But what if you've got a town that's absolutely park happy and so they say to the developers we're going to spend \$80,000,000 on parks so therefore your recreation fee is no longer \$5,000 a lot, it's, you know \$18,000 a lot. You can do that?"

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Dawn Thomas: "I think if you can show it's rationally related to the cost of recreation within the town, yes."

Supervisor Cardinale: "It's interesting."

Dawn Thomas: "But you need to do that study and you have to be able to show that- "

Supervisor Cardinale: "And you can build a great- what do they call it, the great center- youth and senior sports center on the backs of the next 3,000 people in."

Councilman Densieski: "I think it has to withhold a challenge, too (inaudible)."

Dawn Thomas: "I think if you had real plans for real recreation and real expenses being incurred, I think then you could do that without any difficulty. It's just, the flat fee always posed that problem because it's not a simple thing, well, this is what we think the number is and as I said earlier the flexibility that this gives us keeps us from losing the revenue that we should be collecting for those two or three years that nobody wants to raise the rec fee. It makes it easier."

Supervisor Cardinale: "Good. Well I think the comments are very pointed and I appreciate the comments from everybody. We'll look at this at work session some more and make a decision."

Any other comment? If not, I will note it is 8:01 and that hearing, #4, I will close, leaving it open for five days for written comment so written comment through, let's see, Wednesday, Thursday, Friday, Monday- through next Tuesday, close of business."

Public hearing closed: 8:01 p.m.  
Left open for written comment  
until next Tuesday

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Public hearing opened: 8:02 p.m.

Supervisor Cardinale: "Next one is the one scheduled for 7:25. It being 8:02, we are going to consider the purchase of development rights for the agricultural land owned by Tri-State Horticultural Services Inc. Joseph Alberta. And the town attorney will present that. We have the esteemed chairman of the Planning Board with us this evening. Just lucky, Dick, or you didn't have anything going tonight? Well, it's nice to see you. Oh, you're on Farm Select, too, and we have three of these- right, three of these hearings."

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Mary Hartill: "Okay. This public hearing pertains to property that's described as Suffolk County Tax Map No. 600-85-2 and p/o 1. It's located on the north side of Main Road, Route 25, the east side of Cross River Drive in Riverhead and it's currently in production of nursery stock.

It's the sale of development rights on approximately 20 acres of a 26 acre parcel owned by Tri-State Horticultural Services, Inc., Joseph Alberta. Six acres along the Main Road will be left out of the sale to accommodate the existing structure and future improvements.

The price is \$69,300 an acre for a total of \$1,386,000. An appraisal was completed by Gibbon Associates on November 17, 2005 and was updated March 9, 2006 and it supports this price.

The Riverhead Farmland Select Committee has reviewed this proposed sale of development rights and recommends that the town board authorize the purchase of development rights on this acreage."

Supervisor Cardinale: "The- when you say it supports the price, that means that the price we're paying is not more than the appraisal?"

Mary Hartill: "That's correct."

Supervisor Cardinale: "Thank you. Any comment in regard to this proposed purchase? Did we hear this one before? It seems to be de ja vu. This is our second hearing? We do this a lot. We have such fun on hearings, we do them two or three times. Anyone have a comment? I remember comments on this before. I know the piece. I have no comment. So I'm going to note that the hearing has been opened from 8:02 to 8:05 and I'm going to keep it open for five- no, I'm not going to. Did I do that in the last one? Yeah, I did on one."

Barbara Grattan: "You did on one but not on the other."

Supervisor Cardinale: "It wasn't on a purchase. We can't do it on the purchase because we're going to actually consider these tonight. So going once, going twice, three times. There's no comment, I'm going to close the hearing, it being 8:05."

Public hearing closed: 8:05 p.m.

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Public hearing opened: 8:05 p.m.

Supervisor Cardinale: "And move to the final hearing of the evening which is also for the consideration of the purchase, in this

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instance a very special purchase of actually not development rights but vacant land for open space. So would you tell us about that."

Mary Hartill: "This property description is described as Suffolk County Tax Map No. 600-109-2-12.1. It's located on the north side of East Main Street to the west of Elton Street. It is comprised of approximately 3.6 acres of wetlands and is otherwise described as gentle, rolling and lightly wooded property.

The purchase of approximately 4.9 acres presently owned by Maurice Goldman. The price is \$245,500. On March of 2005, the appraisal was updated by the Gibbon Associates— the original appraisal was in March of 2005 and it was updated in February of 2006 and the updated appraisal coincides with this purchase price."

Eve Kaplan: "I'm speaking as Chair of the Riverhead Open Space Committee. I wanted to tell you a little bit more about this parcel, why it's important.

It is— the main reason it's important, it's part of the Saw Mill Creek watershed which is one of the priority areas that have been designated by the town board and as you see there's already been significant land that has been preserved by other public monies nearby in this watershed. This is I believe preserved by the county. This is actually the creek itself that runs through here. This is a parcel that we call Elton Street LLC which was recently preserved by the county, it's about five and a half acres. And essentially the creek drains right into this area. There is a lot of open fresh water areas, ponds and some wetlands. It's used essentially by wild fowl and a lot of birds, migrating birds, and there have been some deer seen in there and other wildlife. There's a lot of cover and so that's part of why it's important.

This big piece, I guess you can't see the map, but this large piece surrounding it unfortunately has been fully developed. That was Mill Pond condo development, and that piece was lost which essentially makes this almost more important because it mitigates the runoff from a lot of those paved areas and helps to protect the Peconic Bay because obviously Saw Mill Creek is eventually draining right into the Bay.

The site is located near— it's right on East Main Street and it's really part of downtown essentially. It's near the downtown and ultimately could provide some recreational opportunities for both, you know, school children. It's somewhat near, it's probably within walking distance from Atlantis, you know, again, it's within walking distance of downtown and there is a possibility to have a small loop trail that people could enjoy that goes around part of the pond.

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And although I guess there were some issues raised at the last hearing that— a question of, you know, whether it was already restricted from future development by the wetlands, the appraisal was done and the appraisal supports the fact that there was development potential on the site obviously. We wouldn't be paying, you know, we're paying in line with the appraisal and, you know, if there wasn't development potential or if it wasn't at risk, we wouldn't be purchasing it to preserve it.

So, that's, you know, and even if it was, you know, just a few lots or a few condos, that still, you know, would significantly impact the watershed and these fresh water areas. So those are the only issues. Thank you."

Supervisor Cardinale: "As with other pieces we've discussed, we're trying to get access— in view of the fact that we're buying the fee to this, we want to try and get access to the public and I think you're working on that piece that was bought a few years ago, is it Esposito, is that the piece— to try to get us access to that piece."

Eve Kaplan: "Right. We'd like the town board to issue the RFP (inaudible)."

Supervisor Cardinale: "Who's preparing that?"

Eve Kaplan: "The RFP (inaudible)."

Supervisor Cardinale: "Okay. So let's— okay, okay. Well, we'll do that. If it's done— "

Councilman Bartunek: "I think it would be a good thing, Eve, to emphasize that there is a very significant trail that goes through there that would connect Mill Pond Commons to East Main Street already. So as far as it goes with public access, that is a very good point of this property."

