

12/5/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, December 5, 2006, at 7:00 p.m.

Present:

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

Also Present:

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

Absent:

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| Edward Densieski, | Councilman |
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Supervisor Cardinale: "Okay, it is 7:07, a good time to start. We'll have Vince Tria lead us in the Pledge of Allegiance if we could start."

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

Supervisor Cardinale: "Okay, we'd like to begin the meeting by approval of the minutes of the November 21st meeting and the special board meeting of November 30th. Could we have somebody offer them please?"

Councilman Bartunek: "I'll make a motion that we accept the minutes."

Councilman Dunleavy: "I second it."

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

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

Supervisor Cardinale: "I'd like to-- before coming down to issue a proclamation to Kayla Lewis, those who do not know, I would like to make an announcement that the town financial administrator Jack Hansen has passed away today, served the town for 30 years as a financial administrator.

Earlier today I directed that the town's flags be set at half mast until Friday morning to honor his contribution to the town and to

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recognize his dedicated service to the town. So I'd like to take a moment of silence in his honor.

I understand that the services will be tomorrow at McLaughlin, 2-4, 7-9, and the funeral at St. Isidore's Church in Riverhead here at 9:30 on Thursday.

Jack was I believe 53. He had given his entire professional life to the town of Riverhead and we are indebted.

We have to go down into the well of the room now and speak with Kayla Lewis. Kayla, are you here? Come on up, please.

How are you? Come on up. Join us. Come on, don't be bashful. Kayla is a product of our town of Riverhead and we're very proud of her. She's a scholar, athlete, an outstanding student leader as you will see in a moment when I read the proclamation before presenting it to her and commending her to you and introduce her to the board who will also greet her.

Kayla Lewis is a student at Riverhead High School, a junior, class of 2008. She is now analyzing perspective colleges and performing as a varsity Riverhead High soccer and basketball team member. Kayla was nominated to represent the United States of America at the 2007 Global Young Leader's Conference as a result of her outstanding academic and sports achievements.

Kayla's hard work and leadership has been honored by the Riverhead School Board and we would be remiss if we didn't do the same, which recognized her for her leadership, outstanding academic achievements and extraordinary representation of the Riverhead community.

And furthermore, Kayla in her own personal life has weathered many trials and tribulations, remains committed and dedicated to her church, the First Baptist Church of Riverhead, her parents, Dorothy and Antonio, and her community.

So I have today proclaimed as Supervisor on behalf of the town board and with the town board that we should congratulate Kayla Lewis for her achievements at this young age.

And congratulations."

Kayla Lewis: "Thank you."

Supervisor Cardinale: "She's just coming back from practice. She didn't have time for dinner. We're undefeated already. Take care. Another undefeated season coming up, like the boy's football.

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Okay, Reports, Barbara, please."

REPORTS:

| | |
|-------------------|---|
| Receiver of Taxes | Utility collections report for November, 2006, total collected \$218,008.49 |
| Town Clerk | Monthly report for November, 2006, total collected \$7,077.11 |
| Sewer Department | Discharge monitoring report for October, 2006 |

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

APPLICATIONS:

| | |
|-----------|--|
| Site Plan | Don Greenidge - southeast corner of Hamilton & Pulaski Street - demolition of building and construction of new retail and apartment building |
|-----------|--|

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

| | |
|-------------------|--|
| Petition | 57 names regarding the illegal intention of the purchasers of the property located on Penny's Path Calverton |
| Deborah Orlowski, | Regarding in support of the Corey Golanec, special permit of Jamesport Theresa Chomicki Manor Inn Janet Mastropolo |

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you."

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Barbara Grattan: "You are welcome."

Supervisor Cardinale: "We have six public hearings scheduled for this evening, the first being scheduled for 7:05. It being 7:12, we can begin it."

Public hearing opened: 7:12 p.m.

Supervisor Cardinale: "It is to consider a local law to amend Chapter 108 Article V Residence B-80; Article VA- Residence VA- what is VA- VA, well- "

Councilman Bartunek: "VI, Phil."

Supervisor Cardinale: "VI, okay, that's VI- Article 6; Residence A-80 and Article 6 Ag Protection and what we're doing here is- "

Councilman Bartunek: "Whoa, whoa- "

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "I don't know what V-A is, maybe it's 5-A, but to succinctly state it, this is a Residence B-80 zone which is two acre non receiving area. Then there's the two acre receiving area and then there's an ag protection zone district and in each of these, we are making clear that the creation of new golf courses or the maintenance operation of existing golf courses- that the planning board shall not cluster lots in order to create new golf courses of maintain the operation of existing golf courses, i.e., golf courses are not open space. That's the point of this."

If anybody would like to comment, we are now open for comment. Why did I doubt that Pete would have a comment about this? Go ahead."

Peter Danowski: "You would be happy to hear that I'm losing my voice."

Supervisor Cardinale: "I am pleased to hear that actually."

Peter Danowski: "I will be handing up some documents to the town clerk that I will make reference to and I would ask that it be made part of the record of this hearing."

First as I believe this board knows, I do represent the owners of the Cherry Creek Golf Courses, both the Woods at Cherry Creek and Cherry Creek. They're across from one another on Reeves Avenue.

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As you must know as well, we've had pending before the Planning Board a subdivision application for each of those areas involving existing golf courses.

My clients certainly relied upon the zoning that was passed in the APZ zone they are located in after the adoption of the master plan. That specific language was very clear in saying that the word new golf courses was applicable to a prohibition against housing and golf courses. Clearly they relied upon the town adoption and they submitted plans to the Planning Board.

They've taken well over a year of putting together plans, the plans have been submitted and are pending before the Planning Board. They've been in existence before the Planning Board for nine months. Two public hearings were held, it's actually a public hearing that was continued and finally closed and we're awaiting an approval resolution with regard to the sketch plans on each of these sites.

I would have to say I've handed in photographs that depict the areas on which housing would be proposed on these existing golf courses. Anyone that's been up there would have to applaud the efforts of the owners of this land. The Jurgens family (phonetic), the DeLea family (phonetic), including Vincent Sasso, one of the main principals here.

They've done a beautiful job of providing public golf courses for the benefit of citizens and people in the vicinity to play golf.

The practical sense of this, however, is if you prohibit golf courses and additional housing, if you do one or the other, these golf courses will be destroyed. There's no financial way that these golf courses can be maintained forever for public benefit in the sense of public golf courses open to the general public without the additional benefit of having housing.

My clients are prepared, and I have to say this, they're paying approximately- I think it is \$271,000 worth of real estate taxes now. If the housing were allowed to go forward, which I believe they have an absolute right to do, the additional tax revenues to the town I estimate at \$1.3 million dollars of additional tax benefits to the town.

I use that number because part of the record that I've established here are estimates provided by the Assessor's office going back to 2004 for various golf course communities in the town and on average the taxes are \$10,000 per unit. We're proposing 80 units, 50 units, the math comes out to \$1.3 million per year.

Farmers meanwhile absolutely need the benefit of the ag district program and they're entitled to apply for the ag district program

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which exempts them from a lot of real estate tax benefits to the town. I have no criticism of that, I'm a fan of it.

But in this particular instance, you're going to suggest that people have to make a choice with regard to an existing golf course, let it remain or convert it to housing. The answer is going to be everyone now who has an existing golf course will convert it to housing. That's the remedy that you seek to abolish and destroy golf courses that exist.

And I will say, if you think back to the original intent and why they would have said in the beginning new golf courses. First, the town didn't go and examine each site and say this is an existing farm, let's put that in the agricultural protection zone. They said a blanket area is going to be put in the APZ zone. Some of those areas were wooded and not farmed, some of those areas were existing golf courses.

Cherry Creeks, the two golf courses, clearly were not agriculturally used at the time the town of Riverhead thought that was wise to place them in an agricultural protection district. Just think of it. There was no agriculture on these sites to protect, and yet you put them in that particular zone.

We're proposing something the town has always favored and that is a dense cluster of housing. The town mandates in the APZ zone that you try and do 70% of the area in a non-residential area. So you put your houses on at least the 30% that remain. We're clustering these densely to be between five and 10% of the total area.

So visually when you look at the site you will still see the remaining golf course, you will see very little of the housing over much of the land. We specifically put the location of the houses and they're depicted on the pictures and on the maps that I submit in the areas along the existing paved areas. It's where there's pavement and parking and the adjacent areas to that pavement and parking.

This will be something also if the town Planning Board decided that they wanted these houses to be restricted to senior citizens only, that my client has authorized me to say very publicly they will be senior citizen housing only.

So if you raise the question about school taxes, that will no longer be applicable. So what I'm suggesting to you is now when you're faced with an application that's been sitting there for a year, approximately, and now you're going to try and change the zoning on an applicant, it's going to lead to two choices, litigation or the destruction of the golf courses.

