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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, April 5, 2005, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Okay. Can I have your attention, please? I'd like to begin this meeting of April 5th— is that it? April 5th, 7:00 p.m. meeting. I'd like to begin with the Pledge of Allegiance, if we could. And, Vince, lead us."

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

Supervisor Cardinale: "Okay. Now we have several hearings tonight and before we get into them, we have to run through the approval of the minutes of the last meeting, March 15th and a Special meeting of March 24th. So could somebody offer the minutes of the March 15th and the Special of March 24th?"

Councilman Densieski: "I'd like to move those minutes. So moved."

Supervisor Cardinale: "Moved by Ed and— "

Councilman Bartunek: "Second that."

Supervisor Cardinale: "-- and seconded by George. May we have a vote, please?"

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

Supervisor Cardinale: "Okay. The Reports, can we have those, please, Barbara?"

REPORTS:

Receiver of Taxes
Total collections to
date:
\$51,607,774.04

Town Clerk
Monthly report for March
-
total collected was
\$10,566.68

Building Department
Monthly report for
February &
March. Total collected in
February was \$60,932.75;
total collected in March was
\$144,724.50

Sewer Department
Discharge monitoring
report
for February

Open Bid Reports
Boat ramp at Creek Road,
Wading River, opened on March
18, 3 bids were received

Hounds Gate Development,
opened on March 21, 7 bids
were received

Precast concrete drainage
rings, traffic line striping,
traffic signs and traffic
paint. No bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. Applications, please?"

APPLICATIONS:

Parade Permit
Combined Veterans May 30,
2005
at 9:00 a.m.
Special events
Our Redeemer Lutheran

Church of Aquebogue - May 5 to
8, 2 to 10 p.m., carnival and
plant sale

Captain Hawkin's House
Restoration - Sept. 15 to Oct.
31, 10 am to 5 pm

Special Permit
Aquebogue Bistro -
converting
former Jamesport Saddlery to
Bistro

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Finally Correspondence."

CORRESPONDENCE:

Petition
35 residents of West Lane
re:
Altaire Pharmaceutical
expansion on their property

Barbara Grattan: "That's correspondence. Nobody loves us."

Supervisor Cardinale: "Thank you very much. Anybody have any reports or comments?"

Councilman Densieski: "Yes, Mr. Supervisor, I have one here. Please be advised that the Riverhead Town East End Surf Fishing club's annual beach cleanup will be held on Saturday, April 30, 2005, rain date, Sunday, May 1st from 8 a.m. to 12 p.m. Anyone interested in this event should call the Town of Riverhead Parks & Recreation Department at 727-5744 or Ken Densieski at 727-5468."

Supervisor Cardinale: "Thank you, Ed. Any other Committee reports or comments?"

Public Hearing opened: 7:10 p.m.

Supervisor Cardinale: "If not, we'll move to the first public hearing scheduled for 7:00 actually in regard to the increase and improvement of the Water District regarding the repainting of a standpipe. Is that really what that is? Yeah, it is. It's not like a stovepipe, it's a standpipe at Plant No. 8. Okay, come on up and tell us what we need to know."

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

H2M conducted an annual inspection of the five Riverhead Water District storage tanks back in April of last year. One of our recommendations was that the standpipe located at Plant 8 was in need of repainting so this hearing will discuss what work needs to be done and the costs associated with that project.

Plant No. 8 is located in Baiting Hollow. The tank is located adjacent to the Friar Head Golf Course. The 1.0 million gallon tank—excuse me, the 1 million gallon tank was constructed back in 1988. It has been 17 years since it really was originally painted.

The existing coating system both inside and outside of the tank are starting to fail and corrosion has started to occur on some of the steel. In order to protect the steel and ensure the tank remains long lasting for upwards of 100 years, we need to repaint these tanks every 12 to 15 years. However, the original paint job as an excellent job and we've gotten 17 years out of it.

I have a few photos. These are a few photos that were taken during our inspection of last year. As you can see, on the top of the tank, the coating is wearing away. There is some slight corrosion occurring on top of the tank. A lot of corrosion is occurring, if you look at the two bottom photos, around the hatchway of the tank.

The next set of photos on the top left are the anchor bolts where the tank is actually connected to the foundation. There is severe corrosion occurring on the bolts. To the top right, there is actually a photo taken inside the tank where there's some corrosion occurring around the seams and actually some locations where there was welding done on top of the tank.

And then also on the bottom right is also some corrosion that's occurring inside the tank.

Our recommendation is to rehabilitate this tank. The scope of work would include blasting the paint off the both interior and exterior of the tank down to the bare metal, recoating or repainting the interior of the tank with a two coat polyurethane paint system, repainting the exterior of the tank with a three coat polyurethane paint system, providing full containment while this work is going on, both the blasting and the painting to make sure none of the paint chips or the paint, the new paint going on, leaves the site. This is a Health Department requirement.

It should be noted that the existing paint on the tank is not lead based. If it was lead based, the whole procedure would be

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considered like a hazardous waste containment area and actually the cost would be even higher. But I'll reinforce that, it is not lead based. I guess lead based paint was used back in the '70's and prior but since this was painted in '88, it was not lead based.

In addition to the actual paint job, there are some minor repairs that need to be made to the tank. The tank vent does not comply to the new regulations that are required by the Health Department, and also the tank hatch. Both have to be replaced.

In addition, some security modifications will be made to the ladders on the tank and some minor site work would need to be conducted due to some erosion that has occurred in the fencing area.

The estimated cost of construction to— for the repainting of the tank and the modifications is estimated at \$450,000. That's approximately \$150,000 for the recoating of the interior of the tank; \$250,000 for the exterior of the tank; and about \$50,000 for the miscellaneous repairs, for a total of \$450,000.

In addition, there would be engineering design costs of \$28,000; construction administration of \$10,000; inspection of approximately \$25,000; town administration, legal and contingencies are approximately \$34,000, for a total project cost of \$547,000."

Supervisor Cardinale: "Have you considered a touch-up?"

Dennis Kelleher: "We'll talk about that in a second.

It is proposed to pay for these costs out of the District repair and maintenance account. There is sufficient funding in the account at this time where the town will not need to go out for bonding or raise water rates or raise tax rates.

Yes, this is a lot of money to paint a tank. However, it's actually less than other style tanks when they get painted and I'll just give you some examples of some other tanks that were painted on Long Island that were smaller tanks but, I guess, the Supervisor was asking a question earlier what is a standpipe?

If you look at the Route 58 tank and the Pulaski Street tank, those are considered elevated tanks where the actual— the bowl of water is lifted high into the air and you have multiple legs holding it up. Those tanks are very expensive to paint because you have to paint all those individual legs.

The standpipe, which I have a drawing, a standpipe is really just like a large cylinder. It is connected to the existing distribution system so because the elevation of the ground is so high, we don't need to lift that water into the air with these— with the individual

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legs. This cylinder is completely filled with water and actually the water rides in really the top half of the tank to give us the pressure for the rest of the system.

So the actual painting of this is rather simple because you're painting on almost flat surfaces compared to having all these small round things to paint. The— one of the reasons it's so expensive is it's a lot of surface area. It's approximately 29,000 square feet of surface has to be painted both interior and exterior.

This is an expensive paint, to paint these things. Because we want— we don't want to do this that often. We need for this paint job to last for at least 15 years. The paints cost anywhere from between \$65.00 to \$100.00 per gallon. And we estimated approximately 550 gallons of paint will be needed for both— to paint both the interior and the exterior.

In addition, these special paints have to be approved by the National Science Foundation because these paints become— the interior paint is in contact with water. We want to make sure it doesn't give off any volatile organic chemicals."

Councilman Densieski: "Quick question. Do they consider building any of these tanks in stainless steel where there would be no maintenance or upkeep?"

Dennis Kelleher: "I've had several clients ask me that when they see the price to repaint. First, if— you know, the first question I'm usually asked is well, Dennis, why can't we just buy a new tank and it would probably be almost as cheap? We originally built this tank— it was about a million dollars when we built this tank 17 years ago. If I had to rebuild this tank now, it would be well over two million dollars.

If I had to build this tank in stainless, it's almost like double cost. So I know of no public water supply in the United States that has a stainless steel tank. It's a good idea. We've talked about it sometimes, but once you see the price of stainless steel— "

Supervisor Cardinale: "Dennis, I promised Gary I wouldn't do this but I know you wanted to meet with me and I said, let's just do it at a public hearing."

Dennis Kelleher: "Okay."

Supervisor Cardinale: "But, there was a — I understand the paint is like \$55,000 and obviously there's a lot of labor to get you to the 450. You have an item there, \$28,000 for engineering design and \$10,000 for construction maintenance. What— I thought we were just doing a paint job? How did we get to \$28,000 in engineering design?"

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Dennis Kelleher: "Actually, if the Board approves this- again, the inspection was done over a year ago so we would go out as part of the design, we would reinspect the tank. We put together technical specifications to make sure all the products that are being used and the procedures meet all the current standards, both OSHA requirements for the safety of the workers doing the tank, for public health concerns to protect the people in the surrounding area."

Supervisor Cardinale: "But what I was curious about is you have engineering design, \$28,000, on that page I'm looking at- "

Dennis Kelleher: "Right."

Supervisor Cardinale: "-- and construction administration, \$10,000 and inspection 25. I get the construction administration of 10; I get the inspection, I guess I do anyway, of 25, and I know we're going to charge back town administration and lawyers who are always hanging around and there are contingencies. But the engineering design- if what you just said sounds more like construction administration and inspections, what are we doing for the design (inaudible)?"

Dennis Kelleher: "We actually put together plans and specs for public bidding on this job because it's a municipal job that has to be publicly bid- "

Supervisor Cardinale: "Oh bid. You put together the bid specs my attorney is telling me. That I get. So, but we already- you're estimating these costs?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "So you are going to put together a bid. It could be higher or lower."