Supervisor Cardinale: "Okay. Any comment from any other member of the public or member of the board, or anyone else? If not, we're going to consider this later. It's 8:10, I'm going to close this hearing. Thank you for the participation."

Public hearing closed: 8:10 p.m.

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Supervisor Cardinale: "We have 36 I think resolutions to consider this evening and I'd like to invite comment on those resolutions. Sal will help us out with some of the problems I'm sure we want to correct before we pass them. Sal, fire away. Sal has saved us a lot of money by serving as our-- "

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Sal Mastropolo: "Resolution 340, page 4."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "You've got Traveler Watchman in there. It should be News Review I think."

Barbara Grattan: "We know that."

Supervisor Cardinale: "Okay. We will- we'll correct that. Barbara noted it."

Sal Mastropolo: "Section 9."

Supervisor Cardinale: "Yup."

Sal Mastropolo: "Resolution 341."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I notice there's a resolution in here to hire an engineering firm to reevaluate the landfill."

Supervisor Cardinale: "Later on, yes."

Sal Mastropolo: "Yeah. How did we come up with another \$5,000,000 in bonds?"

Supervisor Cardinale: "Yeah. There's two things. I explained this to John yesterday. When you look at the Whereas clause- I'm going to propose a Whereas it has now been determined that additional work is required in order to complete the requirement. What- only in my dreams- "

Sal Mastropolo: "That's why I'm asking."

Supervisor Cardinale: "Would that it were. I'm going to ask that the word partially be put in there. What this is designed to do is we are down to the last \$400,000 or \$500,000 of the bond passed in 2002 and we are in the midst of taking out some oil soaked soil which we must take out whether we reclaim or we cap the balance and this will allow us to continue to do that during what I am told will be a 30 to 60 day period before the FPM the engineering firm gives us the answers to the four questions we have posed."

Sal Mastropolo: "Okay. So as long as you make that change."

Supervisor Cardinale: "Yes, thank you."

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Barbara Grattan: "All right. Where are you making this change?"

Supervisor Cardinale: "On the one, two, third Whereas clause, the second line before the word complete, it should be partially."

Sal Mastropolo: "Resolution 345."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Can you tell me what the location of that piece of property is? It gives you the tax map number but I have no way of knowing if it's in Polish town or if it's in Wading River."

Supervisor Cardinale: "That's a very good question. The significant problem with this incidentally, we're classifying the action, we're not- we're classifying the action which is- she's looking at the location. But I'm told by my administrative assistant, Peggy, that this is not an attached garage. Is that correct?"

So there's a recent decision of the ZBA that says if you don't have an attached garage you've got to connect it with a breezeway. So I'm not sure this is going anywhere."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Because we have to- we're advising the applicant of that fact and she may withdraw because she may not want to build a 40 foot breezeway."

Councilman Dunleavy: "It's on Sound Shore Road."

Sal Mastropolo: "Okay. 354, George mentioned something before the meeting, okay, total or per officer and I didn't- "

Supervisor Cardinale: "A question on 354 is- "

Councilman Bartunek: "And 355."

Sal Mastropolo: "Yeah. On 355 though I have a question. That seems like an awful lot of money. Is there a cost to go to attend the course?"

Supervisor Cardinale: "We thought so, too, and I asked the question and I got the answer from the Chief that there is a \$500 or \$600 registration fee for that which is what pumps the price up. There are two people going to this, is that correct? So the registration is about \$1100 and about \$500 for the housing and the other things."

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Sal Mastropolo: "All right. 356- "

Supervisor Cardinale: "I hope it's good Chief."

Sal Mastropolo: "356."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The community members. I have a question. Are they all current boaters that dock their boats there? Or are there some residents or community members that are not presently docking at the East Dock facility?"

Councilwoman Blass: "Actually all of those individuals are currently there and have been guiding us over the last year or so."

Sal Mastropolo: "Okay."

Councilwoman Blass: "We do have an opportunity to fill two other seats if you have any suggestions of individuals."

Sal Mastropolo: "Well, my suggestion is that you have a couple members that are not docking their boats there because people that are docking their boats there are going to give you advice that benefits the dockers. That's what I had at the Moose Lodge. Okay. They're always going to want something and they're not going to care about the rest of the town, okay, and what you spend because they're getting the benefit of docking there.

So you should have a couple of people in there that are not boaters and not docking their boats there to keep everybody honest, okay, and to make sure it's in the entire town's overall interest not just the boaters."

Councilman Densieski: "Are you volunteering?"

Supervisor Cardinale: "Sal, you'd be wonderful on this committee."

Sal Mastropolo: "Yeah. Those are my comments."

Councilman Bartunek: "That's not too bad."

Supervisor Cardinale: "We'll call this seven members with two vacancies, Barbara was just saying. And we invite Sal and anyone else to participate. It's a little difficult though because we're saying those of you who have no involvement probably don't even like boats. Those are the ones we're looking for. Thank you, Sal."

Sal Mastropolo: "You're welcome."

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Supervisor Cardinale: "Come on up, please, Rex."

Rex Farr: "Rex Farr, Calverton. A couple questions. On the resolution for an additional \$5,000,000 on the reclamation project."

Supervisor Cardinale: "Yes."

Rex Farr: "I heard you- I didn't hear all of your answer to Sal's question, Phil."

Supervisor Cardinale: "What number was it?"

Rex Farr: "341."

Supervisor Cardinale: "Okay, let me just look at it. Yeah, Sal had a logical question. He was saying, you know, if you're just going- making the decision tonight to go with an engineering firm to get four questions answered, how can you say as we were saying it has now been determined that additional work is required in order to complete, for the sum of \$5,000,000.

I said only would that it were only \$5,000,000. I don't expect it to be that but we are out of money. We cannot finish the oil soil pickup or cleanup until we at least- we can't- we have to pass the authorization before we spend the money. We're down to the last \$400,000 as of April 15. So this will allow us to continue that over the next 60 days. We'll probably spend a million or two of that."

Rex Farr: "Yeah, but wouldn't it make more sense to get all of the information first before we issue more money?"

Supervisor Cardinale: "Absolutely. It would and I would not do this but there's- I have to get rid of that particular soil. In other words, that soil has to be removed whether- by the method we're removing it, even if we cap.

Furthermore, if I stop the job, I've got to pay 3,000 or 5,000 a day to my contractor- "

Rex Farr: "Isn't there a clause in there that you have a 30 day- "

Supervisor Cardinale: "Yeah. If I terminate the contract, then I will have to- which is something I would consider but I would have to do it on 30 day notice. So we're hoping that the only thing that we'll do in the next 30- we're told by FPM that there's going to be 60 days before they can give us the answers to the four questions we posed, which is how much did we take out, how much is left in, what is it going to cost to cap, and did our current engineers use standard

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practices in the engineering trade to make their estimates and decisions?

It will take me 30 days for an initial report, 60 days for the final report. During that time I would expect to spend about another \$800,000 because we're running \$600,000 a month so we have 400, so we're not going to spend the whole 500. We'll probably spend about 1,000,000 of this five, plus what we've got to get out the soil with the oil on it."

Rex Farr: "Well, you know, again it seems to me that (1) I don't know about this firm, I haven't been at the work sessions, that you've hired-- "

Supervisor Cardinale: "Yes."