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You are going to lose tax revenue and you're going to lose some very beautiful golf courses that are available to the general public now. And I think visually if you look at the sites in the areas, you would look at the developments known as the Highlands these days right on what were existing agricultural parcels, the housing is now alongside one of the Cherry Creek golf courses. And if you look at the other Highlands area, it's along the Long Island National Golf Course.

So the concept that there would be any visual concern here should go right out the door. And I'm just suggesting to you that I've heard this many, many times, that the master plan was sacrosanct, the zoning that was adopted after that was sacrosanct. This board has on occasion I have heard say we're not going to entertain a change of zone application and yet on the flip side, when a person who owns land goes in and submits something consistent with the existing zoning, what's the reaction? Let's call a public hearing to amend the town code to prevent an application that's been pending and in the hopper before the Planning Board.

My clients very politely, very nicely, object to this change."

Supervisor Cardinale: "Thank you. Before further comment, come on up director of planning. Okay, first off, the language of this section that we're considering if I understand the amendment, is presently the Planning Board shall not cluster lots in order to create— the present language, the Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space.

The purpose of the cluster is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable. That is what the law says now, correct?"

Rick Hanley: "That's correct."

Supervisor Cardinale: "Now let me read it again. The Planning Board— without any change, the Planning Board shall not cluster lots in order to create golf courses or maintain— golf courses, playgrounds, etc. or any other amenity as required open space for the purpose of a cluster— and the open space is to preserve agricultural land.

Now, as it is, it is my view and much of this board, it doesn't— we're just— this is not a change at all. It says what it says and the Planning Board in our view should not be considering this application.

What is the status of the application? We're trying to clarify rather than go to the Zoning Board of Appeals and have them interpret, we're trying to make as clear as possible the statute. Has the

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Planning Board any quarrel with the reading of the present statute? It doesn't say new golf courses, Peter, it says they shall not- the Planning Board shall not cluster lots in order to create golf courses.

And we're saying not only create but maintaining golf courses, they're not supposed to be using open space- golf courses as open space. So my question is can you give us any guidance as to the Planning Board's position on this?"

Rick Hanley: "In terms of the status of the subdivision?"

Supervisor Cardinale: "Yes. A decision. There's an application made, it's based upon this language. I'm telling you the legislators, the people that passed the language, interpreted it to mean you don't use golf courses as open space either new ones or old ones. What's their position?"

Rick Hanley: "As Mr. Danowski stated, applications were made for major subdivisions on both Cherry Creek and the Woods at Cherry Creek. They were cluster maps that were yield maps and cluster maps that were provided to the Planning Board. There were SEQRA reports written, planning reports written. The Planning Board noticed for a public hearing on the sketch."

Supervisor Cardinale: "Don't they read the statutes of the Town of Riverhead?"

Rick Hanley: "Well, I think the operative word in the legislation is create and I think- I don't know that there's closure or is it a unanimous decision on the part of the Planning Board in terms of what create means. Is it creating a new golf course? Is create meaning maintaining an existing course? So that's where the nuances are."

Supervisor Cardinale: "But it doesn't say- the present statute does not say that Planning Board shall not cluster lots in order to create new golf courses."

Rick Hanley: "It says create."

Supervisor Cardinale: "It says create golf courses."

Rick Hanley: "Well, right. And these courses exist. I think that's where the confusion lies. It's not a creation."

But in any event, I think the Planning Board is compelled to take an application and review it, have the staff do the reports which they did, a hearing was held. I believe the hearing was closed. Am I correct, Peter? Okay, so the hearings were closed.

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The Planning Board does have some other questions with respect to how the subdivisions relate to the health department rules that have been promulgated--"

Supervisor Cardinale: "Well, the present zoning-- "

Rick Hanley: "-- after the master plan was adopted. There's new rules about what one does with fertilized ground or fertilized turf in terms of density. The applicant has been asked to either (a) submit the subdivisions to the health department for their review to see if it conforms to circular 17; or (b) give us data with respect to their conformance. It is still in review of the applications."

Supervisor Cardinale: "How many acres is the subdivision approximately?"

Rick Hanley: "There are two subdivisions, Phil."

Supervisor Cardinale: "How many acres of the two-- 67 and 128. And what is the-- "

Rick Hanley: "And the yield maps that were submitted showed 80,000 square foot lots, in conformance with--"

Supervisor Cardinale: "Okay. So they want to keep the golf courses open space and put in that number at the present zoning, 80,000 square feet."

Rick Hanley: "Correct."

Supervisor Cardinale: "Okay. Now my other-- my clarification that I want you to clarify and make certain everybody here understands is, it is the position of the town board that it is clear that golf courses are not to be used as open space in new subdivisions, either old golf courses or new golf courses."

However, properly the Planning Board could refer this matter for interpretation to the ZBA. The ZBZ could interpret the current statute and if we didn't like the interpretation or agree with it, we would then pass a new statute."

Rick Hanley: "That's correct."

Supervisor Cardinale: "So we're passing the clarifying statute immediately to help his client to understand clearly what the intent of the legislative body is now and has always been or at least we're considering doing that."

Rick Hanley: "I think you're right. I think it's a matter of legislative intent."

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Supervisor Cardinale: "Okay. So with that clarification I appreciate that so I'd like to take other comment from the public. If anyone has a comment, please come up."

Patricia Holland: "Patricia Holland, Northville. I appreciate what you're trying to do because I think in his town if you don't cross the t's and dot your i's way ahead, somebody is going to come in and send something legal through and try and change things. So I appreciate what you're doing and I hope you continue doing it."

Supervisor Cardinale: "Thank you. When was the statute indicating that golf courses are not open space- not to be considered open space passed in this town? Do you remember, Rick?"

Rick Hanley: "Yes. We've had a cluster ordinance for many, many years and upon the approval of the master plan in November of 2003, when we drafted the APZ zoning use district, we were concerned about clustering within the APZ. We wanted to make it very clear that the intent of the clustering and the upzoning was for agricultural preservation so it's a function of when the APZ district was adopted, which would have been in 2004."

Councilwoman Blass: "June 22."

Supervisor Cardinale: "So everybody knows it's June of '04 that golf courses don't count as open space. What this issue is- "

Rick Hanley: "In the APZ."

Supervisor Cardinale: "What we're trying to do is clarify that old golf courses don't qualify as open space in new subdivisions. And I understand- now in that context, a lot of what Mr. Danowski said is thought provoking."

On the other hand, one thing I know which will happen if we agree with him and do not take any action, there will be a golf course and not farmland on the subdivision that he's describing, the two subdivisions."

Rick Hanley: "That's correct."

Supervisor Cardinale: "Okay. And that is in the agricultural protection zone."

Rick Hanley: "Yes."

Supervisor Cardinale: "So in effect, we'll be protecting old golf courses instead of new farmland. Because that's what's there now."

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Rick Hanley: "Existing golf courses as opposed to new till areas, yeah."

Supervisor Cardinale: "Okay. What we're trying to suggest is that the legislative intent was not to do that, albeit I understand his arguments which are not unreasonable. Okay. Thank you."

Anybody else have a comment? Yes, Larry."

Larry Oxman: "Larry Oxman. How does one create a golf course now?"

Supervisor Cardinale: "Either or."

Larry Oxman: "No. How would you go about doing that?"

Supervisor Cardinale: "It's a specially permitted use in certain zones. You would get a special permit, you would create a golf course and, hopefully, that would be your main and primary use."

Larry Oxman: "So if I bought a hundred acre parcel and I wanted to- in the APZ and I wanted to use it as a golf course that would be the primary use."

Supervisor Cardinale: "That would. And then if you wanted to use it as housing later on, you're permitted to undo the golf course, put the housing in, but you've got to put 70% of it as farmland ideally, not as golf course."

Larry Oxman: "Okay. Is the same rationale being used for the EPCAL property?"

Supervisor Cardinale: "Yes. I would expect that to be true but that's not an agricultural protection zone. This is."

Larry Oxman: "It's still the idea of not building a golf course in open space."

Supervisor Cardinale: "That's correct. And that is not being built in open space."

Larry Oxman: "Okay. But I didn't recall it being (inaudible) in those district."

Supervisor Cardinale: "It's the primary use in the district that it is. And then the open space is separate and apart from that under the present proposal."

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Larry Oxman: "Okay. The owners of these two golf courses, they still have the development rights intact if they still wanted to build houses on them?"

Supervisor Cardinale: "I believe so. Yes."

Larry Oxman: "It sounds-- "

Supervisor Cardinale: "The question of how many, of course, is a question that the Planning Board has to deal with. Yes, I believe that's true."

Larry Oxman: "I would assume that it would just be based on the acreage and, but the permitted-- they would get rid of the golf course and whatever their permitted density would be--"

Supervisor Cardinale: "Yeah, assuming you have a hundred acres, you would have a right to have roughly 40 or 42 lots on those hundred acres and you cluster them on 30% ideally or less and the rest would be farmland."

