

8/01/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, August 1, 2006, at 2:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "-- Pledge of Allegiance to the flag and why don't you help us out here, Vince?"

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

Supervisor Cardinale: "Okay. We're going to come down and do a few proclamations and some other work and then come back.

I see my accounting department here so we'll do the Employee of the Quarter first so we can get them back to work and I know we have some poster contest winners as well.

Would you-- Labor/Management-- anybody here from Labor/Management? Of course. And we have today the opportunity to present the Employee of the Second Quarter and that employee is here and I would like her to be introduced by the committee. So why don't you call her up?"

Madelyn Sendlewski: "Before I do that, ladies and gentlemen, we are the Labor/Management Committee. Many of you are aware that part of the responsibilities of this committee is to recognize employees that are exemplary for each quarter of the year and ultimately for Employee of the Year.

We're always proud and honored to participate in this particular event.

I would like to first of all introduce two of our newest members, that would be Mr. Ray Coyne, the director of our Recreation Department, and temporarily filling in for Mr. Jack Hansen is Maryann Wojak Heilbrunn.

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Before I announce the Employee of the Quarter, I would like to say that I have served on this committee for 17 years and I have— and everybody I'm sure agrees with me, that (inaudible) to enjoy the presence of Jack Hansen on this committee since I joined, therefore, it's obvious he's on it longer than I.

I just want Jack to know that we miss his wisdom and his knowledge, his soft spokenness and his kindness and Jack, take it from me, we're waiting for you to come back and there's always hope.

Unfortunately when there's a circumstance that somebody has to deal with, it puts pressure on others and there has been an enormous amount of pressure, and I know the Supervisor will agree with me, placed on the accounting department and I'd like to recognize the entire department for striving, excelling, and doing a wonderful job in taking care of all of us and our needs, particularly our nomination for Employee of the Second Quarter is the leader of the pack over there, who has risen to the cause, to continue that department running normally, successfully, and has received the honor and cooperation of all of her coworkers.

I'd like to introduce our recipient. Join me in welcoming Lori Pipczynski. Lori, come down here. I would like to recognize Mr. and Mrs. Fred Underwood, Lori's parents, they're in the audience and (inaudible). They'd rather not come down.

Mr. Supervisor, with that being said, I'd like you to present the proclamation for Lori."

Supervisor Cardinale: "Thank you. Lori, thanks for being here and thank you to the department for being here to share with you this honor.

What you just said, I would like to reiterate. Like in a family, when you have illness and difficulties, each of the members is supposed to step up and help and you certainly— and your department did that. When Jack got ill, Lori in the second quarter really stepped up to help keep the pieces together and we are in your debt for that. So I can't imagine a more appropriate choice for the second quarter Employee of the Quarter.

This proclamation says a little bit about you for those of us who do not know. Lori has been a valued employee of the town both in the computer network assistance department and the accounting department. She has again— began working in the town in the accounting department 22 years ago and over that time performed nearly every job function in the department to become the financial administrator's right hand person.

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Her role in the accounting department recently changed when she voluntarily took on more responsibility due to Jack's illness and she accomplished all of those duties as well as her regular duties with a smile.

Her commitment to the community is otherwise demonstrated in her role as vice-president of the Blue Waves Girls Softball Booster Club. She maintains— also in her life although she's here a lot, she's also a dedicated family person and a wife to her husband, Joe, and a mother to her two children, Joe and Kelly.

As a result of her hard work and dedication, the Labor/Management committee has appropriately named her Employee of the Quarter and the town board and I join together in congratulating you."

Lori Pipczynski: "I'd like to take this opportunity to thank the Labor/Management committee and the town board for this recognition. It wasn't me alone, it was the staff back there and we wish Jack— (inaudible) helps him in his recovery."

Madelyn Sendlewski: "Lori also gets a day off with pay, if you can get a day off, and she also will receive a \$100 savings bond. Lori, congratulations. You deserve it."

Supervisor Cardinale: "Thank you. Thank you, the Committee as well. And Lori the town board wants to congratulate you."

Okay, thank you the committee and the department for being here.

We have another proclamation and we also have some announcements to make. Bob (inaudible), please come forward.

Each year we have a— one of the meetings that acknowledges the national association of the town watch-- National Night Out. And Bob has been a great supporter of this over many years and Lt. Boden has worked with him and (inaudible) has also and I'd like them to tell you a little bit about the program, a little bit about the poster contest which they'll be awarding and (inaudible) I'd like to present this proclamation about National Night Out."

(Unidentified): "Thank you, Mr. Supervisor. Thank you to the Board for having us every year. It's been kind of a tradition now for the last 16 years I think that Bob has been on board with National Night Out. We had the board meeting in the afternoon and we have the poster contest winners present to honor them and to give them prizes for the hard work that they did."

The poster contest contestants are all part of the Riverhead town summer youth program I think it's called and they worked hard on the

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posters as you can see. They're spread out around the town board meeting room. It's always a tough decision to find a winner.

The theme is always fire prevention, things you can do to make the neighborhood a little bit safer. We try to— and actually over the years they've gotten much better, we see a lot of lights and dogs and fences and bad guys getting hung up by their feet and stuff like that. So the— actually, and I think part of what National Night Out is awareness. I think everyone has become more aware now that crime is never going to be completely something that we can't pay attention to so we all have a little more sense about it. I think even the kids are picking up on it and that's a good idea.

Bob and his crew from (inaudible) have been involved with this for 16 years. This is the 23rd annual national night out and we're kicking it off with this and this evening we go out and do four, five, this year it's a little light, five block parties, neighborhood watch groups that have block parties with Bob and his crew.

We're going to give him a break this year because it's hot but myself and a couple other police officers will go to the block parties. We have all kinds of prizes to give away for the kids and stuff. It's just a show of support from the police department, for the community, that we're there to try to help you and if anyone is interested in a neighborhood watch or forming one, give us a call, we're more than willing to help you out. We do four or five new ones every year so it's an easy thing to do.

So without any further adieu I think most of the poster contest winners are here. We will call you up. One at a time, Bob? Yup, one at a time."

Bob: "And tell what the prizes are. The third place prize is miniature golf at Calverton Links. The second place prize is a gift certificate for ice cream either at Dairyland or Snoflake and the first prize is four tickets to Splish Splash. So it's really great prizes each year and those companies really help me do this and it's something we enjoy doing. And you also get what the adults have been playing with, each year as part of this program I have to come up with a different prize or a toy or a present to give out as we go to all the different block parties and we started with today so everybody is going to get one of our little beach balls. They can play with— and I hope they have as much fun as everybody up here has.

Unidentified: "The winning posters are up (inaudible), if you want to take a look at them. We broke down the groups to 5 - 8 year old and 9 - 12 year old.

The third place winner in the 5 - 8 year old group is Heather O'Connell. Come on up. Congratulations.

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The second place winner in the 5 - 8 year old group is Bria Nicole Foster. Congratulations. Good job.

And the first place winner in the 5 - 8 year old group is Mora Sullivan.

All right, the 9 - 12 year olds third place is Sierra Smith.

The second place is Daniel Endres.

And the first place winner in the 9 - 12 is Jenna Kockenmeister.

One more thing. I'd like to thank the recreation, (inaudible), you guys have done a great job with this over the years. (Inaudible) I appreciate all your help."

Bob: "Again, we're very happy to do this- my employees, and I can't do this myself, but the employees at Schwing Electrical Supply (phonetic) put their time after a long hard day at work to do this in the evening to go around to the places and they do it with a lot of pride. Because we all consider ourselves really a part of the community and it's our opportunity to give something back. Thank you for letting us come to your neighborhood, be part of you, and it's fun for us. Thank you very much."

Supervisor Cardinale: "I'd like to read this proclamation in honor of the efforts of Bob and his company and the annual night out.

WHEREAS, the National Association of Town Watch is sponsoring a unique nationwide crime, drug and violence prevention program tonight, August 1st, National Night Out;

WHEREAS, the 23rd National Night Out provides a unique opportunity for Riverhead to join forces with thousands of other communities across the country in promoting cooperative police community crime prevention efforts;

WHEREAS, Schwing Electric and more specifically (inaudible) plays a vital role in assisting the Riverhead Town Police each year in this program through joint crime, drug and violence prevention effort in this town and is supporting National Night Out 2006 locally; and

WHEREAS, it is essential that all citizens of the Town of Riverhead be aware of the importance of crime prevention and the impact of their participation and what it can do to reduce crime and violence in the town; and

WHEREAS, the police community partnership, neighborhood safety, awareness and cooperation are important things of National Night Out.

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I, Phil Cardinale, Supervisor, together with the Town Board, call upon all citizens of the town to join Schwing Electric and the Riverhead police crime prevention unit in supporting this 23rd National Night Out, tonight, August 1st.

I hope you get cooler.

Okay, now back to work. I'll give them a second to depart. Okay, I'd like to have the board reassemble and someone offer for approval the minutes of the July 18th meeting."

Councilwoman Blass: "So moved."

Councilman Densieski: "Second the motion."

Barbara Grattan: "And the Special Board meeting."

Supervisor Cardinale: "Yes. This would be for approval of the July 18th and the Special Board meeting of July 20th. Moved by Ed and - moved by Barbara and seconded by Ed or vice versa. Vote please."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Densieski: "Absent."

Barbara Grattan: "Bartunek, not here."

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Cardinale. Yes. The minutes are approved."

Supervisor Cardinale: "Great. Can we have the Reports, please, Barbara?"

Barbara Grattan: "Sure."

REPORTS:

| | |
|---------------------|--|
| Sewer District | Discharge monitoring report for June |
| Town clerk | Monthly report for July, 2005 total collected was \$9,504.95 |
| Building Department | Monthly report for June, 2005 total collected was \$115,992.25 |

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

APPLICATIONS:

Special events North Fork Classic -
August 10 to 26 - local horse shows

Garden of Eve LLC - Sept. 30
to Oct. 1 - garlic festival

Parade permits Kerry Purick - Aug.
5 - block party Ida Lane, Aquebogue

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Walter Garbrielsen, Jr. Regarding temporary plastic houses to
sell retail

Robert Kozakiewicz Regarding site plan of DJ Realty Corp. special
permit of Mitchell

Regarding letter of protest of R&K Precision Autoworks, Inc.

Mike Dejewski Regarding special use permit application of Kar
MacVeigh for the Manor Inn in Jamesport

State Dept. of Environmental Conservation announcing that the
sewer district advanced wastewater treatment facility has been
selected to receive a First Place award in the "Medium Advanced
Treatment Category" of the NYS DEC Andrew M. Weist Operation and
Maintenance Excellence Awards Program

August Groeber and Fred Reeve Letters of resignation from the
Riverhead Industrial Development Agency

Eileen Roman Letter of impending retirement

Tom Shaffery, Joanne Stenzel, Alex Horton No parking on Longview
Drive

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. We have public hearings
scheduled, six in number, first at 2:10 p.m."

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Public hearing opened: 2:27 p.m.

Supervisor Cardinale: "In being 2:27, we'll begin with that, the consideration of a local law to amend Chapter 108 entitled Penalties for Offenses.

Could you give us a summary of what this is about, please, Dawn?"

Dawn Thomas: "Yeah, I have actually two different ones, I'm not sure which one is first."

Barbara Grattan: "I don't know. Why don't you open both of them."

Supervisor Cardinale: "Yeah, we have both scheduled for 2:10, similar in content. I'd like to begin and hear both together. It's 2:27, we're opening both of them. Go ahead."

Public hearing opened: 2:27

The consideration for a local law to amend Chapter 108 entitled Penalties for Offenses.

Dawn Thomas: "The most significant change that's proposed by the public hearing to amend Chapter 108 which is specifically 108-78 Penalties for Offenses. It adds a provision that entitles the town to assess civil penalties for violations of our zoning code.

This is something that we haven't had before. It's a new addition. It's authorized by the town law and allows us to charge civil penalties as- for violations- in addition to the criminal penalties that we're entitled to impose pursuant to the zoning code.

This is another tool in enforcement for us and so we're proposing it to be adopted as a new local law.

The other adds- it's deletes actually penalties for offenses in our sign code and it would- what the effect of this would be, would be to revert to our 108-78 Penalties for Offenses for the entire zoning code including the sign code and it removes that provision that's currently there which was a little confusing.