Rex Farr: "-- to-- "

Supervisor Cardinale: "But we haven't yet. We're going to."

Rex Farr: "Well, it's on the resolution 381."

Supervisor Cardinale: "FPM, yeah."

Rex Farr: "So I don't know how many companies have interviewed for this position."

Supervisor Cardinale: "Five."

Rex Farr: "Five companies."

Supervisor Cardinale: "Yeah."

Rex Farr: "I was a little bit upset though on Friday, Phil, when you said that it was impossible to get an accurate reading of what's inside that landfill. My farm has been on GPS for the last five years and they can tell you every grain of sand. They can tell me that I have 10 feet of topsoil, I have 10 feet of sand, I have 10 feet of clay, and they can tell me clear down to China. Why can't we do the same thing for those 60 acres under the landfill."

Supervisor Cardinale: "We need to talk."

Rex Farr: "The technology is out there."

Supervisor Cardinale: "If-- that's what I'd hoped but that's not what any of the five engineering firms is telling me."

Rex Farr: "Then I suggest we take a sixth, seventh and eighth."

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Supervisor Cardinale: "We actually did look at a sixth. We got one of the engineers back there. I said the same thing as you did. How do I know the exact volume, how do I know the exact composition? They can't even tell me, this is what I said on the radio and I repeat, that at the end of the road in 60 days when I lay out to the public our options, okay, you are not going to like the options. I know that much already. Because neither— they won't be able to tell you the exact cost of capping or the exact cost of reclaiming even now.

They're talking variables, 10% to 30%. They don't know— if you're reclaiming, how do you know what you are going to get when you reclaim, what kind of hazardous waste may be there."

Rex Farr: "Again, the technology, Phil, is out there."

Supervisor Cardinale: "That's not what I— if it is, I want to know it because that's not what my engineers are telling me."

Rex Farr: "Well, call up LICA and they'll give you the company that they use."

Supervisor Cardinale: "Who?"

Rex Farr: "Long Island Cauliflower Association. They put my farm on the GPS. I need it for my certification organic. They can tell you exactly what's in there."

Supervisor Cardinale: "Well, that's good. I'm glad you brought it up because if the technology is out there, I want to know about it. What I'm getting is that there is going to be doubt in these areas. If you cap, there will be doubt as to the precise cost of the capping. They'll give you a per acre cost. There will be doubt as to the monitoring costs. There will be enormous doubt as to what happens if you get a plume of water. What are you going to have to do to dig in and correct it then. There's doubt as to what happens in 20 years when that cap disappears. So they can't give you a price-- of reclamation, I don't know the precise volume. I'll know it within 10 to 30%. I don't know the— "

Rex Farr: "That's a pretty big spread, that 10 to 30%."

Supervisor Cardinale: "Right. Especially when you're talking big numbers. And I don't know the composition in that pile. All I'm doing is statistically saying what was in the past discovered, will in the future be discovered and that's nonsense because landfills are not homogenous, you know, there are areas that they throw bad stuff in, areas that they throw better stuff in."

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Rex Farr: "But, yes, again though, again, you can tell literally foot by foot, okay, what is there and what's not there. They can tell you there are 10 tires or 100 tires. They can tell you there are 10 batteries or 100 batteries."

Supervisor Cardinale: "I would like to follow up with that because if that's true- "

Rex Farr: "It seems to me to spend right now to spend \$5,000,000 when you don't even know- "

Supervisor Cardinale: "We're not going to spend \$5,000,000. We're only going to take out the soil that I have to take out either way and- "

Rex Farr: "But you-- okay, you're going to have to- "

Supervisor Cardinale: "-- water in the interval I'm in bigger trouble. But I agree with you that there's a danger if you spend more than simply the soil and then you go and cap, you may have wasted a certain amount of money. But there's other things you can do."

Rex Farr: "And have the studies taken into consideration, because I have seen numbers from the town, okay, for example, what we are if we're allowed to move the sand. I know what we're getting for used tires, I know what we're getting for tin and steel and so on and I know why back five years ago that there was a great deal of hesitation by companies to come forward because this was a pilot program. It was a program of huge magnitude. It hadn't been done before so certainly there was some skepticism. I still believe that- I mean that mining is the best way to go."

Supervisor Cardinale: "Yeah."

Rex Farr: "But at this point to just continuing to go, oh, five more million dollars, you're not going to spend it, you know, let's get an accurate, you know, figure of what's in there. And it can be done."

Supervisor Cardinale: "I- if- I want nothing more than I want an accurate figure of volume and composition. And, incidentally, the other point, if we cap or rather if we do not cap but we continue the reclamation, members of the board including particularly Ed, have made it very clear and I've made it clear to Grimes (phonetic), we're either going to rebid or renegotiate the balance of the job. Because there are- "

Rex Farr: "I hope so."

Supervisor Cardinale: "-- there are costs savings not available three years ago that he now knows are available."

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Rex Farr: "Right."

Supervisor Cardinale: "So, hopefully, not hopefully, absolutely that will happen if we continue to reclaim."

Councilwoman Blass: "Well, that was the resolution we already passed to that effect."

Supervisor Cardinale: "We already passed a rebid negotiation."

Rex Farr: "Okay."

Supervisor Cardinale: "We just haven't-- we have not pulled the plug and actually rebid it because we need the information we're going to get from FPM to determine if we're interested in reclaiming."

Rex Farr: "So it doesn't make any sense just to stop right now, get all the information, and then-- "

Supervisor Cardinale: "It makes a great deal of sense. I've asked Grimes if he would do it without imposing the penalty and he has declined and I've asked him-- "

Rex Farr: "Gee, what a surprise."

Supervisor Cardinale: "-- and he said in any event to the board, we have to get this soil out."

Rex Farr: "We know that."

Supervisor Cardinale: "I've asked him after you finish that soil, I don't want you to take anything else until you speak with me because at that point I may have to terminate the contract in order to avoid expenditures-- further expenditure. By that time, I will have the report I hope."

Rex Farr: "Okay, thank you."

Supervisor Cardinale: "Thank you."

Supervisor Cardinale: "Okay, any other comment on the resolutions we're about to consider? Good. Then let's consider them and then take general comment."

Resolution #337

Councilman Densieski: "Calverton Sewer District budget adjustment. So moved."

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Councilman Dunleavy: "And seconded."

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

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

Resolution #338

Councilwoman Blass: "Budget adoption in connection with the downtown information kiosks project. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #339

Councilman Bartunek: "Restore grant program budget adjustmen. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #340

Barbara Grattan: "Resolution 340 with the change to the News Review."

Councilman Densieski: "A resolution supplementing the bond resolution dated September 7, 2005, to authorize, subject to permissive referendum, the issuance of an additional \$1,100,000 bonds of the Town of Riverhead, Suffolk County, New York to pay a portion of the cost of the establishment of a new park and recreational facility at EPCAL in and for said town. So moved."

Councilman Dunleavy: "And seconded."

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

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

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Resolution #341

Councilman Dunleavy: "A bond resolution. So moved."

Barbara Grattan: "Also with a change, too."

Councilman Dunleavy: "All right. This resolution authorizes the issuance of \$5,000,000 bonds of the town of Riverhead, Suffolk County, New York to pay the costs in connection with the reclamation of the Youngs Avenue landfill Phase III in and for said town. So moved."