Larry Oxman: "So in the past I think, speaking as a commercial broker, in the past golf courses were often built on the open space because it was relatively inexpensive land. In fact, if you speak to some golf developers, I don't think that they could ever pay more than about \$12,000, \$15,000 an acre for a golf course to be successful."

If it's a choice of a developer that wants to build homes or a developer that wants to build a golf course on the same piece of property, obviously the developer that would prefer to build homes will win as far as being able to offer a much higher value, well over \$100,000 in today's market, so I think Mr. Danowski's comments are actually quite correct that this property is actually worth far more, probably ten times the amount as a housing subdivision."

Supervisor Cardinale: "Of course, but that is not an argument for what would in effect in every other town is viewed as double dipping, doing both golf courses and housing. You've got to choose one or the other because the benefit to the town is if you choose housing, is we get-- we protect under our agricultural protection zone 70% of that area as farmland, maybe more if they want to do zero lot, so we protect 90%. And that's what we're looking for. We're not looking to protect a double dip use of farm-- of golf courses."

And incidentally, even Pete agrees that that's the policy going forward. He's just trying to say that old golf courses get a special break. And we're making clear that was not the legislative intent."

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Larry Oxman: "Well, it seems that this legislature probably puts (inaudible) ever considering putting a golf course in Riverhead, except maybe I don't know how that's going to affect- "

Supervisor Cardinale: "That's an interesting and very valid point, I understand what you're saying. But I don't know that we have land cheap enough to have golf courses and they do it in Dix Hills, too, and that land has been very valuable for a very long time and they put golf courses in. But ultimately they get developed as houses. You're right."

Larry Oxman: "But my guess is that why they can do it in Dix Hills is because it's the cluster aspect, that they're utilizing the property that's preserved that's not built on for homes so it could be used for a golf course."

Supervisor Cardinale: "I can tell you this, when I was on the town board this issue between '97 and '01 and we were I believe at that time the only east end town that allowed golf courses to be used as open space. Everyone else said that that's double dipping except us."

Larry Oxman: "Okay. All right. Thank you."

Supervisor Cardinale: "Any other comments?"

Peter Danowski: "Just a small comment. I have delivered a letter from Charles Jergens. Charlie- although it's unsigned, he's authorized me to submit it as part of your package. Charlie was a farmer for 40 years so he's not talking like he's just a golf course builder. He's now past the age of - I hate to say it- 80, is that right- 83 now, and he's looking to protect his kids' future and it will lead to the destruction of these golf courses."

So Mr. Sasso has just arrived and I would just ask you to reconsider this interpretation."

Supervisor Cardinale: "Let me ask you something, Peter. Are you- I know what you're arguing for and I would like- Rick, I'd like to know how many golf courses are situated that are existing in any of these three zones. Because that's all that we're talking about. Unless you're trying to advance also as a matter of concept that we should allow golf courses as open space in new subdivisions which are not existing."

Peter Danowski: "I think the logic in the legislation originally was look, we've got existing golf courses, we're not going to touch them. We've got farmers that are out there on farmland, right, they're going to seek at some point to sell their land. The

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developer is going to come in and want to put housing in it and logically that farmland, a good part of that, will remain in farmland.

And it made some sense at that point to talk about, if somebody came in and said as Larry just mentioned, here's your hundred acres of farmland, do you want to do a golf course on it or do you want to do housing and let the farmer remain, I think— absolutely no golf course ever, everyone would do the cluster housing.

Here, these are existing golf courses. This legislation, I think, was well thought out not to affect them."

Supervisor Cardinale: "Well, I can assure you, since we passed it that the intention was not to exclude existing— that's the whole point of this. The intention was— now you make an argument, and I'm listening, why we should exclude existing golf courses, but what I really asked is if we should exclude existing golf courses and allow them to substitute for farmland, are you also suggesting that we should exclude— we should allow golf courses in the future in subdivisions to be open space."

Peter Danowski: "I never gave a thought. I wouldn't object to it certainly."

Supervisor Cardinale: "You would not?"

Peter Danowski: "Personally I would not."

Supervisor Cardinale: "So you're saying if you have a farmland in the APR, Agricultural Protection Zone, and you put it on 30 acres and you have 70 free, it's okay with you— I'm glad you're not in the Health Department— "

Peter Danowski: (Inaudible)

Supervisor Cardinale: "-- it's okay with you to have a golf course on those 70 acres?"

Peter Danowski: "I think the difference is when you started talking about the word double dipping. That's really a misnomer. All right? If you talk about— and I'm in favor of all the agricultural use of these open areas. Farmers go out, they put corn mazes on the property, they go out and till the soil, they replant the seed, they work very, very hard and they need the benefits of agra-tourism to make things work.

What's the difference between that— that use of that property, than a golf course. A golf course doesn't take up— "

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Supervisor Cardinale: "What's the difference between a farm and a golf course?"

Peter Danowski: "-- doesn't take up the land, replant it every year. You don't have the complaints from people about dust and dirt and whatever. All I'm suggesting to you is be farmer friendly, encourage the preservation of farmland. I say that's fine. But the legislation was never meant to say take a golf course and let it lay fallow. It's not going to get converted into farmland. It's just going to sit there."

Supervisor Cardinale: "It's- if it's in the agricultural protection zone, it is the objective of the town that it become farmland if- but all of it remain farmland, and if it does not remain farmland, that at least 70% of it be clustered to allow farmland to be continued."

And as far as double dipping, I mean if my arithmetic is wrong correct me, but if you have a hundred acres and you're entitled to 42 homes and you cluster the 42 on 30 acres, okay, and you- and the 70 acres goes to farmland, that's it. Your only income as a developer off the piece is the 42 homes on 30 acres.

If you get \$15,000 which is your value of a lot- of a golf course from the other 70 acres, you've just made over--70 times 15, a million dollars or so of double dipping."

Peter Danowski: "The interesting comment is the first time I heard the question double dipping was when I had an agricultural parcel on the open space and we intended- we talked about putting a horse farm on it and someone made a comment this is double dipping. You're going to have the residential housing and you're going to have an income achieved on the farmland. That's unfair."

You got a profit from that farm. And I said how can that be? We're creating something that the usage should be allowed and it's a benefit, yes, someone's making money from farming. I'm not objecting to that. That's not a double dip."

Supervisor Cardinale: "What do you do- when they cluster the 70 acres for the farmland, you cluster your property sites on the 30 acres, you sell the 42 off to make what you can make, what happens to the 70 acre piece?"

Peter Danowski: "In the farmland piece? It gets farmed."

Supervisor Cardinale: "But who- does the developer sell it?"

Peter Danowski: "Sure."

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Supervisor Cardinale: "So he— so you're right, it doesn't make a difference. He's going to make money either way."

Peter Danowski: "Right."

Supervisor Cardinale: "He's going to sell the agricultural— "

Peter Danowski: "So it's a double dip. The only negative to that is the one little comment that was made tonight about the health department. If you're west of Roanoke Avenue the health department may say you can't farm all that land."

Supervisor Cardinale: "Well, you know, the true open space incidentally as long as we're talking conceptually, true open space is that you use your development yield on the clustered portion, the 30, and the 70 acres becomes open space that in the past in the world that I used to operate in, that became open space dedicated for nothing to the community, just open space."

You're saying that that open 70 acres is actually sold either way."

Peter Danowski: "That's not true because you'd never be collecting your rec fees."

Supervisor Cardinale: "But it's either sold to the golf— you get the rec fees from the 42 lots."

Peter Danowski: "I don't think so."

Supervisor Cardinale: "It's either sold to the golf course or it's sold to the farmer so your point is either way you're going to get extra income off of that land."

Peter Danowski: "That's correct."

Supervisor Cardinale: "That's correct. But that's not the way it's always been. Real open space was simply dedicated to the community."

Peter Danowski: "I never heard the words real open space."

Supervisor Cardinale: "Well, in the old— in the '80's when they did open space— "

Peter Danowski: "I can't even say that was before my time."

Supervisor Cardinale: "Before your time, I better shut up. Yeah, you're right. I would really show my age. Okay, I get it, but your arguments are interesting. And we will consider them. Yes."

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Sal Mastropolo: "Sal Mastropolo, Calverton. From a taxpayer point of view, as long as they put the caveat that the houses are all 55 and above and it doesn't affect the school district taxes, I support it what Pete's saying."

And as far as open space, what about when you cluster homes and then you put temporary greenhouses on what you call the open space? That's even worse than having a golf course. At least the golf course is green."

Supervisor Cardinale: "That's right. That's a real issue."

Rick Hanley: "Did you want some data on how- "

Supervisor Cardinale: "Yeah. How many existing golf courses do we have in the APR, RA-80 and RB-80?"

Rick Hanley: "APZ district would be the two courses that are the subject of tonight's hearing which is Cherry Creek and the Woods at Cherry Creek. Long Island National lies within the APZ. The rights are intact on that property. And the only other one that would be relevant would be Great Rock course which if you look at your public hearing notice, we're not only amending the APZ district, we're amending the cluster ordinance. There's some- in fact we do have a petition- we have an application, right, on Great Rock."

