

12/29/2004 minutes

Minutes of a Special Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, December 29, 2004, at 2:00 p.m.

Present:

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

Also Present:

Barbara Grattan, Town
Clerk
Sean Walter, Esq., Town
Attorney
Melissa Giguere,
Deputy Town Clerk

(Supervisor Cardinale called the meeting to order.)

Supervisor Cardinale: "I apologize for the delay. I had a phone call from Senator LaValle I had to complete. We are about to start the meeting of December 29th, the last one of the year and I'd like to begin by the Pledge of Allegiance and have Steve from Suffolk Life will lead us in the Pledge."

(The Pledge of Allegiance was recited, led by Steve from Suffolk Life)

Supervisor Cardinale: "Okay. Yes, before we sit down- well, I guess I will, but before we sit down, we're going to go down and give out acknowledgment to Judge Fox and others who have served the town well this past year and beyond.

Judge Fox, come up, please, and please come up Mrs. Fox, Pat. How are you? Joe and Pat are in addition to being a 6 year member of the Zoning Board of Appeals (inaudible) and a former Supreme Court Judge which amazes me to this day- I was on the Board when we appointed him first, why he took the job but he did and did a great job for six years. They are also my neighbors, live right down the block, and they are moving to Plymouth, Massachusetts to be close to their daughter.

12/29/2004 minutes

And I want to take the opportunity before you get out of town to thank you on behalf of the entire Board and the entire town for your service for six long, and I'm sure hard years at times, on the Zoning Board of Appeals, as being the voice of moderation and constraint in accordance with law which I think is critical and I appreciate your efforts.

I want to give to you on behalf of the Board and the town, the seal of the Town of Riverhead as a gesture of our appreciation for your hard work. Thank you."

Judge Fox: "Thank you very much."

Supervisor Cardinale: "(inaudible) leave us some words of wisdom as you depart for Boston (inaudible)."

Judge Fox: "Words of wisdom (inaudible). It's been a pleasure serving. It really has been. When I first got the call inviting me to become a Board member, I was thrilled. I served and I'm still thrilled to have done so. I've had wonderful friends to work with and (inaudible). Thanks, Phil. And thank you, Board members."

Supervisor Cardinale: "Thank you. And good luck in your new surroundings in Plymouth. Thank you. (Inaudible)."

Judge Fox: "Thank you."

Supervisor Cardinale: "Board members wanted to know why they didn't get seals and I said I was willing to give each and every one of them a seal if they were prepared to retire."

George Schmelzer, a always colorful character, are you here? I did not recognize George because the proclamation honoring him is in green in honor of his usual attire. George, you look great. You really look great. Maybe we should get the camera to pan on him.

Mrs. Schmelzer, maybe you could join us in case George gets too unruly for us. Please come up. You look great. Nice to see you, George. Come on over closer because the camera wants to see you.

This is actually in green on honor of your normal uniform. But you're not Irish and you still love green. How are you? Nice to see you again. She wants you to come over here so we can get a good picture of you. Okay?

Again, on behalf of the Town Board, the town and the community, and as a follow up to a recent piece on George in the News Review, we thought it appropriate to acknowledge him at the last meeting of the year for the good things he's done for the town over the last several

12/29/2004 minutes

decades as a competent presence and— not an irritation, a constant— his wife knows best— a constant irritation she says as well. But as a constant presence and a constant beacon of correction of the errors of the past.

I think one of the better lines in this proclamation I'm about to read is the line that Timmy Gannon of the News Review included and came right off the top of my head, that— the fact that a mistake may have been made five or six decades ago, never stops George from advocating with great persistence that it still be corrected now.

So there are many things that George has talked about for many years and they were mistakes when they occurred and he has lost faith that we can correct our mistakes and that's really refreshing (inaudible).

The proclamation is given by the Board and myself as Supervisor states:

WHEREAS, George Schmelzer has lived in Riverhead for all but three months of his 87 years, a true native with unsurpassed memory of town events; and

WHEREAS, besides being a successful duck farmer and accomplished businessman, he has continued to unselfishly apply his considerable intellect and long experience with advising on town affairs;

WHEREAS, he has been a constructive presence at Town Board meetings for longer than anyone can remember, serving up wisdom from the podium with a combination of intensity, stubbornness and good humor;

WHEREAS, his sharp wit and good nature are exceeded only by the sagacity, tenacity and the public spiritedness he brings to (inaudible) solutions to problems;

WHEREAS, the fact that a mistake may have been made five or six decades ago doesn't stop George from advocating with great persistence that it ought still be corrected;

WHEREAS, the Town of Riverhead continues to be better off because of his dedication to advocating what he thinks is best for the community;

WHEREAS, we all need a lot more Georges, I think, to keep us on the straight and narrow and to keep us focused on the problems of the community.

BE IT RESOLVED, that I, Phil Cardinale, Supervisor together with my Town Board, express my gratitude and the gratitude of the Town

12/29/2004 minutes

Board and the gratitude of all of Rivehead residents to George Schmelzer, the 29th day of December, 2004 is hereby declared George Schmelzer Day in Riverhead.

I congratulate George for his accomplishments and I congratulate Mrs. Schmelzer for putting up with George and she said only one thing, I will never know what she has to put up- you're right, I will never know what you have to put up with.

George, you are able to speak, the five minute rule is still in place. So if you would please tell the assembled multitude what you'd like to, this is your opportunity."

George Schmelzer: "I wish you'd correct that school mistake (inaudible) ago."

Supervisor Cardinale: "Yes. The school district being across the town lines of Brookhaven and into Southampton, was in George's view and many others, a mistake that ought still be corrected. Right."

George Schmelzer: "I wonder if it's illegal (inaudible). I told you why. And ought to be corrected. We've got to search out history surrounding it. (Inaudible)"

Supervisor Cardinale: "George never- unencouraged by the existence of the statute of limitations on something that happened 50 years ago has, in fact, offered a contribution if my legal staff which is inundated with a lot of things, doesn't get on it and do the research on the school district issue, he will serve as patron and support that research by an outside agent. That's how strongly he feels about these issues. Not only do you raise them, but you're willing to finance their research."

George Schmelzer: "We've got a problem now with that Scenic River. (Inaudible)"

Supervisor Cardinale: "I just spoke to Senator LaValle. I apologized for being late coming in. And it was because Senator LaValle and I were discussing the Wild Scenic River Act and the community river designation and how we can help Riverhead get out from under that."

George Schmelzer: "Don't expect anything from him. He makes sure he lives in an area where he'll not have these laws. (Inaudible)."

Supervisor Cardinale: "Yes, you're right."

(Some inaudible comment)

12/29/2004 minutes

Supervisor Cardinale: "Thank you. I don't want to encourage you, but I want you to say what you want to say. I don't want to know what you're saying but I'm trying to build and close and enduring relationship with Senator LaValle (inaudible), what you constantly call Mr. Senator LaValle, don't say that."

George Schmelzer: (Inaudible)

Supervisor Cardinale: "Thank you. (Inaudible). I want you to save yourself up now for— I know you're going to stay and you'll be speaking at the public hearings and general comment period. So if you would hold any future thoughts for that period, I'm looking forward to hearing them."

George Schmelzer: "Okay."

Supervisor Cardinale: "Congratulations. Thank you."

George Schmelzer: "Thank you (inaudible)."

Supervisor Cardinale: "No, they did not waste green paper on you. You deserve the parchment. George, he went out and (inaudible). I want to hang it up in front of your fireplace."

George Schmelzer: "Okay. Thank you."

Supervisor Cardinale: "Let me— you've got to shake hands with the Board, right."

George Schmelzer: "Yeah."

(Some inaudible comments)

Supervisor Cardinale: "As George is shaking hands with the Board, (inaudible), I'd like to make sure that, Melissa— are you (inaudible). Where is Melissa? Hi, Melissa, how are you? Terry? And Lori?"

Barbara Grattan: "Terry's here and Lori's here."

Supervisor Cardinale: "Would you— it's perfect. We're going to let you sit before I call up— introduce (inaudible)."

Melissa Anderson and Terry Davis (phonetic) and Lori. Steve, would you please come up? Yes. I should— Joanne (inaudible) was another of the four individuals we'd like to acknowledge today at the last meeting of the year. Joanne in the Building Department is away (inaudible), and— but three of the employees we'd like to honor are here.

12/29/2004 minutes

During the course of the year, occasionally good things happen and four of the good things that did happen had directly to do with four people that I'd like to give a Supervisor's acknowledgment award to.

The— Melissa Anderson is receiving acknowledgment of her financial acumen and her diligence in the area of town expenditures and her successful efforts to negotiate lower costs for services on behalf of the town of Riverhead. In the trenches, where it matters, Melissa has during the course of the past year successfully noted and corrected expenditures that could be lower. For example, she noted that our cell phone expenses could be diminished if we-- if we never reached the limit that we were permitted by the fee that we were paying, if that were changed, and she did do that and she saved us a good deal of money. How much, Dave?"

Dave: "Almost \$30,000."

Supervisor Cardinale: "Almost \$30,000. (Inaudible) That's the kind of thing that I appreciate very much and I wanted to acknowledge Melissa for that. And I wish that we could accompany this with two or three weeks off and some financial compensation, but at least I wanted to acknowledge you. So I'll give that to you on behalf of myself and the Board to acknowledge that effort.

We have a quarterly employee of the month which acknowledges an employee who serves very well in the capacity over the course of time is acknowledged by the Labor Management Committee, but these are just things that come to my attention from the workers over the past year through my staff.

Terry Davis is getting an acknowledgment in recognition of her extraordinary service to the town, the outstanding dedication and (inaudible) and skills she brings to the job, her willingness to accept and excel particularly that recent special project (inaudible) the building department's filing systems and the government and educational channel distribution system.

You may have noticed that for example Channel 22 used to be run by Cablevision. (Inaudible) And now we're running it from our own offices here. We can directly photo or I guess video meetings that we have in this room. It didn't happen easily. It happened after a lot of work and a lot of equipment, a lot of difficult weekend work to make sure it kept running. And we're now being (inaudible). It's going to run 24 hours a day so people can see (inaudible).

So Terry was a big part of making that happen from October 1st where Cablevision pulled out its support, dumped equipment here and indicated you're running the show. And Terry helped with Dave Cullen, got it to run, got it with a couple (inaudible) to continue to run and

12/29/2004 minutes

now it is going to run on a 24 hour basis and it's going to be expanded and that's important. It's important for open government. It's important to (inaudible).

Terry could have said no thank you, it's not part of my duties. And I thank you.

The last person who's here is Lori (inaudible) and we're (inaudible), I got it. For her— we're acknowledging her for exceptional special management of the town's informational technology and the (inaudible) of activities and responsibilities she executes to the highest standards attainable.

She keeps the place running as it relates to the computers. Now I had the— since I am not— yeah, please, I am not adept at computers, I have to be told by my staff, particularly Dave Cullen and Jack Hansen that she's incredibly valuable to us because we would be down with computer problems a lot if it weren't for Lori's efforts. (Inaudible), quite frankly, but we would be down a lot more in regards to computers and otherwise if it wasn't her presence or her knowledge or her cheerfulness and her expertise.

And I want to acknowledge that because she's been a life saver to a lot of people in the town, our computers and other (inaudible) technology for a long time. So, Lori, thank you.

Joanne (inaudible) in the Building Department is not present but I want to acknowledge her publicly with final award. In acknowledgment of what has been many, I mean many— I've been here less than 12 months as Supervisor and I have received at least four or five calls specifically and letters about Joanne, praising her for her professionalism, her cheerfulness and her helpfulness while dealing with the public as a representative of the town Building Department.

And I know that Leroy (inaudible) in all of his employees and supervisors, but this one really, really got it. Joanne (inaudible), and I appreciate that and the fact that four or five people over the course of 12 months have told me that she's special and I wish she were here to accept this but (inaudible).

So thank you all three of you, thank all four of you. The Board thanks you and have a good year, and come back and work hard.

Could we have a— okay, we are— shall we say finished with the ceremonial portion of this meeting. And now you can— we can move on.

Okay. I'd like to I guess first approve the minutes of the December 21st meeting. Would you offer them for approval, Eddie, and then get a second from perhaps George?"

12/29/2004 minutes

Councilman Densieski: "Sure. I'd like to approve the minutes of December 21st."

Councilman Bartunek: "And I'll second them."

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

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

Supervisor Cardinale: "Thank you. Barbara, would you indicate the Reports, please."

REPORTS:

Receiver of Taxes
total collected is
\$4,021,976.34

Barbara Grattan: "That April should not be there. I don't know how it got there."

Supervisor Cardinale: "Okay. That was Reports for December."

Barbara Grattan: "For December."

Supervisor Cardinale: "Applications, there were none?"

Barbara Grattan: "No Applications."

Councilman Cardinale: "Correspondence, please."

CORRESPONDENCE:

Eugene DeNicola
Regarding withdrawal of
the
application of the special
permit of Exxon Mobile Corp.

Barbara Grattan: "That's it."

Supervisor Cardinale: "Thank you. We have four public hearings. The first is scheduled to being at 2:05. It being 3- 2:35, I would like to call the first one."

Public Hearing opened: 2:35 p.m.

Supervisor Cardinale: "Leroy Barnes, are you here?"

Leroy Barnes: "Yes."

12/29/2004 minutes

Supervisor Cardinale: "Why don't you come on up? Maybe you could introduce it since it relates to your department. It is for the consideration of a local law to repeal and replace Chapter 52 and 108 entitled Building Construction and Zoning of the Town Code.

And Leroy why don't you introduce it and then we'll take public comment?"

Leroy Barnes: "Okay. While the heading said that it was going to replace and repeal it, that's not really the case."

Supervisor Cardinale: "Right. Would you explain? I thought that."

Leroy Barnes: "It was just a technical amendment to the statute. What we had talked about, Phil, in your office- "

Supervisor Cardinale: "Yes."

Leroy Barnes: "-- it really just gives the ability for the Building Inspector to designate other code enforcement officials to issue stop work orders. Currently under the statute, just the building inspector can issue stop work orders so this would clarify it and it also deals with land clearing which that's going to clarify also for stop work orders.

It changes Chapter 52 and 108."

Supervisor Cardinale: "In that- what it will do as I understand it, is will permit you, when you take one of your infrequent vacations, to appoint someone to issue stop work orders so we don't run into problems- "

Leroy Barnes: "Correct. It's really a legal technical issue that we have to clarify."

Supervisor Cardinale: "Right. Is- thank you."

Leroy Barnes: "Okay."

Supervisor Cardinale: "Is there- now that you know generically what this is about or generally what it is about. Is there anybody want to make a comment on whether it's a good idea to let Leroy lift this onerous burden from his shoulders when he is out of the building?

If not, it being 3:29- 2:29, I'm sorry, 2:39, I'm sorry, 2:30, I would like to close this as quickly as we opened it and move onto the second hearing."

12/29/2004 minutes

Public Hearing closed: 2:39 p.m.

Supervisor Cardinale: "There's a hearing scheduled for 2:10 for the consideration of a local law to amend Chapter 108 of the town code to provide for the transfer of development rights local law pursuant to Section 216-A of the town law.

This has been a long awaited statute and we had to do the next supplemental generic environmental impact statement before we consider the statute. I've agreed to with the farming community that since this is a holiday week, that we would carry the hearing over for public comment into January 4th after today and then for 10 days until January 14th for written comment to allow anybody who is interested to comment verbally and/or in writing.

I should note I'm told by my staff and by the committee chairpeople, Barbara and George, that (inaudible) members, that the local law that you're looking at if you did look at it, has some issues, problems, typos, which we intend to correct but we wanted to get- had to get the law to the Clerk at a specific time and we'll correct that proofreading- those issues, and that the generic environmental impact statement what we're considering at the next hearing the merits of, may have some problems with its merits, too, which the members of the Board have observed and we'll see to their correct, too.

But we want to hear what the public has to say. So why don't we start with the 2:10 hearing, transfer of development rights, local law."

Public Hearing opened: 2:41 p.m.

Supervisor Cardinale: "If there's anyone- Pete, you want to speak. Why don't you step right up since you're next to the microphone? Anyone else who wishes to speak, just follow Pete."

Peter Danowski: "I did have some questions. Some of them seem like, if Sal were here, I'd be replacing him on nitpicking issues."

Supervisor Cardinale: "Right. We're aware of those for the reasons indicated. You know what would help me? Does anybody have a copy of the law as proposed? I do. I have it, too, it's on my desk in my office. Okay, go ahead, Pete."

Peter Danowski: "I take it the format is really to place the law in the town code and on the internet as a law. It appears when you wrote this out such as the first lead paragraph, it almost talks

12/29/2004 minutes

as if this is the language you put in the resolution because it says here hereby adopt.

I think when you have the format of the code and it's the law, it will say this was adopted and here's a policy."

Supervisor Cardinale: "Yeah, you're right."

Peter Danowski: "When you talk about the second paragraph, intent and purpose, one of my biggest concerns was that when the comprehensive plan was being prepared and when you ultimately mapped areas and put properties in the APZ zone, the agricultural preservation zone, you didn't go out and specifically look at every piece of property. And in some instances there were completely wooded parcels that were not agricultural pieces.

And I specifically objected at points of time with regard to certain clients who looked to develop a particular parcel. The town took a position in opposition to my comments that they had the right to take a look at other parcels that were not agricultural and say that we're going to still to preserve those areas. They might be wooded, they might not be agricultural.

This paragraph on intent and purpose seems to limit itself to only agricultural parcels. And this law when it goes on the books, will impact not just what is done today but what may happen in the future.

If you look at 108-303, it seems to then say we do have an out with other natural features identified for protection, but I think you've got to cover that in the intent and purpose paragraph which then leads me to the next question which is I believe that- and I fully support this concept of protecting farmland with a transfer of development rights program, I support it.

But I think you should also have an open space preservation program and I specifically look at the lands along the Peconic River where zoning is really doing a real tough job on the landowners and proposals to zone are really going to diminish the value of properties. And if an overall goal of the town, and I'm certainly one of these people that joins in this goal, is to somehow open up the vista of the river, and I've been on volunteer committees as many others have over the years.

To say between Tanger and between downtown, wouldn't it be wonderful looking at the river and we could see the river and on a voluntary basis, a voluntary basis you could have the opportunity to transfer development rights off of that property and either spread it across the street, across the public highway next to the railroad tracks or at other receiving areas in the town. Wouldn't that be a

12/29/2004 minutes

goal for the town and wouldn't this adoption of a law allow for that to happen?

And so I'm suggesting that the mapping, the law, the references to a generic impact statement or a supplemental, should include the idea of open space preservation and specifically talk about the Peconic riverfront property on the south side of the Main Road and allow for that to happen without going backward in the process.

If you don't ask for that consideration now and don't take it up in the impact statement analysis and in the adoption of law, you're going to start doing this again."

Supervisor Cardinale: "Well we are actually, Peter, you're right. And, Barbara, why don't you indicate the point you just made? That's a good idea. We're going to do it but not in the context of this statute. This is the basics."

Councilwoman Blass: "I think it's going to be one of the items that will be covered in the impact statement that's going to be associated with the community river's change, the application to change the boundaries. There are going to be several things that need to be-- "

Supervisor Cardinale: "On the community river designation?"

Councilwoman Blass: "The community river designation-- "

Supervisor Cardinale: "That we're applying for at the moment."

Councilwoman Blass: "-- in conjunction with the county. It's going to be subject to its own SEQRA procedures."

Peter Danowski: "Although I don't object to that, I think what's going to be lost is the opportunity to transfer because speed is the question always in government and the ability to do things and if there's an opportunity now to transfer rights off the riverfront to some other area in the town and you are adopting a law now, I mean the time to do it is now. If you wait, you're going to-- I don't argue with the idea, I'm similar to Mr. Schmelzer. I wonder out loud whether you can get that done very quickly."

Councilwoman Blass: "Except that, Pete, we couldn't do it now anyway because the supplemental that we have, well, the subject of a hearing today, did not include that area as a sending area and that would have to be done. So rather-- if we don't do it now which we can't under today's procedure, we recognize that it may be a possibility and the next best thing is to do it when the county is going to undertake their application."

12/29/2004 minutes

Peter Danowski: "I guess I raise the question as to why it wasn't done. But I do think you can do this in phases and I do think you can do it within the same law and I only ask your attorneys to after these meetings are over, to consider whether you can do it maybe in a two prong approach. Do it in your future planning and maybe do something as an add on to this and as a second phase to this program.