Councilwoman Blass: "And seconded with the change."

Supervisor Cardinale: "Moved and seconded with the change. With the word partially as indicated earlier. May we have a vote?"

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

Councilman Densieski: "Yeah. This is basically a stop gap measure but it's an expensive stop gap measure. I don't think anybody here wants to vote on it. I know I don't. But I think we do need to take 60 days to reevaluate what we're doing and find a more efficient way, a much more efficient way to excavate the landfill. With that said, I will vote yes."

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

Supervisor Cardinale: "Yes. I want to thank- this problem which is a serious one, I commend the board for dealing with openly and honestly and thoughtfully and we're going to have to do a lot more of that over the next days.

This- I also want to point out that the authorization for the bonds, as I explained to Rex, does not mean that we're going to spend the money. We're going to spend as little as possible over the next 60 days and focus only on the oil soil which we have to get out anyway no matter what we do thereafter.

So I'm going to vote yes and move on. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #342

Councilwoman Blass: "Mr. Supervisor, I request that Resolution 342 be tabled."

Supervisor Cardinale: "Yes. There is some work that needs to be done on the covenants, correct?"

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Councilwoman Blass: "Right."

Supervisor Cardinale: "And we'll do that at the work session on Thursday. Is there a motion-- "

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "Seconded-- moved and seconded. May we have a vote on tabling?"

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

Resolution #343

Councilman Bartunek: "Approves the site plan of the Church of Jesus Christ of Latter Day Saints. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #344

Councilman Densieski: "Approves the site plan of Living Water Full Gospel Church, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilwoman Blass: "Yes. Could I just make a general comment again."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "None of our site plan resolutions reflect resolution by the architectural review board. I've been asking that repeatedly."

Supervisor Cardinale: "Yeah."

Councilwoman Blass: "And it should reference that they have made recommendations."

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Supervisor Cardinale: "Peggy, would you make sure we tell Rick Hanley tomorrow that he has to put in the architectural review board review so we know that it's been done. And would you note on this, Dawn, No. 15 relative to Hawkins, that we're doing that here as well because of the circumstances. Because they've been delayed so long, we're approving a subject to ZBA. Okay, we have a vote coming up."

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

Councilman Densieski: "Yeah. I would just like to thank Vivian Bell for being very diligent and being the driving force for getting this done for the church. Yes."

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

Supervisor Cardinale: "Yes. I vote yes and that's true about Vivian, can't deny it."

Barbara Grattan: "The resolution is adopted."

Resolution #345

Councilman Dunleavy: "Classifies action on special permit petition of June Johnson. So moved."

Councilwoman Blass: "And second."

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

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

Resolution #346

Councilwoman Blass: "Accepts the cash security from the Wading River Subway. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #347

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Councilman Bartunek: "Amends Resolution #251 and releases bond of Sound Housing LLC Willow Pond Condominiums. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #348

Councilman Densieski: "Appoints auto mechanic III. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. Barbara, do we want to put down a further resolved down at the bottom forwarding a copy of this to Michael Curtis."

Councilwoman Blass: "Yes."

Councilman Bartunek: "I don't know why Sal didn't pick up on it."

Barbara Grattan: "Would you like that on there?"

Councilman Bartunek: "I'm going to leave that up to Sal."

Barbara Grattan: "Oh, okay. I'll put it in."

Councilman Bartunek: "All right."

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

Supervisor Cardinale: "Did Barbara get called on this one? If she didn't, her vote is—"

Councilwoman Blass: "Yes."

Barbara Grattan: "I'm so sorry. Dunleavy I called."

Councilman Dunleavy: "Yes."

Resolution #349

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Councilman Dunleavy: "Appoints recreation specialists sport instructors to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #350

Councilwoman Blass: "Appoints interpreter for the Police Department and the Justice Court. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #351

Councilman Bartunek: "Appoints member to the Architectural Review Board. So moved."

Councilman Densieski: "Second the motion."

Councilman Bartunek: "R. Haynal."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes, discussion."

Councilwoman Blass: "I'm not sure that we should be appointing him effective January 1<sup>st</sup> of 2006. Has he been serving since then?"

Supervisor Cardinale: "No. So you're absolutely right. The effective date— thank you. The effective date should be effective the— today or the next meeting of the Architectural Review Board. So nobody knows the next meeting, right, so we'll just make it today."

Councilman Densieski: "It's unpaid so it's not too important."

Supervisor Cardinale: "Yeah."

Barbara Grattan: "April 18<sup>th</sup>."

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Supervisor Cardinale: "Don't these guys get- "

Councilman Densieski: "Oh, do they? I'm sorry."

Supervisor Cardinale: "We'll break down and give them the extra ten bucks if it's not two weeks from now."

Councilman Bartunek: "Maybe that's why he was appointed January 1<sup>st</sup>."

Supervisor Cardinale: "So it's effective today which is April 18, 2006. Robert Haynal is appointed."

Councilman Bartunek: "And do you want to say something about his pay being prorated to today's date?"

Supervisor Cardinale: "I don't want to break it to him but he's going to get January, February, March. He's going to wind up getting about three-quarters, a little less than there-quarters of twelve hundred. What can we say? But I don't think he's doing it for the money. It's for the love of his town. But next year he will get 12. Okay, we didn't vote yet."

Barbara Grattan: "No."

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

Resolution #352

Councilman Densieski: "Appoints volunteer citizen ombudsman. So moved."

Councilman Dunleavy: "Can I have a discussion? I'd like to table this resolution 352 and table Resolution-- table this resolution."

Supervisor Cardinale: "Okay. Move to table. Is there a second?"

Councilwoman Blass: "Second to table. I think we would just like the opportunity to get clarification as to the duties and chain of command."

Supervisor Cardinale: "Right. I-- this actually was not presented to the board during the work session on Thursday last so we'd like the opportunity to discuss it. We have moved and second to table. Can we have a vote?"

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

Councilman Densieski: "I was prepared to vote but if you want to table it for more discussion, that's fine. I'll vote yes."

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

Resolution #353

Councilman Dunleavy: "Accepts resignation of maintenance mechanic II. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #354

Councilwoman Blass: "Authorizes the attendance of two police officers to the drugs that impair driving training seminar. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #355

Councilman Bartunek: "Authorizes attendance of two police officers to the street crimes program seminar. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #356

Councilwoman Blass: "Authorizes- no, establishes the East Creek Advisory Committee and appoints members. So moved."

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Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved— oh, this is 357?"

Councilwoman Blass: "It's with the two vacancies, right. I don't know how we want to word that."

Supervisor Cardinale: "Um, I think there's an issue— is this— I know that there was some question as to how we were going to handle the next two, which is 357 and 358, because Matt is not here tonight, Matt Hattoff, the CSEA rep is not here."

(Some inaudible discussion)

Supervisor Cardinale: "Oh, I'm sorry, I'm on the wrong one. I missed it, I'm sorry."

Councilwoman Blass: "We were just going to indicate that there are two vacant seats current— "

Supervisor Cardinale: "Yes, I recall that. So when you list the community members— "

Councilwoman Blass: "There are two vacancies at this point."

Supervisor Cardinale: "Yeah. Community members as indicated with two vacancies."