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "And- "

Dennis Kelleher: "Based on our experience, we feel these numbers are sound numbers."

Supervisor Cardinale: "In addition to preparing the bid, what else do you- what else do you include under the term engineering design?"

Dennis Kelleher: "Prepare the plans and specifications, assist the town during the bidding procedure, give copies of the plans and specs. We would make multiple copies for the contractors to pick up."

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We actually answer any questions during the bidding procedure from the bidders. When the bids come in, we review these bids, and then we make a recommendation to the Town for the acceptance of the lowest responsible bidder."

Supervisor Cardinale: "I see. The town attorney is indicating that you're assuming certain liability-- professional liability that the job gets done."

Dennis Kelleher: "That is also correct."

Supervisor Cardinale: "But and I understand what you're saying. The-- so incorporating in the engineering design are what you have just mentioned plus the overall responsibility for the job. But you really don't have to design anything. You really have to oversee it all.

Oh, the hatch."

Dennis Kelleher: "Is there actually design calculations going on? Yes. Not a significant number during this. It's not like designing a building."

Supervisor Cardinale: "Okay. I know the question I forgot. That estimate is based upon-- that-- you bill-- your firm bills pursuant to their normal schedule of bills and that's just an estimate of where you are going to come out?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "So you bill whatever your hourly time is?"

Dennis Kelleher: "Right."

Supervisor Cardinale: "Okay. Anybody have any other questions?"

Councilwoman Blass: "I just-- I'm curious about something, Mr. Kelleher. The capacity of that tank is a million gallons. You drain it? Just-- where does the water-- what do you do with the--"

Dennis Kelleher: "We actually have leaching pools, so when it's time to drain it, well, the first half of the tank we'll use that water."

Councilwoman Blass: "Okay."

Dennis Kelleher: "We'll actually send it to the community and then when it gets halfway we have a more difficult time because the pressure of the system is higher than what's left in the tank. So we

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will then go- we have a drain in the tank and it just goes in the groundwater."

Councilwoman Blass: "Only because the ground is so saturated at, you know, at this time of the year anyway. When do you plan, if all goes according to- "

Dennis Kelleher: "If the Town approves this in the next 30 days, we would hope to be out to bid sometime during the summer and the work would happen in the next fall. And- "

Supervisor Cardinale: "How long would it take?"

Dennis Kelleher: "-- I don't see any problem getting rid of the water, the half million gallons, because actually there's- so much of the area is filled with beach sand, it's up on the bluffs, so the water will just disappear."

Supervisor Cardinale: "How long will it take the job? How long will the job take?"

Dennis Kelleher: "The job should take no longer than three months."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "And we did encounter a few surprises when the tin man was reconstructed but I guess that had more to do with the fact that- the structural integrity of that--"

Dennis Kelleher: "(inaudible) the old tank on Pulaski Street was, I think Gary will correct me, but I think it was constructed in 1927. So it was an old style tank. It was a riveted tank. This is a welded tank so we do not expect any surprises with this tank."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "How many tanks do we have?"

Dennis Kelleher: "You have a total of five. You have a sister one to this which is in Wading River, Plant No. 9, an identical tank built at the same time. It will probably need repainting within the next two years. The Route 58 tank, the Pulaski Street tank, and then we have a ground storage tank which is a lot shorter tank up in Northville."

Councilwoman Sanders: "Dennis, if we were to do the other tank at the same time as this one being that it's coming up in two years, can we- do we save on the engineering design, the construction administration and the inspection?"

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Dennis Kelleher: "We actually discussed that, Gary Pendzick and myself and some of the other staff, and we've talked to some contractors and there wouldn't be no economy scale bidding two at the same time."

Supervisor Cardinale: "No two for one specials? Two for the price on one? No? All right. If no one has any question- I don't have more questions. Maybe the public does. Would anyone like to comment? Bernadette. Tuesday evening is not the same unless you're with us."

Councilman Bartunek: "You better watch out."

Bernadette Voras: "Bernadette Voras, Reeves Park. What guarantees do we get with this? In other words, I'd like to see a guarantee. At 30 thou plus a year or thereabouts, for 15 years, I'd like a guarantee that it's going to last me at least 12 years. This is a lot of money- "

Supervisor Cardinale: "Good question."

Bernadette Voras: "--and it's going to happen again in two years, I want a little guarantee for my money. So what can we have for guarantees on your paint jobs and your designs and things?"

Dennis Kelleher: "It's an excellent question and the normal guarantee is only one year. However, what we have recently added to our contract, we ask for upwards of three years. We actually had one client who wanted five years and we have a separate line item. The contractor wanted something like \$50,000 additional to guarantee it. So we could add that to this job, that we could ask for a separate price to extend beyond the normal two years. There is no additional cost in the two year period.

But that- the reason you are hiring an inspector to be there representing the Town, to make sure that it's done right is- so you're increasing your chances of getting 15 years out of the tank job."

Supervisor Cardinale: "Don't they have like tanks that I buy for my house that say that they guarantee that- of course, they'll be out of business and I'll be dead, but 25 years later they guarantee it. You know- are you seriously telling me they only give you a one year guarantee unless you argue for three?"

Dennis Kelleher: "That's correct."

Supervisor Cardinale: "For this kind of a job? At \$100.00 a gallon for paint?"

Dennis Kelleher: "Yes."

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Supervisor Cardinale: "Why don't you but it from Sears in that case? Seriously. I would have expected a great big guarantee."

Dennis Kelleher: "We could look to an extended warranty."

Councilman Densieski: "There must be a case history of how long, you know, what does the average tank last? I mean you do these things all the time."

Dennis Kelleher: "We have not— there have been probably about one out of every twenty tanks, you may have a problem. And if the paint is going to fail, it will fail in the first two years, where it starts flaking off and you still have the— the primer remains on the tank, but the top coat peels off and you get the contractor back at no cost. But— "

Supervisor Cardinale: "Do you remember Polish town's pavilion? That started to do that and it wasn't just like we got the contractor back. Trust me. They had to go through a battle to get the contractor back."

Dennis Kelleher: "Well, you know we will be here and we will be on the job to make sure it gets done right. We do certain tests while the work is being done to make sure we're getting the right thickness on, to make sure we get the adhesion to the tank."

Supervisor Cardinale: "But that's it. The best you're going to get is three years?"

Dennis Kelleher: "We could put in there and say we want five years and we'll see what the additional price is."

Supervisor Cardinale: "Well, I guess that's the engineers. Maybe you could tell me as what Eddie had a good question I thought, when do you start seeing a problem because we have to have a guarantee at least to the point where all problems would be apparent by that time."

Dennis Kelleher: "Historically, one year is where you start— when it goes through that first winter— "

Supervisor Cardinale: "Yeah."

Dennis Kelleher: "-- that first freeze/thaw— "

Supervisor Cardinale: "That's when you'll pick it up?"

Dennis Kelleher: "-- is when you start seeing it (inaudible)."

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Supervisor Cardinale: "Okay."

Councilwoman Blass: "You actually go up there and inspect during the winter because I wouldn't imagine we'd see flaking paint, you know, down on the ground. You go up there--"

Dennis Kelleher: "Oh, no, we have people who go on the tank, the top of the tank, and check all parts of the tank to make sure the paint is still intact."

Supervisor Cardinale: "Thank you."

Dennis Kelleher: "And if any Board member wants to come with us when we go to the top--"

Councilman Densieski: "No thanks."

Supervisor Cardinale: "Angela would like to come with you. Angela-- I'll be there, you can be sure. I'll take the short trip down-- Rose is suggesting a short trip down."

Angela DeVito: "Angela DeVito, South Jamesport. We'll put you in a (inaudible) chair and lower you over. I just had a question regarding the statement that they're not quite sure-- they're fairly sure that there's no lead based paint remaining on this structure."

Supervisor Cardinale: "Anyone want to clarify that, please?"

Dennis Kelleher: "We are positive that this is not lead based paint. This is lead free."

Angela DeVito: "Oh."

Supervisor Cardinale: "And he was positive it would be a lot more expensive if it was lead based."

Angela DeVito: "And the other thing, in terms of the question that was raised about doing both of them at once to try to save some monies. Is that-- since this is public funds that get used, this is a prevailing wage rate job and the town may want to consider negotiating a project labor agreement which always then does include economies for (inaudible) savings--"

Supervisor Cardinale: "We can do that? A project labor agreement?"

Angela DeVito: "Project labor agreements do provide those sorts of economies, yeah, especially when you're dealing with prevailing wage rates."

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Supervisor Cardinale: "That's interesting. You know how to do that, Dennis? Would you do that for us? At least look into it?"

Dennis Kelleher: "I'm not sure how it would affect this job. We've used project labor agreements when you have multiple trades on the same job, when one union starts at 7:30 and another union starts at 8:00, and then, you know, they can't start work until they both are on the job."

Supervisor Cardinale: "Right."

Dennis Kelleher: "So you get the two unions together to agree to start at the same time."

Supervisor Cardinale: "I see."

Dennis Kelleher: "We'll just have one union at the site. And they have to pay prevailing wage rates. There's no movement on that. It's a state- "

(Inaudible comment)

Supervisor Cardinale: "Okay. Thank you for the suggestion. And a two-fer, come right back. Maybe if we work you hard in the beginning of the meeting, we'll- you'll be too tired to get up later."

Bernadette Voras: "I was just referring with Gary. I would like to ask the Board that within the next two years, since the prices of metal Gary mentioned have gone up tremendously in the last two years, but who knows what might happen in the next two years. I think that in the long run, Gary says that a stainless steel will last 25 thou. Now, because it's not painting it would have to be cleaned, all right?"