The second- 108-302 is the question of- maybe I should refer to my old English teacher, but you add the words at the end of the paragraph or as further amended and I question whether you are suggesting to the public that you have to amend the comprehensive master plan or whether you are only talking about amending the specific mapping.

I would like to think- and I'm not sure which you're really meaning here. But if you think in the future you want to change the map by adding a little area to send or receive, that you've got to change the comprehensive plan, then you could take that position. But if you think you're allowed to change the plan or allow to change the mapping without changing the plan, then you should say that and I think that language has to be moved around a little bit.

Again, when I turn to the second page, I have a question whether some of this language should be in the actual law or should be in the adoption resolutions. Because you talk about generic impact statements or supplemental environmental impact statements and no material changes have occurred. Now if this is a law that's going to be on the books, I don't think that type of language, the history on how you got to this, is appropriate for the code itself. I think this should be in some sort of decretal paragraphs in the adoption resolution.

I think there's a type, and you probably picked up on it, on 108-304 designation of sending districts because that sentence doesn't make sens and it looks like you left language out.

On the actual mechanics for doing the obtaining of certificates and appearing before the Planning Board, I know over the year I've seen Barbara and George on occasion talking about the language as you work your way through how are we going to do this.

It just has always been my position that you try to make this simple for the farmers, not require them to go out and get guaranteed new surveys which are expensive. If you're talking about a piece of farm property and talking about the perimeter of the property and it seems to me that you could have allowed for a process that produced a guaranteed survey with an amount of acreage on it, and let the Planning Department just say you've got a hundred acres of land on a survey, we'll give you a hundred credits if that's the formula you adopt.

12/29/2004 minutes

To suggest you're going to have to go get a new guaranteed survey, have to go to the Planning Board, not just the Planning Department, pay a fee and go through a process, I think is just too long winded and it's just going to cause more work for the Planning Board.

I also question about whether a farmer comes in, he has a hundred acres of land, he doesn't know whether he wants to sell and transfer a hundred acres of not, but he wants to get certainly an agreement that he can sell a hundred acres if he wants to. I think we've discussed that concept so if I went in, gave a letter of interpretation request in to the Planning Board, gave them a new guaranteed survey, a fee, a tax bill and they said you have a letter of interpretation for a hundred credits, and I later only wanted to sell fifty, how would I draw the conservation easement on the fifty acres and record it with the County Clerk and will I still have an option to keep the other fifty acres for development purposes should I so choose?

That's a question I just throw out because I'm not sure this ordinance as written tells me the answer to that. Generically you may say there will be an opportunity to do it, but I'm not sure there's an instruction in this law to say that.

And I think most farmers and most landowners would be happy to get a letter of interpretation. They wish the procedure was quicker, simpler and less costly but at the end of the day once they have the letter of interpretation, they may choose to only record an easement on part of the property which this ordinance seems to allow for by using the words all or part.

But I'm not sure what the procedure is going to be as to where you are going to locate that conservation easement. Will you allow the farmer to pick and choose where he wants to put it? If you do, it's a simple task. He says here's 40 of my hundred acres; here's a conservation easement. The surveyor says it's 40 acres. I'll go and record that easement. That will be fine. But if you say there's another discretionary review and another presentation, go back and forth, I think that's just too tough on the landowner.

Certainly for the clients of mine who own golf courses, specifically refer to the Sasso Jurgens (phonetic) families with the Cherry Creek situation, they're allowed to develop their properties and allowed to come in with a housing project if they choose to and they may do that. But it seems to me they would also with permission of the town want to possibly transfer development rights off of their properties and keep it as open space.

12/29/2004 minutes

You don't allow that. You prohibit it here and I think that's something that should not be and certainly in their behalf, I would object to that.

We do talk about a final map approval, when you get the redemption of preservation credits. We file maps with the County Clerk. We're allowed to file maps in sections which would allow only part of a total overall plan to be filed with the County Clerk. I'm not sure your procedure allows for that so- and it seems to me easily done that a person could go before the Planning Board, with good planning concepts you could show the most potential maximum development with a transfer of development rights program and should you not buy the transfer rights because either they've all been sold or only some of them have been purchased, then you would show on your final map sections. And if you couldn't buy the rights, then you could only file and record the map with regard to sections that have yield that is satisfying the town zoning.

If, however, you do buy them, then you'd file the second sections or the third sections so there should be a procedure to allow that to happen. And I'm not sure that's covered in here as well.

When I looked at the retirement community portion of this, I know you've eliminated what used to be a special permit process with a no density designation with regard to the retirement housing community. I just question is there any other land that is now zoned retirement community that has not been built?

Because I look at the Middle Road section- "

Councilwoman Blass: "There's one parcel left."

Councilman Bartunek: "On Middle Road, right?"

Councilman Densieski: "Between Saddle Lakes and Sunken Ponds."

Peter Danowski: "Okay. I was trying to figure out who owned that property because- "

Councilman Densieski: "Behind Sun Chaser Stables on Middle Road."

Peter Danowski: "Okay. That was one of the old McNamara subdivision projects. Okay. Because it seemed to me you're putting this in here but I didn't know there was anything else left to be developed.

Okay. That's my comment for now. I will have some comments on the- "

12/29/2004 minutes

Supervisor Cardinale: "Thanks, Pete. Could you— two things. Are you— what you just said. Is that on you as a public minded citizen or are you representing a client?"

Peter Danowski: "Well, I'm always a public minded citizen."

Supervisor Cardinale: "Not necessarily. If you're an attorney and acting as advocate."

Peter Danowski: "Well, I think both. I think I did make mention of the Sasso Jergins family with Cherry Creek on the golf course prohibition and with regard to the open space issue, I certainly, although it may come to mind because coincidentally I might have some comments about the Tanger application and that did come up in some conversations the last time at the public hearing with regard to farmland as opposed to open space, so I will make some comments in relation to the supplemental, but the rest of it is public comment about the preservation on the riverfront."

Supervisor Cardinale: "Okay, then I just wanted to clarify that, that other than those two indicated instances, you're representing your own thoughts on the statute. Could you— I got a good letter here, this statute is going to get some real attention over the first month, I hope to pass it at the end of the month, January. And we've got a good letter from— just before we walked out— from the Long Island Building— Builder's Institute. I'm sure we're going to hear from the Farm Bureau. I'd like to hear from you on behalf of yourself and your developer clients.

Could you get it to us in writing so that— it helps us a great deal if we have— when we sit there— not me, the committee basically, which is Barbara, George and Jill will sit in from my office because I don't want to miss some of these points because my note taking ability is limited. So if you can get us anything in writing, that's very helpful."

Peter Danowski: "I'll do that."

Supervisor Cardinale: "Thank you."

Peter Danowski: "It's funny you say that because when I miss some meetings here and the work sessions meetings, I almost want to be able to say is there a method by which we can get copies of the tapes?"

Supervisor Cardinale: "The tapes of what?"

Peter Danowski: "These meetings, the work session meetings and others."

12/29/2004 minutes

Supervisor Cardinale: "Sure. Yes, there is. It's- those are FOIL-able material as far as I can see."

Peter Danowski: "The real question with me, I'd be more than happy to pay for them whatever the procedure might be."

Supervisor Cardinale: "Yeah. If you would like, we have tapes of this meeting and other meetings, work session meetings, town board meetings. Just come in, if you need it, just request it, we'll get it to you."

Peter Danowski: "Thank you."

Supervisor Cardinale: "So then you know what happened, yeah, what happened at the meeting. We will charge a modest fee, Rose says for the purposes of- or you could tape it right off (inaudible).

Anyway, thank you for your comment. Is there any other comment in regard to this- yes, Sherry, of wait, Richard. Richard, go ahead and then Sherry follow, please. Whatever happened to ladies, first?"

Richard Wines: "Sorry, I didn't mean to step in front there."

Supervisor Cardinale: "Richard is conflicted."

Councilman Densieski: "That's his nickname."

Richard Wines: "Just a couple of things. First, I'm absolutely delighted that we're finally getting to planning the TDR portion of the master plan and my comments may be off key because I may not be working off the latest version of your code. But a few little things.

One, the 500 unit cap for residential use of TDR's, obviously I wish it weren't there because I'd like to see- I don't like to see any impediment put in the way of preserving our farmland and open space. But if it is there, I think that should be implemented when the Planning Board issues the preservation credit certificates. They shouldn't issue more than 500 preservation certificates that can be used for residential use and not on the letters of intent as it was in one of the drafts.

And you might want to allow people to request either/or so they couldn't issue more than 500 that could be used for residential.

Another minor point and that is, I think and by the way I agree with Pete's comments about keeping the rules as flexible as possible, make it as easy as possible for owners of farmland to sell the development rights in the TDR program.

One of the things that shouldn't be excluded is is land that's under agricultural buildings. I think they should be able to sell

12/29/2004 minutes

preservation credits for land that may have a pumphouse or something like that on it. It shouldn't be excluded.

And then the last point is I didn't see unless it's been added since I looked at the code, any provision for what happens after a landowner sells, puts a conservation easement on the property, and I would propose that the implementation rules should be the same as they are for land that the town has purchased the development rights currently and the same rules should apply. They should be implemented by the same committee and agencies.

But other than that, thank you and good luck."

Supervisor Cardinale: "Thank you, Richard. Come on up, Sherry."

Sherry Patterson: "I've been contacted by a number of people who own, not necessarily farmland but investors who own large- very large tracts of land in the APZ zone and they've expressed to me that they plan on getting their applications in and approvals in very quickly so that they can tie up those 500 credits and, therefore, control the market.

Now, I read through this and I'm not exactly clear on the procedure so I'm not sure if that 500 credits is when you actually apply and get a preservation credit or if that 500 counts when it is actually used by a developer on a parcel."

Supervisor Cardinale: "It's when it's redeemed."

Sherry Patterson: "It's when it's redeemed. Okay."

Supervisor Cardinale: "And the reason we didn't go with the suggestion that Richard made, although I'd like to hear more about it, is for that reason that you mentioned which was mentioned early on. I don't see how you don't get a market that's going to be very much impacted by people taking the certificate, holding it for a period of time- "

Sherry Patterson: "Right."

Supervisor Cardinale: "-- and not- and then trying to re-up it because they've got it and control the market. I think you have to give the residential credit to the people who actually paid for them and have put the easement on the property and that's what I think this calls for. And it was changed from what you had proposed by the previous hearings, when we were doing some hearings the point was made."

Sherry Patterson: "Okay, great. Thank you."

12/29/2004 minutes

Supervisor Cardinale: "Yes, Mr. Oxman."

Larry Oxman: "Larry Oxman, I'm speaking to you both as a concerned person and also representing various property owners, both developers and owners."

I didn't understand what you just said about when the credit would be actually used."

Supervisor Cardinale: "The issue- it is anticipated- "

Larry Oxman: "Right."

Supervisor Cardinale: "-- that the 500 residential credits will be very popular in the current market, although one could argue the commercial credits will eventually be worth a lot more. But they will be. Therefore, the question becomes when do you certify the use of the credit, the utilization residential or commercial and it is the conclusion of the committee that that should be done at the time they pay for it, not at the time they- "

Larry Oxman: "Which people?"

Supervisor Cardinale: "The people who are going to be buying the rights and at the moment- I should more precisely say when the conservation easement goes on the property is when you get to indicate how you're utilizing the credit. When you encumber the farmland- "

Larry Oxman: "Right."

Supervisor Cardinale: "-- it is at that point that you would indicate whether these credits are to be used as a residential or a commercial application."

Larry Oxman: "To carry that forward, so a property owner that places this covenant and restrictions on his property, then decides how the credit will be utilized?"

Supervisor Cardinale: "It- well, at the moment that it is paid for, it can be applied- we would expect it to be applied to either residential or commercial application. Because you have to know at some point, since we're keeping count here, which application the credit is going to."

Larry Oxman: "Right."

Supervisor Cardinale: "And it obviously shouldn't be at the point where you get a certificate for \$500 because then- the guy with

12/29/2004 minutes

the 500 acres is going to go down there and say give me 500 residential right now, I've got 500 acres, give me 500 residential."

Larry Oxman: "Right. Right."

Supervisor Cardinale: "So the only point that you could do it at would be at the point the farmer places the easement on the property, which I presume will be simultaneously with the developer coughing up some money for the--to put the easement, diminishing the property value of the farmer. At that point, is when we would expect since we're keeping track, the application of the use, the application of the credits to be stated."

Larry Oxman: "Okay. Let me-- I'm going to skip around from what I had intended. In looking at the GEIS, and I know that that's the next hearing, but it's pertinent to what we're saying because in this-- in the law-- "

Supervisor Cardinale: "Should we open both hearings?"

Larry Oxman: "-- I believe it talks about the anticipated, I'm sorry."

Supervisor Cardinale: "You may be right. The TDR statute which needs work and we'll get it and the generic environmental impact statement which underlies it, the study upon which it is based, which needs work and we'll get it, really might best be considered together and I can open that so why don't I do that so it will be a part of both records what you are about to say?"

Larry Oxman: "Okay."

Public hearing opened: 3:06 p.m.

Supervisor Cardinale: "It's 3:06, I'd like to introduce and open simultaneously with the second hearing on the consideration of local law of Chapter 108 for the transfer of development rights pursuant to 261-a of the town law, the third hearing, the consideration of the merits of the supplemental generic environmental impact statement supporting the town of Riverhead transfer of development rights local law which we're considering. So now they're both open and fire away."

Larry Oxman: "Thank you. With the-- in relation to the GEIS 2.2 receiving areas is a very nice table which outlines the estimated acreage that's available that's page 4 of 22, estimated acreage for development and then the individual zoning classifications and then the development rights receiving potential."

12/29/2004 minutes

If we add up the residential potential, you come to like 600 units. This table clearly shows that the vast majority of the units over 4200, over 4,000, are planned to be absorbed in the recreational area of EPCAL. Residential because by- this plan has changed so much from the very, very beginning of four years ago.

Right now the receiving districts at capacity is just a little over 600 residential units. Period. With that--"

Supervisor Cardinale: "I don't think that's accurate, the residential units (inaudible)."

Larry Oxman: "Add up your numbers."

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "Okay. Yeah, I think that if it does say that, that that may be one of the problems that she picked up on, that that's not accurate. It's about- we believe it to be more like 1600, not 600."

Larry Oxman: "Right. And it says that elsewhere which conflicts with the numbers, but that, I mean you went through in the generic impact statement, you went through, not you- each district was looked at and the acreage was totaled and then the potential. So if, in fact, it was really going to be 600, I thought the idea of putting a cap of 500 was just (inaudible)."

Supervisor Cardinale: "Yeah. It wasn't very (inaudible)."

Larry Oxman: "Completely unnecessary and it creates all these problems."

Supervisor Cardinale: "That's correct. It would be- that's exactly right. To the extent that it is not 1600 or 1800 or whatever we think it is, and I'm pretty sure it is, then the whole thing is silly."

Larry Oxman: "So then the- when will this- will the EIS be amended since this is the foundation for the law, I think that it's important- "

Supervisor Cardinale: "I was trying-- that's a good point. I was trying to be as subtle as possible when I say that our consideration of the merits of this supplemental generic impact statement prepared by the combined wit and wisdom of Jim Gazaldi (phonetic) and our Planning Director, has some merit problems.

But we wanted to have a public hearing so the public could share with the Board what the Board has shared among itself that we are

12/29/2004 minutes

going to have to correct these merit problems in the underlying report and then move onto the TDR statute and correct some typos and other merit problems in that. And that process is going to take a month minimally."

Larry Oxman: "Well, it's just unfortunate that I would almost say when this is corrected, then maybe another public hearing is in order.

So let me get away from the technical aspect of- "

Supervisor Cardinale: "Well, we're going to have another public hearing. In fact, we're continuing to keep it open to at least January 14th for written comment."

Larry Oxman: "And maybe by that time, this will be amended and available for- "

Supervisor Cardinale: "Well, yeah, we can certainly do that. Can we- those amendments that are obvious, typos, 600- 1600, we can make them interim, right?"

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "That's right. Yeah. Yeah, we expect to amend it. And then you can have- continue to keep the hearing open. We all have the same objective here, that the TDR program work. The developers want it to work, the farmers want it to work, the town surely wants it to work. We've spent a lot of time on it."

Larry Oxman: "Right. So, let me go back to some comments on the law in a much broader stroke to try and simplify this and make it work well because I do believe in it and I think it's appropriate.

In relation to someone, a property owner, I guess, getting the preservation credits allocated for his property and giving that property owner the most flexibility, I would suggest that- I use an example- I won't give you my comments or anything- I use the example of a 50 acre parcel. This 50 acre parcel, suppose that the property owner wants to sell just a few rights to raise some cash, whatever, does not want to develop the property at that time, does not want to sell it, and let's say he was now going to sell 10 preservation credits, instead of a scenic, excuse me, instead of some type of conservation easement being placed on any specific portion of the property, it's much simpler to just have some type of a covenant and restriction placed on the property, recorded in the county, that says that this property now only has 40 development rights.

So the first step would be that the- it would be viewed as a 40 acre parcel and the ability to develop a 40 acre parcel in accordance

12/29/2004 minutes

with the current statute which means that you could have 40 preservation credits or that he could sell— they could sell a few more. I just think that by getting involved with where you're allocating easements or taking the (inaudible) off of a parcel, you have no idea of how it's going to be utilized in the future, so this one, let's say it's a farming family and not this generation but the next generation decides that they want to just split it between a few family members, the fact that there are areas that are not developable, that there are, it just makes it very cumbersome. It's just— this is a mathematical thing. It's just much easier if you say, if you record, that they've given up some of their rights and I don't think that you have to say specifically where those rights are.

Remember that anyone who wants to subdivide the property still has to go before the Planning Board and get an approval. So it's not as if— I just think that it's much better planning and allows flexibility. Otherwise it becomes too strict.

I recall a family here asking, I think they had sold rights to the county and they were asking for the areas that they had sterilized to be moved. It was, I think, off of Herricks Lane maybe. There was a family that wanted to move— where they could build houses because they were doing such that, they were dividing it between the relatives."

Supervisor Cardinale: "That's an important issue. But, you know, if you do it your way, you're going to be encumbering the entire property."

Larry Oxman: "So what?"

Supervisor Cardinale: "I don't know, maybe they're not going to be too happy about that either."

Larry Oxman: "But why? I mean, if they're still utilizing it for farming, all they've done is they've raised some capital."

Supervisor Cardinale: "I'd feel better if you were a farmer. But then again you are a farmer and a developer."

Larry Oxman: "That's right. That's right. But— "

Supervisor Cardinale: "If I was doing this for the farmer, I'd feel more comfortable."

Larry Oxman: "But I'm not in a sending area. So, I just think that that affords the flexibility, it clearly locks in the property to a lower yield and then it's so much simpler.

The redemption of credits. Going back to— and I don't necessarily have a good answer, but what happens to the person who

12/29/2004 minutes

goes out and buys preservation credits for a subdivision to increase his density and he gets caught in a very long process. He knows the property has some environmental sensitivity and by the time that he is through the whole process, I keep on saying he and I mean- by the time they are through the process, all of the residential credits have been utilized elsewhere.

That person may have started the process a year or two before some other people. So I don't- how do they get helped out?

The- another issue that I think is quite important is that the number of preservation credits that could be allocated to increase density seems solely at the discretion of the Planning Board. Which means that they could say that there are no preservation credits allowed on this piece of property.

Southampton town, their zoning code makes it as of right. Then it's up to the Planning Board to decide how they're going to utilize on the property. We know that- but this idea of being at the discretion of the Planning Board-

Supervisor Cardinale: "I don't think they mean that."

Larry Oxman: "That's what it says. It says it very clearly."

Supervisor Cardinale: "It won't say that when it's passed. I don't think the farmers would be very happy with that."

Larry Oxman: "I mean it says that in every instance with the residential use of credit."

Supervisor Cardinale: "It's fully at the discretion, like if it's 50 acres, they could award one?"

Larry Oxman: "Or none."

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "You're talking about on the receiving end?"

Larry Oxman: "Yes. Receiving. Not sending. Receiving."

Supervisor Cardinale: "Sending is clear."