The only other one is Friar's Head which is in the RA-80 district which has its own set of rules in terms of residential development and Calverton Links which is in an industrial district, there's no residential."

Supervisor Cardinale: "Okay. So it's these two that are being represented and there's also Great Rock."

Rick Hanley: "Great Rock and Long Island National."

Supervisor Cardinale: "And Long Island National. Thank you."

Rick Hanley: "Yes."

Supervisor Cardinale: "Okay. And that's the only ones that would be affected if we change this because those are the existing. Everybody understands that going forward, golf courses aren't open space. Okay."

Councilwoman Blass: "I was just going to ask you a question, Rick. How do you deal with the SEQRA on that? Do you look at it as a whole, the two uses the permitted and the specially permitted use?"

Rick Hanley: "On the subdivisions?"

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Councilwoman Blass: "Yes."

Rick Hanley: "Typically the Planning Board does not deal with the significance until preliminary plat so they would need to get some indication from either the applicant or its own staff on how these things relate to article- I'm sorry, circular 17 which is the subtraction of turf area- I'm not convinced that the yield- yet- that the yield, that the proposed is the proper yield because we have no data on the actual area of fertilized ground which is turf which is subtracted from yield by the health department. So I can't make any judgment as to yield at this point."

Councilwoman Blass: "More specifically, I'm sure there was SEQRA done in order to create the golf course to begin with, there was an action. And what I'm asking is now this subdivision- "

Rick Hanley: "Those were- both those- "

Councilwoman Blass: "-- they were neg dec'd."

Rick Hanley: "They were neg dec'd."

Councilwoman Blass: "That was because at that time there were no houses and for other reasons. I'm only asking now if that is becoming- if that golf course with its existing traffic pattern and everything else, is now coupled with housing, do you not open up SEQRA such that it would include- "

Rick Hanley: "Absolutely."

Councilwoman Blass: "Okay."

Rick Hanley: "Yes."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Well, that's an interesting point as well. But how many acres, Pete, 128- and what's National, do you know? And Great Rock. Would you give me those?"

Rick Hanley: "Long Island National is probably 150 acres."

Supervisor Cardinale: "And how about Great Rock?"

Rick Hanley: "That's probably less, probably 110, 120."

Supervisor Cardinale: "So together we're talking about approximately a little less than 500 acres of existing golf."

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Rick Hanley: "Right."

Supervisor Cardinale: "Okay. Which is what we're considering."

Rick Hanley: "Right."

Supervisor Cardinale: "Thank you. Anybody else have a comment?"

Councilman Dunleavy: "Can I have a comment?"

Supervisor Cardinale: "Sure, why not."

Councilman Dunleavy: "I just want to comment how I feel about this. And I'm of the mind that you don't change something in midstream when someone's put a lot of thought or work into something they're doing. I know they're just trying to correct what they thought was a good code but they assume now that these things are happening and it's not.

I'd rather see an open space golf course than open space agricultural- temporary agricultural houses. If you drive up Horton Avenue, you'll see all these temporary greenhouses, they're all plastic, and there's hundreds of them. And they're on protected land. Well, that's not open space.

The other thing is that horses. They consider horses agricultural land. As long as they board the horses. And if you go past these properties that we're buying and they have horses, they're boarding them, they're putting up new barns, that's not open space.

I just feel that golf courses are green and they're open. And every once in a while you'll see a golfer golfing on them. But if it's 55 and over, they're not going to send anybody to our school system. If he builds 40 houses- 40 houses on the average would generate 2.5 children per house. Added to our school system, that will increase taxes.

And I'm one to keep these lands open, do the best we can and keep our taxes lower. School district taxes are very high and 2.5 kids going into our school district will make those taxes higher."

Supervisor Cardinale: "(inaudible) But let me point this out. You've got a problem in my view and- in the present language. The present language of this if we didn't change a thing and it's read as it's written, says that the Planning Board which is now considering a new subdivision, shall not create- shall not cluster lots in order to create golf courses as required open space.

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This is a subdivision you're asking for. This is an existing golf course, all right, but it's not an open space golf course. It's a golf course on land right now. You're using that golf course— you shall not cluster, this is what the town board told the planning board. The planning board shall not cluster lots in order to create golf courses as required open space.

Now there's no way that this is not creating a golf course as the open space for this brand new subdivision. It may be an existing golf course, but it isn't as open space right now. It's only as open space when the subdivision makes it open space by clustering on the other lots.

So I believe that we're doing everybody a service by bringing this up now because under this language you're inevitably going to get a challenge from somebody who wants to go to the ZBA. So why go to the ZBA? Why not go back to the legislative body, make your arguments as you have, let us consider it and determine what's in the best interest of our view of the town.

We are talking about 500 acres so it's a significant question on whether it will be developed ultimately because I have no doubt that this will be developed property or sold for development rights. Whether it should be developed as housing and open— and farmland or in this instance housing and golf courses on those 500 acres.

So we'll think about it, we'll talk about it at work session. We'll take anything in writing for the next 10 days until a week from Friday, which is what— Friday the 15th, the 15th at 5:00 p.m. and we will pray for wisdom in regard to this esoteric issue with real world consequences."

Public hearing closed: 7:50 p.m.
Left open for 10 days for written
comment to December 15, 2006

Public hearing opened: 7:50 p.m.

Supervisor Cardinale: "Next hearing is— it's 7:50, we could have started that if I hadn't talked so much, we could have started that at 7:10. So I'll shut up and move along.

The addition of the freshwater— oh, I bet you Pete has something to say on this, too. The addition of the freshwater wetlands located on the parcel known as the North Fork Preserve to the town of Riverhead freshwater wetlands inventory in accordance with Chapter 107. Stay right where you are. It is eight— 7:50, we'll open that hearing and tell me what you want to say."

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Peter Danowski: "This is a repeat for the Krudop and Kaplan families. We certainly recognize that we will be soon back before the Planning Board with regard to the subdivision application and at that time certainly the question of what wetlands are on this property or not will get reviewed.

However, the Krudop family has not permitted the town to enter onto this property and I don't know how you can amend the map without that being done. I also take note of the recent legislation that you proposed and I think maybe it's adopted now, that talked about one of the ways would be if a landowner asked you to come onto his property to identify wetlands, I doubt very seriously anyone is going to do that. And I think it will wait to be triggered by an application and when the application is made, that issue will come up.

And, certainly, I recognize that during the Planning Board continuation of the subdivision, this issue will be addressed with regard to this property.

I also— as I did the last time on behalf of the clients, I keep wanting to refer this as the Krudop/Kaplan piece as opposed to the Gun Club property which also has the same name, the North Fork Preserve. So with that said, I've said this before, we just object to the map."

Supervisor Cardinale: "Thank you, Peter. Any other comments from the public in regard to this proposed action of the board?"

Keran Moran: "My name is Keran Moran (phonetic), President of the Northville Beach Civic Association. I believe that we should address this problem of the wetlands. Very simply, because I've been dealing with the situation primarily in this particular area for the last 15 months. It actually started in 2002 in which the wetlands in the North Fork Preserve have over flooded and come across north of Sound Shore Avenue and affected 33 taxpayers' properties and also caused damage to four of those.

These wetlands have been altered in a sense, not by the present owners, but by the WPA in 1933 and then, again, by the Army in 194- through '45 when there was an Army camp there.

Drainage pipes have been put in there that leads towards the Sound. There are four of them. Some of them are drainage pipes, some of them are culvert system. Two of the areas also have been altered also by the town of Riverhead by their storm drains that connect it in with the WPA pipes.

The interesting thing to note is that there are no maps where these pipes are. You cannot find them anyplace. No one has them. No one has the identification of these wetlands that were altered because

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of this. And I think it's a primary necessity that we do not cause damage to property that is not in the North Fork Preserve because of the drainage is being forced off."

Supervisor Cardinale: "Peter- "

Councilman Bartunek: "I have one question, Pete, if you could just hold on a second."

Keran Moran: "My feeling is that we should be doing something with regards to a problem that is being created by wetlands, identify them. Now, this particular map, George, is this the same map that was presented at the last hearing?"

Councilman Bartunek: "Yes."

Keran Moran: "Is it the one with the added wetlands, the three added wetlands also?"

Councilman Bartunek: "Yes."

Keran Moran: "So this is the map from 2001, is it January, 2001 I think it is that was done by Young & Young."

Councilman Bartunek: "It's the last map that was submitted to the town, the addition of those three- "

Keran Moran: "This was submitted by the owners of the property in order to fulfill part of the seven questions that they had to answer with regards to the first development that they wished to propose for this particular land. So this was presented by the owners of the property."

Councilman Bartunek: "With the exception of those three smaller wetlands."

Keran Moran: "Those three small areas."

Councilman Bartunek: "That's correct."

Keran Moran: "In which they are in question because they were mapped by the original person who prepared this map?"