Maybe in the long run at least standpipe tanks, not perhaps the other older models, but these two little beauties could be thought about for the future and maybe a cost effective configuration could be figured out to see if it really is going to save us money over the long run. Because these tanks aren't going to go away. It's something for the future, you know, and if we can save a few hundred thousand dollars over, you know, a period of time, perhaps it might be worth it to see these tanks become stainless steel. At least the two of them.

So I think that perhaps, you know, it might be worth just a shot to have those figures and that gives us a more complete picture."

Supervisor Cardinale: "Thank you. If we have ever replace these and I hope it won't be for at least 15 years after this paint job, we assume would look at the stainless steel alternative."

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Dennis Kelleher: "Actually we would take a hard- if we were to replace these tanks today, we would probably take a hard look at concrete."

Supervisor Cardinale: "Concrete."

Dennis Kelleher: "It would probably be more cost effective."

Supervisor Cardinale: "Okay. Rolf. Yes."

Rolf Koesling: "Rolf Koesling, Wading River. First question is, is this microphone on? I'm having difficulty hearing."

Councilman Densieski: "Tap on it, Rolf."

Councilwoman Sanders: "Tap on it."

Councilman Densieski: "Yeah. Talk a little closer."

Councilwoman Sanders: "Just bring it closer. Bring it closer."

Rolf Koesling: "Has anyone every considered selling advertising space on that? I mean, it's- can of Coca-Cola, Sprite, 7-Up. Anybody look into that?"

Dawn Thomas: "Yeah, we actually have looked into that. It's not permissible under General Municipal Law, so public property for private enterprise. It's a good idea, but it's not allowed."

Rolf Koesling: "I wanted to ask the- do they give green stamps? No."

Councilman Bartunek: "Mr. Koesling- Mr. Koesling, just a little bit of history why they're painted the color they are painted. It was so they would blend in with the color of the sky. Seriously. So I mean they were painted the color they are so they wouldn't be obtrusive. Having a big Coca-Cola sign up on it is not exactly what I'd like to drive down Sound Avenue seeing."

Supervisor Cardinale: "George has indicated earlier, he'd prefer a beer can."

Councilman Bartunek: "Maybe a wine or something."

Supervisor Cardinale: "Okay. That was- if there's no other comment, I'm going to- it being 7:10 when we opened this and 7:33 when we're closing it, move onto the 7:05 hearing, unless you have something to say, Dennis."

Dennis Kelleher: "No."

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Supervisor Cardinale: "Okay."

Public Hearing closed: 7:33 p.m.

Public Hearing opened: 7:34 p.m.

Supervisor Cardinale: "The consideration of a local law amending Chapter 47 regarding the bays and creeks of this town. There is a- I know George has worked on this and it has to do with freshwater wetlands."

Councilman Bartunek: "That's correct. Bays and creeks. Do you want me to do a little- "

Supervisor Cardinale: "Yes. Why don't you tell us about it, George, and then we'll have a comment."

Councilman Bartunek: "The revision of Chapter 47 which is entitled Bays & Creeks started probably about a year ago with a conversation I had with the Supervisor. He was a little concerned that the way that permits were being issued by the Conservation Advisory Council was not in alignment with Chapter 107 where permits are issued on behalf of the Town Board by the Conservation Advisory Council.

The way Chapter 47 was- is currently written, the CAC, Conservation Advisory Council, has full responsibility for reviewing applications and issuing permits.

So that initiated some review of Chapter 47 and I'll go through some of the other revisions that have been made very quickly here. One of the major changes to the first part of the Bays & Creeks, Section 47-3 increases the fees for the taking of shellfish. Approximately the fees are increased by three times. The original code goes back to 1993.

The commercial permit fee has been increased from \$5.00 to \$75.00 in Part D of 47-3. Another thing that was addressed in the proposed change to 40- Chapter 47 was the issue of boat moorings. It was provided for in earlier code that any boat moorings should be given a permit from the Conservation Advisory Council or from the Town Board. And in all the years that I served on the Conservation Advisory Council, quite frankly we saw one application for boat moorings. So that has been tightened up a little bit.

The changes- responsibilities for attaining a permit now are the responsibility of the Town Board instead of the Conservation Advisory

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Council. Fees for a boat mooring per year is \$100.00 for a residential boat; \$300.00 if it's a commercial boat per year.

The boat mooring has to be removed during the winter season and the limit to the size of the vessel that can be moored in the bays harbors are increased is 26 feet. That's a significant addition to this.

47-23 is the responsibility again for the issuance of a permit has been- is the Town Board instead of the Conservation Advisory Council.

The CAC reviews applications and either approves or disapproves applications if there is a- something that the applicant doesn't agree with, the Town Board can modify the application within 15 days or it can schedule a public hearing for a review of the determinations of the Conservation Advisory Council.

Penalties have also been increased from \$250 per violation to \$1,000 per violation.

And that's the changes to the code."

Supervisor Cardinale: "Thank you for that very complete review. Does anyone have a comment on the proposed local law amending Chapter 47 concerning Bays & Creeks? If not, this public hearing having opened at 7:34 is- yes, except she has a comment."

Councilwoman Sanders: "Can I ask- I just have to ask. We referenced a permit in this- do we ever consider attaching the permit that should be used to the resolution so that- "

Councilman Bartunek: "We could have done that. We could have done that. I mean you wanted a copy of the application, is that what you're asking for?"

Councilwoman Sanders: "The actual permit that the Committee uses. Yes. I just think it would- "

Councilman Bartunek: "They do have a form and it's referenced in the code."

Councilwoman Sanders: "But when you approve the code, you approve- if the application is attached to it, you're approving both at the same time, the actual application and the- "

Councilman Bartunek: "So you- what should we do?"

Supervisor Cardinale: "I think we might to add it, I think it's a good suggestion. Not a bad one as a matter of fact. That the time

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we move forward that we not only indicate that the application is attached, that the permit form is attached, but that— not only indicate it, but have it attached. Which— we can do.

Is there any other comment? If not, it is 7:39 and the second hearing is deemed closed."

Public Hearing closed: 7:39 p.m.

Public Hearing opened: 7:39 p.m.

Supervisor Cardinale: "7:10, consideration of a local law to amend Chapter 64 entitled Fire Prevention of the Town Code. Our Fire Marshal is not in the audience as he said he may not be able to be. I believe he's attending a meeting. But perhaps the town attorney could summarize it."

Dawn Thomas: "I don't have a copy of the— "

Supervisor Cardinale: "Perhaps she couldn't. I have one right here. Here you go. It has to do with changes in fees."

Dawn Thomas: "Yeah. The amendments are to Chapter 64-9 and it's adding a provision in the application process requiring new building construction plans or existing building alteration plans will be required to be made available to the Fire Marshal.

And in addition it changes the fees for installation of fire detection alarm systems and water based fire protection systems which would be sprinklers from \$50.00 to \$150.00 and for the first 25 devices, and \$2.00 per device in excess thereof.

It changes the fee for automatic fix pipe extinguishing systems from \$50.00 to \$200.00, the exhaust systems and removal of smoke and grease line vapor system inspection from \$50.00 to \$100.00, and I'm not sure what this— I guess a review fee of \$50.00 for new building construction plans or existing building alternation plans. I'm not sure what that's for."

Supervisor Cardinale: "Okay. The— when we raise fees for— we raise fees. These are no mere inflationary increases. I should discuss this with the Fire Marshal personally. Because if it was appropriate to be 50, you know, 10 years ago, then it strikes me it might be \$75 now, but \$150? I don't know. Anyway, we'll talk about if these are appropriate numbers.

But if there is any other comment, I'd like to take it now. If not, the hearing that was scheduled third to commence actually at

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7:15- are we five minutes off on all of these? No, I don't think- no, we aren't. We're only on the first one. This is the one that was to commence at 7:10. We'll close that."

Public Hearing Closed: 7:42 p.m.

Public Hearing opened: 7:42 p.m.

Supervisor Cardinale: "And it being eight- 7:42, and open the third hearing of the evening which is the consideration of a local law to amend Chapter 52 and 108 of the town code in regard to electronic retention fees which actually is significant because it's part of a system whereby we'd like to place everything on a computer assisted drawing format so we don't have so much paper kicking around and getting lost. And this would set the fees.

It is- I think I have a copy of it here- do you have it?"

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "This actually sets up the ability for us to charge a fee in accordance with the schedule once the format is set.

Now I think this was prepared by engineering and I don't see anybody from the engineering department. I know it was prepared by Chris Coverdale (phonetic) but at direction of engineering. So what it is, is an electronic records retention fee schedule for those that are going to be asked to pay for the CAD (phonetic) format, to place things in CAD format.

Let me ask you this. I don't see a schedule here. Doesn't that make this hearing impossible to (inaudible)."

Dawn Thomas: "A schedule of fees, right?"

Councilwoman Sanders: "It doesn't have the fees- "

Supervisor Cardinale: "It indicates it's pursuant to a schedule but I don't see the schedule."

Dawn Thomas: "The fee schedule would be established by the Town Board but it provides for the ability for you to do that in the code. That's the- that way, every time you want to change the fees, you don't have to do a local law."

Supervisor Cardinale: "Why shouldn't we show the public the initial schedule? It would be a nice little thought."

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Dawn Thomas: "I don't know if it's been devised yet. I don't--"

Supervisor Cardinale: "That's apparent. But what I'm getting at is should we adjourn the hearing because if you're going to have a hearing on a schedule--"

Councilwoman Sanders: "On the fees, right?"

Supervisor Cardinale: "-- I understand, you know, you're supposed to be able to change the schedule not to change the code. So this law authorizes us to set a schedule and to amend the schedule as appropriate through the years. Right?"

Dawn Thomas: "Yeah. It would be up to you whether you wanted to adjourn it to discuss both issues at once. The fees would be adopted by resolution so those would be up for public scrutiny."

Supervisor Cardinale: "Okay. So we will have a public hearing on that."