Supervisor Cardinale: "Thank you. That's there. Okay, so is there anyone who wishes, from the public, to comment upon this- these first two public hearings which include a civil penalty provision and delete an unclear previous provision?"

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If there is no comment at this time, I will leave it open as is my custom for 10 days for written comment in case someone becomes inspired and close these hearings, it being 2:30."

Public hearings closed: 2:30 p.m.
Left open for 10 days for
written comments

Public hearing opened: 2:30 p.m.

Supervisor Cardinale: "The third hearing is scheduled to begin at 2:20, it being 2:30 we can commence it. To consider the amendment to Chapter 108 of the code of the town regarding recreation fees. Would you summarize this, please?"

Dawn Thomas: "Yes. This provision-- or the proposed local law would revise the recreation fees applied to subdivision, minor, both minor and major from \$3,000 per lot to \$5,000 per lot."

Supervisor Cardinale: "Okay. Is there a comment from the public in regard to this proposed piece of legislation? If so, please come forward. The content is as summarized and as advertised.

If there is not, we will note that, leave it open for written comment for 10 days and close the hearing at 2:31 p.m."

Councilwoman Blass: "Just a comment."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Mr. Supervisor, is the board still considering some fee for apartments and townhouses? This addresses just the subdivision."

Supervisor Cardinale: "Yeah. Would you address that, Dawn, because we discussed that."

Dawn Thomas: "Yes. We're in the process of drafting that proposed legislation as well. This was the simpler amendment (inaudible). So we're working on that."

Councilwoman Blass: "Okay, thank you."

Supervisor Cardinale: "All right. Thank you. As Dawn knows, I'm anxious to see that and, hopefully, we will see it by the next meeting.

That-- it being 2:32, I'm closing this as to testimony verbally and keeping it open for written 'til--for 10 days."

Public hearing closed: 2:31 p.m.
Left open for 10 days for written
comment

Public hearing opened: 2:32 p.m.

Supervisor Cardinale: "The fourth hearing that is scheduled for this afternoon's meeting is a 2:25 hearing which is for consideration of the special use permit petition of Wulforst Farms LLC (Baiting Hollow Club) to allow construction of a club- golf clubhouse and related improvements upon real property located at Sound Avenue, Baiting Hollow, New York.

I would like- I see that there is a representative of the petitioner. Would you please introduce yourself and- thank you."

William Esseks: "William Esseks, attorney for the petitioners."

Supervisor Cardinale: "Thank you."

William Esseks: "(inaudible) is also present. This is a continuation or re-hearing, an extension of the prior hearing that (inaudible) closed on the 5th of July and it's readvertised for today and the members of the board have heard our presentation at length that night and unless there's something new here tonight (inaudible)."

Supervisor Cardinale: "Okay. There is- the earlier testimony will be deemed of course part of the hearing and if there is- the applicant is here. If there is any question or comment from the board, I'm sorry, from the board or from the public would come forth now. This was heard extensively earlier as well. Yes, Barbara."

Councilwoman Blass: "Mr. Supervisor, I just want to acknowledge receipt of written comments from Miss Kerry (inaudible) and Mr. Dennis (inaudible). I don't know if the clerk has received a copy but if you haven't, I'll make these available to you. Written comments. Okay, yes. So that will be part of the record."

Supervisor Cardinale: "So that will become part of the file."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Is there any other comment from the Board? Any other verbal comment from the members- or from the public present today? If there is not, I will close it for verbal testimony, it being 2:34 p.m. and leave it open for 10 days for any written comment that anyone would like to make concerning this application."

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Public hearing closed: 2:34 p.m.
Left open for 10 days for written
comment

Public hearing opened: 2:34 p.m.

Supervisor Cardinale: "It is now 2:34 and we have a scheduled hearing for 2:30 for— to consider the special permit petition of Pamela Hoegrefe, Broadriver LLC to allow the expansion of a nonconforming use on premises located at East Avenue Extension, Riverhead, New York.

The applicant is here, could you come forward please and could you indicate your name and address and the town attorney will swear you in."

Pamela Hoegrefe: "These are just (inaudible) and the red house is the next door neighbor's house."

Supervisor Cardinale: "Okay."

Dawn Thomas: "I need to swear you in. State your full name for the record."

Pamela Hoegrefe: "Pameal Hoegrefe."

Dawn Thomas: "Do you swear the testimony you are about to give to be the truth, the whole truth and nothing but the truth, so help you God?"

Pamela Hoegrefe: "I do."

Dawn Thomas: "Thank you."

Pamela Hoegrefe: "Those pictures that I've given you show you the position of the next door neighbor's house. While I'm looking to expand upon the small house, I took those photos so that you would recognize that I'm not dwarfing the other property. To the other side is land owned by St. John's.

I also showed you some of the interiors as it exists today where people were actually living until I obtained it."

Supervisor Cardinale: "Okay. Did you want to say anything else about the application?"

Pamela Hoegrefe: "Just that the existing footprint as it stands is on house one, 544 square feet; house two is 620. My hopes is to

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take two derelict buildings, make them safe, attractive, an asset to the homeowners, the primary homeowners that live on the street, and comfortable for the prospective tenants.

In order to do that, I believe I need to be able to give them something with some substance. I can't take 544 square feet and make it into a home. It doesn't happen today if I want to give them bathrooms and closets and laundry, etc. I'm willing to spend a great deal of money where I realize that most people that would purchase that would do something in a slap dance fashion and that is not my interest."

Supervisor Cardinale: "If I understand this correctly, Dawn, this is before us because it is a nonconforming use because there are two residences on one property. Is that correct?"

Dawn Thomas: "I haven't looked at that application but it is a pre-existing nonconforming use expansion application. I don't have a copy of- "

Supervisor Cardinale: "Yeah, that's what I want to verify. Do you know as an applicant why this application was required?"

Pamela Hoegrefe: "Because apparently the two houses on one property, it's now been zoned RA-40 which does not allow that. It was a pre-existing nonconforming use."

Supervisor Cardinale: "All right, this is- "

Councilwoman Blass: "Actually- "

Supervisor Cardinale: "I'm sorry. Go ahead."

Councilwoman Blass: "Actually the RA-40 allows for a two family house but it's with importation of transfer of development rights. So I think it is because these are two separate structures."

Supervisor Cardinale: "Right. So these are separate structures pre-existing on one lot."

Pamela Hoegrefe: "That's right."

Supervisor Cardinale: "And how much did you wish to add to the 544 and how much to the 620?"

Pamela Hoegrefe: "Can I give you- "

Supervisor Cardinale: "Yeah, sure, whatever- "

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Pamela Hoegrefe: "Let me give you this, because I printed it all out."

Supervisor Cardinale: "Okay."

Pamela Hoegrefe: "I'm actually increasing my percentage of impervious surface by 2.65%-- "

Supervisor Cardinale: "Now-- "

Pamela Hoegrefe: "-- so it's not-- "

Supervisor Cardinale: "Just so I know from these pictures that we'll put into the file, there's a-- there's this blue house, right, that's one of the houses you're going to be enhancing?"

Pamela Hoegrefe: "Correct."

Supervisor Cardinale: "This thing here. And then the other one is-- you've got another picture down there, I just want to make sure I know what two houses you're improving. One is the blue house and then this one? The one next to it. Is it this house and-- "

Pamela Hoegrefe: "That one and then the blue one."

Supervisor Cardinale: "Blue one, okay."

Pamela Hoegrefe: "I showed that picture just to show you-- "

Supervisor Cardinale: "Okay, those two houses. The shingled house, dark shingle, and the blue. Okay, thanks, here you go."

Okay, so if you could tell us, I guess this does tell us, 544 is going to go to 744; 620 is going to go to 804 and you're going to have two stories. Okay. I got it. That shows most of them, I think, and you have this.

Okay, so you want to go to two stories, you want to basically enhance and then double the square footage."

Pamela Hoegrefe: "Correct."

Supervisor Cardinale: "Understood. How big is the parcel?"

Pamela Hoegrefe: ".25-- .24-- "

Supervisor Cardinale: ".24 acres."

Pamela Hoegrefe: "Correct."

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Supervisor Cardinale: "Okay. Thank you."

Councilwoman Blass: "I have a question for you. The resolution indicates that the planning board recommended approval with conditions. Do you know what the conditions were?"

Pamela Hoegrefe: "Yes. Absolutely. They wanted to change the parking to the front— from the front to the rear which we have done. That's on our drawings."

Councilwoman Blass: "Okay."

Pamela Hoegrefe: "That was the only condition."

Councilwoman Blass: "Okay. So you were able to accommodate their recommended— "

Pamela Hoegrefe: "Yes, I was— but it actually works better this way."

Councilwoman Blass: "Okay, good."

Supervisor Cardinale: "Okay, the footprint would actually be only enhanced about 200 and 180 feet respectively but then you're just going to put a second floor on. Okay."

Councilwoman Blass: "I have one more question. Actually just more of a comment. I know that the larger of the houses is 1600 square feet I think would be with the proposed addition, just make sure that we're talking about a single family residence and that there would be no more than one family in each of those because otherwise—"

Pamela Hoegrefe: "That's correct. (Inaudible) ample closets, laundry. There is no basement so I will need to use part of that space for storage."

Councilwoman Blass: "Thank you."

Councilman Dunleavy: "And I think you would just bring this up to code because I think our code now says a single family residence has to be 1500 square foot, so you're bringing it up to reach that code."

Councilman Densieski: "900."

Councilman Dunleavy: "That's what— no, we had this when we went downtown."

Supervisor Cardinale: "It was 900. I wonder what Rick is doing? Rick, is it nine or 15 now?"

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Rick Hanley: "I think it changed- certain districts, I believe the APZ is 1500."

Councilman Dunleavy: "Yeah, 1500."

Pamela Hoegrefe: "How does that apply to the one house that is only 1328?"

Supervisor Cardinale: "It's fine. You're just getting closer to conformity so it would be a positive argument."

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "You don't know, this is in RA-40, is it?"

Pamela Hoegrefe: "Correct."

Rick Hanley: "I think the 1500 is- "

Supervisor Cardinale: "Limited to APZ? Yeah, just a passing interest."

Pamela Hoegrefe: "RA-40 is 40,000."

Supervisor Cardinale: "Yes. But what was the- what's the minimum home if you were to build new, that's the question. But it really- it's just an aside, I'm curious just to know but it wouldn't necessarily impact this decision."

One of the special permit provisions is- do you have the special permit provisions anyone? I think the last one is whether the use is consistent with the intensity of use within the community, within the neighborhood.

One of the provisions that the board in the statute has to consider is whether the intensity of this use as proposed is consistent or inconsistent with the intensity of use within the community that it is situated in. And I think that's pretty intensely developed in there."

Pamela Hoegrefe: "The houses to the east of it, there are four houses on one plot."

Supervisor Cardinale: "Really?"

Pamela Hoegrefe: "Yes. And the house just to the south of that, there are two. North of that they are primary homeowners and

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it's terrible what these people- because the four houses on one plot are very much an eyesore. So- "

Supervisor Cardinale: "You don't- that's not your property?"

Pamela Hoegrefe: "No. I hope to acquire it. If I go successfully on this round, maybe I'll try for the next one."

Supervisor Cardinale: "Okay. Thank you very much. I appreciate your presentation. It was clear and succinct. 1200 okay. Very good. I appreciate your clarity."

Is there any other public comment in regard to this application? If not, I will close the verbal testimony, leave open the provision for written inclusion of any testimony to the 10 day period."

Public hearing closed: 2:44 p.m.
Left open for 10 days for written
comment

Public hearing opened: 2:44 p.m.

Supervisor Cardinale: "And go to the last hearing that we have scheduled which is scheduled for 2:35, it being 2:44, we're going to hear the 2:35 consideration of a local law to repeal the current version of Chapter 86 Rental Dwelling Units in order to adopt a new Chapter 86 Rental Dwelling Units. This is a second hearing in this regard and this is the new and improved version. Is there any comment- the new and hopefully improved version- any comment on this, then please come up and tell us what you'd like to comment."

Chris McCarthy: "Hello, I'm Chris McCarthy, Riverhead. I had this was printed 7/18 (inaudible)."

Councilwoman Blass: "Does it say adopted on the top there?"

Supervisor Cardinale: "The 7/18- "

Councilman Bartunek: "This is a notice for a public hearing."