Larry Oxman: "Yes. A developer. A developer that goes back that's going to develop a piece of property and the statute says that they're allowed to bring in development rights, they go out and buy them, and then the Planning Board says well, you know, we don't really like the way it's designed or it's too crowded, or it's too this."

12/29/2004 minutes

I think that it must be as of right."

Supervisor Cardinale: "I think you're right."

Larry Oxman: "Okay. Last, there is one more. Oh, with commercial properties, and what' the thought on- what is a credit equal? In other words, it says that it equals 1500 square feet of floor space. But does that also satisfy parking requirements? In other words, someone's going to go out and sterilize a one acre somewhere in the farm area, take that development right and apply it towards something whether it's out in Calverton or on Route 58, wherever. Are they just simply getting the floor area or do they get the parking credit along with it?"

What if there's someone that doesn't want to necessarily increase their floor area but has- but can't fit the number of spaces that are required? Could they then go about and buy a development credit? So is it--what I'm asking, and I don't expect an answer but think about this. Is it more than just simply the floor space? Is it almost the floor space and everything that would go along with the floor space, meaning parking and- "

Councilwoman Blass: "Impervious surface in general as opposed to just (inaudible)."

Larry Oxman: "Well, wouldn't that be just a little- "

Supervisor Cardinale: "If the theory is that the parking that is indicated is necessary for the additional square footage and we said okay build the additional square footage because you have a right coming in but don't worry about getting the parking, what are they going to do to park? Where are they going to park their cars? If you give them a credit not only to build the additional space but also to waive the parking requirements."

Larry Oxman: "Well, I think there comes a practical point where you just can't- "

Supervisor Cardinale: "You just can't do that."

Larry Oxman: "-- go any more."

Supervisor Cardinale: "But if you believe that the standards, the parking tables are accurate which is a big question in this town, but if they were reflective of reality and we just said, hey, you've got 1500 square feet here additional, you could build 40 now you could build 41,500 and don't worry about the extra cars that 1500 are going to bring, which is what you're suggesting, that's not going to work out too well because the cars will still come for that 1500 square

12/29/2004 minutes

foot. In the real world, they're going to have too many cars for the places they have. So I don't think we're doing them any favor if we do that."

Larry Oxman: "Well, it's certainly something that should be addressed in some fashion and, again, can someone who simply wants to satisfy some other element of maybe it's gallonage. And again, they don't want to increase their square footage but they need more commercial gallonage for someone that's not in a sewer area, you're relying very heavily on the transfer of development rights to be utilized non-residentially. And I think that the more opportunity that's presented, the more likely it's going to be utilized."

Supervisor Cardinale: "Absolutely, we we're— one time months ago we had a hearing and I have some notes on it. Maybe it was a meeting. That how many different ways can— besides square footage, what are the other ways we could utilize for development rights— commercial development rights? And I'm all ears from the development and farming community as to how we could do that because the more utilizations, the better the program. And this program sinks or swims on its commercial and industrial application, not on its residential."

Larry Oxman: "Thank you for allowing me the time. I look forward to the passage of this."

Councilwoman Blass: (Inaudible comments)

Supervisor Cardinale: "Okay, yeah. Okay. Barbara points out that all of the receiving districts are— the commercial receiving districts are within the sewer— within a sewer system so their flow is as good as it's going to get already."

Okay. Any other question— we have two hearings open. We have the second and third hearing open, one on the law, TDR; one on the environmental impact statement underlying it, the generic. Anybody have any further comment? If you do, great. Come on up. If you don't, Brad, I'm sorry. Brad Berthold. Brad— close enough. I can't say (inaudible) either. So, is going to stay open— both these hearings are going to stay open through the January 4th meeting and beyond for written comment. Go ahead."

Brad Berthold: "Let's see if I can phrase this correctly. I wonder if you understand what I thought I understand from what Pete Danowski and Larry said. In the sense that they're asking that development rights be granted based on a perimeter. So in other words, if a farmer has a hundred acre farm, he gets a hundred units."

But doesn't that sort of bypass the idea that perhaps not a hundred acres of his farm would be developable?"

Supervisor Cardinale: "Yeah."

12/29/2004 minutes

Brad Berthold: "And they seem to reject doing any kind of analysis of what does the yield map say before the fact. So I think that would lead to a lot of sales of development rights that really were false, that couldn't be developed."

Supervisor Cardinale: "Well, the yield factor has been determined by the one to one ratio. In other words, for every acre, every 44,000 square feet is it- 43,560, they get a credit. The question is what comes out- if two acres are under water, do they get credits for those? How do we handle that? They do get credits- is there anything taken out?"

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "So, that's your issue."

Brad Berthold: "You don't see that as a problem?"

Supervisor Cardinale: "I do see that as an issue. I'll bet the farmers have an opinion on it."

Brad Berthold: "I bet they do, too."

Supervisor Cardinale: "I see that as an issue."

Brad Berthold: "I just want to clarify that. Because it seems that if you have a hundred acres- "

Supervisor Cardinale: "I thought we had reached this issue at some point in the past, whereby we indicated there would be some very limited exclusions and they'll be very clear so that- "

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "-- but how about here? Okay. Yeah, we have some thoughts on that that are not reflected apparently but it's a good issue. It's an important issue."

Brad Berthold: "Okay. Thank you."

(Some inaudible discussion)

Supervisor Cardinale: "I'm being informed that the real term is exclusions. If there are any exclusions, we should make sure we have them clear and we should make sure that they're clearly implementable because you're going to have to have those exclusions if there are any ascertained at the time of issuance of the certificate so it's going to have to be pretty basic."

12/29/2004 minutes

Any other comment? If not, I will keep the hearing open as indicated. We'll pick it up on January 4th at the organizational meeting. For those people that may be out of town, we'll keep it open for written comment beyond that to January 15th. We'll be working in the interval to clean up that statute and the generic environmental impact statement.

Public hearing left open

Public hearing opened: 3:25 p.m.

Supervisor Cardinale: "The fourth hearing, and last of today is about consideration of a local law to amend Chapter 14 entitled the Conservation Advisory Council of the town code. It is my, correct me if I'm wrong, George, but I think what we are trying to do here is address-- amend to seven members a nine person Council because nine is somewhat (inaudible) and we believe that seven would work better.

And it's functioning at seven and has been for some time. Anyone have a comment on that proposal to pass a local law to amend from nine to seven the Conservation Advisory Council? It is 3:25, the hearing is opened. It is 3:25 and change and the hearing will be closed."

Public hearing closed: 3:25 p.m.

Supervisor Cardinale: "So we have two left open and two closed hearings and we've finished the public hearings.

We have a series of resolutions starting with a CDA resolution regarding the theater, two of them, 20 and 21, and then continuing from 1188 to 1218 on town business.

Is there any comment on any of these resolutions prior to our proceeding to consider them? Yes, please come up, in the back, and then, Marty, why don't you follow, Angela and then Marty."

Angela DeVito: "Angela DeVito, South Jamesport. I just have a question on some 19 resolutions that address budget adjustments."

Supervisor Cardinale: "Yes."

Angela DeVito: "Are these just end of the year housekeeping stuff?"

Supervisor Cardinale: "That's correct."

12/29/2004 minutes

Angela DeVito: "Okay."

Supervisor Cardinale: "Yeah, let me make a little- yes. Those budget resolutions we studied carefully in work session. They'll be routinely passed. However, the good news is although we're moving in some instances we're moving general from the reserve fund into other lines to balance those lines, I'm advised by Jack Hansen that actually the net of it is that we will spend about \$800,000 to a million less than budgeted this year. So our reserve fund, in 2004, will have risen that amount."

Angela DeVito: "Okay, thank you."

Martin Sendlewski: "Good afternoon. Martin Sendlewski, 215 Roanoke Avenue, Riverhead. I just have some comments about Resolution 1210 which is about the Grumman zone."

Supervisor Cardinale: "Yes."

Martin Sendlewski: "I was a little bit surprised that it was on for a resolution today. I didn't think it was going to happen that quick."

Supervisor Cardinale: "I don't know why. We've been announcing it since January."

Martin Sendlewski: "Well, one of the things that was stated earlier when discussing the other things that were on the agenda with the public hearings, one of the things that you said was well, it needs work and it's going to get it."

Supervisor Cardinale: "You've got it."

Martin Sendlewski: "This still needs work. And if you vote on it today, it's not going to get it, and I hope that somebody off the Board- "

Supervisor Cardinale: "Could you be more specific, Marty?"

Martin Sendlewski: "-- I will. I hope somebody would make a motion to table it. One is, I think this is still full of contradictions. One of them is when you talk about permitted uses, this is such a straight contradiction in code verbage. It says provided that they are conducted within enclosed buildings and when not, that they're screened. It's a complete contradiction."

Supervisor Cardinale: "No, it isn't. It says enclosed buildings and if they are not within enclosed buildings, they have to be pursuant to a site plan. That's what it says. And that's what we meant."

12/29/2004 minutes

Martin Sendlewski: "The— also the issue about the screening as determined necessary by the Town Board. That's really subjective and I assume that's part of the site plan process but I just don't know why something subjective would be in the use part of the code."

Supervisor Cardinale: "Because we're saying that it can be within enclosed buildings but we recognize the need for outside work and that— well, actually it says nothing if you want to be— the truth of it is that any outside— any outside changes would have to be subject to site plan anyway."

So whether we said it or not, the site plan— if they're going to do work outside of their building, they need a site plan approval. And we're reminding them of that fact. They can do it within an enclosed and you don't have to bother with us. But if you're going outside, remember you've got to get a site plan and you better make sure you're ready to suitably screen sound and visual.

Frankly, nobody's that worried, it's an industrial park. It can only improve. Have you taken a ride up there?"

Martin Sendlweski: "Oh, yes."

Supervisor Cardinale: "It's like the wild west. They do whatever they want."

Martin Sendlewski: "Quite often. Also, under item two, it talks about warehousing and storage. It says of non-flammable materials."

Supervisor Cardinale: "Yup."

Martin Sendlewski: "There's a whole listing in the international code, building code, as to what's considered flammable versus non-flammable versus limited combustibile. If there's anything that burns, does that mean that people cannot store it in their building? That's— "

Supervisor Cardinale: "No. But I would say you could look— if you look at that top one where we say that— we reference 274, 286 of our code, that lists the prohibited uses and it lists the kind of flammable materials that can't be stored. So if you read that in, you'll see that it's very clear."

Martin Sendlewski: "Okay. Under the— where it talks about the maintenance, first it says one thing, it says extraordinary maintenance."

Supervisor Cardinale: "Yeah."

12/29/2004 minutes

Martin Sendlewski: "I don't know what that means but- "

Supervisor Cardinale: "Well, I don't know if you read that, that- you can't do any better- I can't do any better than that. Extraordinary aircraft and engine maintenance such as aircraft, airframe, aircraft system overall conversion, modification, reconfiguration, refurbishment, including annual inspections but excluding minor or routine maintenance such as oil changes, refueling, minor repairs and inspections provided that such, etc."

Martin Sendlewski: "So- "

Supervisor Cardinale: "That's the best we could do."

Martin Sendlewski: "-- but on one side it says extraordinary is permitted and minor is not. I don't think- "

Supervisor Cardinale: "Extraordinary is permitted and minor is not as a principal use. On the other hand, if you look at the use under 10, that is under B-10, the accessory uses, then you get to do routine maintenance to your heart's content of any plane that has a right to be there.

If it has a right to be there and if you look also, we added to make this even more specific and more clear than- that notwithstanding the prohibition of a fixed base operator, nothing herein shall preclude management, maintenance, operations necessary to support any principal or accessory aviation use permitted hereunder.

So if it's permitted by the zoning, you get to manage and you get to maintain but the reason extraordinary- let me make this real clear. Extraordinary maintenance is a permitted use. Routine maintenance is not. Routine maintenance is an accessory use only. How's that?"

Martin Sendlewski: "It clears it up very well."

Supervisor Cardinale: "Yeah."

Martin Sendlewski: "The item 12. And this sort of threw me when I saw this today. I don't know if it was in here before but if it wasn't, I can't imagine that this was- why this was put in there.

It talks about overnight and express mail package and postal sorting and distribution and then it says by surface transport. Does that mean like that if Fed Ex wanted to come into Grumman and use this as a shipping facility, it could not?"

Supervisor Cardinale: "That's exactly what it means."

Martin Sendlewski: "Is that- was that just added?"

12/29/2004 minutes

Supervisor Cardinale: "The- that was what was discussed in numerous hearings and the Board, the majority of this Board, has concurred that it would be more honest to simply indicate that we rather than wait to the point where we're going to pass rules and regulations which is immediately going to follow for airport- for airfield use, the rules and regulations are not going to permit Fed Ex. Because Fed Ex is there throughout the night hours. They're there all night. They fly in and out. Furthermore, Fed Ex isn't coming. Our aviation expert told us in public at a work session they're not coming because they only come to fully operational airports. And this is not going to be that."

Martin Sendlewski: "And then, lastly, just one other quick item and that is the- and it's not specific to a site plan I have pending at all. It's not specific to that. But it's just in general."

There's still the issue of the accessory outdoor recreation use in conjunction with a permitted use. Not to do with the sports facility, I mean, even though that would- it would certainly benefit that project, but even just clients who want to have, you know, some use outside, this still does not permit it.

If I go to the Building Department, they're not going to allow the daycare that you have in here to have an outdoor playground. It doesn't say that it's permitted at all. And I know the Building Department will not allow it and I think if you've gone into other industrial parks around the country, other parts of the island, you will see that they do have a couple ballfields and a few rec things just for employees to go out- "

Supervisor Cardinale: "That is permitted by this zoning. Would you like me to explain that to you?"

Martin Sendlewski: "Actually, I'd just like you to write that in."

Supervisor Cardinale: "It doesn't need to be is my point. It's there. If you look at it, if you have a permitted use, for example, your guy that wants to play baseball who runs a warehouse and has 30 guys up there. You've got a permitted use under A-2, okay, and then if you look at your accessory uses, includes those customarily incidental and subordinate in furtherance of the other use. Therefore, a customarily incidental use to a warehouse is guys that want to play ball on the outside."

I'm not worried about that, neither is any member of this Board. What we don't want is some guy putting a soccer field in the middle of an industrial park and playing soccer next to whatever he's manufacturing or smelting or whatever else he's doing. That's

12/29/2004 minutes

logical, I mean, I don't understand how anybody would want to put outdoor playing fields in an industrial park, unless they had a client who wanted to."

Martin Sendlewski: "That is- I mean we do want to have that but aside from that, I don't see- that was my last item that I had, the customary incidental and subordinate. I mean, to me that's just from a use standpoint and a code language. It- that leads me nowhere."

Supervisor Cardinale: "But that's the language that is always used in accessory uses. Look at the rest of our code. It's the exact language we use in every other incidental- every other one. So we need- accessory use is that use customarily incidental to the permitted use."

What we added because we were concerned that we did not want accessory aviation uses to be primary. We wanted them to be subordinate to another use, is the subordinate language. And I know, Ron, who is going to discuss that issue in a minute, I'm sure."

Martin Sendlewski: "I just- all's I'm saying is I wish this was a little bit clearer. Because all of these items you explain them and you say that it clears it up. In my mind, representing clients and going to my clients and they're asking me questions, can I do this, can I do that? I look at this and I don't see anywhere where I can point to and say this is the case, that's all."

Supervisor Cardinale: "Thank you. And I appreciate what you're saying but I would point you to almost every other code in our statute books, our ordinance books, and this is really clear compared to most of our statutes."

I think a lot of people just don't want it too clear, is the honest fact. In fact, it would make my life a lot easier if it wasn't so clear. Because then there would be a lot of (inaudible) factor. Go ahead, Ron."

Ron Hariri: "Ron Hariri, New York City and Aquebogue. You know, I didn't get a chance to attend the last hearing but I did catch you, Mr. Supervisor, on WRIV radio where you referred to the spirited debate at the last hearing. And I know, Mr. Supervisor, that sometimes you do have a gift for understatement, but the fact is that various respected businessmen as well as the largest landowner at the EPCAL property has specifically warned the town of their intent to pursue legal action to protect their constitutional, contractual and equitable rights to the property."

Now the town is already the subject of multiple lawsuits including a criminal complaint based upon its master, or perhaps I should say disaster plan and under your watch, under this Town Board's

12/29/2004 minutes

watch, the Northeast Holdings notice of claim has now mushroomed to a \$180,000,000 federal lawsuit.

Each of these lawsuits has the potential to bankrupt this town. It would really be reckless to expose the town to further risk of liability based upon inept or poorly drafted legislation.

I'd like to refer you to the editorial in yesterday's Suffolk Life entitled Ship of Fools in which it refers to the history of mistakes that the Town Board has made in the past and suggests that perhaps you take a lesson from this history of missteps and it concludes that really the town has got to stop listening to a few special interests and support development that would bring jobs and ease the tax burden.

Unfortunately we think that the architect of this latest piece of legislation has the greatest ear for these special interest groups, namely Councilmember Barbara Blass. Now, Dick Amper in his recent editorial in the News Review said that he, like many of us in town, may have been fooled by this sugary smile of Ms. Blass and that she has ignored prior consultant's recommendations on zoning matters which has caused the town to be embroiled in still further lawsuits.

Hereto what we say is the town's recent amendments or proposed amendments, really ignore its own expert report, the comprehensive reuse strategy prepared by Hamilton, Rabinowitz and Altschuler (phonetic) which specifically states that the runways are the town's most significant asset and they should be preserved for corporate and business aviation.

Mr. Supervisor, you yourself had acknowledged publicly that this zoning may include mistakes. What we say is that the town really can ill afford any further mistakes with this potential billion dollar asset that could really help the future of all in Riverhead. And we ask you not to rush to judgment during this Christmas break. Let's all try to work together to get to a compromise that will avoid further litigation and further risk of liability to the town.

Thank you."

Supervisor Cardinale: "Thank you, Ron. Brad."

Brad Berthold: "What I'd like to say in view of recent development in newspaper op ed pieces, I'd like to apologize to Mrs. Blass. I think she's done a great job with the master plan and everything else and the hard work she's put in.

But I agree with some of the speakers here today who said I'd like to see this tabled because the more you read about the history of this and the more you read about the underlying concepts here, it

12/29/2004 minutes

seems like the Town Board somehow sees the airport as a potential blight on the town or an evil and it's being proposed by somehow greedy self-interest proponents.

That's not the case at all. I see in the HR&A study that they only focused on two commercial aviation markets, air cargo which was the subject of a giant (inaudible) when Lee Koppelman proposed decades ago that the Calverton property might be used as an air cargo hub which is like UPS has in Cincinnati and Louisville where the planes fly in, sort the cargo, and fly out. Nobody wants that in Riverhead.

The other thing was aircraft maintenance, heavy maintenance, where an airline say would send their airlines to be checked and repaired at a giant maintenance depot. That might fit in with industrial use. But they didn't look at general aviation at all.

I see from the Town Board's comments at the last hearing, that generally aviation is seen as an undesirable use and the tweaking of the legislation basically forbidding fixed base operators and flight schools and all the things that go with an airport, seem specifically designed to prohibit such uses.

I know there was a vote. I'd say the public was poorly informed to be honest with you about nobody knows why they voted against an airport for noise or for safety or for whatever reason. We don't want to live near an airport.

I think the Town Board may have missed the boat on this. I have here a State Department of Transportation study called The Benefits of Aviation in New York and that I think if the Town Board reads that, they can see what the benefits are. They specifically list some of the airports in the area. They say the total impact of Brookhaven airport in the community is \$13,764,000 a year. East Hampton is \$10,293,000 a year. Even little Mattituck, a \$1,000,000 a year.

I think that if we're going to consider this as an industrial park and I think some of this legislation is somewhat contradictory. Originally industrial zoning in Riverhead was in the west end of town where Tanger Mall is and the philosophy behind that at the time was to keep it away from residential areas.

The Calverton facility was basically built at that time in the middle of nowhere. It's still very well buffered. There isn't that much residential area around there. If that's what's going to be the town's industrial area, then why we considering such uses as condos and golf courses? Is that the best we can come up with? Is that the vision that we have in town to put in our industrial area?

I'd say that there are many, many industrial uses that would be compatible with an operating airport that would be virtually unseen

12/29/2004 minutes

and not heard from the communities around the area. There were some— the areas are built up for housing that are right off the end of the runway might hear things but everything's changed in the last couple of decades that the Town Board doesn't seem to be— have looked at in any detail.