Dawn Thomas: "Well, you wouldn't be required to but--"

Supervisor Cardinale: "But we're going to have a public meeting?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Is that appropriate? Can we do it that way?"

Dawn Thomas: "Sure. Yes."

Supervisor Cardinale: "Okay. So what this hearing is about is simply if I get this in, that we're going to have-- we're going to have an electronic records retention fee schedule and if somebody wants to bring us paper records like a survey or subdivision map, they're going to have to pay to get it placed into the computer assisted drawing format so it can be processed appropriately by the town which is now into the 21st century computer age. Okay. Anybody want to comment? It's a blessing. Okay. No one having any comment, this having opened at 7:42, it being 7:45, we can close the third hearing of the night. I think we have seven. The-- no, that's the fourth."

Public Hearing closed: 7:45 p.m

Public Hearing opened: 7:45 p.m.

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Supervisor Cardinale: "The fifth hearing of the night is on the consideration of a local law #12 of August 21, 2001, to amend the Riverhead tax bill by creating a separate line. I remember this. I think I was actually on the Town Board.

We added a line to show the Charter School's portion of the tax bill and as it turns out for some technical reason, odd and technical, it actually rebounds to the detriment of the school district and they would like us to not do it now. So anything that will save the school district money, so that's what this is proposing to do.

Anyone have a comment on whether the breakout of the Charter School shows or doesn't show and you have to go ask about it? It's eight- 7:45 when we started talking about this hearing. It is now a minute later, 7:46. So another blessing. We are going to close that hearing."

Public Hearing closed: 7:46 p.m.

Public Hearing opened: 7:47 p.m.

Supervisor Cardinale: "The next and I guess this is the sixth of the evening, the consideration of a local law to amend Chapter 108 of the town code, Section 108-96A Procedure, Section 108-97A Procedure and Section 108-131 Application Procedure Fee. Well, that doesn't tell us a lot. Let's look.

This is- the public hearing is going to amend these chapters having to do with sketch plan, minor subdivision, major subdivision. Okay, these are- this is amending our code to- it's related to the CAD format thing, to request of all people who are doing subdivisions, that they put them in CAD format and so instead of giving us maps, give us computer assisted programs so that the CAD format- file format programs, so we can introduce them into our system and we can send them all around on the computer. It's great stuff.

So that's what this one is about and it being opened at 7:47 and in great danger of closing at 7:48 unless somebody wants to comment.

It really is a good idea to do this."

Councilwoman Sanders: "I have a question."

Supervisor Cardinale: "Oh, you have a question. Good."

Councilwoman Sanders: "And I think the question is for Mr. Hansen. Are we still required to collect the paper copies even though we're going to digital format? We are still requesting that they

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submit six paper prints in one case, 10 paper prints in another? I thought the purpose of this was to eliminate the paper process."

Supervisor Cardinale: "You may be asking the wrong guy. It probably is the engineering that knows that."

Jack Hansen: "I think the issue was that some of them had to be paper copies because they require signatures."

Supervisor Cardinale: "Yes, there you go."

Jack Hansen: "And they get filed with the county government so that's the reason why you still have to have a couple paper copies."

Councilwoman Sanders: "So this does-- so the system doesn't do electronic signature or it doesn't-- "

Jack Hansen: "I don't think the county will accept the signatures electronically yet."

Supervisor Cardinale: "They won't huh?"

Councilwoman Sanders: "Not yet? So six copies are still required for signature purposes only?"

Jack Hansen: "And some of the boards don't have access to computers so they do it in the field. They take it in the field."

Supervisor Cardinale: "Actually as you know-- "

Jack Hansen: "So it's being reduced. That's all. It's really reducing the amount of paper that has to come into the building."

Supervisor Cardinale: "Yeah. From about 20 copies to one."

Jack Hansen: "Exactly."

Supervisor Cardinale: "One package of six. One of the things that's interesting about--they have the same problem in the county. If we put everything on this format, CAD, or if we put everything on digital, New York State still insists that certain records be kept because although you can put them on microfiche the digital format hasn't yet been accepted. And since this town never-- we skipped the 70's, 80's, and 90's, and we never went into microfiche much, we're actually ahead of the state of New York if we go into digital. And I'm told what, Jack, it will be at least a year or two before they catch up and allow us to kill some of these records that we're putting on digital because they haven't approved it officially yet. We're on the cutting edge."

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Councilwoman Sanders: "Well we'd still be required to keep the digital record for whatever the schedule is for record retention for that particular document. We would still be required to keep it the same length of time. It doesn't change the schedule. It just changes the format."

Supervisor Cardinale: "Yeah. But they won't accept the format as the official record in certain instances. Correct?"

Jack Hansen: "(Inaudible) which is the organization that oversees this requires paper form microfiche as the Supervisor was indicating. They will not accept CD's."

Supervisor Cardinale: "Yet."

Jack Hansen: "They don't believe they are permanent records for whatever reason. They don't believe that. So they have not taken a position that a CD is a permanent record. That's where we're at. And that's the problem."

Supervisor Cardinale: "They'll come along."

Councilwoman Sanders: "They'll have to."

Councilwoman Blass: "Jack don't go away. One more."

Supervisor Cardinale: "Usually we tell him to go away."

Councilwoman Blass: "I don't understand the difference between 12 copies— we cross out 12 copies and we say 12 paper prints instead and we say 13 copies are crossed out and we say 13 paper prints instead. What is— what are we substituting?"

Jack Hansen: "I didn't write it."

Supervisor Cardinale: "Well, they're not copies because there's no original."

Jack Hansen: "The Planning Department and Billing and the Town Attorney's office."

Supervisor Cardinale: "I think there's not originals so they can't be copies. The original is going to be the (inaudible) format. So they're prints, they're not copies."

Councilwoman Blass: "So they're paper prints, they're not— okay, maybe that's what it is. Okay then."

Supervisor Cardinale: "That was such fun. That was 7:25 hearing. Anybody have any other comment? If you do not then at 8:52,

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we have concluded that hearing. I'm sorry, 7:52. Moving right along. It seems like 8:52."

Public Hearing closed: 7:52 p.m.

Public Hearing opened: 7:52 p.m.

Supervisor Cardinale: "7:30, we have a final hearing scheduled for the consideration of the petition of James and Linda Slezak to renew a special permit to continue the operation of a bed and breakfast facility on Herricks Lane.

This is a renewal of a bed and breakfast permit for an establishment that has been in business for some time and is doing a bang up job.

Anyone have any comment on that particular application on Herricks Lane? If you do not, it having been opened this hearing at 7:52, I'm going to close it at 7:53."

Public Hearing closed: 7:53 p.m.

Supervisor Cardinale: "And I'm going to move to a consideration of your comments on the various resolutions before the Board."

Councilwoman Blass: "There's two coming off the floor."

Supervisor Cardinale: "I also would like to note, yeah, thank you, Barbara. I'd like to note that there are two resolutions that will be coming off the floor. One is- one is in regard to well, if I had them, I could tell you what they are. Thank you very much.

One is in regard to the fresh water wetlands Chapter 107 and it authorizes the publication and posting- publishing and posting of a notice for public hearing to consider a proposed local law to amend the freshwater wetlands statute. That hearing would be held on the 19th day of April at 7:15 p.m.

The second authorizes the publication of a notice of completion of the final supplemental environmental impact statement regarding the TDR ordinance, long awaited, and I regret to inform you, it's going to be awaited 14 days longer.

If you look at your agendas, the first- I think it's the first two, I think we put it right up front. Let me see, is that right? Yeah, I think so."

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Councilwoman Blass: "Yes, 284."

Supervisor Cardinale: "If you look at- we start- "

Councilwoman Blass: "284 and 285."

Supervisor Cardinale: "Where are they?"

Councilwoman Blass: "284 and 285."

(Some inaudible discussion among the Board)

Councilwoman Blass: "On the back of the resolutions, No. 284 and 285, I think are what you're looking for."

Supervisor Cardinale: "Yeah. I have them here. 284 and 285 resolutions adopt- purported to adopt a local law transfer of development rights law and adopts the findings statements for the transfer of development rights law. Well it occurred to our Director- our planning and legal staff late this afternoon that before we do either of those things, we must publish for 10 days a notice of completion of the final supplemental environmental impact statement. So that's going to be done tomorrow morning and then on the 19th, the remaining two resolutions will be passed. Did I get that right? Okay. So that's the two that we're adding.

Any comment on the other- 284 through 330 something- 334, 284 through 334? Anybody have any comment on any of those resolutions? If you don't, the new ones we're going to add at the end. Mark. Oh, the first two, thank you. Those are CDA. And those are going to be- I guess Andrea as the CDA Director if she were here, wonderful how all my department heads are here. I guess we- there's a funeral that I guess a lot of the staff is attending this evening.

She could be, but I don't see her. But in any event, we can introduce it but, Mark, to answer your question, they're going to be presenting it first. And they're the CDA. That's why they're separate, the Community Development Agency.

If you could check, John, if she's not- if she's there, she could present these. Otherwise, I'll ask the town attorney to do so.

Moving right along."

Councilwoman Blass: "Was there a request from the applicant to possibly postpone- "

Supervisor Cardinale: "Yes, which- well, Chris spoke with them and said we already postponed it two weeks, let's move this along."

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Councilwoman Blass: "Okay. I was not aware of that. Thank you."

Supervisor Cardinale: "Yeah. Is she not there? Okay. Dawn, if there being no other comments on the resolutions we're about to pass, I'd like to pass it and then I'll take general comment. If you could start with the CDA resolutions."

Meeting adjourned: 7:58 p.m.

Meeting reopened: 8:21 p.m.

Supervisor Cardinale: "And begin the— recommence the Town Board meeting and could you call 284 and thereafter please, Barbara?"