Supervisor Cardinale: "Yeah, and attached to a post and publish- "

Councilwoman Blass: "Do you have the copy that's got blue type in it? Okay. That's what you really want to see."

Councilman Densieski: "Barbara, those are just photocopies. They're not going to have the blue- "

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Councilwoman Blass: "I know. (Inaudible). It might be better."

Supervisor Cardinale: "If that's a photocopy, it might be the right copy but she's going to give you the one we know to be the correct copy of the revised statute."

Chris McCarthy: (Inaudible)

Supervisor Cardinale: "Yes. Because I know you're going to read it carefully and you were helpful last time. Yeah, I'm going to hold it open for 10 days for written comment so maybe once she gives you that, you may want to just submit it and then send a copy to the board members or indicate that you want a copy to them."

Chris McCarthy: "Okay, thank you very much."

Supervisor Cardinale: "Sure. Okay, she's going to provide that. IS there any other comment from anyone in regard to the revised version of the rental dwelling unit law which— yes, please come up, which I know that Ed and John particularly have been working on."

Sal Mastropolo: "I just have one question. The way it's advertised it says the consideration of a local law to repeal the current version in order to adopt the new version. Are you going to adopt the new version today or are you just doing the public hearing on the repeal of the old one."

Supervisor Cardinale: "We're not going to adopt anything today, we're just going to take comment. And then assuming there's no substantive changes, we wouldn't pass it until next week— August 15th or the first of September."

Sal Mastropolo: "So tonight— so today's public hearing is also on the proposed version?"

Supervisor Cardinale: "That's correct."

Sal Mastropolo: "Okay. Because that wasn't very clear the way it was posted."

Councilman Densieski: "Yes, it is."

Supervisor Cardinale: "To repeal the current version in order to adopt a new one. Oh, I see what you're saying. I understand your point. Yeah."

Councilwoman Blass: "Mr. McCarthy, did you get the changes?"

Supervisor Cardinale: "Yeah, you want to get that copy there."

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Councilwoman Blass: "Anything in blue is the corrected version."

Supervisor Cardinale: "Yeah, I want to make- I'll check that, Sal, to make sure we have the proper notice."

The purpose of this hearing was to hear the revised- comment on the revisions since the last hearing, then we'll mull it over and we'll consider the adoption of it at a later date.

If there's any comment, we'll take it. If not, I will call the verbal testimony closed at 12 of 3 and I will make certain- the town attorney will make certain that our notice is good because in the next two weeks or four weeks, we'll consider adoption. If any problems, let me know. Yes, Sal."

Sal Mastropolo: "I do want to make one comment."

Supervisor Cardinale: "Yes, please go ahead."

Sal Mastropolo: "In the way it was written, the proposal, go into definitions, the definition of immediate family doesn't include brothers and sisters, okay."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "And the definition of a family, okay, I consider it very weak, okay. It talks about traditional family but it also talks about you know how you define a traditional family. It doesn't preclude 10 or 12 people who are not related from living in the same house, sharing the cooking facilities, sharing the expenses and I think that's what your goal with this new rental law is, to prohibit that."

Councilman Densieski: "No. If they're living as a family sharing, that would- "

Sal Mastropolo: "Well, let me- let's put it this way. If you had 10 males living in a house- "

Councilman Densieski: "Oh, I see what you're saying."

Sal Mastropolo: "-- sharing the kitchen facilities, sharing all of the expenses, is that a traditional family?"

Dawn Thomas: "Yes."

Sal Mastropolo: "Okay, so you don't have a problem with that?"

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Dawn Thomas: "No. Well, what would be the difference in impact? How can you discriminate against them because of their relationship? If they're living together as a family, they're no different than a traditional family who are related by blood?"

Sal Mastropolo: "Well, then I suggest that maybe we need something in there that addresses square footage for individual. I'm not sure if we have it in there or not."

Dawn Thomas: (Inaudible)

Councilman Densieski: "It does. The state code addresses that and we addressed how many persons per room."

Supervisor Cardinale: "Just to follow up on Sal's point. Traditionally, Dawn, don't the statutes— maybe they're illegal by this time, but traditionally don't they say no more than so many unrelated people?"

Councilman Densieski: "It's too hard to prove, Phil."

Dawn Thomas: "It's too hard to prove and it could be deemed to be discriminatory because— "

Supervisor Cardinale: "Well, I guess it is discriminatory, they're all over the south shore because they don't want group homes— not group homes, I mean group rentals."

Dawn Thomas: "Group rentals, yeah, it's a little different."

Supervisor Cardinale: "Yeah, group rentals for the summer. So we really do need— don't we need square footage if like he says."

Dawn Thomas: "It's in the building code, yeah."

Supervisor Cardinale: "Okay. We do have square footage requirements in the building code of 250 per person or something like that is it You have to have so much living space for each individual."

Dawn Thomas: "Correct."

Councilman Densieski: "Yeah."

Sal Mastropolo: "Well, that is fine in the building code but if you're passing a rental code, shouldn't it be in the rental code? Because let's face it, the building department is not involved, okay, once the house is constructed and somebody comes in for a rental permit."

Councilman Dunleavy: "It's in the state code and— "

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Supervisor Cardinale: "I understand your point. I believe that when they do their initial inspection, they have to either— we have to inspect or they have to certify that there's at least so much square footage for every occupant. But I understand your point that if you're not going to define it in the traditional fashion, which we're not, you better have square footage backing you up."

Councilman Densieski: "And, Phil, we didn't want to have— we didn't want to prove that they were unrelated."

Supervisor Cardinale: "Right."

Councilman Densieski: "In this document we put the onus on them to prove that they are related to us."

Supervisor Cardinale: "One of the big helps for this effort has been Harold Steuerwald who has been— is he here? He's just about to come in, but he has been with this kind of prosecution for over a dozen years and Brookhaven, and he understands what sounds good becomes problematic trying to prove it so this statute was crafted in order to be effective in that fashion, that we would be able to actually prove a violation once we issue a violation."

Sal Mastropolo: "And I have one other comment."

Supervisor Cardinale: "There's Harold. Yes."

Sal Mastropolo: "84-4 the rental occupancy permit required. If the rental dwelling is not registered as required by this chapter, there will be a presumption that said property is being utilized as rental property by the owner in violation of this chapter. Why don't we presume that it's not owner occupied? You have a rental property, it's sold. The person buying it that he's going to live in it. Why don't we presume that the new buyer is now owner occupied rather than we presume that it's going to be a rental again?"

Supervisor Cardinale: "Would you read me the language again, please? And Harold is here, he can comment."

Sal Mastropolo: "It's 86-4 rental occupancy—"

Supervisor Cardinale: "Section what? Section number again?"

Sal Mastropolo: "86-4."

Supervisor Cardinale: "Okay, thank you."

Sal Mastropolo: "Item C. In the event that the ownership of a rental dwelling is transferred, the new owner shall register the

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property within 30 days of the closing of title pursuant to the requirements set forth in this chapter as a rental occupancy permit issued under this chapter is not transferrable. If the rental dwelling is not registered as required by this chapter, there will be a presumption that said property is being utilized as rental property by the new owners in violation of this chapter.

You take a piece of rental property and a guy buys it, is not going to rent it, is going to live in it, but yet you're presuming that it's rental again."

Supervisor Cardinale: "Yeah. But that's- I know Harold can answer this but so can I. That's exactly what I just said. That we want to have a statute that we can prove readily and that's why all the presumptions are set up for that purpose.

If you have a rental property and it's sold, we're telling the purchaser you're presumed to be continuing to use it as rental property. It doesn't mean you are. If you move in, because it could be your house now, you're not going to rent it, that's fine, that's great, you can do that, you don't have to do a thing. But when we- if we challenge, we don't want to hear that you're- we have a presumption that you, in fact, are a renter so we don't have to prove you are a renter. You'd have to prove you are not a renter. That's the gist."

Councilman Dunleavy: "And Harold is going to answer about the square footage."

Harold Steuerwald: "Your question was about square footage?"

Sal Mastropolo: "Well, my question was about the definition of the family, traditional family, and the fact that there is nothing in there that addresses square footage per person. So in essence you could have a single family home that has 10 males living in it, sharing kitchen facilities, sharing expenses, sharing the electric, okay. It's exactly what you're trying to get away from, okay, and without a square footage requirement in the rental law, then you really can't go back and say that there's too many people living in this house."

Harold Steuerwald: "Not true. What this law does is it adopts- it makes reference to the New York State building code, New York State Uniform Fire Prevention and Building Code. We can't supersede that because we're not getting more restrictive.

You go to use and occupancy set forth by the state, it goes by the square footage and sets forth the occupancy limits."

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Supervisor Cardinale: "Just what we said before but is it actually referenced in there or is it deemed referenced? Do you actually refer to it?"

Harold Steuerwald: "It's referenced in the town code but it's also referenced I believe- "

Supervisor Cardinale: "Yeah- "

Sal Mastropolo: "There's a lot of references in here that this rental code is superseded by the state law."

Supervisor Cardinale: "Right. Which would mean just what he said, that if in fact there were 10 people, they would need, I don't know, 3,000- they would need 3,000 square feet of living space. Isn't that correct? 3,000 feet of bedroom space or something like that. Do you know what the square footage requirement is, Harold, per person? I think it's 250."

Harold Steuerwald: "I think it's less than that but- "

Supervisor Cardinale: "Actually, I'm more intrigued by your initial question. Incidentally your questions are very good and I appreciate the public and generally you in particular bringing them to our attention because they make us think about this.

But I always thought we continued that unrelated thing, you know, in order to control single family dwellings, that no more than a certain amount of unrelated. Let me ask you this, Harold, related but not directly.

We don't have a group rental issue over here as much as they do in the resort communities but we still have one. How does this protect against group rentals, say for example, when they don't want 30 people renting a big house in Southampton?"

Harold Steuerwald: "It's going to be based upon the- "

Supervisor Cardinale: "Square footage. So if the house is big enough, they could have 30 people renting it, each paying a thousand bucks for the month."

Harold Steuerwald: "Correct."

Supervisor Cardinale: "Southampton has a problem with that. How do they get around the unrelated people issue? I thought that they usually got around the group rentals by saying not more than a certain number of unrelated people can occupy."

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Harold Steuerwald: "Well, I've spoken to the Southampton town attorney's office, they're actually in the process of redoing their code."

Supervisor Cardinale: "Because they're concerned about the constitutionality of the unrelated?"

Harold Steuerwald: "They are just having a lot of problems- many town are in regard to the rental issue and they're planning to redo their code as well, I'm told."

Supervisor Cardinale: "How come you didn't use the unrelated as the criteria? Is that-- is there a legal problem with it?"

Harold Steuerwald: "I believe there was as far as you can't set forth limits as far as how many unrelated people can live in one house. So it's based upon- if they're living and using the house as sharing the whole house, they don't have second kitchens, they don't have a lot of bedrooms, that's not going to violate the section. And then the occupancy limits are going to be based upon the standards set forth in the New York State Building Code."

Councilman Dunleavy: "Can I ask you one question? This unrelated or related, can there be 15 cousins living in the same house? Are you considering a cousin related by blood?"

Harold Steuerwald: "It doesn't really get into related or unrelated."

Supervisor Cardinale: "It doesn't do it that way. But in theory, they would be, yeah."

Harold Steuerwald: "It's fine. If they live together as a family, that's fine."

Supervisor Cardinale: "That's right. You can have cousins, but not friends under the old codes."

Harold Steuerwald: "-- limits as far as the number of people and the square footage of the house."

Councilman Dunleavy: "Yeah, but then it would- "

Councilman Densieski: "But they're going to have to prove that, they're going to have to prove that they're related. It's not the town's burden to prove that they're not."

Harold Steuerwald: "Well, the way the code's written that if there is, in fact, family that is going to occupy the house, you still

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have to apply if the owner is not living there, but you don't get charged a fee. That's what's written now."

Councilwoman Blass: "Okay. Mr. Steuerwald, is it customary to not include siblings in the definition of immediate family?"

Harold Steuerwald: "Well, this actual definition of family and most of it, is actually taken from our definition in the zoning code. It's trying to mirror what we already have."

Councilwoman Blass: "So the immediate family as it's currently defined in our code says owner, spouse, children, grandparents or grandchildren. It doesn't include siblings, brothers and sisters of the owner."