Barbara Grattan: "With two vacancies."

Supervisor Cardinale: "Yeah. Okay. I jumped the gun on that one."

Councilman Bartunek: "Maybe you'd like to take two from the animal advisory here— "

Supervisor Cardinale: "Send them over. A little new blood will be good for everybody over there. Okay."

Barbara Grattan: "Are we ready for a vote?"

Supervisor Cardinale: "Right."

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And if there's any two other people out there members of the community that want to help out, do not own boats, please call us."

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

Supervisor Cardinale: "Yeah. And actually all kidding aside, you can absolutely own a boat, you just can't dock it there. All right."

Councilman Dunleavy: "I want to let you know I one of the advisors of the town board on the committee and I do not own a boat."

Councilwoman Blass: "Neither do I. I can't afford one."

Supervisor Cardinale: "But he's got a nice convertible. I saw you cruising around."

Barbara Grattan: "All right. That resolution is adopted."

Resolution #357

Councilman Bartunek: "Amends and reappoints members to the Town of Riverhead Animal Control Advisory Committee and, Barbara, there's a change on this down at the bottom. It should be two in place of one years."

Councilman Dunleavy: "Can I say something?"

Supervisor Cardinale: "Okay, that's the two, two years. He wants to make the corrections but then there's another correction I think, too, but we're not going to- "

Councilman Dunleavy: "Can I discuss this?"

Supervisor Cardinale: "Yeah, go ahead."

Councilman Dunleavy: "Aren't we going to withdraw this because of the discussion we had about 357 and 358?"

Councilman Bartunek: "It was 358 that we had the discussion about and 357 I think it was a little discussion about who was going to be the CSEA representative- "

Supervisor Cardinale: "Right."

Councilman Dunleavy: "Yes."

Councilman Bartunek: "And how did we decide that we were going to resolve this- "

Councilman Dunleavy: "We are going to add a CSEA representative to the voting- "

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Councilman Bartunek: "I'm suggesting that it would be Matt Hattoff or a designation- designee. I mean- "

Councilman Dunleavy: "Yes. Or appointed by him. He's the president."

Councilman Bartunek: "Or designee. Yes."

Councilman Dunleavy: "Well, Matt wants him to be appointed by the president. He may not be the president all the time. So it's the president or his appointee."

Councilman Bartunek: "Okay."

Supervisor Cardinale: "What you should be aware of (inaudible) follow this vaguely because I would (inaudible). But the CSEA, the dog people, I'm sorry, the committee for the dogs, objects to not naming an individual because everyone else now is an individual and they- in theory, if you named Matt for example, if you name Matt or his designee, you could have (inaudible) which strikes fear into their heart. Although I like Lou, he's a nice guy."

Councilman Dunleavy: "That's why I want to table this so we can have more discussion on it."

Councilman Bartunek: "John, the meeting that we had, the three hour meeting which I'm sure that you will never forget, the decision was that Matt was going to be the responsible party for CSEA representation and we are offering him the opportunity to show up at these meetings and if he declines that opportunity, then that's his prerogative, John. That's the way I feel about it. I think that we should vote on this and move on."

Councilman Dunleavy: "Okay."

Barbara Grattan: "All right. What are you changing here?"

Councilman Bartunek: "Just down at the bottom, it should be two years."

Supervisor Cardinale: "Okay, the first thing he's changing is at the bottom when it says one and then it says two, it means two years."

Barbara Grattan: "Okay."

Supervisor Cardinale: "And then if-- you would remove- you would take the words, Barbara, CSEA representative Matt Hattoff and move them to up front- to under a member of the community. That would

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read CSEA representative and then the name of the individual will be Matt Hattoff according to the proposed change."

Councilman Bartunek: "Oh, you want to move him up to a representation actually on the committee, Phil? Is that what you're saying?"

Supervisor Cardinale: "Why don't you do that."

Councilman Dunleavy: "Yes. Matt wants the member of the CSEA to be a representative on the committee."

Councilwoman Blass: "As a voting member."

Councilman Dunleavy: "As a voting member."

Supervisor Cardinale: "I don't know how the committee people feel about that."

Councilman Bartunek: "That's going to be an even number of people."

Councilman Dunleavy: "That's why I think it should be tabled."

Councilman Densieski: "Are you making a motion?"

Councilman Dunleavy: "Well, I make a motion that we table this."

Councilman Densieski: "I will second that motion."

Supervisor Cardinale: "Okay. As we're considering changes which is a good thing, we've got a motion to table which is a nice thing, too. So can we consider the motion to table? Yeah, just call, if we've got three to table, then we're in good shape. If we don't, we've got to keep talking."

Barbara Grattan: "All right. Are you ready for a vote to table?"

Supervisor Cardinale: "I'm really ready."

Barbara Grattan: "Okay, here we go."

The Vote: "Dunleavy, yes; Bartunek, no; Blass, no; Densieski."

Councilman Densieski: "Yeah. I think there's some town issues that have to be resolved before we go ahead with any of the animal control resolutions. I think the town issues should be resolved first. So I'll vote yes to table. Profiles in courage."

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Supervisor Cardinale: "Here's the deal. I actually did vote yes for- I did vote yes on this earlier to set up an advisory committee and I think it's a good idea to have advisory committees on almost any subject. So I'm happy to vote for an advisory committee, I'm just- and I'd like to do it tonight, but I also feel that there's no urgency that couldn't wait for two weeks.

So I will vote that we should make sure that in both this and I think the other one, that this is clear that we're naming a person, Matt Hattoff, that is going to come to the meetings and is going to be a CSEA rep and that I'm happy to vote yes on it. So I would not- I would vote to table on pure principle that it's always good to talk through before you vote and I think we know exactly what we're going to ask him to vote on, we've got it all set.

And the same thing on the next one, I would suggest that we do that. So I'm going to vote yes to table. Yes to table. Is that what I- yes, to table."

Barbara Grattan: "We have one, two, three, to table."

Supervisor Cardinale: "Okay. So we have three to table and we're going to go to the next one, 358."

Resolution #358

Councilman Bartunek: "Amends Town of Riverhead Animal Control Volunteer application form. And I will move to table this one."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "And I second."

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

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

Councilman Densieski: "I think one of the things we have to talk about when we talk about this is moving this away from the police department. I think police resources are too valuable to be spent at the animal shelter. I think one of the other departments could do just as good a job and let's let the police do their job. Sorry, Dave, but that's how I feel. So I'll vote yes to table."

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

Supervisor Cardinale: "Okay. I'm going to vote in regard to this as well. I think Ed's issue should be addressed, possibly in a

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separate resolution as well as confirming that we have three members that continue with the policies outlined in the forms that were passed in November.

However, I think we should table this because the purpose of this resolution, I think, and as I understand it, George, correct me, is to resolve the improper practice and I want to make sure before I vote on it that it is clear that that's exactly what it does, otherwise we shouldn't be passing anything. So I vote to table it to consider that."

Barbara Grattan: "Okay. That resolution is tabled."

Resolution #359

Councilman Dunleavy: "Approves Chapter 90 application of Calverton Links LTS. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #360

Councilwoman Blass: "Approves a Chapter 90 application of Peconic Bay Medical Center. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #361

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #362

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Councilman Densieski: "Accepts an offer for sale of development rights for Tri-State Horticulture Services, Inc. and Joseph Alberto. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. This is one of the hearings we heard tonight. May we have a vote please?"