Resolution #284

Councilwoman Blass: "Mr. Supervisor for reasons stated earlier, I'd like to move to table both resolutions, #284 and 285."

Councilman Densieski: "Second the motion."

Councilman Bartunek: "I'll second. Sorry."

Supervisor Cardinale: "Moved and seconded to table 284 and 285 for reasons indicated. May we have a vote on tabling those two?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. Resolutions 284 and 285 are tabled."

Resolution #286

Councilwoman Sanders: "1996 Clean Water/Clean Air bond act Title 3 Section 56-0303 Water Quality Improvement Projects and Environmental Protection Fund and Environmental Conservation Law; Performance Partnership Grants; Nonagricultural Nonpoint Source Projects Projection, for the Riverhead Sewer District. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #287

Councilman Densieski: "Accepts the 5% security bond of George Regini d/b/a Giorgio's Restaurant. So moved."

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Councilman Bartunek: "And seconded."

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

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

Resolution #288

Councilman Bartunek: "Accepts certificate of deposit of Hartill Contracting, Inc. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #289

Councilwoman Sanders: "Accepts grant funds from the Empire State Development Corporation. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #290

Councilwoman Blass: "This resolution amends Resolution #252 of 2005 which approved a Chapter 90 application of Calverton Links. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #291

Councilman Bartunek: "Amends the salaries for non-CSEA part time personnel chaperone position for 2005 for the Recreation Department. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #292, 293, 294

Councilwoman Blass: "If there's no objection, I'd like to move Resolutions 292, 93 and 94. They are all appointing recreation personnel."

Councilman Bartunek: "I second that."

Supervisor Cardinale: "Moved and seconded, 292, 3 and 4. Vote please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are adopted."

Resolution #295

Councilman Densieski: "295 appoints Marybeth Vail as a temporary secretary to the board of Assessment Review. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #296

Councilwoman Sanders: "Approves Chapter 90 application of Captain Hawkin's House restoration LLC. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #297

Councilman Densieski: "Approves the Chapter 90 application of

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Our Redeemer Lutheran Church of Aquebogue for a carnival and a plant sale. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #298

Councilman Bartunek: "Approves temporary sign permit of Browning Hotel Properties LLC. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "Sorry. I'm going to abstain rather than hold up the vote. I didn't get a chance to look at it."

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

Resolution #299

Councilwoman Sanders: "Approves temporary sign permit of First Choice Medical. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #300

Councilwoman Blass: "Approves temporary sign permit of Timothy Hill Children's Ranch. So moved."

Councilman Densieski: "Second the motion."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

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Councilman Bartunek: "Yeah, discussion on this one, Phil. They are asking for a placement of a five foot sign on the traffic circle. And we've already got- I don't know how many signs we've got up there that are semi-permanent or temporary."

Supervisor Cardinale: "Is this on the traffic circle?"

Councilman Bartunek: "They are adding a five foot sign- "

Councilman Densieski: "Do we even have the authority to give it on county property?"

Supervisor Cardinale: "Well, first of all, we can't let them put it on the traffic circle. And, secondly, the other one I know was (inaudible) property. It maybe too large, is that your point?"

Councilman Bartunek: "Well, I'm just concerned about the sign going up on the traffic circle."

Councilman Densieski: "We don't have the authority- "

Supervisor Cardinale: "We don't have the authority- that's easy. We don't have the authority to put a sign on the traffic circle."

Councilwoman Blass: "There- "

Councilman Bartunek: "This is not really a time- shall we consider this a little bit more at the work session on Thursday?"

Supervisor Cardinale: "Yeah. I certainly do not want to approve a sign on the circle and get myself- "

Councilman Densieski: "It's September 10th. I don't, you know, plenty of time."

Supervisor Cardinale: "Okay. Let's just discuss it. Can we have a motion to table?"

Councilman Bartunek: "I'll make a motion to table this resolution 300."

Supervisor Cardinale: "Okay. Motion to table. Second, please."

Councilwoman Blass: "I'll second to table."

Supervisor Cardinale: "Moved and seconded to table. Vote to table 300 for further discussion."

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

Resolution #301

Councilman Densieski: "Approves the application for fireworks permit for Joseph Ruggieri for Vineyard Caterers. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek ; Sanders ; Blass Densieski ; Cardinale. The resolution is adopted."

Resolution #302

Councilman Bartunek: "Approves the submission of a grant modification request to the New York State Attorney General for the Vitagrants Distribution Agreement. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #303

Councilwoman Blass: "This resolution authorizes the designation of certain structures as landmarks to Chapter 73 entitled Landmarks Preservation of the Riverhead Town Code. We are designating the Washington Young House as a landmark. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #304

Councilman Densieski: "Authorize the Town Clerk to publish and post a notice of public hearing to add a movie theater and a multiplex cinema in DC3. So moved."

4/5/2005 minutes

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "I think this is a great idea to have a hearing on this. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #305

Councilwoman Sanders: "Authorizes the Town Clerk to advertise for bids for remote sewage pumping stations alarm and monitoring system. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #306

Councilwoman Blass: "Authorizes the Town Clerk to post and publish a notice to bidders for Peconic River pedestrian and bicycle path improvement project. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "The Board's really lucky, two of my favorite subjects tonight, EPCAL and downtown."

In my opinion, this is another big blunder in Riverhead's long history of alleged attempts at revitalization.

In Riverhead's drive to be mediocre, even this proposal falls terribly short. And while I'm as happy as anybody to receive grant money and to rehabilitate the bulkheads and river front, my overwhelmingly support stops abruptly there.

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While our neighbor to the east, Greenport, which basically has the same demographics as Riverhead is eliminating parking, roads, etc. on their waterfront, they're getting a beautiful house carousel, an ice skating rink with all the amenities, a beautiful boardwalk and a lot of green space, etc., etc., etc., Riverhead's town vision or lack thereof sees wisdom in putting a road right on the river, catering to people who want to take a shortcut behind our business district and add traffic and congestion to the very spot we want to encourage pedestrian and tourist use.

Can you imagine Mystic Seaport putting a road on their river front? Make no mistake about it. This is a colossal mistake, penny wise and dollar foolish. This proposal is part of the problem, not part of the solution.

We as the government and community leaders had a real chance to make a real difference in our downtown. To exercise a small gamble on our precious water front. But instead continued on our quest to mediocrity.

Remember, it is not the government's job to make business succeed in Riverhead but it is undoubtedly our job to create a safe tourist and business friendly environment to help business succeed in Riverhead.

As tourists continue to get panhandled while they trip and fall on our cracked and crumbling sidewalks, as we stick our heads in the sand and pretend everything is okay, it is not. Not by a long shot.

The reality is downtown is a mess with several businesses ready to close at this very moment and many stores empty. The fact that our streets at night are a virtual ghost town must tell us to start doing it differently. Start thinking outside the box to eliminate cars and traffic on the river front and to add green space, playgrounds, tourist attractions, and most importantly, people.

This resolution is only to post to bidders but it's the beginning of our conclusion to eliminate green space and commonsense on the river. Let's put Riverhead first and vote yes to green space and no to a road.

I vote no."

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

Supervisor Cardinale: "Um, I don't want to confuse the public. We're not putting a road in. This is a \$2,000,000 federal grant which we're going out to bid on to improve the river front area directly behind the shopping area. I commend Andrea for seeking and (inaudible) the millions to do this. It's going to look a great deal better than it does now.

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You'll recall last year, I guess it was, we had an extended debate in open and work sessions and in town board meetings about whether-- about how much we could extend the green space which in fact is being extended, not diminished. And I sought to bring Ed in and seek-- sought his assistance in devising the plan that was a compromise between taking out the road and making no increase in the green space.

I think the plan we selected was a good one and it had the input of Ed and also the other Board members. In fact, I went out of my way to get his input and I had hoped that that would satisfy his and my desire for more green space.

You will recall the community came down and indicated that they were not happy the business community was losing the parking. So we took a little more green space, kept the road in because they were fearful of what it would do to their business interests to which we must be friendly, and we passed what I think was a good plan. And now we're going to implement by bidding it out. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #307

Councilman Densieski: "Authorizes the Town Supervisor to execute a change order for the boat ramp facility at Creek Road, Wading River. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #308

Councilman Bartunek: "Awards bid for corrosion control chemical solution 308. So moved."

Councilwoman Sanders; "And seconded."

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

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

Resolution #309

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Councilwoman Sanders: "Awards bid for dry hydrated lime. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #310

Councilwoman Blass: "Awards bid for water service materials. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #311

Councilman Densieski: "Awards a bid for the Riverhead Water District Hounds Gate Development. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #312

Councilman Bartunek: "Authorizes the Supervisor to execute change order No. 1, Headworks Improvement contract E Scavenger Waste District. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "There's a-- in the resolution there's just a-- excuse me, going back to my teaching career, improvements is misspelled if that makes any difference."

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Supervisor Cardinale: "Oh, it does."

Councilman Bartunek: "And-- "

Supervisor Cardinale: "We should correct that."

Councilman Bartunek: "And I had-- I just-- is Jack here?"

Councilwoman Blass: "Yes."

Councilwoman Sanders: "Yes, he is."

Councilman Bartunek: "I just have some questions that I don't understand. I was going to ask Jack before the Town Board meeting."

Supervisor Cardinale: "Jack, would you come up, please? We have a question on this."

Councilman Bartunek: "Just a technical question, Jack. I don't understand the extra charge, change order No. 1, \$4500. Why-- do you know why-- can you explain to me why this was done?"

Jack Hansen: "I'm sorry. Which one are we on?"

Councilman Bartunek: "This is 312, on page 2 or 4."

Barbara Grattan: "Here, Jack, take this."

Councilman Bartunek: "I'd just like to understand what I'm presenting."

Supervisor Cardinale: "This was discussed. You'll remember this, George, at the work session, we had a lengthy discussion. The contract is 160, they brought it in actually at 80, way under contract. And I asked about, this is a level control (inaudible) outdoor high water level alarm.