Councilman Bartunek: "That's correct. They were mapped by the consultant for- "

Keran Moran: "Young & Young."

Councilman Bartunek: "-- the developer, the people that were developing the Krudop piece."

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Keran Moran: "Right. So this would be considered an accurate map then as presented by the owners?"

Councilman Bartunek: "Yes."

Keran Moran: "So, therefore, this map could be used as a starting point for, you know, defining these particular wetlands so that we can move a step further in resolving the problem that has existed in 2002.

Suffolk County is almost on the verge of coming in and trying to assist us in solving this problem to the 33 households that are being directly affected by the wetlands in the North Fork Preserve. So I feel that you should continue with this and make sure that not only these wetlands but any wetlands in the town of Riverhead be identified because they're only going to cause problems eventually and we should protect the wetlands.

This is our groundwater. These are freshwater wetlands. This is part of the system of where we get our water from. And I think that we should preserve this so that any future development that takes place, any future increase in the amount of population that comes into the town of Riverhead, we have sufficient amount of water to supply our needs.

So, again, I hope that you would continue and map the wetlands. Thank you very much."

Supervisor Cardinale: "Thank you. I don't want to sound irreverent but can anybody here— I'll even take your answer, Rick, can anybody here distinguish for me between— and when you're talking freshwater wetlands, between a freshwater wetland and a big puddle in an indented space? Are they the same? What's the difference?"

Councilman Bartunek: "You will define freshwater wetlands by vegetative indicator species."

Supervisor Cardinale: "So what's growing in the indented puddle?"

Councilman Bartunek: "That's another way of putting it."

(Some inaudible discussion)

Supervisor Cardinale: "Like (inaudible)."

(Some inaudible comment)

Supervisor Cardinale: "Isn't that salt water?"

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Councilman Bartunek: "(inaudible) can be anywhere."

Supervisor Cardinale: "So, I know, you know, it's all salt water, wetland which is called tidal, I guess, but if it's just a freshwater wetland, there's an indented space in the earth and water goes it in and stays."

Councilman Bartunek: "That's called a sump."

Supervisor Cardinale: "Yeah, what's the difference between a sump and a wetland? No, I'm serious."

Councilman Bartunek: "You have certain types of native species that are indicator species for the definition of the outline if you will- "

Supervisor Cardinale: "So they define it by species. So if it's growing in a sump, then I've got myself a wetland there."

Councilman Bartunke: "There you go."

Supervisor Cardinale: "That's amazing. I may have to protect my sumps."

Keran Moran: "Even on this map here, if you were to look at where it's defined as a wetland right now and you were to go back there and take a look at what it actually looks like, on the easternmost portion and the northernmost portion of the North Fork Preserve, that particular wetland area that's defined there is much bigger. If I could step up you know and give you a rough eyeball. I've never been on the property but on property right next to it but you can see how far it has gone. And there are actually other ones that are not defined but they're very small.

There are five of them basically if you can look and see the vegetation. I think, George, you were up there when I pointed out two and Barbara was up there also and we were standing on a neighbor's property. When I mentioned look how these are all connected and these areas here you can tell by the vegetation, those are the wetlands."

Supervisor Cardinale: "You know, it's not really as irreverent or irrelevant as it might appear because if I understand this correctly, the state takes care of the big freshwater wetlands, but we get the acre or less. So if you're getting down to little wetlands, like say percentage of an acre, and it's wet land, it could arguably be a puddle or if it has the proper species growing out of it, it becomes a wetland."

Keran Moran: "Right."

Supervisor Cardinale: "You learn something every day in this."

Councilman Dunleavy: "Can I just get something straight in my own mind? If you have a large drainage ditch that is constantly has water in it and you use that for drainage and the wind blows and blows seeds from these species from other wetlands into that area and they start growing, that drainage ditch will then become a wetland?"

Councilman Bartunek: "It- "

Councilman Dunleavy: "George, is that true?"

Councilman Bartunek: "That's the way they evolve into wetlands."

Supervisor Cardinale: "That's right. Watch your wetlands, they grow- "

Councilman Bartunek: "And, actually, the truth, Phil, is there is surprisingly, there is one wetland on Middle Road that I was very surprised that was a state wetland. It's much less than an acre is size and it's actually been referred to as just a drainage sump in one of the work sessions. And it's a state- how it ever got to be a state wetland is interesting."

Councilman Dunleavy: "That's how it started as drainage but I guess these species started growing there. So what you have to do, if you have a drainage ditch, you have to make sure every year you go out there and clean up all the growth that you have there so it never becomes a wetland."

Supervisor Cardinale: "You've just advised them to violate DEC regulations because you can't move the growths."

Councilman Bartunek: "This is the reason why John is sitting over there and I'm sitting- "

Councilman Dunleavy: "If it's less than an acre. If it's less than an acre."

Supervisor Cardinale: "-- it's okay to carry John away. You can't just pull out the protected species."

Councilwoman Blass: "The reason that they become important beyond their significance as eco-systems and vegetation that was worthy of protection is because when you submit a yield map for subdivision purposes, all of those areas have to be subtracted from your yield. And that's why it becomes very important to properly

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identify where the wetlands are. It affects the ultimate value of the property."

Supervisor Cardinale: "Right. It affects the value of the property. Probably why those water vacuums are doing so well."

Councilman Dunleavy: "But these wetlands are damaging other homes in the area and that's a problem with these wetlands. So we're going to protect the wetlands but as we protect them, we're also keeping the damage continuing to happen on these other homes."

Councilman Bartunek: "The wetlands there were there 15,000 years before all the houses were there, John."

I have a question for Peter. Actually, I have two questions."

Supervisor Cardinale: "Peter, two questions."

Councilman Bartunek: "I don't want to keep him awake, but from the- and I don't want to put you on the spot, Pete. You don't have to- okay, the last time we had a hearing about this, you brought up the issue of why these wetlands were being singled out. This is what I've heard in the past. Is that no longer a bone of contention, I guess, from the- why should these wetlands be singled out when we weren't going back and reinvestigating other freshwater wetlands."

Peter Danowski: "I think my client certainly had a right to suggest that we're having a wetland map hearing only with regard to their property and no other property."

Councilman Bartunek: "Okay."

Peter Danowski: "How are they supposed to interpret that? Now certainly I heard, you know, some of the comments from Mr. Moran which, you know, we certainly don't oppose and that is the suggestion that if it's accurate to say that certain pipes were broken by certain people and I've heard names and I won't mention them because I don't know if it's true or not, then those pipes should get repaired or whatever to cure flooding problems. You know, that's sort of a non-issue to me."

I think what was bothersome was the DEC had come out, as you know, George, and I know you were part of the process when you served as the CAC head with regard to the subdivision application. They had come out and witnessed the flagging of the wetlands and there was a map established. That map as I understood it was the vegetation map and whatever maps have been submitted in the planning process are on file and those maps exist."

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We located the wetlands. We invited the state out and they confirmed the location of wetlands. I guess it could be a position of somebody that says wetlands grow from year to year and when we get back into the subdivision application and it gets re-reviewed, all right, someone is going to say did they grow or didn't they, and go out with the DEC perhaps again.

As you know, these are not DEC wetlands but we asked them to come out previously because we thought they were the authority on saying this is a wetland or not so no one could accuse us of saying we located less. So I tried to- it's sort of unfortunate because at this point the DEC says there was no pending application there, because there wasn't, all right, so they don't have a file. I tried to find the information they have just so they could verify what we're saying.

So the only map I had was the Young & Young prepared map of the vegetation map and anything else that's on file in the Planning Board. So all I'm saying to you is the best way to do this is to wait for the planning review process to take place again. Everyone is going to participate in that and you're going to identify where the wetlands are. And if there are broken pipes and somebody can locate them and they fix the pipes, I'm sure there will be issues about that as far as is this a good idea or a bad idea and I have no idea about, you know, how anything got broken.

But all I'm suggesting to you is the right way to handle this, is just wait for the processing of the subdivision. Then, I think, there's little issues about it."

Councilman Bartunek: "Would this map be acceptable to you and your clients if those three smaller wetlands were to be not considered at this time, just out of curiosity? Then would you- "

Peter Danowski: "I think yes. If you take the DEC flagged wetland map that was part of the subdivision process, it's not a problem. It's already on file. I agree with the gentleman, it's sad. There was a process and we delivered maps and there was a SEQRA hearing, there was a review, there were comments made and there was, you know, an establishment and these were the vegetation maps."

Councilman Bartunek: "Okay. I'm just trying to clarify what would be acceptable and what would not be acceptable to you and your clients. However, I want to also point out that the three wetlands that are in question were delineated by a wetland delineator who had the qualifications to do this job who had permission at the time that the location of those wetlands were put into his field notes. He didn't locate those wetlands, those three additional wetlands, by going on to the property. He located them from his prior field notes when he did have permission to enter the property.