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

Resolution #363

Councilman Dunleavy: "Accepts offer of sale of real property located in the town of Riverhead purported owner is Dr. Maurice Goldman. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #364

Councilwoman Blass: "Accepts the offer of sale of development rights from the property owned by John P. Kujawski and Sons. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #365

Councilman Bartunek: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 267 Peconic Bay Boulevard, Aquebogue, New York. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #366

Councilman Densieski: "Authorizes the Supervisor to execute an agreement with Suffolk County for grant funds awarded through downtown revitalization program round V. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #367

Councilman Densieski: "Authorizes the Supervisor to execute an agreement with the County of Suffolk for the youth bureau. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #368

Councilman Dunleavy: "Authorizes the Supervisor to execute an agreement with the County of Suffolk youth bureau. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #369

Councilwoman Blass: "This is an order calling for a public hearing for the Riverhead Water District for a lateral water main for the Carrera property in Wading River. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #370

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code definitions restaurants. So moved."

Councilman Densieski: "Second the motion."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "In reviewing the definition, we may want to consider as long as it has not yet gone to publication to also delete the words informally outdoors on the premises which pertains to- it currently reads that you are not allowed to have informal outdoor dining at a restaurant and I'm not so sure that we want to prohibit that."

Supervisor Cardinale: "Right."

Councilwoman Blass: "So I would think as long as we're taking out that other issue with respect- "

Supervisor Cardinale: "Live entertainment. Yeah."

Councilwoman Blass: "-- live entertainment, we would also want to take the opportunity to remove the prohibition on outdoor dining."

Councilman Densieski: "Yeah, I agree with Barbara."

Supervisor Cardinale: "Okay, so- "

Councilwoman Blass: "Say that again, Ed."

Councilman Densieski: "I agree with Barbara. She's learning."

Councilman Dunleavy: "What's happening here?"

Councilman Densieski: "She's learning. What can I say?"

Supervisor Cardinale: "Drum rolls, please."

Councilman Densieski: "Good job, Barbara."

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Supervisor Cardinale: "Okay. So we had discussed this briefly before the meeting. I think it's a good idea as well so let's offer it with those amendments and see where we go."

Barbara Grattan: "Okay, so we're ready."

Councilman Densieski: "Barbara, what's next? Airplanes at EPCAL?"

Councilwoman Blass: "You'll never know. You'll never know."

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

Resolution #371

Councilman Densieski: "Authorizes the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owner Jeffrey S. Batch. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "I have— I know we discussed this in work session, but comment and discussion."

In order to vote for the two we voted for tonight, we asked for that list and they were carried as accepted. We have, you know, as accepted offer. So we did it. But these would be new offers within the breakdown that you've given us from the open space and farm select. We're running out of money here so we really have to allocate at the next town board meeting— you want to do these, there's three or four of them, which we'll then have hearings on. But if our determination is that we can't— we're going to allocate for open space then they're going to be meaningless hearings.

So my question I guess is do you want to defer making, setting the hearing, until we allocate the remaining funds?"

Councilman Densieski: "Can I weigh in, Mr. Supervisor?"

Supervisor Cardinale: "Sure. Go right ahead."

Councilman Densieski: "No. I don't think we should wait. I think we should proceed as rapidly as we can. We have to find a way, whatever that way is, to get these properties preserved. So my vote would be to continue as speedily as we can."

Supervisor Cardinale: "I understand that but I guess the question is we have about— first of all there is no more money after

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we spend this money and I think we're down to the last-- well, we've get exact figures. Is Jack here? Peggy, we need on Thursday's meeting, the exact figures on what we have left because we never allocated the last \$30,000,000 between farm and open-- "

Councilwoman Blass: "I did ask Jack-- "

Supervisor Cardinale: "Yeah, what have we got?"

Councilwoman Blass: "-- before our meeting. We have \$7,000,000 left in the first \$30,000,000 authorization that did have a designated 20/10 split so that seven was left for open space."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Out of the 25, we have not drawn down on any of that authorization yet. So we have the full amount but if we do it, it's all-- it would be basically all of it and we did not-- "

Supervisor Cardinale: "Of the 25, what do we have left?"

Councilwoman Blass: "We have all 25. We have not drawn down any of it. But what we have-- "

Supervisor Cardinale: (Inaudible)

Councilwoman Blass: "We would be doing it here."

Supervisor Cardinale: "Well, didn't we do all these already?"

Councilwoman Blass: "No, we haven't. They're under contract."

Supervisor Cardinale: "We haven't drawn them but-- "

Councilwoman Blass: "We haven't drawn them but this-- what the authorization is-- according to this list-- "

Supervisor Cardinale: "I understand. I understand."

Councilwoman Blass: "-- we would be encumbering or committing \$23,000,000 of the 25."

Supervisor Cardinale: "So-- "

Councilwoman Blass: "We were discussing with the county these."

Supervisor Cardinale: "Okay, so the gist of it is this, I think, if I've got it right, Barbara. Of the \$30,000,000 that Bob borrowed before we got here-- I got here, we have \$7,000,000 left earmarked for open space."

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Councilwoman Blass: "That's correct."

Supervisor Cardinale: "The \$25,000,000 that we've borrowed since I've been here which ends all of our borrowing under the community preservation, we have spent about 4 and 12- we're committed for 16. This would be another 7 we'd be (inaudible), so then committed 23 but we're not committing until after the hearing. Let's just have the hearing. All right. Okay, so let's- now I get the numbers. Thank you."

Councilman Dunleavy: "Also we're talking with the county to go in partnership with us so we may get them to go in partnership with us on these."

Supervisor Cardinale: "Yeah, okay. All right. So let's have the hearings and move it along."

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

Resolution #372

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owners Louis and Ottavia Caracciolo. So moved."

Councilwoman Blass: "My grandmother is turning in her grave. And seconded."

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

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

Resolution #373

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owner James P. Sharkey and Monique Molfetta. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #374

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Councilman Bartunek: "Authorization to junk fixed assets. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #375

Councilman Densieski: "Awards bid for transmission improvements for Contract W for the Riverhead Water District. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #376

Councilman Dunleavy: "Extends bid contract for calcium hypochlorite tablets. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #377

Councilwoman Blass: "Authorizes the town clerk to publish and post a notice to bidders for water service materials. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #378

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Councilman Bartunek: "Authorization to publish advertisement for disposal of town of Riverhead municipal solid waste. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #379

Councilman Densieski: "Supports the submission of a grant application to the New York State Division of Criminal Justice Services. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #380

Councilman Dunleavy: "380 here it is. Authorize Shoreham Wading River High School community relations class project at police officer's memorial park. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. This is a class clean up project for that park and we appreciate it. I vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #381

Councilwoman Blass: "Authorizes the retention of the FPM Group. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "I wasn't here yesterday for the discussion to discuss this. This is not the group I would have picked first. But they are the cheapest group, not necessarily right. It says however we can perform the work on a time and material basis within an agreed upset maximum, say 5,000. That doesn't mean we won't pay more which I'm concerned about. And I hope they're a great company and I guess they are, they've got a pretty good resume."