Harold Steuerwald: "Well, once again, it's not- "

(Inaudible comment)

Sal Mastropolo: "It's probably an oversight that it doesn't include siblings."

Harold Steuerwald: "The code doesn't address as far as the people living together, related or unrelated as far as the occupancy limits. That's going to be addressed by the State Building Code."

Sal Mastropolo: "I understand that. But there's one section in there that talks about immediate family and it does not include siblings."

Supervisor Cardinale: "So the point being if two brothers or two sisters shared a house, shouldn't they get a waiver of the rental fee because they're really not renting to anybody. They're using it as family members."

Harold Steuerwald: "If you want to do that, you can. The way it's written as far as an owner, if he's going to have his immediate family live there, he's not going to reside there, then the fee would be waived but he would need to apply for the application."

Sal Mastropolo: "You may want to add siblings."

Supervisor Cardinale: "All right. Thank you very much. Appreciate your comments."

Councilman Dunleavy: "Thank you."

Sal Mastropolo: "You're welcome."

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Supervisor Cardinale: "Any other comment? If not, I'm going to note that it's 3:00, close the verbal, keep open the written submissions for 10 days and thank you for your participation."

Public hearing closed: 3:00 p.m.
Left open for 10 days for written
comment

Supervisor Cardinale: "We have completed the hearings. We have resolutions we're going to consider and we'd like to take comments on those resolutions that anyone has a comment to make concerning.

Sal, go right ahead."

Sal Mastropolo: "Resolution 711."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Did we ever find out the cause for the sinking of the boat?"

Supervisor Cardinale: "Yes, we did. The boat sank because of a plug that was- "

Councilman Dunleavy: "The seal dry rotted."

Supervisor Cardinale: "That the seal dry rotted on and I pointed out the obvious that- from vast- from experience of my own, that you're supposed to change the plug every year. Because my boat also sank one year. So we'll try to avoid that in the future particularly if there's new engines on your boat, you're supposed to change the plug."

Sal Mastropolo: "I notice the bill is \$9,000.00."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "713."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "How can you pass this resolution when she's not even an employee?"

Councilman Densieski: "Yeah. We're going to switch those."

Councilwoman Blass: "Switch the sequence."

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Councilman Densieski: "We caught that one, Sal."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "715."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I bring this up every time I see it and you never make the change and I still think that this is an oximoron. If you look at hours of work, #3, five personal days of leave will be granted. You say may not be accumulated but must be used in the current calendar year except that unused personal days at the end of each year shall be converted to sick time and sick time you can carry from one year to another. So you're contradicting yourself in the same statement and you do it all the time and I always bring it up and you've never made the change."

Supervisor Cardinale: "Let me-- me to the right section please."

Sal Mastropolo: "It's the first page of-- hours of work, #3."

Supervisor Cardinale: "3B. Personal leave may not be accumulated, must be used within the calendar year except that unused personal days become sick time and be used as sick time. Well-- "

Councilman Dunleavy: "But you are accumulating them."

Supervisor Cardinale: "You can accumulate sick time is the point of this."

Sal Mastropolo: "That's my point."

Supervisor Cardinale: "Well, you can't accumulate as sick time, it has to become-- I'm sorry, you can't accumulate personal leave."

Sal Mastropolo: "Once you convert it to sick time, it carries over as sick time and at the end of your tenure, 20 years-- "

Supervisor Cardinale: "I understand all that."

Sal Mastropolo: "-- the town pays for personal leave."

Supervisor Cardinale: "I think what they're citing though is that you cannot-- it really is-- I don't know that it's an oximoron, it's really a distinction which makes no difference. They mean to say that personal leave of which I think you get five days a year, that-- must be used, or are-- you can't accumulate that unused personal time because at each year end, it becomes sick time only."

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Now there is a difference because sick time, if you take more than three days, you've got to provide a doctor's note that you're really sick. Personal time, you don't have to. So what they're saying is you can't accumulate so if I don't use sick time- personal time this year, and I have four days left, four days the next year, I can't then say one year I'm going to take eight plus five- 13, eight plus five, 13 days of sick- of personal leave. I have to give a doctor's note if I'm using sick time and it's more than three days."

Sal Mastropolo: "It has nothing to do with the doctor's note, Phil. The point I'm making is you have an employee that has five personal days- "

Supervisor Cardinale: "Right."

Sal Mastropolo: "-- who doesn't take any. At the end of the year, he converts into sick time. Right?"

Supervisor Cardinale: "They convert automatically."

Sal Mastropolo: "They convert automatically."

Supervisor Cardinale: "Right."

Sal Mastropolo: "So the next year he has five personal days and he has five sick days accumulated from the previous year plus whatever sick days he doesn't use the first year."

Supervisor Cardinale: "That's correct."

Sal Mastropolo: "Okay. Well, you do this, at the end of 20 years, he may have 100 days that were personal days that were converted at the end of each year to sick time, that carry over to the end of his tenure and the town is paying for 100 days which were converted from personal days to sick days."

Supervisor Cardinale: "That's right."

Sal Mastropolo: "So either take out your statement that you can't accumulate it or stop the practice that they convert to sick time because we're paying for sick time at the end of a person's tenure- "

Councilman Dunleavy: "Sal, I think this follows the CSEA contract, the wording in the CSEA contract. I think that's all they're doing is following- "

Supervisor Cardinale: "I far prefer to do the latter incidentally, I'd like to not- if you don't use them, you lose them."

Sal Mastropolo: "That's my point."

Supervisor Cardinale: "But I'll tell you what we could do to make you happy and it would be accurate. Personal leave may not be accumulated as personal leave and must be used within the calendar year, but personal leave can be accumulated after it becomes sick time."

And the fact is that as he said, their attitude is this, the employees. Personal leave, you can use as a matter of your own discretion so if we tell them they lose it if they don't use it, trust me, they're going to use it."

Sal Mastropolo: "But if you look at the big picture- "

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "-- okay, you're almost better off- "

Supervisor Cardinale: "To do it that way, yeah."

Sal Mastropolo: "-- the year rather than they accumulate- "

Supervisor Cardinale: "That's correct."

Sal Mastropolo: "-- because when you buy them out at the end of 20 years, you're paying at the higher rate. Okay. Whereas, if they use it- "

Supervisor Cardinale: "Right."

Sal Mastropolo: "-- if they're gone five days, you don't even miss them, somebody will pick up the slack when they're gone."

Supervisor Cardinale: "Okay, I understand that."

Sal Mastropolo: "Which is not impacting the budget."

Supervisor Cardinale: "Right. If we have the- that's a good point, and if we have the discretion to do it, I will do it."

Sal Mastropolo: "Okay. Same- 715, second page, vacation. Item #1, the employee shall be entitled to 20 working days of vacation January 1st to December 31st during fiscal year 2006. There's nothing relative to pro rated. Since the employee is starting work on Sept. 5th, I would think that vacation, rather than being 20 days is pro rated- well then it should state that here."

Councilman Dunleavy: "It should state that."

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Sal Mastropolo: "It should say pro rated from 9/5 to 12/31."

Supervisor Cardinale: "What section is that?"

Sal Mastropolo: "That's the second page under vacations, item #1."

Supervisor Cardinale: "Okay. Okay, we should put pro rated after that just to clarify that point. We had discussed that and that is understood."

Councilman Dunleavy: "Because the wages are pro rated, so that should be pro rated, too."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "On the fourth page, health insurance."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Item #1, covers dental; item #2 covers optical; item #3 covers universal life. Are we not giving them a health plan? Was that an oversight or does this contract at present does not include a health plan? Because it just says dental, optical and life insurance. I see nothing about- "

Councilman Densieski: "Dawn, question. Does the new town attorney have medical, health somewhere else? Because it's not included in the contract."

Dawn Thomas: (Inaudible comment). "It should be in there if it's not."

Supervisor Cardinale: "Thank you. You just cost me \$14,000."

Dawn Thomas: "Oh, it should be in there."

Supervisor Cardinale: "Yeah. That's all right. We gave her so much money, she doesn't want coverage."

Dawn Thomas: "No, she does. We'll have to amend that."

Supervisor Cardinale: "Okay, Sal, what else you've got?"

Sal Mastropolo: "716."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Under vacations. First of all, somebody probably made a copy of a previous one and they failed to change the female to male, the his and hers, the hers and his."

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Supervisor Cardinale: "Vacations, yeah."

Barbara Grattan: "What number, Sal?"

Dawn Thomas: "716."

Sal Mastropolo: "716 under vacations, shall be paid her vacation. But the resolution refers to a male."

Supervisor Cardinale: "Oh, yes. Yeah, they— okay. We'll make that— "

Dawn Thomas: "See, you can tell we need help in the office, Sal."

Sal Mastropolo: "Under health insurance, that's missing the health insurance."

Councilman Dunleavy: "That's the same thing."

Sal Mastropolo: "And on the last page under Wages, I can't believe that we're giving a 14% increase and I have a problem with that."

Supervisor Cardinale: "Say that again, please."

Sal Mastropolo: "Wages— "

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "An employee that gets hired on February 20th, \$75,000 and we're changing him to \$86,000. That's \$11,000 a year; that's a 14% raise. Do we have that much money in the town coffers that we can afford to give out 14%?"

Supervisor Cardinale: "No."

Sal Mastropolo: "Then why are we giving him 14%?"

Supervisor Cardinale: "Well, we may have it in the budget but we don't have it in the town. The reason is because relative to— we have scoured the market, even advertised. I find this very interesting incidentally from the standpoint of hiring people in the town attorney's office which are exempt positions. You would think that you would have an outflow of a lot of people but you really don't. And these people are 14 years and 9 years or something like that, experienced. So the one that we got, Prudenti is getting 80 and that's the least she'll take and Steuerwald has more experience so we've had a request from the town attorney to adjust to experience so

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that she doesn't have an office in which less experienced are making more than more experienced."

Sal Mastropolo: "He got hired, he accepted this position at 75. Shouldn't we at least wait a year. It's not even a year that he's on board. What are you going to do now?"

Supervisor Cardinale: "Well, we're not going to do anything next year but I can tell you that the reasoning is if the board goes along with it, there's a good argument, in fact, that argument was made at the work session, you ought to watch it. That we are concerned about adjusting but if we can only bring in a person with less experience and we've tried, in fact, we got rejected by several, at 80, and she's got whatever, nine years let's say, she's got 14 and the other guy's got 18, and they're all relevant municipal experience, then we're trying to adjust it to be consistent and fair.

I'd prefer not to have to do it. I'd prefer not to do it even if I have to do it but I also know that we've had a great deal of turnover in the town attorney's office and I need some talent that stays. So I'm not happy about it but I think we may have to do it."

Councilman Densieski: "Phil, Phil- "

Supervisor Cardinale: "It is a good thing to bring up though. (Inaudible)."

Councilman Densieski: "Phil, I want to add something to that. First of all, I think the guy is worth his weight in gold. He saves the taxpayers a lot of money. Second of all, the less stuff we send outside to outside counsel, it's really a huge savings to the town of Riverhead and he's an attorney who can get the job done. So I do think it's a good move."

Sal Mastropolo: "I'm glad you brought that up, okay. Because it seems like we're always giving stuff to outside attorneys. Now I noticed another resolution where we're bringing Mary Hartill back to do closings. Okay. So I mean, yeah, you brought up a good point but yet we're still giving stuff to outside. Why isn't he doing closings?"

Supervisor Cardinale: "Well- "

Councilman Densieski: "She's not here yet. She's not coming to September."

Sal Mastropolo: "He. Not she, he."

Councilman Densieski: "There's only two people in the office. There's supposed to be four people in there."

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Sal Mastropolo: "I know. I'm only making the point- I made the point, okay, that by bringing in attorneys we don't have to give the stuff out. Yet we're still giving Mary Hartill- "

Councilman Densieski: "Because we're two people short."

Dawn Thomas: "We're two people short and what we did is a stop gap measure until Ann Marie can start in September, is to give Mary three or four closings- are limited to those three or four closings that are limited in number and it's not an ongoing thing. It's a temporary thing so we can get our work done between now and September when Ann Marie comes on board."

Councilman Bartunek: "Sal, everybody else is- "

Dawn Thomas: "We've been half staff for several months and I think Ed said it correctly. If you figure out \$165 an hour for 40 or 35 or 40 hours a week which is approximately what we work, you can see pretty readily the savings that we gain by having inside attorneys."