The planes are much quieter, a flight school with single engine light planes wouldn't even be recognized by— if you're driving by the road. The planes are hundreds of feet in the air by the time you get over the perimeter of the airport. So I'd say you could keep an (inaudible) and have all the ancillary uses that are affiliated with an airport, flight schools, everything, there would be no detrimental problems with the community.

It might be a source of income and you would have an airport that's there so in 10 years from now or 20 years from now or 30 years from now, somebody wants to come in to utilize the airport for all the reasons that people utilize airports, it would still be there.

If you don't do that, the HR&R study said that you can keep the runway or one or both runways so that if some general aviation use or (inaudible) aviation uses are desired at some later time, it would still be there.

But I'd say that doesn't work. If the runways are allowed to crumble for 10 years or 20 years, as I said last time at the hearing, you might as well bulldoze it. I think the Board is very— is— I don't know uninformed or I'd say (inaudible), they haven't done their homework about what the benefits of aviation is to a community as I just listed the benefits of the airports in Brookhaven and Gabreski are to their communities.

(Inaudible) what the state-wide airport economic study, that was only November, 2003, a year ago. It says everyone benefits from aviation. Everyone in the state benefits from aviation whether or not he or she has ever flown in an aircraft or shipped cargo. The reason is that aviation supports the entire economy including the manufacturing firms, the service firms, the tourism industry, and all the others.

In addition, the aviation industry consumes New York State goods and services ranging from agriculture to utilities. Economic benefits are not just located at the airports. The benefits of aviation (inaudible) state-wide to every county and community. All of the above factors point to a value of an airport that's not easily quantified. Airports and aviation use in New York are much more than these numbers can estimate. They're part of a scarce resource that needs support, protection, and appreciation from all its citizens that benefits both directly and indirectly.

12/29/2004 minutes

I might add, too, that some of the types of industries are essentially light industries that would locate here depend on just in time deliveries which are often by air which could easily be done if the facility is on the airport with a runway convenient— the taxiways at the airport now where you could actually taxi right into some industrial sites. It's at a confluence of several major highways. It could have had a rail spur in there.

It just seems shortsighted and somehow foolish to me to dismiss this all so lightly when it's a vital part of the community. It could be a great benefit to the community and still be entirely compatible with every other use at an industrial park.

So I just ask that they table this and maybe learn a little more about these benefits of aviation as described by New York State and others and ask why the HR&A study only focused on the commercial— two commercial uses, air cargo and aircraft maintenance. Why didn't they look at a general aviation airport?

We're off the map. You can't fly to Riverhead, you can't transport your goods very easily from light manufacturing through Long Island, through New York City. You could fly them out depending on what kind of product you have and I think if we made an effort to attract the kind of industry at this industrial park that would be compatible with an airport use, we might come up with some surprising benefits to the town.

Thank you very much."

Supervisor Cardinale: "Thank you, Brad. Gene."

Gene Greaves: "Gene Greaves, Calverton. I had a question. Section 108-274-2A6 is made reference to in the much talked about PIP."

Supervisor Cardinale: "Give me that section number, Gene, please."

Gene Greaves: "108-274— it's a reference to the town code. It's on the resolution 1210."

Supervisor Cardinale: "Yeah. Oh, yeah. 274-2, right."

Gene Greaves: "Where— that's— "

Supervisor Cardinale: "That's the industrial A zoning."

Gene Greaves: "That was defined recently through the recently adopted?"

12/29/2004 minutes

Supervisor Cardinale: "That's correct."

Gene Greaves: "Okay. That's what- "

Supervisor Cardinale: "That's the list of noxious industrial activity."

Gene Greaves: "Yeah, it was a comprehensive list. That's what I assumed it was, but I just wanted to ask."

I did want to commend the Board for what I think has been an exemplary job in keeping the process both open ended for all sides, okay. I think that this clearly defines the intent as it was meant to be in my opinion, and that it is time to adopt this and move forward.

There was a comment made about housing within the industrial. Not that I support nor oppose, but that is within the recreationally zoned portion of the property and from what I understand, the Board has indicated that they are looking to rezone portions of the recreationally zoned to get probably a higher cost as has been spoken about by Mr. O'Connor and many other people. So I don't think that by defining this zoning here that this is the be all and end all of housing over on that end of the property.

Another comment with regards to tabling. I know Mr. Densieski at the last meeting had indicated that normally the last meeting of the year is reserved for more or less taking care of house items. And I would refer to merely last year when we didn't have two public hearings and we didn't have three months of people speaking back and forth and it was very rapidly adopted.

The runway use agreement for Skydive Long Island without even a- to me a legal qualified and eligible hearing, okay. There was no documentation or anything put forth. So I would say that we've definitely substantiated that this has had all sides to be spoken to and looked into and reasoned about and the time is to adopt and the time is to move forward.

Thank you very much and Happy New Year."

Supervisor Cardinale: "Thank you. Yes, Mr. Amper."

Richard Amper: "Richard Amper, the Long Island Pine Barrens Society. This has indeed been thoroughly debated. We've been looking for a long time to have any folks who were supportive of significantly increased aviation use let alone an airport come forward and show some financial benefit to the town of Riverhead, something that would produce something worth looking the other way, ignoring some of the environmental concerns and the quality of life concerns."

12/29/2004 minutes

These aviation proponents had years and years to do that and they haven't done it. In the meantime, we're not sure what the implications are for other people who might want to bring good high paying jobs to Riverhead and contribute to the tax base. We don't know how many of them are staying away because of concerns about aviation use.

What this Board, it seems to me is doing, is trying to balance the real needs of those who are out there and who will benefit from this by all of the allowed, all of the permitted uses.

As I look at this, I don't view this as a route by environmentalists in any way, shape or form. There's more aviation use permitted if you adopt this plan today than there has been for years out there.

It's not unlike the uses that were permitted when Grumman was here. If Grumman wants to come back, Grumman can come back. If somebody wants to bring something that is useful from an aviation standpoint, we think they can do it. The tenants out there are going to have the capacity to do what they need to do and to have aviation serve them when they can.

So it strikes me that this was a fairly balanced approach. I don't think any side won or lost and it can be argued that your job is to look at all sides but to come down at the end with the decision that works best for the people of Riverhead.

I absolutely would discourage you from permitting or encouraging legislation by litigation. I think the threats to this town have been absolutely unconscionable from the threats that you're not doing the right thing or that you are not- "

(Some inaudible comment from the audience)

Supervisor Cardinale: "Okay, go on, please."

Richard Amper: "I think it's very, very important that what you do here is the right thing for Riverhead and if you're concerned for the economic environmental quality of life things, you've balanced them and you've balanced them over a long period of time. You've listened to just about everybody who has any opinion going.

I think that the idea that we sue for the sake of accomplishing a specific end for a proprietary purpose is a very, very different thing and I think even the notion of suggesting that perhaps Riverhead should lose this property because it's not doing what would advance a single special interest is really not in the public interest.

12/29/2004 minutes

What you're trying to do is balance all of this. I don't think there's any one right answer. I think you've listened to all of the questions and you're at a point now where you're prepared to move and make a decision.

And I will say this. Whether I like all of the uses that are permitted, whether there's more aviation there than I would have liked to have seen is beside the point. The fact of the matter is that the certainty this brings to the people of Riverhead and it brings to people who might want to bring their business to Riverhead, will be worth far more than the debate about what is allowed and what is disallowed. Just the certainty that we know what's going to be is going to benefit Riverhead now and in the future.

Thank you for what you've done."

Supervisor Cardinale: "Thank you. Yes, Bernadette."

Bernadette Voras: "Bernadette Voras, Reeves Park, Riverhead. I'm going to—I made a little list; I'll go down it. Some of them you've heard before but this will be the last time that you will hear them because I know that today you will vote as you intended to do.

Threats of lawsuits do not impress me. Threatening lawsuits to get a project through means there's something wrong with the project. If it were that good, you wouldn't have to threaten a town. I say to the Board, don't bother about it.

Noise. The only way that you could really abate noise is to go back to prop planes, the propellers. They might be quiet enough. All the comparisons of noise abatement that has been given by various persons if you notice they are comparing the noise to the greatest noise you could have. And the little bit of abatement that has been done is not enough for us in Riverhead. We said it in a referendum. It's not enough. We want this community to be residential with businesses in their appropriate places.

Buffered, that is a very general word. If you go out of this building and go down to that airport and do the circle around it, of its perimeter, there are hundreds of new houses in Wading River right on the edge of the property. I don't call that any buffering. The only road is 25. That's not much of a buffer.

My house would be right on top of the runway as far as when the wind's blowing in a particular direction. Not just my house either. I have said it again and again and I say it for the last time. The little planes from Skydive, they start in the morning and they go throughout the day. They are compared to other things a gentle noise. But I get—one gets tired of a gnat or a mosquito going overhead round and round and round.

12/29/2004 minutes

Flight schools - as I said at the last meeting, there's one what, 10, 12 miles from here. What do we need another one for?

There was a remark made several meetings ago, maybe about four, about how lucky we in Riverhead should feel that the rich people who are involved with the aviation product are- would consider even coming here. That was a quote, the rich people. We need them. I don't think so. Not if they're going to sacrifice the quality of life in this town. No, I don't think so.

We have got Tanger, I, II, III, IV, who knows how many. We have got theaters coming, wonderful. We have the Home Depot, the Targer, the Wal Marts, the K Marts, the BJs now a Staples and all the new houses. That's a lot of tax money. And if that's not enough to keep this town afloat then maybe we better revise what we want. Maybe we're getting too big.

I do not want to see Levittown here. I did not spend my whole life saving to move out here to a home, my home, to have it look like the middle of Queens. I'm not getting angry with you. I'm looking at you but my anger is flowing in the other direction.

I implore you, last meeting you said this was the voting time. Let it be the voting time. Enough is enough. This has gone on for years. The stalling techniques end today. Like it or leave it.

Thank you."

Supervisor Cardinale: "Is there any other comment in regard to any resolution we're about to consider? If there is not, we'd like to consider those resolutions. We need the CDA- oh, Mr. Davis, please come up. And if Sid is to follow, please follow. Les, you're on. And, Mark, if you'd like to speak, please follow."

Lester Davis: "Lester Davis, Baiting Hollow. And I would like to repeat the first sentence I made about a week ago. And Supervisor Cardinale, I appreciate your letter to me, the fact that you welcome my input re the Grumman Peconic airport.

However, I have a word of warning again. The saying goes, be careful what you wish for as you may get it. On the subject of the airport income, the Gabreski Airport at Westhampton has long last increased their landing fees to commensurate with other airports. Now, I'll give you an example. My son and his partners in Georgia, 30 aircraft, 50 pilots, they fly charter, and he tells me, he says, Dad, this is- was the cheapest landing fees in the world. They go into LaGuardia, \$600; \$50 bucks here. They finally got it up to \$100. It's long overdue.

12/29/2004 minutes

That income, by the way, after they raised it, Westhampton, was \$145,000 for the months of last summer, for July and August alone, and that did not include the month of June when several aircraft brought golf people to the US Open in Southampton.

Now on the subject of the southwest runway being- disappearing or whatever. If it were to be demolished the cost of doing so would be just, excuse me, would be upwards of \$60,000 an acre for a total of \$3,000,000 for the demolition. And this by the way includes the reclaiming cement and so forth, recycling.

Adding the purchase cost of \$70,000 an acre to the demolition cost, now brings the cost up to \$130,000 an acre. And I'd like to ask this. This brings the question of why would anyone pay almost twice the price for 50 acres of the 50 acres involved, taxi and runway, which adds up to an extra \$3,000,000 when he could buy the same type of land just 200 yards away for about half the cost, that particular (inaudible).

It sounds like this is a deliberate attempt to destroy this runway and the resulting income, both of which belongs to the taxpayers of Riverhead. This means by tearing up this runway, you're destroying \$30,000,000 worth of heavily reinforced concrete that belongs to the taxpayers of Riverhead. And I checked this out with leading contractors, the cost today.

Also being taken away is the related income of three and a half million dollars yearly to these taxpayers. Now I'll tell you in a minute what that's based on.

It has- also, it has been reasoned by the media that the surveillance aircraft that could have prevented the disaster at the World Trade Center in New York City, had they been stationed at the Peconic airfield instead of 200 miles away in Cape Cod. The 3,000 lives probably would have been saved.

Further, this runway- should this runway be disabled, you lessen the chance of income producing surveillance aircraft, the same I just mentioned, being based here. The reason. Should these aircraft locate here with only one run way which is doubtful if you had one runway, you can see it now. The New York Times headline reporting another attack in New York City, saying security aircraft could not get off the ground because Riverhead has disabled a critical runway. And that's very serious."

Supervisor Cardinale: "Which runway are you talking about, Les? The 7,000- "

Lester Davis: "It doesn't matter. It depends on the winds."

12/29/2004 minutes

Supervisor Cardinale: "Okay. We're not disabling any runways, I promise you."

Lester Davis: "Oh, well, let's- "

Supervisor Cardinale: "We're not disabling any runways."

Lester Davis: "That was discussed a week ago and- "

Supervisor Cardinale: "We're not. I mean you can say last week and you can say it this week, but we are not- this Board is not going to stand for the disabling of any runway. We are pursuant to the Town Board when Bob was Supervisor, he passed a resolution that said the runway, the 7,000 foot is for sale; the 10,000 foot will continue to be operated as a publicly owned private runway. That is still the policy of this Board. So I don't understand what you're talking about."

Lester Davis: "Well, the news media quoted somebody on the Board use that word, disabled."

Supervisor Cardinale: "I- they never talked to anybody- they didn't talk to me and we're not disabling any runways."

Lester Davis: "Well, in other words, the runway would remain."

Supervisor Cardinale: "The 10,000 foot runway will continue- "

Lester Davis: "Well, the other one."

Supervisor Cardinale: "Well, the other one will be- as per the resolution passed during Bob Kozakiewicz's administration, that is available for sale, that runway, together with the property surrounding it."

Lester Davis: "Question. If it's sold, can it be demolished?"

Supervisor Cardinale: "If it's sold, the people own the land, they can do with that what they wish."

Lester Davis: "Okay. Okay. We're back to what I said before."

Supervisor Cardinale: "You would want us to keep that runway by not selling the land? That's different than the past town board and the present."

Lester Davis: "Well, back up to what I said a minute ago. Why was- who advised that and if they're going to remove the runway, the land is going- the demolition is going to cost as much as the land underneath it, double the cost."

12/29/2004 minutes

Supervisor Cardinale: "That's their problem. They're buying the land, they can do with it what they wish."

Lester Davis: "That's strange. Again, a few hundred yards away, they could get the property for half the cost."

But anyway, I'll sum it up. Today's cost to build this runway and taxiway would be upwards of \$30,000,000. This transposes into a question of math, in a \$2,000 investment for each taxpayer in the town. I called the town (inaudible) and that was the number, okay, based on.

I challenge Riverhead town to pay to the homeowner pro rated, call it a royalty if you will, any income that we realize from aviation using, okay, obviously, the runway. Using the East Hampton airport conservatively as a guide, this income would be about \$3,000,000 pro rated, paid yearly to each Riverhead taxpayer.

And I might add just- East Hampton, I talked to their manager this morning, and they average, they get \$.15 a gallon for every gallon that's sold by the fixed based operators. They realize almost \$100,000 a year just on that. Included in- that's included in the \$3,000,000 income. Also, they realize upwards of \$100,000 a year on aircraft storage. And that's it."

Supervisor Cardinale: "Thank you, Les. Sid, would you like to comment?"

Sid Bail: "I think I'll start it off in a positive note. I'd like to wish everyone a happy holiday- "

Supervisor Cardinale: "Same to you."

Sid Bail: "-- and all the hard work. There are issues that sometimes divide us, like Ed and I have talked about it and how probably 98% or 99 something, we agree a lot but, you know, that one percent or less than one percent can sometimes be, you know, rather difficult.

And this issue has been around, you know, so long. And I had, you know, I joked about having more hair on my head when this issue started. But the Koppelman committee, the HR&A study, which, you know, I was a part of, and I would compliment the Board, all members of the Board, you folks have been extremely attentive on this issue. There has been numerous discussion.

I would be in favor of tabling this if I thought it would bring on some new kind of like gem or pearl and I have respect for a lot of people who have a different view on aviation than, you know, the civic association in Wading River has traditionally had. But I think the

12/29/2004 minutes

time is ready to move forward on this. And, you know, I respectfully suggest that, you know, I hope you pass Resolution 1210.

Thank you very much."

Supervisor Cardinale: "Thank you. Yes, Mark."

Councilman Densieski: "Sid Bail, the voice of reason."

Supervisor Cardinale: "Go ahead."

Mark Houraney: "Thank you, Mr. Supervisor. And I've always gotten along with Sid real well and Rex Farr so, you know, we're able to talk about things.

Basically, I don't have any papers to read from today which is unusual but it comes down to economics, you know. As a town board, you have a fiduciary responsibility to handle the town taxpayers' assets. EPCAL is owned by the taxpayers which are also you people who live here. Okay?

You have a fiduciary responsibility, you are responsible for the assets. It's no different than a company and that's how simple I keep it. My question has been since day one, what is the economic impact of changing this zoning? Has anybody— we had the HR&A study; I read it 12 times. It gave me an economic impact, a quality of life, an environmental review. It gave me all that.

My concern is we're passing zoning. I think it's done on undue influence and that's my opinion. I think it's done on personal reasons. There's a lot of reasons I think this zoning is being passed. It's going to have a major impact. And the amazing thing is that EPCAL doesn't just affect Riverhead. It's probably the largest asset that the County of Suffolk has.

And the amazing thing is, I called Mr. Levy's office, because you know I call everybody. Well, that's not their deal. It's the town of Riverhead's responsibility. That amazes me because EPCAL could be an incredible generator of revenue.

What I'm saying is you're pushing the zoning through. I realize it we've talked about until we're red in the face but you know what, Mr. Supervisor? You asked me to send you a letter and asked what I wanted and I appreciate that. The problem is for a long time, you know, I've been sending letters, rules and regulations, financial reports. I gave you this book at the hospital ball last year. You asked me and I remember, and I just don't see anything coming out of it.

12/29/2004 minutes

And when I don't see anything coming out of it, am I giving up? There ain't no way. Okay? I've got too much invested and I care too much. But the fact is I don't see anything that I've come across with or done or said or anything. I don't see it reflected in this zoning.

And what I don't understand is how can you- the country was built on small businesses. It still is. We all hate these box stores even we all go to them. How can you eliminate small business aviation from that park? Because that's what you're doing by saying you don't want oil changes or minor maintenance. You are affecting the small guy. You're affecting the small business and I don't know if that's constitutional. I don't know. Okay? But how can you say I don't want the little businessmen there? I just want the big businessmen.

I think the town really needs to look at that statement because that could bite you. And, yes, I'm one of the biggest litigants in this town. Believe me, the last thing I wanted to do was file that lawsuit but you know what? As I work on it and get the forensic numbers that were put together which I shouldn't be saying, it's astronomical, the loss at that property.

And unfortunately it's going to come out. It's going to come out in my trial and the federal judge is going to make the real decision for this town.

What I'm asking is don't set yourself up for more things. Because in all due respect you are. You are zoning me out of business by a fueling standpoint. So here I am, I'm suing you and I shouldn't be saying this, but you know what? I'm speaking from the heart. I'm suing the town for \$180,000,000. Now you're zoning me out of business while you're pending federal litigation.

Mr. Supervisor, you're an attorney. You're bound by the ethics even as Supervisor because as you know, Mr. Clinton was disbarred as president of the United States so you are an attorney when you're up there and you said last time you're not. And all I'm asking is you use that expertise to decide is this really the right thing to do. Because I honestly and truly believe that you're putting the town at a great liability on top of not being responsible to the taxpayers as far as economics for this town. You're not handling that property in a positive economic fashion because this zoning limits it.

That's all I have to say. And have a Happy New Year. Thanks."

Supervisor Cardinale: "Thank you, Mark. Yeah, we seem to have a continuing- anyone wishes to comment on this, please indicate that by following the speaker. John, would you like to speak? And, Bob, you'd like to speak?"

12/29/2004 minutes

John Talmage: "John Talmage, Sound Avenue, Riverhead. As you all know on the Town Board, I've written you a letter talking about the vision and courage that leaders should provide the electorate. You have taken the attitude that people don't like aviation, don't like airplanes, don't like airplanes over their homes, don't like airplanes in their home- in their town. The only time they like aviation is when they need to go somewhere or- and they don't see this, the benefit that aviation bring to commerce.