I wouldn't have picked them for us but we have to pick somebody, we have to determine the questions that the Supervisor pointed out earlier so I will vote yes for this."

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

Supervisor Cardinale: "Yes. I pointed out earlier that it's going to be important for this board to work together as they have been to openly and honestly and thoughtfully address this issue. This is the beginning of that. We should have a report within 60 days. Ed has been taking some classes this week but we've spoken."

There was another group that we both talked about, McClean and this one, and that either one would be acceptable although he preferred one. The board as a group, I think, preferred this one. I hope they do the job for us and I'm going to vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #382

Councilman Bartunek: "Authorizes the retention of a consultant. So moved."

Councilwoman Blass: "And seconded. Discussion, please."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Can we just amend the title because unless you actually looked at the agreement- "

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- you wouldn't know that we're hiring this aviation- Airport Business solutions consultant to assist us as an expert in connection with the litigation. I think it would be important to put that in the title."

Supervisor Cardinale: "Yes."

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Councilman Densieski: "Authorize the retention of an expert consultant or --"

Councilwoman Blass: "In connection with litigation."

Councilman Densieski: "In connection with litigation."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Something like that, otherwise you wouldn't know from the body of the resolution that-- "

Supervisor Cardinale: "Okay. Consultant in connection with litigation I think is clear. This has to do with a piece of litigation that we need to get an expert opinion on. Okay."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "With that addition, we want to consider No. 382."

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

Resolution #383

Barbara Grattan: "Resolution #383 is bills."

Councilwoman Blass: "So moved."

Councilman Densieski: "Seconded."

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

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

(Some inaudible discussion)

Supervisor Cardinale: "This is a motion #20 which appointed two members to the Architectural Review Board before the interview process. Would somebody move to withdraw Resolution #20. I think that's the only withdrawal, right, tabled motion, because we've already made the decision on the Architectural Review Board."

Councilwoman Blass: "So moved."

Supervisor Cardinale: "Moved to withdraw Resolution #20. May we have a second please."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Moved and second to withdraw Resolution 20. Can we have a vote please."

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

Supervisor Cardinale: "Okay. We are completed with the resolutions. We would now like to take general comment on any matter of interest to the public which is in our purview. Yes, sir."

Lester Davis: "This past year I spoke to some of the board members and also your engineer, Mr. Testa, in regard to the town entertaining and I understand this has been considered, generating their own electric and one ideal spot to do this— by the way, let me just explain a little bit. There would be no fossil fuels involved. It's called punk storage. It does involve part of the land has got to be let's say a minimum of 30 feet higher than the rest of the land and just using your landfill for example.

Now I remember rendering a printout a couple of years ago, the fill that you weren't going to use at that time was going to be stored there and I guess there was a question some of that may be used today. Is that a possibility that some of the fill may remain on the landfill? In other words— "

Supervisor Cardinale: "Yes, that's a possibility."

Lester Davis: "Well, this would be perfect in that regard. It requires let's say half the land approximately be at least 30 feet higher than the other. Punk storage, if you are ever up in the Albany area, the biggest one in this part of the country and it's like a menu. You can have it 10 megawatts, that one up there is a thousand, like two nuclear plants. What they did there they dammed up the river, created a 300 acre lake and then nearby there was a hill 900 feet tall they carved out of stone, rock out of the top of the hill another 300 acre lake. The key to the whole thing is this whole project is electric. Practically every power company in the world after between 11 at night and 7 in the morning, has surplus power. They sell it for a half a cent a kilowatt. I couldn't believe it was that cheap.

Especially in the northeast part of the country, Canada, I believe 90% of their electric comes from hydro. In the middle of the night they're not using it, the water is just going over the dam. You've got this new cable across Long Island Sound, they wheel it by the way, hundreds of miles, and the— so I'll just go back to this one upstate. These motors kick on, electric motors, half cent a kilowatt,

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kick on at 11:00 at night, they're pumping from the lower elevation to the higher. In the morning they just open the gates, let it flow in the other direction, and the same motors that pump it up, they reverse (inaudible) all day long. It's the closest thing to perpetual motion. And, again, no fossil fuels whatsoever.

And your landfill would be one of the ideal spots. It would supply the electric, the wholesale value just about equal to what Riverhead uses which is about ten million a year. I'm not talking about gross now, transporting it to your home is another cost. But the wholesale value.

And, so if it's in the cards to leave enough fill there, this could work beautifully."

Supervisor Cardinale: "This would be on top of the- of a cap or on top of- "

Lester Davis: "The- your lower pond- the upper pond so to speak would be on top of your cap, that's right, exactly. They have materials to- they're not terribly expensive, much as they use in the bottom of landfills to seal it. So, you know, you're not losing the water overnight."

Supervisor Cardinale: "Would this be- are you suggesting a facility at the landfill to generate electricity?"

Lester Davis: "Precisely."

Supervisor Cardinale: "And, well, one of the things we're working with, the board, is that if you cap there are less available opportunities to utilize the land and if you reclaim there are not- they're not- there are also impacts on the availability of the land for certain things, like they're not going to suggest that you build houses on it."

Lester Davis: "Oh, I understand. This would be sealed so there would be no percolation into your water."

Supervisor Cardinale: "The material is back on the site."

Lester Davis: "Yes, yes."

Councilman Dunleavy: "And then we'd sell it to LILCO, to LIPA?"

Lester Davis: "Well, you've got three municipalities on Long Island that generate their own electric, not all the time, Greenport, Rockville Center and Freeport. And by doing so by the way that enables them by law enables them to get cheap water power from upstate, well, whatever the power might be, nuclear or otherwise."

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Supervisor Cardinale: "Well, we'd like to consider every reasonable option at that landfill site and every possible revenue source, so if you could give us any more material on it, I will certainly look at it."

Lester Davis: "I might say, Mr. Katell (phonetic), the president of KeySpan, I met with him a little over a year ago, and he was nice enough to set me up an appointment with their chief engineers and by the way what I didn't tell you. I've got a patent pending on these two technologies by the way, and at that time I didn't have it and, okay, I mentioned the technology upstate 400 feet-- hold it--900 feet-- Niagra is 400 feet and their engineer said well, you don't have any heights like that on Long Island and I smiled to him and one of my lawyers had prepared a non-disclosure statement we both sign and I didn't have a patent pending then and then I could disclose to him about the other technology in another part of the world, that-- and I hired patent attorneys to search-- did anybody put the two technologies together, the answer was no, and that's well, there's a patent on it now.

The other one is, well, right here in the Bay of Fundy in Canada, they, again, it's amazing you hear KeySpan, a Fortune 500 company, and their engineers weren't aware of this other technology. They are now, I'll tell you.

I'll be very blunt. They are very appreciative and so forth but I was getting a cool reception, the reason being this would be a direct competition to their natural gas business, KeySpan, no natural gas use whatsoever. And the-- there are power companies in New England working into this and if Long Island doesn't do it, New England is going to do it and they're going to sell it to you. You might as well, you know, take advantage of it."

Supervisor Cardinale: "Yeah. Well, we certainly will be interested in looking at anything you'd like to and I promise I'll pass it on to someone who will actually understand it. So we'll get it evaluated."