I said well, now that you've brought the contract in at half of the price you anticipated, why don't you bring it in at 5,000 less by not doing this and he said it was necessary to do because there was an alarm system. If the water reached a certain level, it would let him know that he had to send somebody in. That's what it's about."

Councilman Bartunek: "And out of curiosity, the contract time, what does that mean, Jack, 669 days, new contract time. What does that mean?"

Jack Hansen: "Most of the contracts have time lines on them."

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Councilman Bartunek: "So it's going to take two years?"

Jack Hansen: (Inaudible)

Councilman Bartunek: "Like two years to get it done. Is that what it's saying?"

Jack Hansen: "It's extending the period of time. Because once you get past the period, there's penalties, a lot of these contracts. So that may be because of the change order allowing them to continue."

Supervisor Cardinale: "It says all work under the contract shall be completed by March 11, 2005. Jack, before-- I'm going to execute the change order. I'm going to go over it with you, there's a couple of typos here that George is picking up.

For example, they say it's going to be completed-- you know, that's correct. We had that discussion, too. He was coming in for a change order and I said, well, what happens if we don't do it and he said, oh, we already ordered it. It's in."

Councilwoman Blass: "It's already done. It's done."

Councilman Bartunek: "That's right."

Supervisor Cardinale: "Remember that. And I said, well, it would be nice if he asked me about the change orders before you did it. So it's right, it is done."

Councilman Bartunek: "Okay."

Supervisor Cardinale: "Okay."

Councilman Bartunek: "I'll vote yes, then, Barbara."

Supervisor Cardinale: "Thanks."

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

Resolution #313

Councilman Densieski: "Hounds Gate Water improvement project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #314

Councilwoman Blass: "Splish Splash water main extension budget adoption. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #315

Councilwoman Sanders: "Classifies action for special permit of Aquebogue Bistro and refers petition to the Planning Board. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilwoman Blass: "I just-- I think this is one of the definitions that we have not yet adopted. We may have gone to hearing on the definition of a bistro. We should probably adopt it before this application gets much farther into the process."

Supervisor Cardinale: "Is that-- that was the one you discussed with me that we-- "

Councilwoman Blass: "Yes. Yes."

Supervisor Cardinale: "-- it was lost between the public hearing and the passage. Okay."

Councilwoman Blass: "Yes. My vote is yes."

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

Resolution #316

Councilman Bartunek: "Reduces irrevocable letter of credit of Mill Pond Developers LLC. So moved."

Councilman Densieski: "Second the motion."

4/5/2005 minutes

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

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

Resolution #317

Councilman Densieski: "Reaffirms Riverhead Town's desire to pursue the Department of Transportation State grant to rehab the EPCAL park rail spur. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #318

Councilwoman Blass: "Supports State legislation to increase east end representation of the Regional Emergency Medical Services Council. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #319

Councilwoman Sanders: "A general fund budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #320

Councilwoman Blass: "This is a budget adoption in connection with the Stoneleigh Retirement Community Water Ext. #83 project. So moved."

Councilman Densieski: "Second the motion."

4/5/2005 minutes

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

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

Resolution #321

Councilman Densieski: "Town of Riverhead highway fund budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #322

Councilman Bartunek: "Upper Mills Dam repair project budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #323

Councilwoman Sanders: "Hartill water improvement project budget adjustment for Kelbridge Meadows. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #324

Councilwoman Blass: "Appoints a Park Attendant II to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

4/5/2005 minutes

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

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

Resolution #325

Councilman Densieski: "Reduces the performance bond of Baiting Hollow Farms for Zoumas Contracting Corp. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #326

Councilwoman Sanders: "Approves the site plan of Eagle Properties LLC, Eagle Auto Mall. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #327

Councilman Densieski: "Awards bid for the removal of household hazardous waste. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #328

Councilwoman Sanders: "Approves the site plan of Frank P. Guarino for the Ponds Restaurant. So moved."

Councilman Bartunek: "And seconded."

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

4/5/2005 minutes

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

Resolution #329

Councilwoman Blass: "Adopts a local law to amend Chapter 12 entitled Coastal Erosion Hazard Areas of the Riverhead town code. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "Yeah. I think we all owe a debt of gratitude to George on this one. Thank you, George. Yes."

Councilman Bartunek: "The CAC, Richie Downs for a lot of work on this."

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

Supervisor Cardinale: "Yeah. I'm pleased to see it passed. It will no longer be on the work session agenda list. Thank you, George."

Councilman Bartunek: "Yeah. You probably had one of there, won't you, maybe two."

Supervisor Cardinale: "I think we have a few new ones on there. But I vote yes and I thank you for your effort."

Barbara Grattan: "The resolution is adopted."

Resolution #330

Councilman Bartunek: "Authorizes the Town clerk to publish and post public notice of public hearing to consider a proposed local law to repeal and replace a portion of Chapter 108 entitled Zoning Signs of the Riverhead Town Code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #331

4/5/2005 minutes

Councilman Densieski: "Accepts the retirement of James Scruggs in the Highway Department. So moved."

Councilwoman Sanders: "And seconded."

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

Resolution #332

Councilwoman Sanders: "It's a budget adoption for the '05 Reeves Avenue road improvement project between Doctor's Path and Roanoke Avenue. So moved."

Councilwoman Blass: "And seconded."

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

Councilman Densieski: "I wish this was for all of Reeves Avenue. I was on there today and that road is a mess. Yes."

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

Supervisor Cardinale: "Yeah. I'm glad to see it's starting to be improved. And I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #333

Councilwoman Blass: "Authorizes the Town Clerk to publish and post public notice of a public hearing to consider a proposed local law to amend Chapter 108 entitled Zoning Farmstands of the Riverhead town code. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "One comment here. Barbara, we did change the date of the hearing to the 19th, not the 21st. Was that changed?"

Supervisor Cardinale: "Yeah, that should be changed."

Councilman Bartunek: "And the same thing with the--"

Barbara Grattan: "To the 21st?"

Councilman Bartunek: "-- the same thing with this--"

4/5/2005 minutes

Supervisor Cardinale: "No."

Councilwoman Sanders: "No. Changed to the 19th."

Councilman Bartunek: "To the 19th."

Barbara Grattan: "To the 19th."

Supervisor Cardinale: "It's intended to be at the next Board meeting."

Councilwoman Sanders: "7:40."

Barbara Grattan: "7:40."

Councilman Bartunek: "And the same thing with the sign code also, if that wasn't changed."

Supervisor Cardinale: "Both of those on the 19th, Barbara."

Barbara Grattan: "Okay."

Supervisor Cardinale: "They may have read the 21st in error."

Barbara Grattan: "Sign, the 19th. Okay."

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

Councilwoman Blass: "Yes for the public hearing. I do have some concerns about some of the language in here but we'll go to the hearing. Yes."

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

Resolution #334

Barbara Grattan: "Resolution #334 to pay bills."

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded to pay the bills."

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

Resolution #335

4/5/2005 minutes

Councilman Bartunek: "Authorize the Town Clerk to publish and post public notice of public hearing to consider a proposed local law to amend Chapter 107 entitled Freshwater Wetlands of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #336

Councilwoman Blass: "Authorizes the publication of a notice of completion of a final supplemental impact statement with respect to the transfer of development rights law. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Okay. That, I think concludes the resolutions before the Town Board and CDA. We'd like to take any general comment on matters within our purview by the public. Yes, Mark, come forward."

Mark Houraney: "I'll try to make this quick. I'm trying to understand really what's going on here with EPCAL of course. I mean, you know, I just want to bring some corporate planes in and maintain them and you all know what I wanted to do."

But we went from that to having one of the largest cement and building materials company buy Mike Reilly's building. We have a brand new fence company in there that, you know, Mr. Supervisor said that the town should abide by the zoning. I'd like to know how that fence company was able to buy that building and do what they did because I don't know if you've been there lately, but when you pull into that park now, they've fenced in that entire parcel which is huge, they have fencing stacked 20 and 30 feet in the air. How did they get permits for this? I don't understand what's going on up there.

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Now we we're going to put housing and a hotel and convention center and you're right, it's been in the zoning and you and I had discussed this. But I'm just going to mention it one more time. Condition of conveyance from the bill for the Congress. I hope you checked it. That's all I can say.

I'm just telling you as I'm trying to keep the town out of trouble but I don't know who advised you on it, but there's nothing about housing in the reuse plan. I read it again yesterday. I could probably say it word by word. I just hope you, you know, you cross your t's and dot your i's, you know, because we all know the town doesn't need anymore lawsuits, we don't need anymore FRP's, we don't need anymore embarrassment and my biggest concern is what's going on up there with building and construction and how did this company buy that building and do all that work. Do they have permits? Do they have anything? I never saw a site plan approval or anything so I'm just curious what's going on up there as far as code enforcement."

Supervisor Cardinale: "Okay. Let me answer the questions, Mark. The- and Leroy I think is here as well so he can correct me.

As to the cement manufacturer- there's not a cement manufacturer up there although I think it would probably be legal anyway because manufacturing is legal. It's a mixing plant.

As to the fence company, there has been concern about violations up there and we have had the fire- the code enforcement out there. Are there pending- Leroy, are there pending summonses outstanding?"

Leroy Barnes: (Inaudible)

Supervisor Cardinale: "Okay. There are pending notices of violation and there is an application before the zoning board of appeals."

(Inaudible comment)

Supervisor Cardinale: "Well, to answer your question whether the- I don't control the sales of property up there. That's controlled by the owner Burman."

(Inaudible comment)

Supervisor Cardinale: "No. I can't-- the Board cannot control what Burman does. He has conveyed certain properties against our wishes without proper subdivision approval. And I do not applaud that. That's true. But that had gone on for years before this Board sat."