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And I'd like to make one other point is that those three wetlands also were delineated correctly, you're right, not without state- not approval but state verification, but so were the other three or 400 wetlands that we have in the town of Riverhead that are part of the freshwater wetland inventory. They were all inventoried and located without state verification. The same as those three wetlands on the northern part of this property.

Is that confusing, Pete? I'm just- "

Peter Danowski: "I can remember back to the Chuck Lawrence day so I know the town did their own inventory and they have their own inventory of wetlands. All I'm trying to- and I think we agree on probably 95% of what we're saying to each other."

Councilman Bartunek: "Right."

Peter Danowski: "Saying- I was trying to get the DEC to say here's the map that was delivered to them that we witnessed the wetlands, then there's no issue. But I haven't been able to- give me a map back that they have in their possession. So I swear, it's- "

Councilman Bartunek: "It's got to be the same map."

Peter Danowski: "I want to say it's the vegetation map."

Councilman Bartunek: "I'm sure it's the same map."

Peter Danowski: "I believe it is."

Councilman Bartunek: "Okay."

Peter Danowski: "So, you know, my issue is when we get into the process, we'll be talking about many of these issues and we'll be back in that process very soon. And that's fine."

Supervisor Cardinale: "Can you see these on Google, maps?"

Councilman Bartunek: "You probably could."

Supervisor Cardinale: "Why don't we just use them?"

Peter Danowski: "I don't think you can Google fast enough to determine what the wetland plant is but you can try."

Supervisor Cardinale: "I'm curious to see if they show."

Peter Danowski: "We talk about dry wetlands here, that's true. And it is, I mean we had this earlier comment. John was commenting on it, too. I can remember some issue about a drainage sump near Route

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58, I think behind the Hit Man collision stuff where they did a drainage area and wetland indicators were in that drainage area and that became a problem for building near it. So I always have issues with- "

Councilman Bartunek: "It's a conspiracy, Pete."

Peter Danowski: "You and I remember when we expanded the distance one time on legislation a couple years back and I said, George, I know you're telling me it's only a jurisdictional line, but when I come in to seek permission, I'm always afraid you'll say stay outside- your jurisdictional line. So- "

Councilwoman Blass: "Mr. Danowski, may I ask you, Mr. Danowski. Did you indicate that when you went to the DEC or someone went to the DEC, they don't have a map of wetlands that they- freshwater wetlands that they regulate in the town of Riverhead?"

Peter Danowski: "No. What I said was this whole area is not a DEC wetland area so any map they might have would not relate to this property.

What I said was in the process when we were identifying them and we did identify wetlands in the Planning Board process, George was part of the CAC process at the time, all right, we ended up saying in addition to our own person, inviting the DEC to the land to confirm the location of wetlands."

Councilwoman Blass: "I remember Steve Lawrence going out there."

Peter Danowski: "Right."

Councilwoman Blass: "I was there and- "

Peter Danowski: "And Steve Lawrence agreed to the determination."

Councilwoman Blass: "Yes."

Peter Danowski: "But what I think the DEC is now saying is unless you have filed an application to seek permission from them for something and have an application number, they may not have a file for me."

Councilwoman Blass: "Okay, okay."

Supervisor Cardinale: "Thank you for sharing."

Councilman Bartunek: "Thanks a lot."

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Supervisor Cardinale: "Kerry."

Keran Moran: "Just to clarify a point with regards to the broken pipe. There was a homeowner who was building on his property that he had bought, and in the course of construction, a pipe was broken in 1999. He went to find out about what this pipe was for. There's no maps, there's nothing on his deed, there's nothing on his title search as the majority of the people do not have this. There's very few people who have any sort of easement placed upon their deed or their title search that shows that these pipes exist on their property.

He repaired the pipe in 1999. The problem didn't start until the year 2002. And in 2002, the water started backing up in the North Fork Preserve. The estimate is the amount of water that has accumulated extra, beyond what the freshwater wetlands would normally have, is about 1.5 million gallons of water. It extends- it covers a very large area.

One of the service roads that they have around the perimeter of their property is roughly about four feet under water- at one point was four feet. Sometimes it was a little bit higher, sometimes it was a little bit lower. But it would be an average around four feet.

In 2002, when this problem started happening, a property owner on the other side of Sound Shore Road, on the north side of Sound Shore Road, was noticing brown, extremely pungent water coming on to his beach. He then went to figure out what was going on. Two years since then, in all of his endeavors in trying to find out what's going on, and then he kind of saw where all these pipes were crisscrossing underneath his driveway and next to his property and down underneath his house, he came to the Northville Beach Civic Association. I, being the president at that particular time, said I would look into it.

Fifteen months later, there still is no accurate map on where these pipes are. Some of them are just pipes for a short distance and then they go to an open culvert and then back into a pipe system again. These things have been altered and changed at various times in the seventy some odd years that they have been in existence.

But the main purpose was this is something that was called Long Swamp, both this particular parcel and south of it also.

Several years ago because one of the major ponds, you know, a little bit south of the North Fork Preserve itself, broke its banks, flooded Sound Avenue, flooded a lot of the property down there and houses. Suffolk County came in and put in 782 feet of piping, 12 to 18" of piping to resolve this problem.

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They are now saying basically we don't know if it's our problem. They sent it to the county attorney's office many, many times. And what they're at the point now is, they're trying to get an accurate description of where these pipes are. I have given them maps, shown them where they are in the sense of on these maps, they're not drawn, to give them an idea of what the system looks like. I have done this for the DEC; I have done this for the Board of Health because I asked them go come down to test the waters which are inconsistent with their findings. Sometimes they would have to close the beach, but they never do this.

So I would say that basically, you know, we have a problem here. It's not the town's fault and, you know, I think that we came to an agreement on that when we first started looking into this. Basically it's the county. They have been deeded the rights of these particular pipes back in 1955 to Mosquito Control. Then it went to Vector Control. Now it's in Public Works."

Supervisor Cardinale: "Thank you, Kerry. Appreciate the clarification.

Any other- if anyone has anything to say, come up and say it, please, so we can move to the second- the third hearing. Yes."

Patricia Holland: "Patricia Holland, Northville. I'm one of those 33 people who are being affected. They exist. It's not maybe, it exists. It doesn't have to be an acre and a half. It's bigger than a puddle. It's enough to flood my basement so I no longer have an underground- under the house garage.

And we have East Fairview Road that is not dedicated to the town. So it's a dirt road and just in the last few months, the pond- a pond that does not exist, overflowed and whatever, and we personally had to put in our own money to bring in dirt and (inaudible) and whatever to make the road a road again because if you had driven on it, you would have lost your axle. That's not maybe, it's existing. It has to be mapped."

Supervisor Cardinale: "Thank you."

Patricia Holland: "Because anybody who actually gets into any of their subdivisions will have waterfront property in their living room. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "So what you're saying is there's a bigger problem here than these wetlands because it's going to get worse. As these wetlands get larger, the water draining off of this property is going to get worse on your property and your neighbor's properties."

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Patricia Holland: "Right."

Councilman Dunleavy: "So the problem is somebody has to look into the drainage."

Patricia Holland: "But we're talking about dry wetlands, these are vernal wetlands."

Councilman Dunleavy: "Right."

Patricia Holland: "If you come at the wrong time of the year, it's dry and you don't even know that there are wetlands. But come in the spring time and good luck. You know?"

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "Yes."

Ed Purcell: "Ed Purcell. Probably the biggest problem with all this what they're dealing with is because in the '70's I guess it was the '60's— in the '70's when Vector Control was— it went to Vector Control from Mosquito Control, they cut the help. So that there are many fewer people that work for them and probably when they first put the pipes through, when it was deeded in '55, they had enough help to do, to keep everything cleaned out.

And also if they broke, they had— well, they'd make a public works project to repair the drainage pipes. And now you have nothing but trouble. And that's a problem why if you set the wetlands what they are right now, once they fix the pipes like they should have been doing all along or fix the drainage problem— because I have a problem on East Main Street that the sand from East Main Street would flow into Millbrook Stream and raise the streambed level, therefore, it raised the level of Millbrook Pond. And that's all from— because Vector Control no longer would clean out the sand and dirt that would flow off the street because they don't have the help, they can't do it like they used to do back in the '60's and 70's.

And when they were deeded the— all those pieces of pipes, I'm sure they felt, oh, we'll always have enough help so we can accept it because we'll be able to clean it out, we'll be able to fix it and take care of it. Well, that's not the case.

Now there are other pipes that I don't know if you have a map, Edwards Hardware Store— not Hardware Store, Sporting Goods Store, right behind there, there is a pipe that runs from 25, south of 25, right through, as a matter of fact, I think there's a building built over the top of the pipe or just about, that was wetlands back in the

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'60's. And it runs to the other side of Route 58 where there is a culvert and I think there's a culvert on the north side of Route 58.

And I don't know how you would do it, but you really should get those maps— get a map of that also."

Councilman Bartunek: "Let's stick to this."