Lester Davis: "And if it's let's say borderline getting rid of this fill or keeping it, this could tip the scales."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Les, before you leave, can you just say your name and your community for the record."

Lester Davis: "Lester Davis, Baiting Hollow."

Councilman Dunleavy: "Thank you."

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Supervisor Cardinale: "Thank you, Les. Mr. Chabotsky."

Mr. Chabotsky: "I just have one or two questions regarding landfill reclamation. It seems that the original contract was done more like time and material rather than a lump sum and I understand the concerns. I'm trying to narrow it down an exact cost that capping versus reclamation now to determine whether it's a better decision to cap or to reclaim or continue reclaiming."

But I'm wondering once the decision is made whether to cap or reclaim, the bid can go out as a lump sum with an adequate bond so that the burden of a cost over would lie on the contractor rather than the town."

Supervisor Cardinale: "I'd love it. I, as you know, the majority of this board was not here when those bids went out in '02 and '03, and my understanding is they weren't exactly embraced by the-- there was only one bid response and that was as you say a requirements contract. They would take out whatever was there for so much to excavate, so much per yard to excavate or 4,000 yards, whatever they use, so much to sort and so much to dispose for categorized items. That is-- if we had had a flat sum, we would have been in a better position, there's no question."

Mr. Chabotsky: "Is that possible-- "

Supervisor Cardinale: "Oh, yeah, it's possible somebody will bid on it. I don't know-- I've already talked to the current contractor about such a ceiling contract, in other words not to exceed this amount. That's it. Your risk after that and I'm not getting the answer I want. So if anybody out there is interested in such contract at a number that is reasonable for the volume anticipated, I want to hear from them."

Mr. Chabotsky: "So if you did your own engineer's estimate, what I'm asking is like traditionally if you pick up a bid package to build a section of the Long Island Expressway or build a bridge or something like that, you'll have an engineer's estimate of \$25,000,000. You put the bid out with your engineer's estimate and then the bidders come back. They have to pre-qualify for bonding in that amount. So it's not a matter of somebody stepping up. I'm wondering if you can structure a bid in that amount."

Supervisor Cardinale: "Yeah, in fact, we have-- as I mentioned earlier, we have passed a resolution as a board authorizing a rebid of the contract that Mr. Grimes' company is presently working through. We can set that bid in the manner you just said, I think it's worth doing if we're going to get some-- if we can get some bids. I know he's not willing to-- from what I-- I have asked him to consider renegotiating as a ceiling contract and he's not willing to do that

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because one of the provisions in it was just what you're saying is that if there's 500, 600, 700 cubic yards whatever it is, again, I'll take out this for this and this for that and they're also not willing to take the risk of what happens if- what happens if unbeknownst to our anticipation there's hazardous waste in there because the most expensive items to go out are \$84.00 for residual refuse. So it would cost us a great deal more than that if it turns out to be you know stuff with the skull and crossbones.

So would you, for example, or someone you know take the risk that, you know, whatever is in there you're taking out for \$25,000,000?"

Mr. Chabotsky: "Well, I have worked on excavations where you'll bid the excavation anticipating a certain amount of material. If you do wind up with contaminated material or something unknown, you could put a provision in that you know that would be an extra, but you're still limiting your risk."

Supervisor Cardinale: "Right."

Mr. Chabotsky: "And that pertains to reclamation only. I certainly wouldn't expect a contract to go out on a capping that wouldn't be an exact amount."

Supervisor Cardinale: "Well, yeah, because all they're doing is putting a cover on it but the capping problem is as I know you know, is that you've got to monitor, that's an unclear cost, and if there's a problem, I don't know what the heck you're supposed to do with the problem because you've got to dig in, clean it up, and then you don't know what that number is. And I don't know what's happening in 20 years either because- "

Mr. Chabotsky: "Yeah, I'm not giving an opinion on whether it should be capped or reclaimed, I'm just suggesting that maybe if it's possible to structure the bid more as a lump sum than time and materials."

Supervisor Cardinale: "To bid it that way. I'd love to do it that way."

Councilwoman Blass: "Yes, we actually asked Mr. Grimes to come back (inaudible). We actually did that."

Supervisor Cardinale: "I don't know, Barbara, would know, at the time that we went out to bid in '02, Barbara, they had enough trouble getting a bid at all so I guess they didn't attempt to have a ceiling- "

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Councilwoman Blass: "Actually, no, actually outside counsel recommended us this kind of a bid structure for reasons that I don't--"

Supervisor Cardinale: "We ought to reconsider our outside counsel."

Mr. Chabotsky: "Okay, thank you."

Supervisor Cardinale: "Thank you. Because it's always safer to have a ceiling as long as the ceiling isn't really crazy. Yes, come up please, Ed."

Ed Purcell: "Thank you for buying that piece of property behind me."

Supervisor Cardinale: "Good."

Ed Purcell: "Now the question is when are you going to start cleaning it up?"

Supervisor Cardinale: "See that, thank you very much."

Councilwoman Blass: "As a friendly neighbor, you can pitch in yourself actually."

Supervisor Cardinale: "George is going to be out there (inaudible)."

Ed Purcell: "Well, there is a 15 foot access road that has to be kept open at all times into that property between the Sap property and the--"

Councilwoman Blass: "We walked it the other day."

Ed Purcell: "Yeah, you walked it the other day so you know what--"

Councilman Dunleavy: "It's a beautiful piece of property. It has to be cleaned up."

Ed Purcell: "There's a lot of stuff back-- even further-- I don't know how far back you went--"

Councilman Dunleavy: "We went all the way to Elton Street. We went to the condos."

Ed Purcell: "Did you go to the foundation?"

Councilman Dunleavy: "Yeah, well we couldn't find the-- we found a lot of cement but we couldn't find the foundation."

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Councilwoman Blass: "We found a partial wall- "

Ed Purcell: "And right as you go in, there is a sandy spot just as you- there was- there is a foundation there that if you go to excavate to maybe make a parking lot, you may run into. I don't know if it was taken out by Mr. Goldman when he filled it in or if he just filled in the foundation, broke the walls partially down. But- "

Councilman Dunleavy: "That's where the wall is."

Ed Purcell: "No, no, because there's a wall back over to the left. If you go in to the left, behind the condos there's a wall of a former duck building."

Councilman Dunleavy: "No, this is right behind Sap. As you go in on the right hand side, there's a cement wall."

Ed Purcell: "Yeah, that may be part of it. It was a foundation of a house, probably a three bedroom house but it was a pretty big foundation that was in there, it got filled in. But there's also another foundation in the woods to the left which is a foundation of a duck building- a duck farm was there back in the '40's. It closed up, so, but this, as you know, there's a lot of things there. And to get to the pond, there's a lot of brush."

Councilman Dunleavy: "Underbrush, yeah, briars. It's a beautiful ecology area, I mean if we cleaned up it would really be a nice place for someone to stroll through and to look at the stuff that's in there."

Ed Purcell: "Well, three years ago, you could walk to the pond. It's only grown over in the past three years that you can't walk from that open spot to the pond, only in the last three years."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay, is there any other comment on anything within our purview? If not, I'm delighted to go home and have dinner and thank you for your participation and thank you for coming."

Meeting adjourned: 9:15 p.m.