You have taken no long view of this incredible asset that the people of the United States gave a billion dollar asset to a small town on eastern Long Island. And I get the feeling that we have a very small town projective by this Board. You take no responsibility for the aviation infrastructure for Long Island when you have to travel, and I suspect every one of you have used commercial aviation dozens of times, you expect Islip town and two boroughs of New York City to provide the aviation infrastructure for you when you want to travel if you should choose to travel by air.

You take no responsibility for a regional infrastructure for transportation, a major piece of which as we are in the hundredth and first year of aviation. You have taken no responsibility. This is an incredible opportunity given you by the people of the United States. Did you know the last F-14 built here cost \$550 million dollars, more than half a billion dollars, and 750 F-14's were built at Calverton. You want to do the arithmetic, you can see where that's almost 300 billion dollars worth of F-14's.

Forget the A-6, the intruders that were built there by the hundreds. But that's not the issue. The issue is this is an incredible opportunity but more important if leaders won't lead, if leaders won't have vision and have the courage to acknowledge that maybe Riverhead has a responsibility to be a part of providing aviation infrastructure for the eastern region of Long Island as we get more and more people that move here, that save for a lifetime to move here, the retired professionals that move here, and you take no responsibility for that because short term people say no, I don't want airplanes anywhere near where I live.

So, my great disappointment in people who don't have the courage to lead, don't have the courage to take the responsibility for infrastructure for the future. Do you know one of the things that the Pine Barrens do, it provides and protects water for the future, a long term effort to provide for some of the needs of the future.

Do you think that transportation infrastructure has any long term needs? Do you think that you have a responsibility not to let this go down the drain because you know that people don't like airplanes over their homes?

12/29/2004 minutes

I am afraid that we have already, in effect, Phil, you've said that the 7,000 foot runway is dead."

Supervisor Cardinale: "Actually that was Bob Kozakiewicz's administration."

John Talmage: "I am equally critical of your predecessors on that issue."

Supervisor Cardinale: (Inaudible)

John Talmage: "I would like to see this town board take a broader view and even back up and say, we must recover the 7,000 foot runway. That would take courage beyond what I suspect this town board has but for those of us who believe we have some responsibility for the future and that means more than the next election. That means out into the future, 25 years from now, 100 years from now.

Don't you wish somebody had the vision to have another right of way for another Long Island Expressway because of the absolutely gridlock we have every day? Don't you wish somebody did it? But they didn't because no one had the foresight and the courage to be for something that might be costly.

Calverton exists. It's here. It is the most incredibly buffered airport anywhere in the populous northeast. Incredible. I am disappointed. I would hope leadership accepts the challenge of courage as they do their job for more than the next two years."

Supervisor Cardinale: "Thank you, John."

(Some inaudible comments)

Supervisor Cardinale: "She was speaking about a technical matter related to another resolution."

(Inaudible comment)

Supervisor Cardinale: "No. I don't- "

(Inaudible comment)

Supervisor Cardinale: "I don't think that you have a right to hear what we say to each other. We have a right to hear what you have to say. Please comment."

Hal Lindstrom: "I just want to say good evening, Board. Hal Lindstrom, Calverton. The hardest part of this issue for me is being intimidated and by being sued for voicing my opinion on this issue. I think it's a disgrace for these people who did this.

12/29/2004 minutes

I just have to say that I'll be glad when the rules and regs are in place, the issues are in place, and that this is over and that we can move on. And I hope your decision will reflect the concerns of the community. Thank you."

Supervisor Cardinale: "Thank you. Bot?"

Robert Kozakiewicz: "I'm sure, well, Bob Kozakiewicz, Riverhead. And I'm sure at this point in time, you've probably had it with the airport issue and this whole discussion. But— and I walked away, I had to go back to my office to handle some matters so I wasn't able to listen to all the comments and all the give and take and what was being said by other speakers so I'm a little at a loss there.

But one of the things that I did happen to walk in on was Sid Bail and Sid, forever being the voice of reason as mentioned, talked about the idea of whether you should keep this open. I'm sure you've probably made up your mind and in your own way you've made a determination of what speakers have said, impassioned and otherwise, may or may not have had any influence at this point in time.

But Sid as I said, said, well, why don't we try, I would like to advocate possibly keeping this open because there might be some better wording or better verbage or a better way to deal with this.

I'm also picking up on some of the comments made from Mr. Houraney, by the prior speaker about whether this is over and I think that given the fact that there were some more changes made to the legislation, you do open up the town to the possibility of a challenge in that respect.

And I just ask you to consider that before you vote today, that what was publicly noticed and what's being publicly voted on here today is not one and the same. And I don't know whether someone's going to challenge or whether no one's going to challenge the legislation, but it certainly has caused a lot of commentary and I know there's a lot of strong feelings in this regard.

Generally speaking, when people are so motivated and so emotionally charged on a topic, sometimes they choose to litigate it because they feel so emotionally charged. And one of the prior speakers did mention that as an attorney, and I'm not looking to pick on you, Mr. Supervisor in any way, shape or form. One of the things you do have to consider is the possibility of litigation and I'm just asking the board to seriously think about that in light of the changes that have been made.

I know on one hand the last thing you probably want to do is still address this issue coming in the new year. But on the other

12/29/2004 minutes

hand, I think the one thing that you don't want to deal with is litigation because of a procedural issue.

In retrospect, certainly I think and I'm as guilty during my administration as this administration may be of not being able to get the rules and regulations down in black and white. And being able to define what it is that will take place on that 10,000 foot runway, what it is that will take place within the EPCAL confines.

You know, hindsight being the great thing it is, 20/20 vision, I think that if the rules and regulations were in place, maybe some of this— some of this discussion, some of the emotion that's been charged, but it may go by the wayside.

I am just saying before I sit down and before you probably get sick hearing from me and everybody else on this subject, that you seriously think about your vote today. You seriously consider the possibility that the changes may open the town up to another potential lawsuit.

Thank you."

Supervisor Cardinale: "Thank you, Bob. Yes, Marty for a reprise."

Martin Sendlewski: "Just two brief questions. There was a discussion once about during the master plan about the possibility of not having the Zoning Board act on various regarding the master plan. Is that an issue or can you go to the Zoning Board for interpretations of this code?"

Supervisor Cardinale: "The Zoning Board is the only place you can go for an interpretation— "

Martin Sendlewski: "So they will entertain interpretations? Because I remember at one time there was a discussion about having zoning hold off for a year or something like that."

Supervisor Cardinale: "I don't recall that discussion. That may have been confusion on your part."

Martin Sendlewski: "Okay."

Supervisor Cardinale: "The Zoning Board of Appeals by state law is the interpretative— here's what's going to happen if there's any lack of clarity in the code which to some extent every code has. You go and interpret it from the ZBA."

Martin Sendlewski: "Okay."

12/29/2004 minutes

Supervisor Cardinale: "And they may do strange things like— what did they do one time? They said that recycling was a non-nuisance industry. Then it's up to this legislative body to clarify the code, to make it clear what the legislative body wishes it to state. So they're the judge, we're the legislature."

Martin Sendlewski: "So if we don't agree with an interpretation, we can ask them for an interpretation?"

Supervisor Cardinale: "Right. And if they agree with your— if you don't agree with the building inspector's interpretation— "

Martin Sendlewski: "Right. Right."

Supervisor Cardinale: "-- you go to the ZBA. If we don't agree with the ZBA's interpretation, we amend the legislation. That's the way it works."

Martin Sendlewski: "Last question. The town of Riverhead recreation center at Grumman in the core, is the outdoor use considered subordinate or is it a pre-existing non-conforming use?"

Supervisor Cardinale: "The town of Riverhead recreation center?"

Martin Sendlewski: "Yes."

Supervisor Cardinale: "That's not in the zoning district."

Martin Sendlewski: "It's not? I thought it was."

Supervisor Cardinale: "No."

Martin Sendlewski: "Okay."

Supervisor Cardinale: "The town site of this park, you're talking about?"

Martin Sendlewski: "No. No. The recreation center right at the entry gate."

Councilwoman Blass: "The community center."

Martin Sendlewski: "Where they had the summer rec program."

Supervisor Cardinale: "The summer recreation— oh, the summer recreation program."

Martin Sendlewski: "Right, correct."

12/29/2004 minutes

Supervisor Cardinale: "The building that is the guardhouse."

Martin Sendlewski: "The guardhouse. That was converted into a recreation center."

Supervisor Cardinale: "The senior citizen center."

Martin Sendlewski: "Right. It's the recreation, senior citizen- "

Supervisor Cardinale: "No. It's not a recreation center. Nice try, Marty. It's a senior citizen center. There's not a lot outdoor activity or indoor activity happening. These people are 85 years old."

Martin Sendlewski: "Oh, because it does have outdoor- the reason I asked is because it has the outdoor playgrounds and all that stuff."

Supervisor Cardinale: "So what's your question?"

Martin Sendlewski: "Is the outdoor recreation there, the swings, the volleyball all that, considered a pre-existing non-conforming use or a subordinate outdoor recreation use?"

Supervisor Cardinale: "You- is it- it's pre-existing if it existed before we passed the zoning. That's clear. So it would be at least that. Whether it would be permitted by the zoning is the more interesting question and you'd have to ask the ZBA that."

Brad Berthold: "Can I ask you one more question I forgot to ask you?"

Supervisor Cardinale: "Why not, Brad?"

Brad Berthold: "I'm sorry, I forgot to ask two questions. One, you might have discussed this in earlier hearings that I wasn't able to get to but this legislation appears to be basically foreclosing general aviation use by design. I'd like to remind the Board that if this runway was kept open as a public use runway, that the- if they met certain other criteria the town would be eligible or the owners of the airport would be eligible for the federal airport improvement plan which pays for 90% of improvements in terms of runway lighting, maintenance, things like that, extensions, and they're going to forego that completely for the future and forever if this is passed the way it sits now.

And the other thing is, and this HRA study, I noticed, as I said, the limited themselves to discussions of heavy aircraft maintenance and I forgot what the other use was, but it sounds to me like somewhere along the line in a previous administration, an aviation

12/29/2004 minutes

consultant was hired, presumably to look into aviation uses at the airport.

I put in a freedom of information request to find out what her report was, she was paid money by the taxpayers. There is no report. What happened to that? It seems to me that the town has really never seriously considered general aviation uses or an airport in that respect other than to say we don't want an airport and we're going to make sure we pass this legislation to basically preclude its use for all intents and purposes as an airport.

What happened to that consultant's report? Does anybody know."

Supervisor Cardinale: "I'm not familiar with the FOIL request and I haven't- nor the- nor with the consultant's report. However, you know, when I listen to this, you do all realize that there's no airport permitted by the current zoning either?"

Brad Berthold: "Well, I think that's- "

Supervisor Cardinale: "There's no aviation use permitted by the current zoning so I'm just amazed that you weren't- since 1999, there's never been any aviation use legal out there."

Brad Berthold: "Well- "

Supervisor Cardinale: "Well, I'm actually helping the aviation use."

Brad Berthold: "Well, you can say that but in real terms, I don't see how it's helping aviation use at all. And in the likely event that some business is going to come in there and land their plane and leave again and not do any light maintenance, not change the oil, not have a fuel farm, not have any way of basically utilizing the airport for aviation, you can say you're saving aviation uses, but in real terms you're eliminating aviation uses.

I think that's a giant mistake by the town- "

Supervisor Cardinale: "Would you just explore that with me?"

Brad Berthold: "Sure."

Supervisor Cardinale: "How if we don't have any aviation uses presently under the zoning because we exclude general aviation specifically in this zoning that we are changing, how do we- how are- how do we have aviation uses out there?"

12/29/2004 minutes

Brad Berthold: "Well, if there are no aviation uses, why is it necessary to specifically exclude general aviation. What is the purpose of this?"

Supervisor Cardinale: "We don't specifically exclude general aviation. The present zoning excludes general aviation. I don't know if anybody reads this thing. 7 - aviation uses and support services excluding general aviation."

Brad Berthold: "That's right."

Supervisor Cardinale: "So you've got nothing up there now."

Brad Berthold: "That's right."

Supervisor Cardinale: "So if I give you- if this Board says you have two principal aviation uses, 12 principal uses which- 10 of which are non-aviation which you can have accessory aviation use concerning, how does it- how are we limiting aviation use from nothing to that?"

Brad Berthold: "Well, step back and look at it. Here's an airport the town essentially is not going to let it be used as an airport. Period. If you add these two specific accessory uses, I'm just telling you from my knowledge of the aviation industry and everybody else I talk to who knows anything about the aviation industry, that that's- you might as well bulldoze the runway.

Nobody's going to come here and use it for those uses that I can possibly imagine?"

Supervisor Cardinale: "What uses are they going to come for? Please tell me. I've been- this has been- "

Brad Berthold: "Well, it's supposed to be an industrial park. It's located away from the hamlets, away from the housing, away from the Levittowns."

Supervisor Cardinale: "Keep going. What uses do you want me to put in?"

Brad Berthold: "Allow the runway to be used as a general aviation airport in addition to all the other uses you're trying to- it's up to you."

Supervisor Cardinale: "Okay. You would like me to put in- that's honest. You would like me to put in a permitted principal use of general aviation airport?"

Brad Berthold: "Not a principal use but an allowed use."

12/29/2004 minutes

Supervisor Cardinale: "They're either principal or accessory. That's the way zoning is. So you want a principal use scenario?"

Brad Berthold: "Well, all right. Make it one of the principal uses. You can have an industrial— there's airports all over the country that are noted as industrial airports where they have— for the same reason that we have this here. They have an industrially zoned airport away from the hamlets, away from the population centers, and near the transportation centers and industry comes there.

One of the reasons they come there for is there is an airport there. They have transportation— we're off the map now."

Supervisor Cardinale: "But we're going to have— if a guy wants to bring in raw materials for his manufacturing up there, he can do so with the runway. He wants to bring out his produce, he can do so. All he has to do is be doing one of the permitted things."

Brad Berthold: "Yeah. But if there's no fixed base operator there, no fuel farm there, no facilities there, all you have is a piece of concrete with no airport lighting, no instrument approaches, no nothing."

Supervisor Cardinale: "Does anybody read this?"

Brad Berthold: "Yes, I read— "

Supervisor Cardinale: "Notwithstanding the prohibition of a fixed base operator, nothing herein shall preclude management and maintenance operations necessary to support any principal or accessory aviation use."

Brad Berthold: "No. The physical facility. The physical facility that you're leaving there by taking away all the appurtenances of an operating airport, negates any use of that in realistic terms. You can't have an airport with no fuel farm, no instrument approaches."

Supervisor Cardinale: "This does not preclude that."

Brad Berthold: "Sure, it— well, who's going to pay for that?"

Supervisor Cardinale: "Well, I'm not, I'll tell you that."

Brad Berthold: "That's right."

Supervisor Cardinale: "And neither is the town residents."

Brad Berthold: "That's right. And you're not going to get 90% airport improvement money to pay for it either."

12/29/2004 minutes

Supervisor Cardinale: "So you would have- so what you're really advocating is to create an airport- "

Brad Berthold: "It is an airport."

Supervisor Cardinale: "-- with the public's- at the public's expense."

Brad Berthold: "We're not creating an airport. It is an airport. Who do I believe, you or my own eyes? I look at the two runways, I say is that an- tell me that's not an airport."

Supervisor Cardinale: "It is not permitted to operate as an airport under the current zoning."

Brad Berthold: "That's right. It's an airport that's not permitted to operate as an airport. That's the crux of the whole matter we're discussing here."

Supervisor Cardinale: "But the current zoning doesn't permit it either."

Brad Berthold: "Well, change it."

Supervisor Cardinale: "We are. We (inaudible)."

Brad Berthold: "I give up. I appreciate your indulging me. It's beating a dead horse, but I think we'll be sorry 10 or 20 or 30 years from now."

Supervisor Cardinale: "Well, I appreciate your sincerity. Yes, please tell me something wise."

Ann Miloski: "My name is Ann Milowski and I live in Calverton. And it was never an airport. It was a government owned contract facility for refurbishing and testing airplanes.

And the other thing that I wanted to say is we're having all these lawyers coming up, telling us that we're being sued as taxpayers, and I'll tell you, I'm ready to pay whatever it costs for you to pass this zoning because it's the right thing to do and it is also good for the town and you have a good vision for the future.

And one other thing I want to say, when they're saying general aviation airport and the FAA will pay 90%, that means that any plane can fly in and out with regulation and it goes off the tax rolls. So we wouldn't be getting any gain at all.

Thank you."

12/29/2004 minutes

Supervisor Cardinale: "Thank you. I am- yes, John."

John Talmage: "I'm sorry. I won't take a minute. I made an obvious mistake. The last F-14's built were 55 million, not- and the probably at Grumman they built about 30 billion dollars worth of airplanes. I made an obvious mistake."

Supervisor Cardinale: "John, thank you. First of all, thank you for your sincerity and also thank you for your service on the RDC which- to which in 1999, I believe you were appointed."

George Schmelzer: "Well there's runaways there. If you see a highway, that means it's not a road?"

Supervisor Cardinale: "Runaways?"

George Schmelzer: "No. You have one runway, it will louse up the other one. What do you do when you have a crosswind? You need at right angles runways. It's unsafe to land a plane- "

Councilman Densieski: "George, you better watch out. Phil's going to take your award away."

Supervisor Cardinale: "George, I understand- "

George Schmelzer: "I gave it to my wife. She won't give it up."

Supervisor Cardinale: "-- your sincerity as well. And you look good."

George Schmelzer: "So maybe the town wants less people in the town. One good way would be to revive the airplanes. Tell them to make all the noise they want and these (inaudible) that moved in Calverton and Wading River would leave town, just what the town wants, less population. See. You've got to watch, (inaudible), free, you wouldn't have to ask them to move, they'd do it on their own. Isn't that what you want, less people? Well, make it an airport. Tell them to make all the noise you want, drive these bastards out."

Supervisor Cardinale: "And I prayed for wisdom and we received it. Thank you."

George Schmelzer: "Okay."

Supervisor Cardinale: "Thank you. I appreciate that. I am- Les, if you will make your final comment, please."

Lester Davis: "I've been doing a little pencil pushing and these are I believe quite accurate, the figures, and I didn't double

12/29/2004 minutes

check with a calculator. However, if you sell the 50 acres that the runway's— the concrete is on top of, times \$70,000 an acre, that's three and a half million dollars. You divide that by 15,000 taxpayers, and it comes out to a great big \$230.00 a person. Now, if you allow general aviation, the return to the taxpayers or totally or not, would be that much every year. And you wouldn't have that unless you had both runways. It's as simple as that.

In other words, in 10 years, you'd get— each taxpayer would— or pro rated would get 10 times they would this one shot deal of \$230.00. If my numbers are wrong, I'd like to know but I went over them twice."

Supervisor Cardinale: "Thank you, Les. We're going to take — Ron, did you want to have the last word?"

Ron Hariri: "Yes. I value leadership also and part of good leadership is knowing when to pick a fight and when not to. I'm a litigator by trade. The last thing this town needs and the last thing I want to see is more threats of litigation, more lawsuits for this town.

I actually agree with the voice of reason, Sid Bail, that perhaps there's an opportunity for an intelligent compromise. So I really implore the Board to leave the hearing open, table this, let's try to reach that compromise to further the interests of everyone in this town."

Supervisor Cardinale: "Thank you, Ron. Okay, I'd like to take a break before the consider the resolutions and come back at 10 of."

Meeting adjourned

Meeting reconvened: 5:05 p.m.

Supervisor Cardinale: "Back to order at 5:05. We would like to address the resolutions."

Meeting adjourned for CDA

Meeting reconvened: 4:59 p.m.

Supervisor Cardinale: "Open the meeting of the Town Board to consider, Barbara, Resolution #1188 and following. Oh, I'm sorry, how are you?"

Melissa Giguere: "Good. How are you?"

Supervisor Cardinale: "Nice to see you. You've— Barbara has gotten younger."

Councilman Densieski: "Oh, be careful, Phil."

12/29/2004 minutes

Supervisor Cardinale: "By a year or two."

Councilman Densieski: "Good save."

Supervisor Cardnale: "Yes. Melissa."