Ed Purcell: "You know what I mean? Because there's going to be a problem down the road. The pipe may break, it may cave in, and then the north side of Route 58, you'll have the same problem they have up on Sound Shore Road.

Also, there's a lot of properties on Route 58 that in the past were allowed to be filled in such as town property over by the highway department which was a much bigger wetland. Also where the Cauliflower Block Association there was a wetland in there. And because of that, that's created problems some place else.

So it's mess."

Supervisor Cardinale: "We could end with that. You know, speaking of— from a philosophical perspective— the police chief is leaving, we've lost him. From a philosophical perspective, this shows the ever changing aspect of life in that all things in life are interconnected including the mosquito pipes.

But I think we should leave it at that and call for any other public comment and don't feel compelled. And if you really feel strongly about this, you could write to us and submit it anytime between now and December 15th at 5:00 p.m."

Councilwoman Blass: "It would be helpful to locate these pipes on a GIS system so that we would have them for all individuals."

Supervisor Cardinale: "Yes. It would be good to have them on. But, of course— "

Councilwoman Blass: "--identify them."

Supervisor Cardinale: "But these are all county pipes. They should have their own GIS system."

Councilwoman Blass: "They should give us the layer then so we would have an idea of where they exist in our town."

Supervisor Cardinale: "Yes, you're right. I just hope they know where they are."

Councilwoman Blass: "Well, obviously they don't."

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Supervisor Cardinale: "Well how- they're not going to be able to give us a GIS layer if they don't even know where their own pipes are."

Councilwoman Blass: "Well, when you update your system, you do that kind of thing."

Supervisor Cardinale: "One can hope. Yes. It's- okay, moving right along to number three- "

Public hearing closed: 8:20 p.m.
Left open for written comment for
10 days to December 15, 2006

Public hearing opened: 8:20 p.m.

Supervisor Cardinale: "This is for the consideration of a local law to amend Chapter XXIX condominium maps by which we make it \$5,000 as we have elsewhere for a rec fee for condo units as we did with subdivided units, as we will eventually do with apartments and town houses.

Does anyone have thoughts yearning to be spoken here? If so, we invite you. If not, we invite you to submit written thoughts after long reflection, but not longer than December 15th at 5:00 p.m. and the Clerk will put them in the file and we'll review them before making a decision."

Public hearing closed 8:20 p.m.
Left open for written comment for
10 days to December 15, 2006

Public hearing opened: 8:20 p.m.

Supervisor Cardinale: "Okay, the fourth hearing of the evening is to consider a local law- it's supposed to start at 7:20- it's 8:20 so we certainly can start. The other one started at 7:18 and ended at 7:19.

So the fourth one is for the consideration of a local law to amend Chapter 108- Article XX Subdivision Regulations, major subdivision. And that has to do with the change in the manner in which we collect subdivision fees so as to collect the fees in a more timely- manner more inter-related to the time that we actually expend the effort. Because as it is now, people just hold up filing the map and we don't get paid. So we are on to that and are changing it.

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Anybody want to comment on that? If not, again, you have the opportunity to submit material between now and December 15th to the Clerk's office."

Public hearing closed: 8:22 p.m.
Left open for written comment for
10 days to December 15, 2006

Public hearing opened: 8:22 p.m.

Supervisor Cardinale: "Number five is the hearing scheduled for 7:25- 7:20, I'm sorry. They had two for 7:20. This is on the proposal that prior to the issuance of a building permit for the construction of public works projects in excess of 100,000 square feet in size, that the applicant demonstrate that the general contractor or contractor or subcontractor have apprenticeship agreements appropriate for the type and scope of work to be performed, registered with the New York Commissioner of Labor in accordance with the Labor Law.

And if- this is now open, this hearing, it being 7:22, for comment- I mean 8:22 for comment, if anyone has any. I think we have a comment. (Inaudible). How are you, Joe?"

Joe Shanahan: "Fine, how are you? Joe Shanahan, resident of Wading River.

I'd like to applaud the town for considering this. For those of you not aware, Labor Law 220 under prevailing wage law states that municipal projects have to be bid at a prevailing wage rate which is that of a journeyman. So if say a journeyman makes 74 bucks an hour, every person that works on that job in that category, say as an electrician for example, would have to make the \$75.00. They'd have to be paid the \$75.00.

If you have a state apprenticeship program, you are able to employ apprentices on the ratio of three journeyman to every single apprentice and thus would lower the cost of the bid. So now if you have a substantial project, 100,000 square feet or above, you've got to employ quite a few journeymen and quite a few apprentices and the town would see a significant savings in those costs.

So it would work out to the taxpayers' benefit."

Supervisor Cardinale: "Yes, Barbara had a question."

Councilwoman Blass: "I have a question. This refers to public works projects, 100,000 square feet of a building. Aren't there public works projects that the town engages in that don't involve the

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construction of a building? What about a dock project or a major road improvement project? Something like that. It's not construction of a building."

Joe Shanahan: "Absolutely. But we're working with the New York criteria that you are establishing."

Supervisor Cardinale: "Yeah, that's an interesting question and certainly something that we could consider. The question, Joe, is this proposed legislation which is modeled after other towns, indicates that it would apply to construction— public works construction projects in excess of 100,000 square feet."

Joe Shanahan: "Right. You could also make it a dollar amount. The town of Islip is now introducing legislation at a dollar amount which is \$250,000 or more. So they, instead of making a square footage, they made it a dollar amount."

Supervisor Cardinale: "Which may be more relevant to the kind of projects we run and the kind of town we are at this small size of 32,000."

Joe Shanahan: "Absolutely, I agree."

Supervisor Cardinale: "So that might be something we would want to consider as the threshold— the threshold being something more relevant. Because I would— it would be a long time before the town of Riverhead does a 100,000 square foot project."

Joe Shanahan: "Well, yeah, one day you may decide to put up solar panels on the roof and you'll find that that was something you want to put out for public bid and you want to save money on it, that would be a good way to do it."

Supervisor Cardinale: "And if there is an advantage you expressed that apprentices could do some of the work of the— which would otherwise have to be done by journeymen, we would want to capture those projects more likely to be taken up by the town."

Joe Shanahan: "Yes."

Supervisor Cardinale: "Even if we build for example a new town hall, I doubt that it's going to be anything more than— "

(At this time, the CD ended)

Dan Hilton: "-- find a qualified person. And in the National Electrical Code, a qualified person, an electrician, must be trained in the NFPA 70E. Now I can count on one hand the amount of electricians in the town of Riverhead that have the NFPA 70E. Not

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everyone is aware of it but the National Electrical Code defines it and to be qualified you must have that training.

This town will soon be skelatilized in scaffolding pretty soon. It's going to be unsightly but you can rest assure that if the scaffolding is put together by a trained carpenter, that it's going to be safe for the workers who are working on it and the pedestrians that are walking near it.

I don't know if you remember, I don't know, I guess it was last year or two years ago, there was scaffolding in the city just falling down and, you know, it makes you wonder whether it was put together by qualified constructors.

This is, you know, basically a regulation for- to ensure quality work in the town of Riverhead and I believe it's in the best interests for the town and I want to thank the Board for their attention. Thank you."

Supervisor Cardinale: "Thank you. Any other comment on this proposed ordinance? I'll leave this open as well for written comment through Friday, 5:00 p.m., December 15."

Public hearing closed: 8:30 p.m.
Left open for written comment for
10 days to December 15, 2006

Public hearing opened: 8:30 p.m.

Supervisor Cardinale: "And move to the final hearing of the evening and close this last one at 8:30. At 8:30, we'll do the last hearing which is for consideration of a local law to amend Chapter 47 entitled Bays and Creeks. And this is a thick little local law and, George, why don't you summarize if you can in a moment the salient facts."

Councilman Bartunek: "I can do that, Phil, I can do that if anybody is really interested. What we're doing here, this is primarily some recommendations that have come out of the Conservation Advisory Council that accepts the applications for permits for docks, bulkheads, so forth.

Very quickly, what it provides for is increased fees for the taking of shellfish, decreasing the quantity of scallops that can be harvested. It eliminates the requirement of permit applications for moorings for the CAC, requires that all private and public docking facilities and provide mooring of more than 75 docking slips. Must provide pump out mechanisms for sanitary waste. Establishes criteria

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for local locations of moorings that can be referred to by the Bay Constable in case there is some kind of conflict between people that own boats attached to moorings; relaxes the restrictions of the use of CCA treated wood.

The way the proposal is, is that the CCA treated wood may be used on construction materials of the pilings, the structure itself, but not on planking or docks. It increases the CAC permit application fee to \$100. It increases the penalties for violations of this chapter."

Supervisor Cardinale: "Thank you. Is there any comment in regard to this proposed ordinance. After all that- if you- it's available for review, it's available to be commented upon in writing at the clerk's office between now and 5:00 p.m. Friday, December 15th and we will be discussing it at the work sessions between now and the next meeting."