Councilman Densieski: "They actually do work pretty hard in there, Sal."

Councilman Bartunek: "Some of the rough (inaudible), Sal, and Dawn correct me if I'm wrong, Dawn had three attorneys that were previously working for her. I'm not exactly sure that I remember what Mary's salary was, but it comes- 78, okay, it comes to \$208,000, just salaries, not benefits, and now with two attorneys even at the increased salary we're offering to Harold, it comes out to \$166. So effectively it's a \$40,000 cut in the budget and the fact of the matter is also what did he earn at Brookhaven? Was it 90?"

Dawn Thomas: "In excess of 90. Yes."

Sal Mastropolo: "The only issue- George, the only issue I was making was he took the position at 75- "

Councilman Bartunek: "Yeah, but he also- "

Sal Mastropolo: "-- less than a year and you're giving him 14%. What are you going to follow that up with? Okay. You may be setting precedents for the rest of the employees in this town if they see that."

Supervisor Cardinale: "Well, the good news is-- that's a good point. But the good news is he knows that he's kind of locked in now because the town attorney has not increased her salary and she's like at 91 or something so he can't go any farther unless he wants to become town attorney. So we have them range between 80 and 90."

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Sal Mastropolo: "Okay. 726. There's no mention of a site plan review (inaudible)."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Should there be?"

Supervisor Cardinale: "And what number- "

Sal Mastropolo: "726."

Supervisor Cardinale: "726. Yeah, there should be a mention of it. It should be subject to- it's a condition. Where is it in there?"

(Inaudible comment)

Supervisor Cardinale: "Yeah, #16, on the- just above the final Resolve clause. No certificate of occupancy shall issue prior to the payment of the site plan review fee pursuant to such and such or the waiver thereof. And- "

Sal Mastropolo: "Well, does that mean that you may waive the site plan review fee?"

Supervisor Cardinale: "It means that- I'll give you the background on this. Where is my town attorney, is she still- got her raise and left. She's the only one that's not getting a raise. Maybe that's why she left.

Yeah. This is the background on that. This is Rev. Coverdale's- what do they call that, the daycare life center, there is actually a site plan fee. He's going to have to pay it in all likelihood. I did indicate I would check to see if for not for profits there is any legal ability to reduce or waive. We couldn't verify it today because I only- we only got the call around noon so I said look, you need to have the site plan approval but we can't waive it, you're going to have to pay it subject to my review so we set it up this way.

And if, in fact, we can waive it, we would then have to discuss it and see if it's legal to do so. That's why I was looking for the town attorney to see if there is any provision to be able to do that. I'm not aware of it which is what I said."

Sal Mastropolo: "Resolution 735."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I only make- I'm going to make a suggestion. You do in the no parking of vehicles on Hulse Landing Road from the intersection of North Wading River Road southerly to Park Street. Why

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not just do it right down to the high tide mark of the beach, so you cover both sides of Hulse Landing Road all the way up."

Councilman Dunleavy: "It's already no parking down there."

Sal Mastropolo: "Is it?"

Councilman Dunleavy: "Yes."

Sal Mastropolo: "All the way up?"

Councilman Dunleavy: "Yes. All the way up to North Wading River Road. We're just extending it up Hulse Landing."

Sal Mastropolo: "Resolution #739."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "On the Please Take Notice, you have the month of August, it should be September, the 6th day of September not the 6th day of August, the public hearing. That's it."

Supervisor Cardinale: "Thank you. You want to amend that, please, Barbara. Okay. Is it the 6th—"

Sal Mastropolo: "Public hearings are on the 6th of September."

Supervisor Cardinale: "They are? That's the first Tuesday, that's what I was verifying."

Sal Mastropolo: "Well, I looked at some of the other public notices, and they're all the 6th of September so I'm assuming that—"

Supervisor Cardinale: "They can all be wrong."

Sal Mastropolo: "-- I'm assuming you're not going to have a special public hearing just for the wetlands on the 6th of August. It's a Sunday."

Councilwoman Blass: "And it's also at 2:20 o'clock so we would have to change the time on them, too. And I think there's no September meeting in (inaudible)."

Barbara Grattan: "And it's in the afternoon."

Supervisor Cardinale: "And where is it?"

Councilwoman Blass: "It's an afternoon meeting."

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Barbara Grattan: "And it's September 6th. September 6th is a town board day and it's in the afternoon."

Supervisor Cardinale: "It is correct then, September 6th in the afternoon."

Councilwoman Blass: "Here. Is the afternoon meeting here?"

Dawn Thomas: "It's a Wednesday."

Barbara Grattan: "That I don't know."

Councilwoman Blass: "Is that the Wading River meeting maybe?"

Supervisor Cardinale: "Oh, that's the Wednesday after- "

Sal Mastropolo: "You don't want (inaudible)."

Supervisor Cardinale: "No. That's for sure. It's here. So it's Wednesday, September 6th at town hall. All right. Go ahead. In the afternoon."

Sal Mastropolo: "742."

Supervisor Cardinale: "Yes, 742, go ahead."

Sal Mastropolo: "In the Now, Therefore, Be It Resolved, the very last part of the sentence after the semi colon, I don't understand what and Edwards at the rate of 750 per closing and Be It Further."

Supervisor Cardinale: "Still trying to find- "

Councilwoman Blass: "Oh, that's part of the other resolution hiring her as special- "

Sal Mastropolo: "It should stop after the \$1500 per closing. Period. Right?"

Councilwoman Blass: "Right."

Supervisor Cardinale: "No that's- "

Councilwoman Blass: "No, no, no. Actually Edwards- yes, that is correct."

Supervisor Cardinale: "Fifteen hundred- "

Councilwoman Blass: "She- "

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Supervisor Cardinale: "At the rate of fifteen hundred per contract and closing and Edwards should be 750 for the closing only."

Councilwoman Blass: "Just 750 for the closing."

Supervisor Cardinale: "Because we're already in contract."

Sal Mastropolo: "Oh. So Edwards is a specific- "

Dawn Thomas: "Transaction. They're all separate transaction."

Councilwoman Blass: "They're underway already."

Sal Mastropolo: "It just makes no sense not knowing that Edwards was a specific transaction."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you for your help. Okay, any other comment on the resolutions we're about to consider? If not, we will consider them. Would you call them, please, Barbara?"

Dawn Thomas: "There's- sorry to interrupt you. Does the-- authorizes the special prosecutor should come after the- and the other Kathy is bringing me in those amendments for those two that include health insurance. For some reason they didn't- "

Supervisor Cardinale: "Fine. Okay."

Resolution #708

Councilman Dunleavy: "Middle Road roundabout project budget adoption. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #709

Councilman Densieski: "South Jamesport roads improvement project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #710

Councilwoman Blass: "Highway Department budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #711

Councilman Bartunek: "General fund budget adjustmet. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #712

Councilman Dunleavy: "Reduces performance bond of NF Golf Resorts. So moved."

Councilman Densieski: "Second the motion."

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

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

Barbara Grattan: "Resolution 713, Councilman Densieski."

Councilwoman Blass: "No, actually 715."

Councilman Densieski: "Set them aside. And call 715 out, Barbara."

Barbara Grattan: "Okay, wait a minute. 715, we've got it."

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Resolution #715

Councilman Bartunek: "Setting terms and conditions of employment for Ann Marie Prudenti, Deputy Town Attorney. So moved."

Supervisor Cardinale: "Second please."

Councilman Densieski: "Second the motion."

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

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

Councilwoman Blass: "As amended."

Supervisor Cardinale: "Yeah, as per-- the amendment prorating vacation, adding the health insurance. Is there anything else? I think those were the two keys ones. Thank you."

Councilwoman Blass: "Yes."

Councilman Dunleavy: "And the vacation is prorated."

Supervisor Cardinale: "Yes, that's right. Thank you."

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

Resolution #714

Councilwoman Blass: "714, authorizes Harold Steuerwald to act as special prosecutor for the prosecution of violations of the code of the Town of Riverhead. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #715

Barbara Grattan: "Now 713 becomes 715. Councilman Densieski."

Councilman Densieski: "Authorizes Ann Marie Prudenti to act as special prosecutor for the prosecution of violations of the code of the town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes, Barbara, I'd like to amend that a copy of this should be forwarded to Ann Marie Prudenti, Resolved there. I vote yes."

Barbara Grattan: "Is that a yes?"

Councilman Bartunek: "Yes."

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

Resolution #716

Councilman Dunleavy: "716, modifies terms and conditions of employment for Harold A. Steuerwald, deputy town attorney. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilwoman Blass: "Yes as amended I think. All right. We have those amendments coming."

Supervisor Cardinale: "Yes."

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

Resolution #717

Councilman Densieski: "Approves the transfer of a police officer. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And I'm sorry we have to lose this police officer. He did a great job for the town of Riverhead. Yes."

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

Supervisor Cardinale: "Yes and thank Officer Bobinski for his service."

Barbara Grattan: "The resolution is adopted."

Resolution #718

Councilwoman Blass: "Accepts the retirement of Jane Stromski in the Planning Department. So moved."

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

Councilman Bartunek "And seconded."

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And again I want to wish her well. She was here for 30 years and she did a wonderful job and a very good employee. I vote yes."

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

Councilman Bartunek: "Yes. I worked with Jane when I first served on the Conservation Advisory Council five years ago and Jane was here just a couple years at that time and the amazing thing is that neither of us look any older than we did 25 years ago. I vote yes."

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

Councilwoman Blass: "Yes. And I, too, not only want to thank Jane for her service to the town but for all her assistance that she gave me in my 20 years of working with her at the Planning Board. She taught me an awful lot, well, some people would I guess question that. She did indeed teach me an awful lot and especially when I assumed the reins of chairperson of that board, I really could not have done it without her. So I thank her personally. I wish her an awful lot of luck. She's got some great plans to spend time with her family. So thank you, Jane. Good luck."

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

Councilman Densieski: "Yeah. I'd also like to pass along the sentiments of my colleagues and thank Jane for all her hard work. Yes."

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

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Supervisor Cardinale: "Yeah. We have no choice but to accept her retirement and wish her well. She was a good employee and she was young when I met her, so was I, so I wish her very well in the future and her- I think she's going to be helping her husband and also enjoying her grandchildren. So good luck. Yes."

Resolution #719

Councilman Bartunek: "Provisional appointment of traffic signal maintenance supervisor."

Councilman Dunleavy: "Seconded. Are we amending this?"

Councilman Bartunek: "Yeah, we're going to amend this to if you look at the Now Therefore Be It Resolved-- "

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Jeffrey (inaudible) is hereby appointed provisionally to the position of traffic signal maintenance supervisor, Group 11 Step P on the operation and technical salary schedule, Barbara, of the salary administration schedule. Operation and technical salary schedules, be more specific exactly where the salary is going to be taken from."

Barbara Grattan: "Got you."

Councilman Bartunek: "And that's going to be the same change on the next resolution also."

Supervisor Cardinale: "Operation and technical salary- "

Councilman Bartunek: "Yes. Yes."

Councilwoman Blass: "I guess we haven't really been paying attention to this but we have three different salary schedules in the overall administration salary schedule, the clerical, the administrative and the operation and technical. And they each have a Group 11 Step P, so we need to clarify which schedule it comes from."

Barbara Grattan: "Okay. So what are you going to do on Resolution 720."

Councilman Dunleavy: "We're going to do the same thing, we're going to amend it."

Councilman Bartunek: "Add the same thing in."

Barbara Grattan: "Group 11, Step P."

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Councilman Bartunek: "No, no, no. Just the addition of operation and technical salary schedule."

Barbara Grattan: "Oh, okay."

Councilman Dunleavy: "Group 7 Step P."

Councilman Bartunek: "Just before salary administration schedule."

Councilman Dunleavy: "And I second that as amended."

Barbara Grattan: "Got you."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes as amended."

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

Resolution #720

Councilman Dunleavy: "Appoints maintenance mechanic II in the Engineering Department as amended. So moved."

Supervisor Cardinale: "Second please."

Councilman Densieski: "Second the motion."