Resolution #1188

Councilwoman Sanders: "I picked up on that."

Supervisor Cardinale: "All right. This approves the site plan of Verderber Nursery."

Councilwoman Sanders: "Yes, thank you. So moved."

Supervisor Cardinale: "Can we have a second?"

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded to approve the site plan of Verderber Nursery. Vote, please."

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

Resolution #1189

Councilman Densieski: "Community Preservation Fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1190

Councilwoman Sanders: "Approves the attendance at Empire State Development zone conference. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1191

12/29/2004 minutes

Councilwoman Blass: "Is a budget adjustment in connection with the recreation program fund. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1192

Councilman Densieski: "Highway fund budget adjustment. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #1193

Councilman Bartunek: "Empire Zone fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1194

Councilwoman Sanders: "Business Improvement District budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1195

12/29/2004 minutes

Councilwoman Blass: "This is a Sewer District debt service budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1196

Councilman Bartunek: "Workers Compensation fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1197

Councilman Densieski: "Municipal garage budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #1198

Councilwoman Sanders: "Refuse and garbage district budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1199

Councilwoman Blass: "Riverhead sewer district budget adjustment. So moved."

12/29/2004 minutes

Councilman Bartunek: "And seconded."

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

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

Resolution #1200

Councilman Bartunek: "East Creek docking facility budget adjustment all for \$10.00. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1201

Councilwoman Blass: "Street lighting district budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1202

Councilman Densieski: "Public parking district budget adjustment. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1203

Councilman Bartunek: "Ambulance district budget adjustment. So moved."

12/29/2004 minutes

Councilwoman Sanders: "And seconded."

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

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

Resolution #1204

Councilwoman Sanders: "Water district budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1205

Councilman Densieski: "Scavenger waste district budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1206

Councilwoman Blass: "Calverton sewer district budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "I'm going to abstain because I don't know enough about this to vote on it."

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

Resolution #1207

12/29/2004 minutes

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

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "We have four pages of budget adjustments here and we usually receive written commentary to what they are. We did not get that this time, we got verbal explanations which always worry me. But we have to carry out the town's business so I'm reluctant, but I'm going to vote yes."

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

Supervisor Cardinale: "I agree with Ed. Yes. I will vote yes but I will— I would prefer that we get it in writing. We get to go over it at work session at length. So I vote yes."

Melissa Giguere: "The resolution is adopted."

Resolution #1208

Councilwoman Sanders: "Extends contract with Arthur J. Gallagher & Co. Vericclaim and Triad Group. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1209

Councilman Densieski: "Sets adult day care fees. So moved."

Supervisor Cardinale: "Second, please."

Councilman Bartunek: "Second."

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

Councilman Bartunek: "Yes. I'll second it and yes."

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

12/29/2004 minutes

Resolution #1210

Melissa Giguere: "Resolution 1210, Councilman Bartunek."

Supervisor Cardinale: "We should note to make certain that everyone understands that the- there is two- there was a-- the version of the resolution we have before us right now is that which is out in the front. There's a recitation that was not initially in which indicates:

Whereas an environmental assessment form supporting the zoning amendments was prepared by the Riverhead Planning Department.

Now, therefore, be it resolved, that in the matter of the amendments to the text of the Planned Industrial Park District the Riverhead Town Board hereby determines the action be Type I pursuant to 6 NYCRR Part 617 and further determines the action not to have significant adverse impacts upon either the natural or social environment and that the environmental impact statement need not be prepared.

Those recitations we noted during the break had not been- had inadvertently not been included, so there is a second- there is a revised one. With- we have in front of us that revised resolution, everybody's got the same resolution."

Councilman Densieski: "Yes."

Supervisor Cardinale: "Otherwise it's identical to the initial resolution.

Can we- anybody- can we have a consideration of this? Anybody wants to comment, why don't we- yeah, why don't we begin the vote and anybody who wishes to comment, comment before the vote."

Councilman Bartunek: "Well, I have to present the resolution, so I do have a brief comment and I know that Ed told me about two hours ago that he's got five pages that he'd like to go through so I don't want to take too much time away from Ed.

I do have a personal comment. There has been several times that Mr. Talmage has alluded to how the leadership of the town should take charge as in the military and I know that he's aware that- that if you're in a platoon that you don't necessarily have a choice or you don't elect who your leader is going to be.

That's the case here in Riverhead, of course, and we live in a democracy where you elect officials that hopefully are going to represent your viewpoint and how you feel about things. And that's where I think we are today.

12/29/2004 minutes

This Board is probably representing what the community really best wants for the aviation uses at EPCAL. We've heard an awful lot about different scenarios of what people would like to see at EPCAL, all the way from something that would be akin to Islip McArthur Airport which probably is an economic machine and, of course, that's not something that I think the residents of Riverhead would want in their territory.

And, of course, I've gotten comments it would be nice to have it as a zoo. And that's not acceptable either. So I think that what we've done here and there's been a lot of debate certainly during the last couple weeks exactly what we should do here to reach the best compromise and I think that, hopefully, we have done that.

I can't- it'd be nice to have a crystal ball and to be able to look ahead 20 years and see what we do tonight, what the result is going to be, but we just don't have that ability.

So with that brief comment, adopts local law to amend Chapter 108 of the Riverhead Town Code entitled Zoning XXXXVIII Planned Industrial Park (PIP) District. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "Just to set the record straight. I do have a crystal ball."

Supervisor Cardinale: "All right."

Councilman Densieski: "Riverhead's own marketing brochure appropriately named Enterprise Park depicts an airstrip and a railroad spur. Here it is. And it's got a cute little saying on the front, the future within reach, and it show the airstrip and it shows the railroad spur.

But with this watering down of the industrial zoning that kills, make no mistake about it, kills limited controlled aviation and the Board's decision to reject the \$1.5 million dollar rehab- railroad rehab grant jeopardize Riverhead's economic future. There's a lot at stake here.

This bill says that it clarifies the uses. In my opinion, it hampers good industry and lacks the clarify it claims to create. I know there will be a few people in Calverton and around town who will

12/29/2004 minutes

applaud this change because it fits their nimby mind set they have. But it reminds me of an old military term called FRUGGIM (phonetic). Now I don't remember what all those letters stand for. What it means though is I've got mine and to heck with you. Well this resolution reeks of FRUGGIM.

Presented and written by people who have their house on the hill and apparently are not concerned with the next generation being able to afford a house on the hill. It should be the Town Board's mandate to help secure the future of the next generation. Reducing the possibility for success at EPCAL by watering down the zoning, killing grants for railroad rehab, killing limited controlled aviation, and selling out to housing developments just doesn't cut it.

I know the EPCAL reuse study inside and out and I could read to you exciting quips and comments to support my position, but apparently nobody's listening. Can you imagine receiving a billion dollar asset and then squandering it? As a Riverhead taxpayer, I resent it.

I wonder if the town taxpayers- if the town taxpayers paid a billion dollars for EPCAL, would the taxpayers be so willing to squander it then? Why is it okay to squander it because we got it for free?

It's clear to me that the Town Board who just recently squandered the \$1.5 million dollar grant to rehab the existing railroad spur at EPCAL and is now cramming down our throats watered down, anti-business, milk toast industrial zoning is really setting the stage for residential uses at EPCAL a/k/a the Wilpon deal.

Residential uses are not putting Riverhead first. It's going to be another short term budget fix and what we need is an annuity, ever increasing tax base and good job base. We should consider advice from brilliant planners, like Dr. Koppelman, who realize that Riverhead could be the county leader in regional economics and high tech jobs.

Can you imagine being given a billion dollar facility with an airstrip and a railroad spur and industrial complex, and the only thing you can imagine to complement it is residential housing?

I looked this zoning up in my special thesaurus and it said no aviation, no railroad spur, watered down zoning equals housing.

Do you know the name of the only town in Suffolk not to have an airport? Do you know the name of the poorest town in Riverhead? Do you know the name of the town that handed out the largest tax increase in Suffolk County this year? That's right. Riverhead. Coincidence? Maybe not.

12/29/2004 minutes

In closing, I want you to know really how I feel about this legislation. I would cut off my left leg before I vote for this resolution. No."

Supervisor Cardinale: "I think you should let loose and express yourself, Ed."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "This is an issue that I have thought when I was on the Board previously and still think needs a great deal more light than heat and light is what I have tried to shed on it during the long process that began in January when we started to discuss it and in the fall, September, when we started formally to consider it.

It had been my hope to shed light on it and it is my hope that we can bring the town together on this issue which has troubled it for a long time. If we succeeded in some sort of a reasoned analysis of the issues and improved our information and can defend the clarity that we produced as an improvement, I think we succeeded at least in something.

For me this has never been a matter of emotion but of reason. I do not have strong sentiments in regard to aviation one way or the other. It has never incidentally been an environmental issue for me. I am troubled by the fact that we cannot better use the buffered earth we have out there as a- for aviation use.

But I think the realities of economics tell us that the development of aviation use out there is not going to be the economic bonanza that some have suggested. So I think it's an economic issue more than it is even environmental.

I do not honestly believe that we're watering down aviation uses. I think that's not an accurate statement. The present zoning permits aviation uses and support services excluding general aviation which is acknowledged to be defined as all aviation other than military. So at the present moment under the language of the statute there is no aviation use legally permissive out there.

This enhances those uses by adding two principal uses, 10 industrial uses with some clarity and each of those uses, the two aviation uses and the 10 industrial uses may be- may utilize the runway as an accessory- for accessory use purposes. People can pull in their product and manufacture, people can take out their product if they are a manufacturer.

They can bring in warehousing materials, they can bring out warehouse materials. They can utilize it to bring in people to their

12/29/2004 minutes

offices who would like to utilize the runway and that doesn't even address the potential of the runway for the recreationally zoned area which we discussed at work session yesterday.

I guess most of us have seen the movie Jerry McGuire where they say you had me— where the girlfriend says you had me at hello, you had me at the word hello. Well, you— from the standpoint of those who are advocates or proponents of aviation and Ed, you lost me and apparently the balance of this Board at the word airport. That is not going to happen.

The real rational debate here as been between permitting storage as a stand alone use and if I could figure out a way to do that without opening up the floodgates of an airport, I would do that. And to the extent that I can't figure that out, it's unfortunate. But I cannot figure out how to make a storage facility permitted of planes and not make this an airport. I asked repeatedly somebody— everyone to help me with that and I could not— I didn't get the help I needed.

I do believe our town and our community and this Board has clearly rejected the development of an airport at the EPCAL site. I spoke to John Talmage a moment ago when I was at the break and I have no idea whether we're right to do that in a visionary process. I have no crystal ball. We could be wrong. Don't worry about because we're not selling anything, we're not paving over any runways but we could be wrong.

But we are not in doubt that the best interests of the town of Riverhead would not be served by an airport at that site. However, it will be served by aviation use that enhances the industrial use.

I believe that the town and the community and the Board rejects the development of an airport at the site and that those who seek an airport are in contravention to the reuse plan, the decade of discussion and the referendum of 2001. I believe that the town and our community and this Board does not— does need desperately more than being right on this. They need clarity and they need consistency and to the extent possible in an ever changing world, they need finality on this issue.

I have also come to believe after discussions that I've heard today and last week and weeks before this is really not— this is as final as we maybe can make it today but this issue will survive.

The lack of this clarity I believe has hurt the town and it has hurt us as a community by pulling us apart. The refusal to address it which has not been pleasant, straightforwardly and openly by previous administrations has cost us dearly.

12/29/2004 minutes

Since early this year when I asked the Board to reconsider, to revisit the uses permitted in the Planned Industrial Park District including aviation uses, I looked at that zoning ordinance which incidentally again does not provide any aviation uses at this time, but since the time I asked them to revisit it, we've I think acted fairly, openly and evenhandedly. We've heard and considered all who wanted to comment. We have had numerous meetings, work sessions and public hearings. I know most of the involved parties, pro and con, probably all of them by first name. Together we've talked this thing through fully.

I am still disappointed I couldn't broker a resolution of the storage issue. I tried. We've studied the hard, cold economies of the aviation industry. They are sobering. We've spoken with experts throughout at various times, various issues. We carefully- last night I was up very late, the night before the same. I've worked with Chris Kent who I commend. He's with his family at a play in New York City as of 2:00 but he worked with me very late last night and the night before. He's worked very hard on this and on the theater.

We've carefully crafted the language in this statute so as to- so it makes sense. Whether you like what it's saying or not, it does make sense. Informing the interested of what they need to know and implementing the policy of a four person majority on this Board.

I was not kidding when I said it would make my life easier if we made fudge language here. Because it would let my friends, many of whom are on the aviation side of this debate, it would make them happy because they could fudge with the language. I would be doing them a disservice if I didn't make the language as clear and I could and that's what I tried to do with Chris and with members of the Board.

In the process, I believe that the Board majority has performed a great service to the town, ending at least for now and, hopefully, for good the nearly decade long debate about airport use at the EPCAL site. And I hope in the process embracing and enhancing the great potential that the EPCAL site and its runways have for other uses as are I hope clearly set forth in the zoning ordinance which now controls the site.

And with that, I- and incidentally, you know, I do not consider this any kind of a political victory or a coup. It's just over for the moment and I'm glad and I think we should go on to other business.

So that's what I have to say and I've said it and we can move onto 1211."

Councilman Densieski: "Phil, can I quick comment? You didn't vote."

Supervisor Cardinale: "Yes. I vote yes."

12/29/2004 minutes

Councilman Densieski: "Okay. Well stated, Phil. I just want to say that I also saw that movie, Jerry McGuire, and the other famous saying for that movie was Show Me The Money."

Supervisor Cardinale: "Yeah. Good pickup. We'll move to 1211 and incidentally if anyone has any suggestions that- my door is open to proponents and opponents alike to continue to consider the problems associated with the best utilization possible of those two runways. Good."

Resolution #1211

Councilman Bartunek: "Just as exciting. Water District debt service budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1212

Councilwoman Blass: "Authorization to publish advertisement for meat and poultry. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1213

Councilman Densieski: "Authorization to publish advertisement for janitorial supplies. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1214

12/29/2004 minutes

Councilman Bartunek: "Authorization to publish advertisement for food. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1215

Councilwoman Blass: "This resolution adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, the Riverfront Corridor Zoning Use District. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote or if there's any comment, please state before the vote. Vote, please."

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

Councilman Densieski: "I've got an open application in this district and I have a funny feeling that I'm going to end up having to sue myself and on the advice of counsel, I have to make no comment and I'm abstaining."

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

Supervisor Cardinale: "Yeah. Before voting, I'd like to point out what I pointed out at two work sessions. The master plan has asked- that we're in the process of completing the implementation of and I think this does it or the TDR does it. The master plan which we are asked to implement, we are implementing.

On the other hand, there's been some changes in the last year. The community river application designation is forthcoming and in the process. I spoke before I walked out here with Senator LaValle about that this afternoon at 2:00. We have- once that plan is in effect, it will open up all sorts of potential uses, will also allow us to differentiate in the zoning corridor between the north and the south sides, the river side or the other side. It will also allow us to distinguish between the two river designations that will be community river and either scenic or recreational and enter those practical facts into our zoning decisions.

We are not satisfied with the revision that the zoning recited in the master plan addresses for this important corridor between Tanger and the town. But this is not the last word on this zoning. We will revisit it.

12/29/2004 minutes

As the Whereas clause says, we indicate that Whereas upon-community river designation we will revisit the text and map or in the event that it for any reason is not approved, we will revisit the text and map of the riverfront corridor to provide for appropriate commercial and industrial land uses in developed areas.

So, Eddie, hang on because- "

Councilman Densieski: "I thank you, Phil."

Supervisor Cardinale: "-- the calvary is on the way. We're not satisfied with this either. But it is the implementation of what the master plan calls for. And it's either put this in effect for the next nine months as work through the community river designation or have nothing in effect, in effect.

So, therefore, I vote yes."

Melissa Giguere: "The resolution is adopted."

Resolution #1216

Councilman Bartunek: "This resolution authorizes the issuance of \$150,000 serial bonds of the town of Riverhead, Suffolk County, New York, to pay the cost of the reconstruction of the water conduit under the upper mills dam. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1217

Councilwoman Sanders: "Let's see. Well, it doesn't have a title."

Councilman Densieski: "It should have a title."

Councilwoman Sanders: "Right. It doesn't have a title. So this is the purchasing department requesting an extension of the contract with (inaudible) office supplies be extended from- until December 3, 2005. So moved."

Councilwoman Blass: "And seconded."

12/29/2004 minutes

Supervisor Cardinale: "Moved and seconded. May we have a vote on 1217, please?"

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

Resolution #1218

Melissa Giguere: "Resolution 1218 pays bills."

Supervisor Cardinale: "Can we have a motion to pay the bills, please?"

Councilman Densieski: "Motion to pay the bills."

Councilwoman Blass: "So moved."

Supervisor Cardinale: "And seconded by Barbara. Can we have a vote?"

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

Supervisor Cardinale: "That completes the resolutions for the town and the CDA."

Councilman Densieski: "Yeah, we've got a tabled one."

Supervisor Cardinale: "Except that we've got to untable, I'm sorry, thank you for reminding me. We have an untabled Resolution 1173. Can someone move to take it off the table and consider it."

Councilman Densieski: "I'd like to move Resolution #1173 off the table. So moved."

Councilman Bartunek: "I'll second it."

Supervisor Cardinale: "Okay. Moved and seconded to untable 1173. Please can we have a vote on that."

The Vote: "Bartunek."

Councilman Bartunek: "Do you want me to read the resolution?"

Councilwoman Blass: "This is just to take it off the table."

Councilman Bartunek: "Yes. Sorry."

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

12/29/2004 minutes

Councilwoman Sanders: "Yes."

Supervisor Cardinale: "That's a yes."

The Vote (Cont'd.): "Densieski, yeah; Cardinale, yes. The resolution is taken off the table."

Supervisor Cardinale: "Can we have a motion to consider it for a vote?"

Councilman Bartunek: "Resolution and consent approving the dedication of highways known as North Woods Drive, Cambridge Court, Dover Court and two recharge basins, the Village at Wading River. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Okay. We have— we had a tabled resolution, 1186, which I think we substituted. Correct? 1186 was the local law to amend the zoning use district riverfront corridor zoning without the Whereas, right? Oh, we have to pass this, too?"

Councilman Bartunek: "Both of them, 1185 and 1186."

Supervisor Cardinale: "Okay. Okay so we have 1186 which is the map and 11— "

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Okay. 1185 is the map which I do not have in front of me and 1186 is the schedule, right? Okay. So we have— now that we adopted the text of the riverfront corridor consistent with the master plan, although we don't like it much, we have to adopt the map and the schedule, the bulk schedule. And that's what 1185 and 6 are. Could someone move those maybe together to untable them."

Councilwoman Blass: "You've got to take them off the table first."

Supervisor Cardinale: "Yeah. I'm untabling 1185 and 1186. May we have a motion."

Resolutions #1185 and 1186

12/29/2004 minutes

Councilwoman Sanders: "To take two resolutions, 1185 and 1186 off the table."

Supervisor Cardinale: "Second, please."

Councilwoman Blass: "Seconded."

Supervisor Cardinale: "Moved and seconded to take off the table for consideration."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are taken off the table."

Supervisor Cardinale: "Okay. Can we have a motion to consider those resolutions, please?"

Councilwoman Blass: "George."

Councilman Bartunek: "Adopts a local law to amend the zoning use map of the town of Riverhead, Suffolk County, New York, riverfront corridor zoning use district. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Okay. That was a vote for both 1185 and 6 is that correct?"

Councilwoman Sanders: "Actually it was 1185."

Supervisor Cardinale: "Okay. So we better move '86, too, then, because that was not called together."

Councilman Bartunek: "I'll do this one, Ed. Barbara- Rose- "

Councilwoman Blass: "Resolution #1186 adopts a local law to amend the zoning use district schedule of the town of Riverhead for the riverfront corridor zoning use district. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, abstain; Cardinale, yes. Resolution #1186 is adopted."

12/29/2004 minutes

Supervisor Cardinale: "I think that completes, does it not, all of the consideration of the motions before- resolutions before us and the tabled resolutions.