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Mark Houraney: "I just want to go on record. That's not Mr. Burman's property, it's Mr. Reilly's property. It's not part of the subdivision."

Supervisor Cardinale: "Yes it is. You are wrong then."

Mark Houraney: "No, no, no. That property is not subdivided."

Supervisor Cardinale: "Yeah, but- "

Mark Houraney: "No it isn't."

Supervisor Cardinale: "There are- would you explain this, Dawn, to- "

Mark Houraney: "The only subdivided property is Mr. Reilly's building, not the building as you come in the entranceway."

Supervisor Cardinale: "Okay. That piece- do you know the piece he's speaking of?"

Mark Houraney: "With all the garage doors."

Dawn Thomas: "Yes. I think- "

Mark Houraney: "That's the steam plant."

Dawn Thomas: "I think I'm familiar with that parcel. It's to the- "

Mark Houraney: "To the left as you come in right next to the steam plant that has all the garage doors."

Dawn Thomas: "To the west. To the west. Right."

Supervisor Cardinale: "That piece is not properly subdivided?"

Dawn Thomas: "In the town's eyes, that piece would still be part of Mr. Burman's property."

Supervisor Cardinale: "Okay. And, has there been a conveyance to our knowledge? I don't know if there's been a conveyance."

Dawn Thomas: "I am not personally aware of a conveyance although I know with respect to site plan applications and those types of applications, we required Mr. Burman to authorize the applicant because we were really stuck."

Supervisor Cardinale: "Any applications that are made have to be signed by Burman?"

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Dawn Thomas: "Yeah. That's what we decided. Right. Leroy's nodding."

Supervisor Cardinale: "There are violations up there, Mark, and we are aware of them and we are doing something about them, at least I've instructed my staff to do that."

As far as the last question, I have looked into the— are you talking about the language as part of the deed that we took?"

Mark Houraney: "Right."

Supervisor Cardinale: "I've been advised by counsel that the zoning passed in '99 is legal and unassailable at this point for various reasons, not to mention the statute of limitations. So I'm trying to sell the piece consistent with the zoning up there. If this Board elects not to buy it, not to take the guy's money, it's okay with me, too. My job is to put deals on the table as I see it and if people want to accept it great, if they don't, maybe we'll get more next year."

Mark Houraney: "Okay. Thank you."

Supervisor Cardinale: "Thanks. Any other questions? Yes, sir?"

Paul Smith: "Is this on any town issue?"

Supervisor Cardinale: "Any town issue. General comment."

Paul Smith: "My name is Paul Smith, Zdunko Lane, Riverhead. I know your Town Board is very, very busy with more issues that we have but another year is starting and we have another issue."

I was just wondering, what has the people on Zdunko Lane done wrong that the town doesn't want anything to do with us?"

Supervisor Cardinale: "We see a lot of you guys. What would you like to talk to us about?"

Paul Smith: "Well, Mr. Terry's mobile home behind the restaurant."

Supervisor Cardinale: "Oh, yes."

Paul Smith: "There's another year of his piling his junk behind it. How long do we have to look at this thing?"

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Supervisor Cardinale: "That's a great question. Jill, do you know anything on that?"

Paul Smith: "We spoke to Ms. Lewis last year and that's to no avail."

Supervisor Cardinale: "I know. It is always my fervent hope, Paul, that when I say to my staff, Deputy, this is a problem, please resolve it and I don't hear about it for a few months, I'd like to believe it was resolved, but I thought it was in front of the ZBA."

Paul Smith: "You know what it is? We're just 11 homes and we're quiet. We're not looking for any trouble. But now this is the fourth year we're going into this-- "

Supervisor Cardinale: "I know that."

Paul Smith: "-- and the other issue is our road."

Supervisor Cardinale: "Jill, is that in front of the ZBA-- maybe the building department administrator head would be able to tell us the status."

Paul Smith: "We spoke to all these people. We get no place. That's why I'm coming to you. This is the fourth year we're going into this and this is a disgrace."

Supervisor Cardinale: "That's what you should do. So tell me where the infamous Zdunko controversy is."

Leroy Barnes: "Mr. Terry made an application to the zoning board for a parking lot to expand his zoning into the next piece. However, the zoning was changed."

Supervisor Cardinale: "Right. I remember just about the same time."

Leroy Barnes: "And he withdraw his ZBA application."

Supervisor Cardinale: "So what did they do?"

Leroy Barnes: "So he has a pending site plan but I don't know what the Town Board is going to do with the site plan and I don't know how he's going to use that excess piece and I don't know how they are going to deal with the parking."

Supervisor Cardinale: "All right. Let's just-- there was a lot of time spent on this and I got so far as this. That he was in front of the ZBA seeking a variance which is what they do and we passed the master plan zone changes that have been contemplated for six years."

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Did that mean that his application before the ZBA was then mooted out? Okay. So that happened. At that point, then we're back to ground zero. He's got an illegal use there. Can he legalize it?"

Councilman Densieski: "Well, he's got a pre-existing nonconforming use and you're not allowed to expand the pre-existing nonconforming use because of a law that we passed."

Paul Smith: "It's a gutted mobile home."

Supervisor Cardinale: "You can never extend a pre-existing nonconforming use because the whole point is not to allow them to expand because they're pre-existing nonconforming."

Leroy Barnes: "But, you know, you have to remember it all started with the parking across the street on Mr. Broidy's piece and because of that, Mr. Terry from my understanding, decided to expand his parking and buy the mobile home behind him. But then the zoning was withdrawn and now Mr. Terry is told by Mr. Broidy that he can't park on the farm field across the street anymore. So I don't know what Mr. Terry's business plan is, I haven't discussed it with him."

Supervisor Cardinale: "Okay. Let me ask you two questions, Leroy."

Leroy Barnes: "Sure."

Supervisor Cardinale: "Is there a violation presently there?"

Leroy Barnes: "No."

Supervisor Cardinale: "Is there a violation presently?"

Paul Smith: "Yes, there is. He's—"

Supervisor Cardinale: "Not you. I don't want to know from you. I want to know—"

Leroy Barnes: "I don't know what code enforcement has written him for. I believe he had site plan violations but to remedy it he filed an amended site plan. And a part of the site plan application was to increase the parking in the rear to merge the parcel that he bought behind him. Where the mobile home is, is a separate parcel from the business part. He was using that. He was renting it but then he started, I think he turned it into storage, right? I've never been out back."

Paul Smith: "It's a junkyard."

Supervisor Cardinale: "I will summarize this— I don't want to hear about this anymore. I'll summarize it for the public, okay."

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You're ready? There was a proposed solution that took hours and hours of work which proposed solution did not work out because of the zone change occurring at the same time as the proposed application.

That means we don't have a solution. If you have a- and that means Mr. Terry has to either continue- operate in consistency with the law or we have to advise him he's not and correct the situation. So Jill is going to- because she took this on last year and apparently the solution you had devised didn't work out because of the zone change- "

Leroy Barnes: "Yes."

Supervisor Cardinale: "-- let's try it again."

Leroy Barnes: "Well, I think we've advised him now he has to make a special permit application."

Supervisor Cardinale: "Fine."

Leroy Barnes: "To expand his nonconforming pre-existing use. I don't know if he's made that application."

Supervisor Cardinale: "All right. Why don't we do this?"

(Inaudible comment)

Supervisor Cardinale: "Well, good for him. We're not going to solve this tonight, but if there is a violation we will give him a notice that he must do something to correct the violation or we will enforce the law and I promise you we will do that. It's just that simple."

Paul Smith: "And the other issue is, I think after 35 years, can't we get our road fixed?"

Supervisor Cardinale: "Zdunko Lane?"

Paul Smith: "Yes."

Supervisor Cardinale: "I don't think so, it's a private road."

Paul Smith: "People say that- Reeves Park was all private roads and they're all blacktop."

Supervisor Cardinale: "Were you picked up- the highway superintendent gave us a list of 86 roads that we took into the public system."

Paul Smith: "Right."

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Supervisor Cardinale: "Were you on that?"

Paul Smith: "No."

Supervisor Cardinale: "Why not?"

Paul Smith: "We don't know. That's why- "

Supervisor Cardinale: "If you talk to the highway superintendent- "

Paul Smith: "If Reeves Park was all private roads, they're all blacktop."

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

Paul Smith: "You have Fresh Hollow Road down by the East Wind with four homes on it."

Supervisor Cardinale: "You know, somebody asked me if Zdunko Lane was one of the roads we took in."

Paul Smith: "I'm sorry."

Supervisor Cardinale: "Someone asked me recently- "

Paul Smith: "They don't even plow us anymore. What have we done wrong?"

Supervisor Cardinale: "If you were on the list, you would have been home free."

Paul Smith: "I'm sorry. They told us last year-- they said last year, Mr. Kwasna that we might be on the list for it, it went down the tubes. They don't even plow us out anymore."

Supervisor Cardinale: "Mark isn't here. Jill my deputy sitting right- you know Jill. I think you're on the list. I think you're already a public road."

Paul Smith: "I would- "

Supervisor Cardinale: "Like that."

Paul Smith: "I hope you're right."

Supervisor Cardinale: "Jill, would you- "

Paul Smith: "Because- "

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Supervisor Cardinale: "-- let me know tomorrow if he's on the list or not?"

Paul Smith: "But we spoke to Ms. Lewis last year and we got nowhere."

Councilwoman Blass: "We may have just taken action."

Paul Smith: "I must be getting hard of hearing."

Supervisor Cardinale: "Well, if it's a private road, it's a private road. If it's a public road-- "

Paul Smith: "They plowed us all these years that we're up in the neighborhood. We have town water, town lights. They plowed us out in the wintertime. This past storm, we got nothing. Now you did Fresh Hollow Road with four homes on it and we're wider than they are if the width is an issue."