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

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

Resolution #721

Councilman Densieski: "Appoints seasonal pump out boat operator. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #722

Councilwoman Blass: "Appoints a beach attendant/concession stand operator Level III to the recreation department. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #723

Councilman Bartunek: "Ratifies the appointment of part time recreation aide Level II to the Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #724

Councilman Dunleavy: "Approves Long Island North Shore Heritage area management plan and approves issuing SEQR findings regarding approval of the plan. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilwoman Blass: "Yes but I think it should actually say adopts SEQRA findings because that's what we're doing in this resolution. We're not? Yes, it is actually, we're adopting-- each town has to adopt its own set of findings and that's what we're doing following (inaudible)."

Supervisor Cardinale: "So the caption of it-- "

Councilman Dunleavy: "So approves should be amended to adopts?"

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Councilwoman Blass: "In the second-- approves the management plan and adopts SEQRA findings regarding approval of the plan. We adopt SEQRA in support of the plan."

Supervisor Cardinale: "Yes, okay."

Councilwoman Blass: "And the SEQRA findings are contained within the resolution so we're not issuing, we're adopting findings."

Supervisor Cardinale: "So the caption would be amended to adopt SEQRA findings."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "With the word approves issuing deleted and the word adopts added. Got it?"

Councilwoman Blass: "And I thank my colleagues for their support on this."

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

Resolution #725

Councilman Densieski: "Approves the sign permit of Bethpage Federal Credit Union. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #726

Councilwoman Blass: "Approves the site plan of First Baptist Church of Riverhead. So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Yeah. I'm pleased that the site plan is approved for the child day care center. I wish the church luck with getting it built. Yes."

8/01/2006 minutes

Barbara Grattan: "The resolution is adopted."

Resolution #727

Councilman Bartunek: "Approves the site plan of Culinary Arts Riverhead LLC. So moved."

Councilman Dunleavy: "And seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I know that there is a red lined site plan. I don't know that this resolution actually indicates that we have a red lined copy which eliminates the area for the dumpster and the- "

Councilman Dunleavy: "They submitted a new one today."

Supervisor Cardinale: "Do we have the new one?"

Councilman Dunleavy: "Yes, they submitted a new one today. The site plan that eliminates the dumpsters. They're going to share it with Barth Drugs and it eliminates the- "

Supervisor Cardinale: "I think what Barbara is asking is that- "

Councilwoman Blass: "There is a red lined version."

Rick Hanley: "I didn't get that plan until after (inaudible)."

Councilwoman Blass: "Okay. The new one is a red lined version and we have to recognize as is."

Rick Hanley: "Yes. And we have removed any mention of an easement for dumpsters (inaudible)."

Councilwoman Blass: "Okay. My question is then we don't need to be concerned about how they are going to be providing or how they are going to load into this building or how they're going to handle their garbage?"

Rick Hanley: "No. I think we should be concerned about it. Clearly they'd be able to load through the rear door. I don't know that there's any provision in the code that requires a dumpster. One could keep the dumpster inside the building, it wouldn't be on a site plan. However, in this instance I've been told by the applicant that they have an agreement or will have an agreement with the neighboring property owner to use the dumpster which is the Barth's Drug Store."

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Mr. Barth will have a dumpster on his property which is not on this property, it's not shown on the site plan. I understand Mr. (inaudible) has that agreement and he's here to talk about it if you'd like."

Councilwoman Blass: "Should we at least reference that we acknowledge that there is going to be some provision for handling of the refuse? I mean it's been an issue and I'm certain that they will be handling it appropriately but there's nothing on the site plan that- "

Rick Hanley: "Because it's not on the (inaudible)."

Councilwoman Blass: "Because it's not on the site. So at the very least we should have a recitation- "

Rick Hanley: "We can certainly add a Whereas- I have not seen the agreement though, whether it's been fashioned or it's a handshake, I don't know. We could add a Whereas that it's been considered anecdotally but I don't have an actual agreement."

Supervisor Cardinale: "I think that it- I think what would- might be better is to simply indicate as a condition that- conditioned by the provision for their dumpster on an off- an off site provision for a dumpster."

Rick Hanley: "You could do that, too."

Supervisor Cardinale: "Because otherwise if they want to put it on this site, they're going to have to come back to us."

Rick Hanley: "They would have to put it in the building, there's no room on the site."

Supervisor Cardinale: "So why don't we just say that? Did we have a comment from one of the applicants?"

(Inaudible comment)

Councilwoman Blass: "If we could just acknowledge- "

Rick Hanley: "Why don't you say something like no certificate of occupancy shall issue until a provision has been made for the pick up of refuse on the site. How about that?"

Supervisor Cardinale: "From the site. That's fine. But technically what do we do with other applications? I want to treat this consistent."

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Rick Hanley: "There are standard conditions. There's a reference to dumpsters, there's a reference to the section of the code that talks about dumpsters. Dawn's not here but I don't think that there is a requirement that every single commercial operation have a dumpster."

Supervisor Cardinale: "Well there ought not to be because we're encouraging them to share."

Rick Hanley: "Precisely. So I don't know how you want me to word it."

Supervisor Cardinale: "So why don't you use- I would suggest the language you just indicated. No CO shall issue until satisfactory evidence of refuse from the site is presented. Either an agreement or daily pick up. I don't care what you do. As long as it's not a public health safety problem."

Councilwoman Blass: "And just to also- however we want to reference the fact that it's a red lined version because I'm sure there's some out there that aren't."

Rick Hanley: "Every resolution that we pass indicates as marked by the town board. That's a Whereas."

Councilwoman Blass: "But we didn't mark it- we have to mark it and date it. I want to make sure that we all look at the same one, that the building department has the same one and the clerk has the same one."

Rick Hanley: "That's why we have the signed copies with the red- "

Councilwoman Blass: "Right. Okay, that's what I'm saying. But we haven't signed it."

Rick Hanley: "That's right."

Councilwoman Blass: "When we say- "

Rick Hanley: "It's coming in late in the day so- "

Councilwoman Blass: "Okay."

Rick Hanley: "If you'd like to sign that- "

Supervisor Cardinale: "That's her point. Because we've had problems in the past for lack of clarity. Is that the one that she has that- "

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Rick Hanley: "Yes. That's why we have the red stamp- "

Councilwoman Blass: "Right here. So should we all sign three copies today and make a reference- well, we only have one but- "

Supervisor Cardinale: "Why don't you give us the second and third copies, we'll sign them as we're going through the rest of the resolutions and listening to comments."

Councilwoman Blass: "Thank you. I'm sorry I didn't see it before that or else we would have taken care of it."

Supervisor Cardinale: "So let's- in regard to this Culinary Arts Riverhead LLC site plan which I'm delighted to- I would refer you to #17, the final condition. No C of O shall be issued prior to the widening of Roanoke Avenue pursuant to the issuance of the Suffolk County Highway work program approved by Suffolk and satisfactory- and- no the same thing, no CO shall issue prior to that and satisfactory evidence presented regarding removal of refuse generated at the site."

Councilman Densieski: "Are you okay with #5?"

Supervisor Cardinale: "Let's see. Yeah, no, it doesn't, Ed because they might not use a dumpster at the site."

Councilman Densieski: "Okay."

Supervisor Cardinale: "That's the usual but- so satisfactory evidence presented regarding removal of refuse from the site. They might do it by daily pick up, they may do it by agreement with Barth, they may do it whatever way they do it as long as it's healthy. But they'd have to show that to the building department that you have some resolution of that."

Okay, I'm delighted with that condition and with this plan that we get we can sign, that Culinary can- Walter Paulick (phonetic), a representative of Mr. Parr is here. There's no reason why you couldn't be issued a building permit tomorrow if you have everything else in order.

I should also point out that NF Management which is to do, Mr. Dickoff (phonetic) is to do the first project facing the river, I'm assured that you'll be on the agenda for August 15th and approved, the site plan. So you would be in the same position and we really would encourage you to get out both of those projects and get building permits so we have a little more action, a little less talk about revitalization."

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Councilwoman Blass: "I'm sorry. These are not red lined. So are we just going to acknowledge that you're going to red line them after- "

Supervisor Cardinale: "That's the new ones, correct?"

Councilwoman Blass: "These are the new ones."

Supervisor Cardinale: "Well I think those are the ones- yeah, I think these are the ones that just got delivered. Rick, what did he do, disappear?"

Councilman Dunleavy: "He wanted to get the red lined ones, I think."

Supervisor Cardinale: "Rick, this is the one you just got today?"

Rick Hanley: "We're not dealing with that because- we're dealing with the review of the- "

Councilwoman Blass: "This one is red lined. The two that you just gave us are not. So we just want to make sure we're viewing the right ones."

Supervisor Cardinale: "That's two. How about three? Okay. So don't sign- fine, those three are the ones that we're going to initial. We've amended it- 727 as indicated, Barbara, at that last condition."

Barbara Grattan: "Yup, got it."

Supervisor Cardinale: "We've very happy to do- to get this moving and to get you moving next week and please somebody build something so the town looks better.

We have- somebody move 727, please."

Councilman Bartunek: "Approves the site plan of Culinary Arts Riverhead LLC. So moved. As amended."

Councilman Dunleavy: "And seconded as amended."

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

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

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Supervisor Cardinale: "Walter, you're going to be building by September. Very good. Thank you."

Resolution #728

Councilman Dunleavy "Approves the Chapter 90 application of Martha Clara Vineyards, LLC. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #729

Councilman Densieski: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, 108-142 for the Calverton Office Zoning Use District. So moved."

Councilwoman Blass: "And seconded. And, sorry, I have a question."

Supervisor Cardinale: "Yeah, good. Go ahead."

Councilwoman Blass: "I just- do we need to reference that we are going to change the official map to reflect this district? I know we noticed it with a map that was attached but in light of what we did when we changed the zone up on Sound Avenue and we didn't actually take that step to say and we will amend the zoning use- official map of the town of Riverhead to reflect this. Do we have to do that or not?"

Supervisor Cardinale: "Yeah, as- what the reference- Now Therefore Be It Resolved, that a local law amending 108 of the Riverhead code be and is adopted as specified in the attached notice.

The notice does, in fact, reference both the text and the map."

Dawn Thomas: "Yes. I was just reading that closely. I think all I would do possibly- I would just say as well as the amended town of Riverhead zoning use district map- "

Supervisor Cardinale: "Why don't we just say including. When you say notice of adoption, including the map. You say that the local law is hereby approved as specified in the attached notice of adoption including the- you reference in that- the proposed amendments to the zoning district use map. Including the amendments to the zoning use district map. That way you've stated it."

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Dawn Thomas: "Okay."

Supervisor Cardinale: "To the zoning use- "

Councilwoman Blass: "Thank you."

Dawn Thomas: "You're in the resolution. I'm looking at the notice of adoption."

Supervisor Cardinale: "The map, yeah."

Dawn Thomas: "And I would just change in the be it enacted paragraph, the one, two, three, fourth line. I would say the text of the (inaudible) district as well as- "

Supervisor Cardinale: "Okay, yeah."

Dawn Thomas: "-- the amendment to the town of Riverhead zoning use district map. I'm just going to take shall be included in the town code of the Town of Riverhead."

Councilwoman Blass: "Thank you."

Dawn Thomas: "I'll work with Mrs. Grattan on that."

Councilwoman Blass: "Okay. Thank you."

Supervisor Cardinale: "All right. And we should change our template for that to make sure that we have the same in all zoning amendments."

Dawn Thomas: "Yeah. It's a little different when you a text-map amendment than- "

Supervisor Cardinale: "Yeah. Usually we're doing text only, right?"

Dawn Thomas: "Right."

Supervisor Cardinale: "Okay. Okay, as amended, and make sure we've got it right because this is a significant act."

Dawn Thomas: "I'll make sure Mrs. Grattan has the amendments."

Supervisor Cardinale: "Thank you. So we have Councilman Densieski moving it."

Councilman Densieski: "Yes. So moved."

Supervisor Cardinale: "Blass, seconded?"

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Councilwoman Blass: "Seconded. Yes."

Supervisor Cardinale: "Vote please."

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

Councilman Densieski: "Yeah. This didn't get through with a bunch of fanfare, but in reality this is a major, major accomplishment that the Supervisor and the Town Board actually are implementing this new zoning. I think it's got huge tax implications for, you know, for the future of Riverhead, and I think it's a really good thing and I'm glad that this has actually happened.

I think we just have to wait now for the Navy to actually turn over the property to us-- "

Supervisor Cardinale: "Right."

Councilman Densieski: "-- which should be rather soon. But this is front page story, John. This is one of the biggest things that has gotten done this year and I hope it gets all the attention that it should.