We are prepared to take comment on anything relevant to the town's work that anybody wants to talk about. Rex, come on up or- oh, two Rexes. Yeah, why don't you follow- what's your first name? Paul, how are you? You don't look bad for a guy I haven't seen in about 30 years. Nice to see you. Well, yeah, you look like you're in pretty good shape. You haven't gone to fat like some of us. Rex, go ahead. Paul and I served 30 years ago in the DA's office together and I don't think I've seen him since. Go ahead."

Rex Farr: "I just wanted to take this moment since this is the last meeting of 2004 and on behalf of the Greater Calverton Civic Association to read a letter to you, the Town Board, and to all the town employees.

On behalf of the Greater Calverton Civic Association I would like to thank the Town Board and all of the town employees for the hard work you have done in making 2004 a banner year, excuse me, in Riverhead's history.

Issues ranging from ethics to aviation, from the master plan to the revival of downtown and the EPCAL center have all been dealt with, with openness and respect but in our opinion the biggest accomplishment to date has been to restore open government and bring the community back to the table.

Congratulations to all of you and thank you.

2005 is just around the corner. We look forward to the continuation of our open relationship. Happy new year."

Supervisor Cardinale: "Rex, thank you. And on behalf of the Board, thank you for those kind words.

How are you going, Paul?"

Paul Costello: "I'm hanging in there."

Supervisor Cardinale: "Good. What brings you here?"

Paul Costello: "I am a principal of the Vintage Group which has- "

Supervisor Cardinale: "Oh, really?"

Paul Costello: "-- yup."

12/29/2004 minutes

Supervisor Cardinale: "I didn't know that."

Paul Costello: "I'm also the in house counsel and the out house cook and bottle washer."

Supervisor Cardinale: "I talked to- yeah, I talked this morning to (inaudible). They're pulling out the high rollers on this one. Buzz Schwenk called me this morning- "

Paul Costello: "A grand man."

Supervisor Cardinale: "-- and I had a cordial conversation and Vic Prusinowski has talked to me a few times. What happened to the Democrats? Aren't there any Democrats out there who want to lobby the town on this? I don't want to increase your expenses, your lobbying expenses. Go ahead, Paul."

Paul Costello: "We submitted a proposal to handle the parking problem occasioned by the courthouse extension-- "

Supervisor Cardinale: "Yes."

Paul Costello: "-- on Griffing and Court Avenue. Our proposal includes upwards of a thousand parking spaces, a cine-plex, 40,000 square feet of commercial space, and it really helps to solve the urban development problems you have with the blight by the railroad. And it will also produce at no cost to the town special district taxes, property taxes, an income of perhaps half a million dollars a year, all at no cost to the town is our proposal.

We submitted it in October. We met at a very cordial meeting with- "

Supervisor Cardinale: "Dave Cullen."

Paul Costello: "-- Dave Cullen, and had a follow up letter and we have not heard anything. We wonder what's going on."

Supervisor Cardinale: "What's going on is that there's an RFP that's going to be- not later than next week it's going to be forwarded to you and various others wherein the town makes clear, the Board has discussed this at length, what our needs are so that we can have a specific response to that.

For example, with the Vintage Group, aside from the usual lack of detail in- because you're not sure what you're responding to unless you look at an RFP before you respond, the- it premises its offer on what I believe to be inaccurate. That we can charge for spaces that we provide to the court personnel and jurors. We've asked for a letter from the town- Dave is waiting for a letter from the town- from

12/29/2004 minutes

the County of Suffolk which states the County of Suffolk— clearly, the County of Suffolk's expectations in regard to parking, whether it's how many spaces, does it have to be all free, how many spaces have to be provided free, over what period?

And I need also a confirmation from the County as I told Buzz Schwenk this morning and from the state confirming— the county confirms the state is on board here because we've (inaudible). This is what they're expecting us to produce in April, 2007. Unless— until I have that and I'm told I will have that by the end of next week because nobody's working this week except us and you, that when I get that, we're going to put it in the RFP and we have no aversion, and I know Timmy's interested, too, I have no aversion in considering a parking garage for the two acre location we've condemned.

In fact, if you can do what you would like to do when you look at the hard cold fact of the numbers, we're interested in a parking garage. Because if I don't get a parking garage, I have to go obtain more surface parking. But I just don't know what's in the best interests of the town yet because I don't know what the town's obligations are clearly."

Paul Costello: "I understand that and I respect that. But you should know that part of the Vintage proposal is that we will hold the town harmless for anything that the county succeeds in waging in terms of free parking. We will hold you harmless. That's part of that."

Supervisor Cardinale: "That's good. I didn't realize that because I don't think it was specifically stated. But it really doesn't— there's a whole issue here of the town's standing by its commitment to the county. We met in May with Kevin Law and your group is telling us well, you know, there's cases here and cases there that preclude— that would let us not provide the parking and they can't demand that we provide it so to speak.

But as far back as the Stark and Villella administration, there has been a commitment of this town to induce the courthouses— to bring those 10 new courthouses here, that we would provide the parking. But it was never, probably deliberately, never made very clear as to whether we could charge for all or any part of the provided parking."

Paul Costello: "The town has never— that's— the resolution you speak of I think is 822, I'm not sure exactly-- "

Supervisor Cardinale: "Yes."

Paul Costello: "-- of 2000. The town never agreed to do it at no expense. I think when the town did that, and I believe you didn't vote on the resolution because all the money stuff wasn't clear to you which is— "

12/29/2004 minutes

Supervisor Cardinale: "There is a resolution, it may be 822, which indicated we provide 600. I was on the Board at the time, indicating we provide the parking. It specifically did not address under what terms because we are not that stupid as to say we are going to provide it free."

Paul Costello: "So what— how did you get stupid between now and then?"

Supervisor Cardinale: "Because the— this Board and previous Boards from what I can tell from correspondence, in May when that parking could have been taken from this town and sent to Islip, we met— I met initially and then the entire Board met with Kevin Law and Charlie Bartha, made very clear to them that we would be cooperative and that we would provide the necessary parking for that court complex. And it is our understanding that at this moment, that if— that we are responsible for providing 600 new spaces and that those new spaces are not a profit center for the town of Riverhead."

We cannot charge for— the worst case scenario and the likely case scenario is we can charge for not one of them during court workdays. It is possible that we may be able to put together a better agreement but I wouldn't bank on it and I don't want to send an RFP out to your people telling you that we only need— we need 600 but we— you can charge anytime you want even during court workdays for 400 if it's going to be 600. I just— that's the one bit of detail Dave is trying to get me. So— "

Paul Costello: "Well, you have— "

Supervisor Cardinale: "-- you can't do an RFP until I know that."

Paul Costello: "-- you have just hit upon why an RFP should not be appropriate. I understand that you have been advised that when it comes to a land lease, RFP's are not necessary. There's a reason for that. The reason is that leases are creatures of negotiation and we would negotiate all of this with the hold harmless provision that we're talking about."

Supervisor Cardinale: "Well, the problem with the hold harmless is you might do some harm to the reputation of this town with the County of Suffolk and the State of New York in order to force this issue."

Furthermore, I don't like to do any transactions without RFPs of this type because I want to know by competition who's giving me the best deal. We had, for example, on the asphalt for that two acre piece that we condemned, we had bids this past week of between

12/29/2004 minutes

\$700,000 and \$1,000,000 and change for the same job. So it's real smart to get bids."

Paul Costello: "That's something you would pay out. Incidentally, with regard— "

Supervisor Cardinale: "But if somebody's giving me something, they may give me more than you guys are going to give me, it's the same concept. I want to see two or three offers from experienced parking garage people and then I can tell whether your offer is better than the next guy."

Paul Costello: "Well, I can assure you that to do better than we're offering would require a saliva test."

Supervisor Cardinale: "Well, I can't— you can assure me but you are a participant or a principal, Paul, in the organization that I'm dealing with."

Paul Costello: "With regard to the proposal to— that you— for which bids you opened earlier in week— "

Supervisor Cardinale: "Yeah, the asphalt."

Paul Costello: "-- you really should consider not awarding any award until the— a master in quotes plan for parking has been in place. Because part of the garage concept would mean we'd have to dig up all of that— "

Supervisor Cardinale: "Yeah, I know."

Paul Costello: "-- the asphalt— "

Supervisor Cardinale: "I'm aware of that."

Paul Costello: "-- put footings in there so don't do that."

Supervisor Cardinale: "You know Dave, right? He's our engineer and he's very familiar— Dave Cullen, with— were you at the luncheon?"

Paul Costello: "I was."

Supervisor Cardinale: "Okay. So we have no aversion to— and I know Tim is interested in this— we have no aversion to a parking garage as a Board or as an individual, I have none. I want— if I'm going to do it, I've got to find out what's the best interests of Riverhead. I do that by talking to two or three different entities and it's pointless to talk to any entities until I know exactly what the needs of Riverhead are which we're trying to ascertain and finally

12/29/2004 minutes

the delay factor which would be in the best interests of the town to delay the decision on the asphalt."

Paul Costello: "Yes."

Supervisor Cardinale: "The problem is that they're about ready to- the State court system and the town have a commitment, we have made a commitment. If I had my druthers, if we could move these people faster, our engineer, our design engineers, we were supposed to be getting underway and getting that asphalt down in the late fall. We obviously didn't make it. We're in December and there's snow on the ground. So it's going- we're going to start building that probably as soon as the weather allows and we can't delay it even though it might be in our best interests, because we will be breaching a commitment we have made to the court and to the town- and to the county."

Paul Costello: "When you said that the bids for that range from \$700,000 to \$1,000,000, there is also a bid that was not- "

Supervisor Cardinale: "Yeah. Your bid was for nothing as long as (inaudible) that was not attached. I saw the bid and we couldn't accept a bid that's conditional on a lease we don't know the terms of."

Paul Costello: "Just so you know that that's available with regard to that lot."

Supervisor Cardinale: "Yeah. But I don't know what is available because (inaudible)."

Paul Costello: "That we'll do it for nothing with the lease that needs to be negotiated that you really can't do through the RFP process."

Supervisor Cardinale: "Okay. But we're- we then have an issue. Because I'm not negotiating leases without getting a look at the competition. I don't have any aversion to- as I told Buzz Schwenk today, no aversion to Vintage. I think they're a great group of guys from what I've seen. However, I don't- I have an aversion of not getting some alternate bids if we're going to do anything over there. All right?"

Paul Costello: "Well, I appreciate your time and happy new year."

Supervisor Cardinale: "Thank you and nice to see you again."

Paul Costello: "Same here. I'll see you more often."

Supervisor Cardinale: "Right. Yes, Mark."

12/29/2004 minutes

Mark Houraney: "I just wanted to comment briefly. Obviously I'm not shocked that the zoning passed. I don't understand the whole thing but obviously economics didn't play into it. I never got an explanation about the economic impact which is the key to the residents of this town.

As a Town Board you are responsible for that asset and the economics of it. I don't know what the basis was used to do this zoning but in my opinion it wasn't economics.

You have the right to pass this zoning and we as citizens of the town also have recourse and we're going to do it well before the election because I really think that that asset over there has been squandered and it's a disgrace that the economic impact of one of the poorest towns on Long Island has been decided based on some people's prejudiced input and on the Town Board being biased.

So it ain't over yet, that's all I can say."

Supervisor Cardinale: "Okay. I appreciate your comment and your sincerity. I give you only this hope that we— it's a little more now available there aviation-wise than there was this morning when there was nothing. Yes, Angela."

Angela DeVito: "Angela DeVito. I'm here representing the Greater Jamesport Civic Association and to echo residents from the western part of the town, we wish to express to the Town Board and all of the workers here at town hall a happy new year, a healthy new year and also our sincere thanks for all of the hard work that has been done, that has been accomplished this past year from the very smallest of issues to the very large issues that face this town. The same degree of professionalism and thoughtfulness has been expressed on each and every one of them.

And all of you are to be commended for that. I know it's not an easy job to do. There are times I know when I sit in the audience and think how can you sit there and listen to this? But the fact of what Rex pointed out that we do have open government now and when you ask us how can things be improved and we come forward with an idea on how things can be made better, the merits of it are explored and we get an answer back that what you've proposed either can't be done or part of it can be done or can be done.

Even the impact of public hearings. Previously public hearings we were told were just there, they didn't have to be done basically to allow some of us to blow off hot air. Now public hearings, the input from them is used, it's evidenced by what happens to resolutions before they come to a vote.

12/29/2004 minutes

So for that and on behalf of our Civic, we'd like to thank all of you and, again, happy new year."

Supervisor Cardinale: "Thank you, Angela, that's very nice of you for those kind year end words. Tim?"

Tim Yousik: "Thank you. My name is Tim Yousik and I don't have kind words for you. Not yet anyway."

Supervisor Cardinale: "Okay. We'll work on it."

Tim Yousik: "Parking garage."

Supervisor Cardinale: "Yes?"

Tim Yousik: "It boggles my mind why we haven't rolled out the red carpet for the following reasons."

Supervisor Cardinale: "But we have."

Tim Yousik: "No, we haven't. You, sir, in April made the comment right where you're sitting now we do not have time for an RFP. It's on tape."

Supervisor Cardinale: "No. We didn't say we didn't have time—we don't have a lot of time—I'm telling you right now we don't. We don't have time for an RFP because we've committed to the county to surface park at that two acre site and we're supposed to produce it in late fall. So we're going to move forward with the asphalt. That does not preclude putting up a garage above the asphalt if we need to do that. And I'm willing to listen to that. I'd like to see that happen but I'm not going to give it to one group before I see bids from other groups. It's just that simple."

Tim Yousik: "Yeah, I can appreciate that, I just, unfortunately I wish the RFP had gone out in April then so that—"

Supervisor Cardinale: "Well, you know, that's a good question, Tim in honesty. It was— it was prepared and didn't go out and we still— if I give you an RFP that says— if I give it to you tomorrow which I'd be glad to, it says 600 free. I'm hopeful that the negotiations that are presently ongoing will result in 383 free spaces are all that we need to produce. But at a certain point, you're right. I've just go to (inaudible)."

Tim Yousik: "I'd like to discuss the word free for a moment because I would like to know free to who?"

Supervisor Cardinale: "Free—"

12/29/2004 minutes

Tim Yousik: "Let me ask my question so that you clearly understand."

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

Tim Yousik: "If the town of Riverhead provides parking for the county employees and doesn't charge them for obtaining the land, surface parking, garage parking, however it ends up, that's fine and if we get private industry to do it and it turns out to be a positive cash flow for the town, that's yet even better."

Supervisor Cardinale: "Right."

Tim Yousik: "But if we end up doing surface parking and/or a garage at the taxpayers' expense, that's wrong. To spend- I mean we've spent what, close to \$3,000,000 acquiring this parcel of land, before it's paid?"

Supervisor Cardinale: "Yes."

Tim Yousik: "Okay. We're going to pay it with a grant so that's not going to take anything out of the taxpayers pocket in Riverhead at the moment, that's \$3,000,000 to end up with about a third of the needed parking. Is it fair to say that this project could end up somewhere of 6, 7, or 8 million dollars or better?"

Supervisor Cardinale: "Yes."

Tim Yousik: "Okay. Six, seven, eight million dollars, then we have to insure it, plow it, light it, maintain it, and so on."

Supervisor Cardinale: "Right."

Tim Yousik: "To the tune of what, a half a million dollars a year maybe?"

Supervisor Cardinale: "Yeah, right but - if it cost that much-"

Tim Yousik: "We're going to insure it as well."

Supervisor Cardinale: "But if it cost that- it would be unlikely to cost that much but it will cost something."

Tim Yousik: "Okay. Who will actually pay for that? Will it be the taxpayers as a whole or will it become part of the parking district?"

Supervisor Cardinale: "It will be- well, who will actually pay for the maintenance?"

12/29/2004 minutes

Tim Yousik: "No. No. To acquire all of this land and pay off the bonds that we're going to have to certainly- from Wading River to Laurel?"

Supervisor Cardinale: "Right. And that decision was made long ago because that has been done over the five years- "

Tim Yousik: "The fact that the word- the fact that the word free has never been put into writing, ever, and I'm sure you know that."

Supervisor Cardinale: "Right."

Tim Yousik: "We're going to ask the county if it's okay to charge people?"

Supervisor Cardinale: "We're going to- yeah, because- that's exactly what we're going to ask the county because- or, I'll tell you the other alternative, the other alternative is to tell them that we're going to charge and you can risk the courts not having come there. And I certainly wasn't going to bring up this discussion until they were in the ground building the place."

Tim Yousik: "Which they happen to be."

Supervisor Cardinale: "Because the- and the more they build, the better I like the timing of the discussion. But I'm telling this town, and I'm telling you, that there is not by this administration for the first time but by the previous administrations going back to Jimmy Stark, there has been gamesmanship about exactly what you're saying. That we have made a commitment, bring the courts, bring the courts, bring the courts, which we should never have had to do in the first place as you correctly pointed out in the past because we are the county center, but to induce them we have made certain commitments."

It is unclear still to this day the nature, the complete clarity as to that- those commitments. We're going to provide the parking, and you asked the right question. I'm waiting for the answer from Dave. What does free mean? Does it mean the county- I'll take care of the up front investment, but I can bill them back for my- my- my parking garage people can bill them back. I hope that's what it means."

Tim Yousik: "Well, if it is not, I would like before we go any further- "

Supervisor Cardinale: "That's not the way the rest of the- the previous administrations have operated."

12/29/2004 minutes

Tim Yousik: "Okay. I would like to see— see you name one other town in New York that has provided free parking to a county ever."

Supervisor Cardinale: "What does Central Islip do with all those parking fields? It came out of what? Did— so the Islip, did they deliver the property to them?"

(Inaudible comment)

Supervisor Cardinale: "Yeah. All right. That's— you're asking the right questions. I just don't— "

Tim Yousik: "Seriously because— "

Councilman Densieski: "But, Tim, another way to— I agree with you, don't get me wrong. But another question, how much would towns pay to get the courts to come to their town?"

Tim Yousik: "Well, that's a great question. How much would they pay? Because at what point is it not worth it? Listen, I own a restaurant right around the corner. It's certainly going to be good for my business. I've wanted these courts to come all along. Wouldn't knock that for a minute. But at what point has the cost of getting these new courts become too expensive? And at what point did you possibly make a mistake by making an agreement or allowing an agreement to continue that we're going to spend \$10,000,000— possibly \$10,000,000 of Riverhead taxpayer money to give away free parking to county employees?"

Supervisor Cardinale: "It's not— first of all, it's not a decision that was recently made but was recently confirmed. We committed six, eight years ago to the condemnation of as you know the transportation— the area near the railroad. That cost \$3,000,000. It's only going to put 250 parking spaces there."

Tim Yousik: "Free."

Supervisor Cardinale: "We could go and buy the Golding piece for another three, four hundred, and we'd get another 140. We could do surface— then we'd have to put another 500 in— that's another 100 million to get another 150, that's 400. Now we have four million in. So it's going to cost you six million to do this surface parking-wise.

Worse case scenario which this Board has committed and previous Boards have committed to, if that's what it takes to get the courts here, we'll pay the six million. Do I want to make a— do I want to push a better deal and now is the time because they're under construction, I will. But not at the price of being dishonest with other levels of government. I'm going to go and do it and if your guys can help me, help me out here."

12/29/2004 minutes

Tim Yousik: "I mean my way of thinking here is I'm not suggesting that you were dishonest, but I think maybe you made a mistake to the taxpayers of Riverhead by committing six million dollars."

Supervisor Cardinale: "I didn't commit it. It was committed by the- I didn't spend a dime on that property. It was the previous administrations that- since Stark."

Tim Yousik: "The fact- "

Supervisor Cardinale: "I didn't buy (inaudible)."

Tim Yousik: "-- that the word free has never been in writing and you're spending six million dollars, yeah, you did do it."

Supervisor Cardinale: "No, no, I didn't do it because I didn't spend the six million. You're not getting it. The three million spent over the- since 1993- 1995 to 2004. It started spending that money years ago. We haven't spent anything. The only thing we've done is put asphalt on it which is grant money not taxpayer money. We're wending our way through this. But what you and whatever that Vintage Group has got to know is that if we're asked to produce free parking and this group all met together and we made- we reconfirmed previously made commitments of this town to get the courts here we weren't going to risk losing the courts by not- by declining to participate in the parking.

We are now- when they're underway with construction, we are trying to get a better and fairer and less onerous obligation. But if they insist on their pound of flesh, we'll pay it because we want those courts there.