Supervisor Cardinale: "Trust me. It wasn't me. It's the highway superintendent who decides who gets plowed out."

Paul Smith: "He told us no, we're not on the list."

Supervisor Cardinale: "If you're not on his list, you're in trouble. You're on my list. He doesn't even get to my street until he gets ready to get to my street. So it's the highway superintendent who figures out what roads get plowed, not me."

Paul Smith: "And he said we're not on the list to be blacktopped."

Supervisor Cardinale: "Let me check that. If you are, you are; if you're not, you're not. If you're not--"

Councilman Densieski: "When did he say that?"

Paul Smith: "I'm sorry."

Councilman Densieski: "When did he say that?"

Paul Smith: "Last year we started-- "

Councilman Densieski: "Okay. We have a new list since then. We'll check it."

Paul Smith: "And I spoke to Ms. Lewis over November, December. Had a meeting with her like you asked us to do. And he said at that time, we're off the list."

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Councilman Densieski: "We've adopted a list since that time."

Supervisor Cardinale: "It's very simple. You're either on it or not. We've got to find the list and show it to you. Hopefully you're on it. If you're not on it, get on the next list. The only way you're going to get your roads done is to be public roads. So if, in fact, you want to be a public road and you get the superintendent of highways to accept you as a public road as those 81 roads were, you're going to be fat and happy. You're going to have your road done every time- "

Paul Smith: "Well, what does it take to make it a public road?"

Supervisor Cardinale: "How can you make it a public road? If it's- it's up to the superintendent of highways to certify that he has taken care of the road for a period of 10 years or less."

Paul Smith: "Well, he has."

Supervisor Cardinale: "Or more."

Paul Smith: "Up until the last two years."

Supervisor Cardinale: "That's why we think you're on the list."

Councilwoman Blass: "That's why we think you're on the list. In order to get paved- "

Supervisor Cardinale: "If you come back tomorrow and ask her to look up the list she'll look up the list."

Paul Smith: "I hate to give you a headache but 40 years is enough."

Supervisor Cardinale: "Join the crowd. It's okay. You might have good news waiting. If you come back tomorrow, you're probably on the list, you'll be a very happy man."

Paul Smith: "Thank you, sir."

Supervisor Cardinale: "Nice talking to you, Paul. Oh, no, Bernadette now. Thought we had tired you out earlier. Thought you were tired from bouncing up earlier."

Bernadette Voras; "I'll never retire."

Supervisor Cardinale: "Tired not retired."

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Ernadette Voras: "Bernadette Voras, Reeves Park. I have three things. All involve code enforcement. And they are leftovers. Well, two out of three are."

Supervisor Cardinale: "Okay."

Bernadette Voras: "One. Lobster Roll. Since I attend and film the ZBA, what happened is as I said before, it wasn't adjourned. It came to an end because of change of zoning. But that's not the answer. That's not the problem here."

The problem goes back to what I brought out before and it has not been followed up by the code enforcement and they are the ones that have to do this. The Health Department is also involved in this. Now the gentleman closed for the winter and I've been waiting. He is now open again.

Lobster Roll has a permit for a set number of seats. They have exceeded illegally since the day they opened. He, Mr. Terry, said that in a zoning board meeting. I'm quoting him. When they opened, the first day, they realized, I love it, they realized that they wouldn't have enough parking. He has seats- I forget my notes now. I'd have to come in to just be absolutely quotable, but I believe that he has a permit for something like 90 seats and- actually 65 inside and a little bit on the porch since now it's open.

He has been in noncompliance since the day he opened with 136 to 134 dropping to 128 seats. This involves the outside seats with the umbrellas. They're totally illegal with the Health Department. With the Health Department because evidently the sewerage is involved here. All right?

Now I'm not talking about the violations of the kitchen and all that. All right? I am talking about this. If he is made by our code enforcement also by our fire department, and this is what I've never understood. If he is made to comply with the Health, then we have no parking problem. The only time the parking problem comes into existence is when he exceeds what he is allowed. He can fit in, he's got something like 60 some odd spaces.

Oh yes, I understand his staff, which he has takes up parking spaces, and problems do come on the weekend. And he will have to have a special whatever- he's have to have a variance- actually a zoning change if he's going to get the parking in that back section that he owns with the little house on it, not the house, the mobile home. And that I leave to you and to the code enforcement.

But I am going to start again until I get code enforcement to- when I don't see those chairs outside. That's- all I'm asking for. You see, I as a citizen, I watch the code enforcement officers go by.

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And I'm glad about that. I do want some safety and organization. I as a resident, if I put up one thing on my property, I'll hear about it within 10 minutes. But yet this has gone on forever and I've had it. I've tried every legal means. I put in affidavits against two of them."

Supervisor Cardinale: "Who did you give them to?"

Bernadette Voras: "The code enforcement. And they said that they couldn't follow through at the time, this was last year--"

Supervisor Cardinale: "Bruce Johnson?"

Bernadette Voras: "It was- I handed it to the young lady who is now in the police department, the secretary. Billie Jo."

Supervisor Cardinale: "That's Bruce Johnson's secretary at the time."

Bernadette Voras: "Okay. Well, and I went down there and I- I'm heading for an appointment. I want to find out- I want to clue them that before I issue another affidavit, I would like to see if they're following up on what's left over.

They told me, and I'm quoting this, that they could not proceed with what I was bringing up until the zoning board finished with them. Well the zoning board finished with them last month. I was there, they said it. Now I want action. And I- this is not the only thing."

Supervisor Cardinale: "Nothing happened in the zoning board of appeals?"

Bernadette Voras: "They couldn't because the zoning- it became a moot point. The zoning has been changed and I don't know what it would take to- but that's where it's at. You can't have a parking lot in an area that's zoned residential."

Supervisor Cardinale: "That takes care of that."

Bernadette Voras: "Okay. Unless there's some special circumstances and I'm not- you know, I'm not privy to that.

My second thing, again, code enforcement, I worked on this last year, the Simones (phonetic) property diagonally across the street, a moving company. When the man bought the property in 1992 he had a variance to begin with because the property since the '80's has been under variance because it was a potato farm or a counting place to bring the potatoes in, weigh them and so forth and grade them. And then it became various things.

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Well, the man, Mr. Simones, bought the property the variance he was issued and had to follow was this. He was never allowed to have overnight within- overnight anything parked outside. I didn't bring a picture tonight. I didn't want to start that yet. I wanted to just say it in words and see what happens. But the last time I passed by there which was a couple days ago, there were 15 gigantic stationary without motors on them hauling trucks filled. That's been not allowed since the day he bought it.

So I'm not going to hold my breath but I'm going to really- I thought I went into action and I- he did slow things down. I spoke to the man. He knows. He knows my mind. He had a for sale sign up. It's gone right now. So I have to find out about that. But he went to ZBA and in ZBA he brought in this plan on making this place into something new, fixing it up.

And then if he had the bigger building which covered 90% of the property. All right. It's less than an acre. He would then- he said he would put everything in the building. Well, I have news for you. That's impossible. Okay. Just in square footage. It's impossible. It was a nice facade on the building. It looked like a little carriage house. But he lost- he met with such resistance that he couldn't solve the plan and he couldn't get the zoning board to agree with him and so he dropped out on that. And that's where we are now. But he's still got the stuff out there. And if- code enforcement told me that when that problem was taken out of ZBA's hands, they would start to act on it. I've been waiting for about three weeks now. I haven't seen anything happening."

Supervisor Cardinale: "Well, you know, first of all that's a true principle. When you're in the ZBA you're of course seeking a resolution of the problem. They can't enforce the violation until the ZBA- "

Bernadette Voras: "Yes, I understood that."

Supervisor Cardinale: "-- so if in three- these two matters were just recently dismissed from, why don't you talk to Bruce and tell him go get them."

Bernadette Voras: "Okay."

Supervisor Cardinale: "Because they're doing bad things."

Bernadette Voras: "All right. And then if I'm not happy then you'll see me again."

Supervisor Cardinale: "I'm sure."

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Bernadette Voras: "And here comes the last one. If I had a hole 12 feet deep and 22 foot wide within 50 feet of a main road like Sound Avenue, I would have been in jail practically by now. And yet at the corner of Horton and Sound there is within 55 feet of the cross section and within 12 feet of Horton Road an open pit. It is taking in runoff from greenhouses. I'm hoping that it's just runoff from the outside, not any chemical.

I do not understand how code enforcement could have missed this. I want equal, I want business and I want residential to have equal enforcement. You don't have an open pit like that. There's no fence, there's nothing. If- they have races up and down Horton sometimes at night in the summertime. I just- I'm waiting for the day when one of these folks speeds off the road and ends up in that ditch. I want that ditch legalized."

Supervisor Cardinale: "Okay. Horton and Sound."

Bernadette Voras: "But I'm bringing out this fact. I'm very disappointed that I could be ticketed in five seconds as a resident for something and that's been there for a long time. I want equal voice, okay, in the town.

If I'm not a businessperson, fine, I'm a resident. There's an equality there. And this doesn't look too equal to me. So I would like you to (inaudible) the depths and find out what's going on."

Supervisor Cardinale: "When you say equal time, you don't want to dig in the pit, you just want us to close up this one. Right?"

Bernadette Voras: "No. You don't have to close it. You may need it. I just want it framed with a fence and put a little flasher on it. You know something. Reflectors. That's all."

Supervisor Cardinale: "You don't want a pit on your property though?"

Bernadette Voras: "No, I don't have a pit on my property."

Supervisor Cardinale: "You don't want one either, right?"

Bernadette Voras: "I haven't got room for one, not that big."

Supervisor Cardinale: "Thank you, Bernadette. Any other comment from the public on anything that you'd like to discuss? If not, it being 9:10 we will adjourn the meeting."

Meeting adjourned: 9:10 p.m.