So I want to vote yes."

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

Supervisor Cardinale: "Yeah. I agree with Eddie's comments. This completes the pair of zoning amendments for the industrial park-- for the industrial district and for the office park district that will complete the much discussed, I guess it will now be 13-- 1500 if you include the incubator and surrounding property-- 1500 acres or so on the west-- east side of the property that is the economic engine for the future of the town and so I am hopeful-- and I really am hopeful that this is going to over the years prove to be just what I said, an economic engine for the town.

I think as you come out the expressway you see how close the development is to this site and over time I think it will come closer and that this site will develop.

So thank you to the Board and to the staff and I vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #730

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Councilwoman Blass: "Adopts local law amending Chapter 108 entitled Zoning of the Riverhead town code, this is an amendment to the Residence RA-80 zoning use district. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #731

Councilman Bartunek: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code Destination Retail zoning use district Permitted Uses. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #732

Councilman Dunleavy: "I want to move a motion to table this one until the hearing on the other weight road so we don't have to keep changing- printing the code manual."

Councilman Bartunek: "You wouldn't have to wait- you wouldn't have to reprint."

Councilman Densieski: "Wouldn't send it?"

Councilman Bartunek: "Yeah, you just wouldn't send it in."

Supervisor Cardinale: "I think, John, that's a good idea. I think what we decided to do was pass- and table- hold it until the other one catches up with it because it won't be effective until it's sent up. So I will make a note that Trina should- would you (inaudible). Okay."

Councilman Dunleavy: "All right, then I remove the to table and adopt a local law amending Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, 101-8 Weight Limits. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #733

Councilman Densieski: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code for residence districts schedule of dimensional regulations. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #734

Councilwoman Blass: "Adopts amended fee schedule for electrical inspections under Chapter 52. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #735

Councilman Bartunek: "Authorizes the town clerk to publish and post notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles and Traffic of the Riverhead town code, 101-10 Parking Prohibited. So moved."

Supervisor Cardinale: "Moved and—" "

Councilman Densieski: "Second."

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

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

Resolution #736

Councilman Dunleavy: "Authorizes the town supervisor to execute the attached agreement with Energy Curtailment Specialists. So moved. And this is going to give the town some money in its coffers."

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Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. May we have a vote? Barbara, had a question, I think."

Councilwoman Blass: "I know I asked at the work session- "

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- if we ever found out what the- it references the DEC's fees and all the paperwork that was necessary to satisfy their requirements. I just didn't know who was responsible for that and what that was all about. Are we doing that or are these people going to be- "

Supervisor Cardinale: "It's clear from the text that ECS would then file the paperwork and pay all associated fees. I don't necessarily- but I think your question is, is it necessary to file anything.

It says if necessary, ECS' engineers will help fill out the paperwork. So as long as they're paying for it and only doing it if it's necessary, I think I'm okay."

Councilwoman Blass: "All right. Thank you."

Supervisor Cardinale: "Okay."

Barbara Grattan: "You voted. Okay."

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

Resolution #737

Councilman Densieski: "Authorizes the town clerk to post and publish a public notice for a public hearing regarding a local law to repeal No. 108-56.1 Penalties for offenses against sign provisions. So moved."

Councilwoman Blass: "And seconded."

Dawn Thomas: (Inaudible)

Councilwoman Blass: "This one actually repeals- we had the replacement language. We (inaudible) I guess in the same resolution. This is just crossing it out, I guess."

Supervisor Cardinale: "I think the idea is as explained by Harold that this would be deleted, no longer at all in the code, and

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that would fall back to the other provision. And, therefore, there would be no confusion as to which provision applied. That's the idea."

Councilwoman Blass: "Moved, I'm sorry, and seconded?"

Supervisor Cardinale: "Moved by Councilman Densieski, seconded by Councilwoman Blass. Vote please."

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

Resolution #738

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice of public hearing to consider a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Chapter 101-8.1 Weight Limits. So moved."

Councilman Bartunek: "Seconded. Question about this."

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Why is this one- this is interesting. This is nine tons and the other weight limits were eight. Now I know a conversation that I had with the Chief, he wanted them all to be nine ton weight limits because of some type of commercial- can he explain? And why with Marcy, Raynor- why were they, why did we go back to eight tons for those?"

Councilman Dunleavy: "No. It's nine tons for Marcy and Raynor."

Councilman Bartunek: "No. It's eight tons. If you go back to that resolution- "

Councilman Densieski: "Sixteen thousand."

Councilman Bartunek: "They are 16,000. They're eight tons. I don't know why- "

Councilman Dunleavy: "I thought we changed that to nine tons."

Supervisor Cardinale: "All right."

Councilman Densieski: "The resolution said 16,000."

Councilwoman Blass: (Inaudible)

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Supervisor Cardinale: "Okay. Let's- so are you suggesting- the Highway Safety Committee headed by the chief is nine tons, that's intended for both. Okay. Let's do this one at nine and go back and amend the other one."

Councilman Bartunek: "Can I second that?"

Councilwoman Blass: "So moved."

Councilman Bartunek: "I second it- second that."

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

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

Supervisor Cardinale: "Can we go back, Barbara, at the end, I guess, maybe finish up and then go back."

Resolution #739

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 Tidal and Freshwater Wetlands of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded as remember that amendment to September of '06. Vote please."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. I vote for this and also I want to thank Barbara Blass and Dawn Thomas for spending quite a bit of time on this revision to 107, to try to clear up some things about adopting new wetlands. So moved-- yes, I vote yes."

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

Councilwoman Blass: "Yes. Thank you, George. You're welcome."

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

Resolution #740

Councilman Dunleavy: "Authorize the town clerk to advertise for bids, Riverhead Water District - Country Trails subdivision Extension No. 71. So moved."

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Councilman Densieski: "Second the motion."

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

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

Resolution #741

Councilman Densieski: "Authorizes the town clerk to advertise for bids for Stoneleigh Woods Development Phase I Extension No. 83. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #742

Councilwoman Blass: "Authorizes the retention of Mary C. Hartill, Esq. As special counsel for open space and development rights purchases. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. May we clarify at the end- after the word 1500 per closing, it should read 1500 per contract and closing to clarify why it is that number. With that amendment, moved and seconded. Vote please."

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

Resolution #743

Supervisor Cardinale: "Pay the bills."

Councilman Bartunek: "Pay the bills. So moved."

Supervisor Cardinale: "Second please."

Councilwoman Blass: "Second."

Councilman Dunleavy: "Seconded."

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

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

Supervisor Cardinale: "732, would you pull that again, please, that we've considered and we wanted to clarify the tonnage."

Councilman Dunleavy: "It says eight tons."

Supervisor Cardinale: "Okay, 732 should read--"

Councilman Dunleavy: "No person should operate a motor vehicle with a total weight greater than 18,000 pounds, nine tons upon the following designated highways (inaudible) except local deliveries."

Councilwoman Blass: "I have a question though. Did we-- this is an adoption. Did we hear 18 or did we hear 16?"

Councilman Bartunek: "You heard 16, I remember it was 16."

Supervisor Cardinale: "But even if it was, I guess then the question becomes is that a substantial change, whether it's 16 or 18?"

Councilman Dunleavy: "I think we heard nine because I questioned (inaudible)."

Supervisor Cardinale: "The question is even if it were 16, it would not be substantial, the difference between 16 and 18. So we're passing it as 18. Correct?"

All right. So we're amending the notice of adoption to 18,000 pounds, nine tons, from 16,000 pounds, eight tons. Could we have a reconsideration motion, please? Motion to reconsider 732."

Councilman Dunleavy: "Adopts local law amending Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, 101-8 Weight Limits as amended. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Okay. This is a motion to reconsider and affirm as amended. Vote please."

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

Supervisor Cardinale: "Thank you, Barbara. Thank you for picking that up, George. Okay, we've considered the resolutions available for consideration."

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We'd like to take comment from anybody in the audience. Yes, Sid, please come up."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. I have two areas I'd like to make a brief comment about. One is the dredging of the Wading River Creek which didn't take place and over the last few weeks a lot of folks have come up to me and, you know, not just the homeowners of Creek Road who are concerned because of the erosion that has taken place over the past year, all this publicity that we're in for a really bad potential hurricane this season.

The Wading River Fire Department I know, Councilwoman Blass is very much aware that they have concerns with their new boat. They've already had a very busy season in terms of using the craft.

A few weeks ago we had an opportunity to meet here in town hall (inaudible), myself with Ken Testa and the deputy supervisor and we discussed this and this is a complicated issue, you know, and I'm not casting blame, you know, on anyone. I (inaudible) blame the piping plover, I don't blame the bossa nova for this. But, you know, I- you know it's like- if I saw there was a plan at work or something in the works- I don't see why next year is going to be any different, you know, than this year. And you know it has some serious consequences in terms, you know, of the welfare and safety of residents, you know, in the town.

So, you know, I don't have a plan but I think it's an issue that, you know, hopefully can be addressed and before we're, you know, into next winter and say, oh, we've got three weeks before the dredging window is, you know, (inaudible)."

Second issue is the group home advisory committee received communication from the town about the formation- put it on our website, Wading River.org, you know, for volunteers, have been deluded with volunteers, they're lined up outside my door- but (inaudible). Wading River.org.

But on a serious note, I know that the group home question is a serious question in all the towns but with the Padavan law, what do you hope to accomplish (inaudible)."

Supervisor Cardinale: "That's a good question. Also, your analysis of Wading River Creek is right on. The problem I see in that whole situation is I do not see unless something radically changes, that's why I've asked Chris to really focus, I know you focus, that we're going to be in any really different position next year than we are now.

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I had hoped that the fire department emergency utilization request and requirement would move the DEC. I don't know that that's a realistic hope but certainly we'll focus on it and prioritize it because I was— I know how hard it was to get it dredged initially and to get it useable for a while and I know how hard it is to keep it dredged every year but it is a priority of this board.

Second question on the issue of the group home. We— this you will appreciate the exquisite irony. We've been looking for the best provision, we've tried so many, to notify the public when there's a group home coming into the neighborhood. We're aware that there is virtually nothing we can do to stop it in view of the fact that your only recourse is basically— what was the word— what's the word when you are— saturation— and no saturation has ever been proven by anybody anywhere in the state. And we've tried twice unsuccessfully.

So we went— we got an example from Huntington where they had such a committee as the one we're proposing and they got a little press when that committee actually rejected a site only to be overruled by the state legislation. And but we said nonetheless, that would give some satisfaction to the people of at least participating in the process and also being informed to do whatever they could do.

Well after we made the move that you discussed, you know, sending it out to all the civics, I got another letter from my supervisor— fellow supervisor Patrone, Frank Patrone who is also on the Suffolk Supervisor's Association, he's the Chairman (inaudible) so we talk regularly, and he said they had disbanded that committee for the very reason you're talking about ironically because— and then they were going to take another tact which the Supervisor Association generally has taken now, that the state has created this problem and they have made it appear as if the local governments have some authority and control over this so they are taking all the flack, and we suggested that the state conduct— pass legislation demanding the conduct of a— and handle the conduct of all of these hearings as each group home is challenged.

I don't know what the solution is, Sid. This is a (inaudible). It's nothing more because ultimately they can recommend all they want but if they want to have a group home come in within the constraints-- the only thing you can control as Dawn has explained to me is if they are asking for accommodations different from your normal zoning requirements in the area, they have to prove their entitlement to it basically. Other than that, we can't do much. Yes."

Councilwoman Blass: "Can I make a comment? We had suggested and I stated publicly that I thought it was a good idea to ask the state to come down and have them conduct the hearings and that we'd be happy to host the hearings so that the community and the town could

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actually be on the same side or appear to be on the same side of the issue.

I know, Dawn, we've had conversations about this- "

Supervisor Cardinale: "Good point."

Councilwoman Blass: "-- and have the state basically convince the town as to why this site should be supported or this site makes the most sense. And I asked through Senator LaValle's office if there was a possibility either to rework the legislation to that effect or to actually get some state input. He said, well suppose we get Senator Padavan to come down to Riverhead and you can just, you know, put this right to him. And I said that's a great idea if he'd be able to intercede on our behalf to- "

Dawn Thomas: (Inaudible)

Councilwoman Blass: "-- well, he said he would do that. After this election- he's up for election this year and assuming that he prevails or maybe in the event that he doesn't, between November and the beginning of the year he said he would intercede on our behalf and have the Senator come down and we can ask these questions and pose this to him directly. So that's a small step."