And I'm amazed that you're standing up there telling me you want me to tell the court to take a hike when your business- "

Tim Yousik: "I'm not suggesting that at all. I'm suggesting that the county has enough parking that they own to handle their employees. I'm suggesting that Riverhead taxpayers should not be paying for jurors and lawyers and litigants to park."

Supervisor Cardinale: "Well, in a perfect world we--"

Tim Yousik: "Because no other town in New York State allows it or does it. That's my point. And I think you should research that."

Supervisor Cardinale: "And I think it's a good point. I think it's- we have- we're involved with it. Dave is working hard on it. You've talked to Dave. I don't disagree with you. I came into position this year not- you know where certain (inaudible) had already

12/29/2004 minutes

been made. But we did all make a decision that rather than lose it, since we already had three million dollars incidentally invested, we would spend another million to asphalt and two million dollars to locate or three million additional surface parking.

If your guys can help us do this, I'm delighted that we can do it cheaper. But- "

Tim Yousik: "I think they're ready, willing and able, you know, and they're not my guys. I just happen to believe in this project."

Supervisor Cardinale: "Good. You're not a participant as Paul was?"

Tim Yousik: "No, not at all. On a different note- "

Supervisor Cardinale: "Vic, are you a participant?"

(Inaudible comment)

Supervisor Cardinale: "All right. Good."

Tim Yousik: "He gets paid. They buy me a coffee once in a while."

Supervisor Cardinale: "That's all?"

Tim Yousik: "All right. On another note. This parking garage on Railroad Avenue would include- the Vintage project includes a theater. That is not- that area is not zoned for a movie theater. It happens to be within the BID district. I believe that this Board possibly may have made a mistake because it's allowed one block away. Maybe that's something that should be looked at while this process is going on anyway.

To have a movie theater on Railroad Avenue, especially in a really nice complex that takes up from Osborne to Griffing, if that completely gets revitalized, it would be a nice place for a theater. There's no downside to a theater there.

So I think that possibly the Board may have made a mistake not including the rest of the BID district in that zoning. So I'd like you to consider revisiting that.

The ticket issue that I talked about once before and the prices. Has that ever been changed? Did that get done?"

Supervisor Cardinale: "The fine for- "

12/29/2004 minutes

Tim Yousik: "Something simple as an inspection sticker, it's now a hundred dollars."

Supervisor Cardinale: "Oh, you mean- "

Tim Yousik: "Or a parking ticket is now a hundred dollars."

Supervisor Cardinale: "--V&T. To answer your question, correct me if I'm wrong, I'm missing something but I just got a memo the other day from the police chief saying do I want him to give me a resolution, like I think you told me this two months ago, what did he think I was waiting for? So I told him yeah, I wanted it two months ago. So, yes, he's- the police chief is preparing- what is he- preparing the resolution. But I'm glad you reminded me because if you didn't, it would have slid through with all the other things I'm trying to do."

Tim Yousik: "It's just a shame that somebody that comes from out of town and stops at a restaurant, walks out and finds a hundred dollar ticket on their car for a \$37.00 inspection."

Supervisor Cardinale: "Yeah, that's ridiculous."

Tim Yousik: "It is."

Supervisor Cardinale: "If- John, would you make, please, another note to ask the chief, you know, a resolution for the January 4th meeting would be nice."

Tim Yousik: "Right. And to finish off, I have another problem that I would like to discuss with you. It's nice that you adopted the zoning up at the Grumman property although I don't necessarily agree with it, at least it's to bed at the moment. And it's also nice that the master plan is done so I'm sure that your desks are clear and that you have a lot of time on your hands now."

Supervisor Cardinale: "Yeah."

Tim Yousik: "Because someone has to start taking a serious look at Main Street. I'd like to share with you what happened last night in our downtown.

We have a customer that comes into Diggers probably twice a week, elderly couple, they stop in for dinner twice a week. Yesterday they were up at Walmart shopping and she slipped and fell and sprained her ankle and ended up in the emergency room for an x-ray which resulted in nothing but, thank God, just an ace bandage. So they came to Diggers for dinner. They had a nice dinner at Diggers. About quarter to eight, they walked outside. Her husband went to go get the car and

12/29/2004 minutes

pull it around front where he was met by one of the slugs that roam our streets and was beat up and her pocketbook was stolen."

Supervisor Cardinale: "This was in our town last night?"

Tim Yousik: "In- yeah, in your municipal parking lot last night. About quarter to eight. To the credit of the police department, with one phone call, they were there in seconds. The problem is the town looks like a slum. Most of the stores are empty. The sidewalks although they've been patched up a little bit, the leaves never got picked up and now it snowed on top of it. I mean the town looks like a dump. People are walking around the town treating it like one and we have animals roaming those streets, two legged animals. And it's got to be dealt with.

This Town Board has got to take some sort of a very aggressive action to clean up Main Street. You want to revitalize downtown? You've got to start by cleaning it up. Because then it becomes attractive to businesses to move into this area."

Supervisor Cardinale: "Aside from- I'm into beautification as well but let's deal with the real serious thing. Before we worry about how dirty Main Street is and--"

Tim Yousik: "I mean it on all levels."

Supervisor Cardinale: "But let's talk about people getting mugged. That disturbs me a lot."

Tim Yousik: "Our police department, I believe is taxed to the max and they need more help. That's the bottom line. When we had, during the summer months when we had the bicycle patrol and the foot patrol and all that, you didn't see half the problems that exist today. The police department needs I assume what it comes down to is more money."

Supervisor Cardinale: "We've enhanced- I'm sure, but we enhanced the police department I guess about- we increased it by six or seven percent by hiring five officers so- one of the other ones fell on their knee and hasn't worked in months. But we have five new officers coming- one is on, four are coming on, because one was a replacement from New York City. That will help a little with five new officers out of 79. The police chief has- as most police chiefs do, asked for additional staff.

I would like- I would not be adverse to having additional police as long as I knew they were properly deployed because Main Street is a priority. And I share your frustration with Main Street. I don't understand how it is this difficult to patrol adequately a four or five block area. This is not New York City."

12/29/2004 minutes

Tim Yousik: "Because one or two police officers truly cannot be everywhere."

Supervisor Cardinale: "How many do we need, four or five?"

Tim Yousik: "Whatever it takes. But the bottom line is you are the commissioner of the police department. I'm not throwing the blame on you but you are the commissioner of the police department."

Supervisor Cardinale: "They gave me a little card and everything and a badge."

Tim Yousik: "Good. Then do— as part of your job, as part of your job, why don't you come down to Diggers and stand in the front window and watch the laundromat? There's 60 people an hour go in and out of that laundromat. It's a really strange thing. Not one of them has a basket of laundry. What do you think is going on there?"

Supervisor Cardinale: "Not a lot of washing apparently."

Councilman Densieski: "Video games?"

Tom Yousik: "Yeah, oh that must be what it is. Video games. The market over there, the little bodega deli and the laundry mat, the police are there several times a week, breaking up a fight, picking people up off the sidewalk. I mean the town has got to get cleaned up."

Supervisor Cardinale: "We met early in my first year here, administration, my heart is pure, my intent is good, I don't see a lot— we could be a lot more effective. I would like to be, you are certainly one of the advocates for cleaning up downtown and I appreciate that. You want to meet with the police chief and I next week, I'd be glad to sit down with you. Let's— I met with the Spanish community representative about fights going on between Spanish and other minority members. We do need to focus on this and I agree with priority— "

Tim Yousik: "It's got to be— there's got to be a plan of attack put into place and it's got to be serious. Because downtown is never going to revitalize if we don't start solving some of these problems. Nobody is going to want to do business here. Nobody."

Supervisor Cardinale: "Well, the developers are falling over themselves to try and get downtown but you're right, I think that we have to clean it up to invite them down there. If you want to talk with John, we'll set something up for next week."

12/29/2004 minutes

Tim Yousik: "Okay. Also, last thing, ride around. Get in your car and ride around, go through the parking lots. And once again I'll bring this up. Look at the dumpsters."

Supervisor Cardinale: "The dumpsters. Yeah."

Tim Yousik: "All overflowing, garbage all over the place. Phil, it gets me so aggravated to the point where there are many times I want to load up the pickup truck and dump it underneath your window so you get to look at it like I have to."

Supervisor Cardinale: "Would you do it to Eddie's window because he's on the outside now and it's his- "

Tim Yousik: "Actually, it was going to be your livingroom window."

Supervisor Cardinale: "Oh, you meant my home window. I'm sorry."

Tim Yousik: "You've got to get serious about it. I mean it's not fair. I apologize."

Supervisor Cardinale: "And I apologize, John. I told you I'd call you up early because you wanted to make some public service announcements."

Joan Griffin: "Oh, right. My name is Joan Griffin, Baiting Hollow. And I didn't realize Riverhead was keeping one of the best kept secrets around. I used to work for the phone company and the phone company has a group called the Pioneers who are active employees and retired people that do different community service things.

And one of the projects they do is the old cell phones. And I thought everybody knew about this but I guess I'm wrong because I sent a letter to the Suffolk Life, the News Review and Traveler Watchman. It made it into Traveler Watchman. It didn't make it into the other two papers I guess because of printing space that was available last week or two weeks ago.

But I'd like to read the letter into the record and give you an update on what's going on with these cell phones.

The old cell phone, you know, the one that's only a cell phone, is not much in demand today by those who use cell phones. But some- but to some it could be a lifesaving device. Now you're probably wondering what these old cell phones could possibly be used for. Well, they have a twofold purpose. One is in defense against domestic violence and the second for seniors who can't afford the medical alert system.

12/29/2004 minutes

The phones are given to the Riverhead police department who send them out to be refurbished only to call out to E-911. The refurbished phones are then distributed to those victims of domestic violence or in need of medic alert that can't afford it.

I started this project back in January, 2001 with just seven phones being given to the Riverhead chief of police, Chief Grattan at the time, now retired, at a town hall meeting. The project has been successful I'm glad to say. In just 47 months, we have collected and turned into Riverhead police department over 500 old cell phones.

This is good news and bad news. The good news is we are able to collect over 500 phones. The bad news is all 500 phones were distributed to those who need them. Until we can stop the need, we need to help and protect the needy.

I would like to thank the following people and organizations for being collection locations where you can drop off your old cell phone. Without their help, many in need would not have been helped.

The Calverton Deli, the Calverton Post Office, Greater Calverton Civic Association, Lolly's Hut, the Nassau/Suffolk All Heat Service Managers, the Riverhead Democratic Committee, the Riverhead Town Hall. I especially would like to thank Councilwoman Rose Sanders for getting more business and organizations involved in the program.

Keep those phones coming. The new cell phone you received during the holidays that replaced your old phone can have a second life and maybe save one.

For more information, please contact me at Jgriffin@suffolk.lib.ny.us. Since that letter was published in the News Review— sorry Traveler Watchman, the same issue also had a little paragraph about cell phone recycling. Recycling is different than refurbishing. Somebody is getting money for recycled phones. The people who turn them in and get them— get money for them, not giving them to the police. I contacted the Supervisor in Southold, Mr. Horton, and he's looking into it. So our secret is getting out to another town and he will contact me to find out more information and possibly you, Miss Sanders, to find out more information and maybe our police department.

Thank you very much."

Supervisor Cardinale: "Thank you, Joan. Yes, Vic."

Victor Prusinowski: "Commissioner."

Supervisor Cardinale: "How are you? What did I do now?"

12/29/2004 minutes

Victor Prusinowski: "You didn't do anything. Vic Prusinowski from Riverhead."

Supervisor Cardinale: "I want to point out they wouldn't give me a gun."

Victor Prusinowski: "Excuse me?"

Supervisor Cardinale: "They gave me a badge but they would not give me a gun. He said he drew the line on that."

Victor Prusinowski: "Well, years ago we had a gentleman who was released from a hospital and he came up to the podium as John Lombardi and I were sitting on that end, and he was noted for being a little eccentric and he goes to his back pocket and said, members of the Board, I'm a little upset with you and I have something in my back pocket and he goes like this and John and I ducked underneath the thing and I said- and Joe says, where's the police chief?"

I want to set the record straight on a couple of things. Number one, in 1987 the town made an agreement with Suffolk County that there would be three expansions to the court system. One, was the Cohalan complex which was placed in Islip, a two hundred million dollar project. I was on that committee with former Councilman Lou Boschetti representing the town of Riverhead. The 23 parts in Southampton and the 15 parts on Griffing Avenue.

Now the reason I say that is the 23 parts were built immediately, the 200 million dollar complex was built immediately, and they dragged their feet for 15 years to expand this courthouse which was rightfully part of the agreement that everybody signed onto including the county legislature. The reason we started assembling this land by the way and, Phil, you're right, and this is not, you know, your fault or anything. Was because they were dragging their feet, dragging their feet, so when that house became available, the Judge Bedford Inn, that Pat Stark wanted us to preserve, we had a guy- I went up there, had a guy look at it, it was like a half a million dollars to renovate. We didn't have the money.

So we started acquiring the property there and at that time we started talking to Suffolk County said, look, if- they kept saying, we don't have enough parking, we don't have enough land for the expansion. So that's when the idea started, we would assemble that block and offer it to them so we could put surface parking there.

So fast forward to today subsequent town boards, you know, made this agreement or political decision to do pay for the parking, and what I'm here to say is that the Vintage Group wants to cooperate with the town and work with you to solve this problem and to be a part of the solution, not a problem.

12/29/2004 minutes

So officially that's our position. You've been very helpful with the access and conversations we've had and other members of the Town Board. But I just want to set that straight that this is something that we-- and I resent the fact that we had to come with a tin cup to get was rightfully ours because there was a big thing that went on in 1987 and the legislature all signed onto this agreement. This was part of a deal that was made back in 1987 and it just took-- the last part was the 15 parts on Griffing Avenue.

So we're here to help and as far as downtown Riverhead, I think that-- I think that the future looks good and I would recommend people to go down and, you know, shop in downtown Riverhead and go to the restaurants. It's a great place. And happy new year."

Supervisor Cardinale: "Thank you."

Victor Prusinowski: "And I just want to say one thing. Barbara Blass has served this town since 1981 and I really resent that remark, that was a cheap shot and if anybody has given public service to the town since 1981 on the Planning Board, it's been Barbara Blass and I salute her and the rest of the members who served. Good bye."

Supervisor Cardinale: "Thank you. In fact, Barbara, wasn't it Greg the county legislator when that understanding was reached in-- was that in '87 or '88? And would you-- when you speak with them during this next week, would you talk with Barbara because that's one thing we should bring up, that if they're asking us to confine to what isn't even a defined letter of any agreement we may be perceived to have made, why don't we try following the agreement they in fact made so we have a little leverage there?"

Victor Prusinowski: "What happened was they wanted to close Griffing Avenue down completely, move everything to the Peter Cohalan complex because (inaudible) and those guys from the west so Peter Cohalan-- Vic (inaudible) was the head of the trial lawyer's association, he had a lot of power and at the time the administrative judge, Arthur Cromarty, could that have been him? He was another one. We got to the first meeting and Peter Cohalan, the county executive, sat right next to me, and the first words out of their mouth was we don't need Riverhead. One million people live in Brookhaven to the western towns, only 50,000 on the east, so we'll keep the criminal parts-- you keep the jail.

By the way, we want to expand the jail, but we're going to take the civil parts and move them to Islip and we said, well, that's a hell of a deal. We're going to get the jail so when everybody is released they come to downtown Riverhead with ten bucks in their pocket and take the civil parts which is where we get all the other

12/29/2004 minutes

business that's more, you know, conducive to our thing and of course the criminal parts will be expanded.

But at that time, there was never any part- Islip you put up 21 million dollars to build the parking, Southampton town, you pay 10 million dollars for the expansion. It was all part of the bond."

Supervisor Cardinale: "Weren't you the guy that was telling us at 5:00 that he had to be out of here by six to go somewhere?"

Victor Prusinowski: "No. We all have to be out of here by six and I'm- "

Supervisor Cardinale: "It's now 6:15."

Victor Prusinowski: "By the way, Phil, it's Meetinghouse Creek Inn, come on."

Supervisor Cardinale: "All right. Thank you. Yes, last but not least."

Amy Auer: "Well, then I'm glad I'm last. Because I don't have much to say but I am Amy Auer. I am the new executive director for the Riverhead Business Improvement District Management Association. I'm getting very comfortable being up here in front of you because I have met with the majority of you personally.

I was put into this position because a town board of 14 people, a BID board of 14 people, had faith in me that I could come into this town and make downtown Main Street have a big difference.

From the short time that I have been here I think I have shown people that I put my money where my mouth is. I get things done and I've been around just long enough to know that when a proposal needs to come before this Board, it has to be precise and to the point. And I wanted- it's a shame that Mr. Yousik has left early because I wanted him to hear this.

Right now, the BID board members are working on projects that I am researching thoroughly to have a solid plan on how to revitalize the downtown area according to the master plan, making it an arts district.

I have a program right now that I'm getting as much information as possible to have the Department of Social Services work force program instilled to clean up the main streets of Riverhead, to plant flowers, to clean up the parks, to change the lightbulbs so we can light downtown. That's just one of the projects I'm working on. And it's at no cost to the town.

12/29/2004 minutes

If it goes through and the board approves it, I can actually even save the town money. That's what revitalization is. Bringing something good to downtown and also making it economical for the village.

I've already researched the village of Patchogue where I was born and raised. They utilized community service people that have to perform community service projects in cleaning up their streets. They put a BID t-shirt staff on them and they give them a broom. We can utilize that program, too. That's just one of the things.

As far as the crime is concerned for downtown Main Street, I've been here in this village for two years. It has started to diminish. People are starting to walk down Main Street. With the revitalization of the waterfront, people are having picnics on the benches, watching the boats. The canoe guy on Peconic Avenue is making a fortune during the summertime. Yeah, there's a couple of cart pushers out there pushing a couple of carts around with the empty soda cans making a dollar.

I sit in front of that bodega and laundromat from nine to five. That park has got a lot of drug activity in it. With the Southampton police coming down to the circle, the crime is leaving the circle. With Southampton doing the revitalization of the Flanders area, the crime is going to be even less over there.

We have one small parcel of land on Main Street that is a big crime activity area. If you installed a video camera on the corner of Griffing and Main to watch and see what I see everyday, it would make you sick. It happens all day long. I don't want to see any of that happening anymore in downtown.

Yes, the police department makes the presence known. They leave an empty police car in that lot all day long. And I watched the drug dealers pop in and out of the bushes where they do their business. There needs to be more activity down there.

We're also working on a project of replacing all of the lamps that are on Main Street in the trees. That was a BID project from what I understand of years ago, to light up Main Street during the evening.

Like Mr. Yousik pointed out, if we could have more police in that area and that seems to be the concentration area because they can skip across the waterfall and be out of town after they do their business, it would be a great help and a great service to Main Street.

We're also canvassing other shop owners. I'm going to be speaking with the business owners and the building owners over the course of the next six months. But like I met with you, Phil, and you

12/29/2004 minutes

explained to me the board wants to see I's dotted and T's crossed and the BID will not bring forth a project unless it's complete. So we know we will have a hundred percent of your approval."

Supervsior Cardinale: "Great. And I appreciate that specifically the suggestion on a video camera because I think that's a great idea. I'm surprised the Chief hasn't thought of it but that would be an obvious place. Has he thought of it? What happened to it? Yeah, what happened?"

(Inaudible comment)

Supervisor Cardinale: "They broke it? Well, that's the whole point, isn't it? Why can't we— they would know and they wouldn't do the things. So we took it down because we succeeded? Why don't we put it back up like we have video surveillance now on the runways? Why don't we put it back up, leave it up and if they get discouraged, give them, you know, that's great. That's the one problem area we have, that would be— we could run it on channel 22. A lot of people would like it better than what they're seeing on channel 22. Be more entertaining."

Amy Auer: "Supervisor Cardinale, I also wanted to extend to the Board, the BID wishes all of you also a happy new year and we're really looking forward to working with the board in this coming year and sharing our projects with you. And also, too, if— I may invite myself to any of the meetings that Mr. Yousik or the police department, anything that pertains to Main Street."

Supervisor Cardinale: "I was going to suggest that, in fact. Why don't you attend and— at the meeting which— Timmy sets it up, we'll meet together and discuss this, the same issue. Everybody wants the same thing, a revitalized and crime free Main Street."

Amy Auer: "Thank you."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "Thank you for your efforts."

Meeting adjourned