Supervisor Cardinale: "That will be an exciting hearing."

Councilwoman Blass: "Yes. Well, it's a meeting to discuss the impacts it has on our community. Informational meeting.

But on the first question of dredging, it really is important and the press really should pick up on this. When we attended to council meeting the other night, the fire districts, Wading River had and, Chief, I think you were there for that- did they not say that they had more water rescues in a shorter period of time than they had ever had this past couple of weeks. I think they had five in a very short period of time.

They need a direct access- a safe workable access to launch their boat and they really do not have one and they've been making do with and getting stuck in that one that's alongside of the town beach up there. It's really not the most efficient and certainly not the safest way to launch that boat in an emergency. So I don't know why we can't get somebody to (inaudible) onto that issue."

Supervisor Cardinale: "I was hopeful that the emergency aspect would change the DEC's position. In the meeting that you had with Chris Kent, my deputy, and yourself, and others- and Mrs. Gardner, was there any determination to pursue the emergency aspect?"

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Councilwoman Blass: "Yes."

Sid Bail: "Yes. There's another aspect that's interesting, the idea of these artificial (inaudible) are based upon (inaudible). The famous, you know, we're not deluged by harbor seals in Wading River."

Councilman Densieski: "I brought that up, one person saw one there."

Sid Bail: "Yes- "

Councilman Densieski: "Probably driftwood."

Councilman Dunleavy: "But also the fire department is thinking about- and it's a shame that they have to do this is docking that boat at the LILCO property in Brookhaven town so that they can get out into the water. They spoke to the DEC and the DEC said it was- we didn't put our application in until late so I think maybe before the winter gets here, we should put an application in for next year so that we're on time and we can have the time to dredge that out."

Supervisor Cardinale: "I don't think that- there's no question that we'll get the application approved. The problem is the window will be in the winter and by the time the spring comes, we're sand-barred in again."

One other thing I wanted to ask you about in addition to the emergency access, Chris had discussed an idea. We're going to be battling against the tide literally on this unless that whole- unless we get the cooperation perhaps of Brookhaven and get the creek dredged not where it is but allow it to take its natural course. Was that discussed? That we would cooperate with Brookhaven to make the access point- dredge the access at a different point which would not shoal in as readily."

Sid Bail: "It wasn't discussed in great- "

Supervisor Cardinale: "I know it requires the cooperation of Brookhaven but the Brookhaven administration might very well be cooperative given the proper inducement to share with us an accessible inlet rather than what we have now which is a virtually inaccessible one. And I know how much work is required to get it dredged and how much effort and I can't imagine that unless we find a better way, that successive administrations over numbers of years is going to make that priority effort every single year. It should be routine is my point, but it isn't. It never was."

Councilwoman Blass: "We were also, I think, going to ask the US Fish and Wildlife actually demonstrate- I mean not just anecdotally as you mentioned. They're saying that this particular region should have

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evidence a certain time of the year of the winter flounder and we don't know that that is indeed the case and perhaps they should be providing more evidence, scientific evidence, that that is actually being- "

Sid Bail: "Ken Testa mentioned to do this it might take up to two years to do a study and so obviously it will cost money but maybe in the long run, it might be money (inaudible) as opposed to doing it at the worst time, dredging it at the most inopportune times."

Supervisor Cardinale: "This is a problem on the other end of town, too, in regard to this, at South Jamesport. I think maybe one of the things I can do is- I think Kenny has been ill the last couple of days and very busy with those other issues, but maybe we could have a special work session on those issues because that's the only- we need a few hours on them at least."

Councilwoman Blass: "Thanks, Sid."

Supervisor Cardinale: "Okay. If there's- yes, Sal, you have a comment."

Sal Mastropolo: "EPCAL."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "What is the thought to possibly renting out some of the land to farmers at EPCAL while we're waiting to sell it? Throw it on the table for something to think about."

Supervisor Cardinale: "That's an interesting- "

Sal Mastropolo: "There's a lot of land in there that could be tilled."

Supervisor Cardinale: "Certainly on a seasonable basis, yeah. We haven't had any people approach us but- "

Sal Mastropolo: "You may want to put a feeler out."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Some of the farmers that may be interested in leasing some- "

Councilman Dunleavy: "A sod farm wanted to rent- "

Supervisor Cardinale: "Yes, but they wanted a lengthy lease. Sasso (phonetic) I think was the one. And Sasso--- they wanted Calverton Cemetery to consider that option, too further acreage. But

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we would on an annual basis certainly consider it. The question is I think he wanted no less than 10 years and that is- "

Sal Mastropolo: "I can understand not- but the other thing is are there any plans on opening up a road from 25 into the property now that we have the planned industrial park and the office park?"

Supervisor Cardinale: "Yes, there is. There was a lengthy discussion of it on the work session about a month, three weeks ago. It is- Chris has the details. But as part of the plan for the family entertainment center on the south of the property, east side, a paper road already exists which would be actually built that would allow access from 25 and might actually go all the way through to Grumman Blvd."

Sal Mastropolo: "Getting back to the creek."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Was there any discussion on repairing the parking lot?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Building it up?"

Supervisor Cardinale: "Well, I was on the phone just before about- and Eddie and I were talking about some unrelated things and we made a call to the engineering office. The improvements are problematic on the drainage which is being corrected. It was deliberate, it just didn't work."

In order to comply with preferred storm water drainage requirements so that stuff does not go into the river, we drained off I think a half an inch every- I don't know, period of time, whatever they use, and we need a lot quicker drainage than that for storms. So they're going to correct that- "

Councilman Dunleavy: "He's talking about the creek. Wading River Creek."

Councilwoman Blass: "He's talking about the creek. Are you talking about the parking lot at the creek?"

Sal Mastropolo: "The parking lot at the creek."

Supervisor Cardinale: "I'm talking about riverfront. So forget what I was saying."

Sal Mastropolo: "The parking lot at the creek."

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Supervisor Cardinale: "Is there- "

Sal Mastropolo: "At high tide, about 40 to 50- "

Supervisor Cardinale: "Yeah, I know, is under water."

Sal Mastropolo: "-- is under at least a foot of water."

Supervisor Cardinale: "We- I wish Kenny was here but as I said, he's ill. Yes. We got an estimate for correction of that. The question you're really asking is when are we going to correct it. We intend to correct it. The question is when. Because I intend to- I intend a lot of things. I don't know whether it's been scheduled but we do intend to correct it. Yes."

Sal Mastropolo: "All right. Thank you."

Supervisor Cardinale: "Yes, please come up. Mrs. Holland."

Patricia Holland: "Senator LaValle's name was brought up a little while ago. Every time I hear his name I get like crazy. Do we have a date for the referendum (inaudible)."

Supervisor Cardinale: "No. Interestingly enough I have not- I have not heard further on that. I've had an assurance from Senator LaValle that any legislation he supported would require a referendum but I frankly am not up to date.

Anybody on the board- maybe because the school's been out."

Patricia Holland: (Inaudible) "-- that there's already a deal being made, that we're not going to have a referendum (inaudible)."

Supervisor Cardinale: "That has been my- that was my fear initially. I didn't want- I don't want to intrude with the town board in my- in school affairs. On the other hand, my first and only question to Senator LaValle, to the Superintendent of Schools and everyone else who has asked me, is as long as there's a referendum of the public in this regard I think that the right thing will be done.

If that were to happen, I certainly would share your great concern that this should not be permitted without a referendum. I think everybody on the board feels that way."

Patricia Holland: (Inaudible)

Supervisor Cardinale: "You know, it- the issue was brought up because some are suspicious as you are as to whether this is going to occur and I asked Senator LaValle, I didn't get into the legals, I said to him, look you're going to be supporting the legislation that is necessary to take this special district and join it with the

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regular district. He told me straight out, flat out, that he would not support legislation that did not require a referendum.

I don't know that it's required by the law because I don't think there has ever been a previous situation where a special and a regular district joined. But he's told me that the enabling legislation that was necessary would not be passed without a referendum provision so if that doesn't happen, I will be upset."

Councilman Dunleavy: "Supervisor, could we pass a resolution recommending to the school board and to Senator LaValle that a referendum- "

Supervisor Cardinale: "Yeah, we could do that. A sense of the board resolution- strong support does not occur without a referendum. I would hope that that's not necessary because Senator LaValle said what he said but I can certainly put it on for two weeks from now to make it clear that this board feels a referendum is necessary."

Councilman Dunleavy: "Okay."

Patricia Holland: "Thank you."

Supervisor Cardinale: "Yes, Barbara. Interestingly enough-- "

Councilwoman Blass: "It's a timing situation. If it was supposed to appear on the ballot for this year, the board of elections has to have it by September 7th."

Supervisor Cardinale: "Right. Which is important for the reason she's saying it's unlikely unless it's done by September 7th. Secondly, we are going to consider an extension of the Peconic Bay Region- is that what it is- tax, the 2% tax, and we have to have it passed by our September 6th meeting. Which means- I sent it to you yesterday, you should have gotten it. And Barbara attended a meeting yesterday about it. It means we've got to really notice it and hear it. So we have to notice it the next meeting."

Councilwoman Blass: "I have- oh, okay."

Supervisor Cardinale: "So it's critical we notice it on the 15th for a vote on the 6th. We noticed it for the 15th. Now if we're going to notice it for the 15th, hey, this is getting close."

Councilwoman Blass: "We may actually have to adopt the night of the hearing. We have a meeting on the 6th. We can do it on the 6th."

Supervisor Cardinale: "Yeah."

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Councilwoman Blass: "But there are some things- technical- that they want to make to that suggested resolution in the text that came up yesterday."

Supervisor Cardinale: "So we may have to- unless- we would have to get it in the paper for next week. No, we would have to have it in already."

Councilman Densieski: "Is there a public hearing for a referendum?"

Supervisor Cardinale: "Yeah."

Dawn Thomas: "It's a local law- "

Councilwoman Blass: "It's a local law to amend the (inaudible)."

Supervisor Cardinale: "So think about that. Do we have enough time every for that one. We're already here at the- if we put it in- if we can't get it in the News Review to show up until the 10th- we couldn't have a hearing until 10 days later, five days. We could just- if we get it in on the 10th, can we have it on the 15th?"

Dawn Thomas: "Have the hearing on the 15th?"

Supervisor Cardinale: "Yeah."

Dawn Thomas: "Can we get it in (inaudible)."

Supervisor Cardinale: "We can't. Because the next paper is the 3rd. Two days from now. So we may have to as Barbara says, we may have to get it in the paper on the 10th, and have the hearing on September 6th and adopt it that very night. So let's make sure we do it. Okay. So, in reference to your question, is simply that they would have the same requirement, so unless you see it in the paper not later than, you know, the next month, it isn't going to happen. They couldn't get it in for a referendum this year."

Patricia Holland: (Inaudible)

Supervisor Cardinale: "That's the fear. Okay. But we will pass a sense of the town resolution making the board's feeling that a referendum is required and if they don't make it this year, then it has to be delayed for a bit. Yes."

(Inaudible comment)

Supervisor Cardinale: "This airs tonight- we'll get it tonight. They'll either put it on tonight or no later than Thursday. Oh, if it

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comes on tonight, August 1st, up to 9:00 p.m. tonight, it may run at 5:00. Up to 9:00 p.m. tonight the senior center is open, available to the public on Shade Tree Lane in Aquebogue for those who do not have air conditioning, there will be water and air conditioning and hopefully it will cool off after nine."

Councilwoman Blass: "Is it for tomorrow as well?"

Supervisor Cardinale: "And tomorrow all day from nine— from 10:00 a.m. to 9:00 p.m., the senior center on Shade Tree Lane is available to any citizen of the town who wants to access it for relief from the heat.

If there's no further comment, Ray."

Ray Dickoff: "Ray Dickoff, Aquebogue."

Supervisor Cardinale: "Yes."

Ray Dickoff: "A couple (inaudible)"

Supervisor Cardinale: "Yes."

(At this time the disk ended)

Ray Dickoff - drainage on the riverfront, police crime downtown, not enough police protection, parking garage

Larry Oxman - Appollo, Newsday article, parking garage at town's expense

Sal Mastropolo - franchise fees from Cablevision

Meeting adjourned: 4:30 p.m.