Public hearing closed: 8:32 p.m.
Left open for written comment for
10 days to December 15, 2006

Supervisor Cardinale: "It is 8:32 and the six hearings have been resolved. I'd like to take comment on the resolutions which are about 40 in number. There's also an additional- oh, no, there isn't an additional, it's in there. There are about- actually 38 I think. If there is any of them that you would like to comment on, we'd like to hear it before we consider them and then we'll open it up for open comment. Yes, please, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes, Sal."

Sal Mastropolo: "1089."

Supervisor Cardinale: "Yes. Got it."

Sal Mastropolo: "Section 4- "

Supervisor Cardinale: "Got it."

Sal Mastropolo: "The last couple of sentences I think you need to clarify that area. I don't know if somebody used boilerplate for bonding, okay, but the payment of these bonds should be out of the tax- the money that comes from the taxes on real estate. But if you read this it says to the extent not paid from other sources, there

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shall annually be levied on all the taxable real estate in said town, the tax official to pay the principal of- "

Supervisor Cardinale: "Yeah--"

Sal Mastropolo: "-- and interest on such bonds as the same become due and payable."

Supervisor Cardinale: "I can answer that question. I think the operative- this is the 2% bond- 2% conveyance fee that will support these bonds. This is the amount that we've been advised we can safely borrow from the accounting staff and our bond advisor, (inaudible), still having four times- get that, four times the amount of money necessary at all times to pay the interest."

However, every bond that the town of Riverhead issues, despite the fact this one happens to be backed by four times the money that we need to pay it, with that income stream, is a full faith and credit of the town of Riverhead bond.

So to the extent that it is not paid from those sources, the 2% tax which should be four times enough, then we would, in fact, have to pay it anyway. So that's what that means."

Sal Mastropolo: "Okay. But you don't want to put anything in there that refers specifically to the tax on the- "

Supervisor Cardinale: "I believe that this is boilerplate is necessary because of the bonding but I will ask the question. But I think that they're relying on to the extent not paid from other sources, they're going to levy on the property of the town."

Sal Mastropolo: "Section 9, Traveler Watchman should be changed to News Review."

Supervisor Cardinale: "Okay. Can someone correct that? You got it? Okay. Thank you."

Sal Mastropolo: "Okay, I have the same comment about the paying of it on Section 4 of, I guess it's certification- "

Supervisor Cardinale: "Yeah, I'll ask Bill tomorrow but I'm pretty sure my answer is what you'll tell me. That's- but Section 4 in both."

Sal Mastropolo: "Right. 1107."

Supervisor Cardinale: "1107, right."

Sal Mastropolo: "1107, there's no Schedule A attached. In the first Whereas it refers to Schedule A attached hereto."

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Supervisor Cardinale: "Yes. That- this property is the property we have discussed at Park Road in Reeves Park. We should at least have a tax map number, however, attached. We may not have the actual- "

Sal Mastropolo: "You've got the tax map number."

Councilman Bartunek: "That is included in the first Whereas."

Supervisor Cardinale: "Yeah, but I mean a picture of it or something because we're going to need a description in order to convey it. This is going to be at- what date is it, do we have a date set?"

Sal Mastropolo: "You have March."

Supervisor Cardinale: "Yeah, well, that's because we're going to be doing it at the- this is the one we discussed. It's a lot at Reeves Park. It's worth at least about two fifty. We're going to do one of those auctions that the town hall steps because it's excess property from the water district and we wanted to wait until March 22nd so that the weather would be more (inaudible). So that's why we did it that way. And you're right, the schedule should be attached. We probably don't have the description but it is referenced by tax map."

Sal Mastropolo: "Okay. An unnumbered resolution on Margaret Ferris."

Supervisor Cardinale: "Yeah, that's 1102."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "And you had a question on it?"

Sal Mastropolo: "Yeah. Under sick leave- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The first sentence, sick leave is absence necessitated by Ferris' illness or other physical disability. Effective January 1st, 2007, sick leave will be accumulated at the rate of one and eight hours per month. Something's missing there."

Supervisor Cardinale: "Eight hours. One and should be stricken. Eight hours per month. Typo."

Sal Mastropolo: "Total accumulated sick leave of 300 days."

Supervisor Cardinale: "Yeah. If she stays for 100 years, she gets up to 300 days."

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Sal Mastropolo: "Yeah, but there's still something missing. With a total accumulated sick leave- "

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Okay. And in--"

Supervisor Cardinale: "Yeah, in Article 7, before you go on, let's change that. The town shall pay 75% not- we have the proper one in the parenthesis but it says 100 and then 75. It should say 75%-- 75 should be written out and 75% is in the parenthesis. So that's correct. Anything else on that one?"

Sal Mastropolo: "No. I didn't see that."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "But in Article 9- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "No. 9, change him to her."

Supervisor Cardinale: "Okay. That's throughout?"

Sal Mastropolo: "No, just- I only saw it in the one place, the last word in No. 9- "

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Article 9, No. 9. Safety equipment shall be furnished by the town- "

Supervisor Cardinale: "To her. Okay. That's on number 9."

Sal Mastropolo: "Yup, and that was it."

Supervisor Cardinale: "Nine- nine. All right. Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Okay. Any other comment on any of the resolutions we're about to consider? If not, Barbara, would you call these resolutions so that we can consider them and take open comment."

Resolution #1084

Councilman Bartunek: "James P. Sharkey and Monique Molfetta development rights budget adoption. So moved."

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Councilman Dunleavy: "And seconded."

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

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

Resolution #1085

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

Councilwoman Blass: "And seconded."

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

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

Resolution #1086

Councilwoman Blass: "Budget adjustment in the water district. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1087

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

Councilman Dunleavy: "And seconded."

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

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

Resolution #1088

Councilman Dunleavy: "Highway department budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1089

Councilwoman Blass: "This is a resolution authorizing the issuance of \$20,000,000 bonds of the town of Riverhead, Suffolk County, New York to pay the cost of acquisition of various parcels of real property or rights or interests in such land, for active and passive park purposes, purchase of development rights in agricultural lands, and the preservation of open space in and for said town. So moved."

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

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

Supervisor Cardinale: "Yes. This program which takes what we can take pursuant to the advice of our accounting professionals against the 2% tax coming in for the additional 10 years, makes it a \$75,000,000 program of purchases and after that, we are going to have to live with what we purchased. So anybody who is interested in doing business with the town for development rights and open space, now is the time."

Councilwoman Blass: "Perhaps we can explore other options."

Supervisor Cardinale: "Yes, we could explore other options like the county's money and TDR's would still be in business-- transfer. But we're not going to buy any. The transfer of development rights would be by the county--by the developers. So we're hoping that Larry Oxman will be buying some, okay, and others. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1090

Councilman Bartunek: "A resolution authorizing the issuance pursuant to Section 90.10 of the local finance law of refunding bonds of the town of Riverhead, Suffolk County, New York, to be designated substantially public improvement serial bonds and providing for other

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matters in relation thereto and the payment of the bonds to be refunded thereby. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yes. This will save us, if we do it, about \$130,000 and we're going to wait until it saves us 200 before we do it. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1091

Councilman Dunleavy: "Awards bid Extension No. 71 Country Trails, Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1092

Councilwoman Blass: "Order establishing Extension No. 71 in the Riverhead Water District for Country Trails. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1093

Councilman Bartunek: "Authorizes the town clerk to advertise for bids Contract G transmission improvements at Sound Avenue and various locations for the Riverhead Water District. Does anybody know what transmission improvements—"

Supervisor Cardinale: "Contract G. Transmission improvements."

Councilman Bartunek: "Contract G transmission improvements. I don't mind, let's have the bids."

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Supervisor Cardinale: "Gary knows. Our water district superintendent. What is that that we're spending money on?"

Gary Pendzick: "Gary Pendzick, Superintendent of the Riverhead Water District. It's to install booster pumps along Sound Avenue to more efficiently move water around Riverhead. You'll remember that two summers ago we had a bit of a problem with keeping up with the demands of the people of Riverhead and this is part of those improvements. The pipe has been laid. This is the installation of several pumps at several locations to push that water along more efficiently."

Supervisor Cardinale: "Thank you."

Councilman Bartunek: "So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1094

Councilman Dunleavy: "Ratifies execution and submission of grant application to Suffolk County for fiscal year 2007 Community Development Block Grant funds. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Abstain. I'm on the Dominican Sisters Board."

Barbara Grattan: "The resolution is adopted."

Resolution #1095

Councilwoman Blass: "Authorizes the assignment of the petty cash account for the accounting department. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1096

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, 108-3 Definitions of Arcade. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1097

Councilman Dunleavy: "Adopts a local law to amend Chapter 64 entitled Fire Prevention of the Riverhead town code, Section 64-9 Fire Prevention Permits. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1098

Councilwoman Blass: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Sec. 101-9 Installation and Maintenance. So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Yeah, we're going to have a traffic signal at Riley Avenue and Donna Drive extension. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1099

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Councilman Bartunek: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Shopping Center (SC), Business Center (BC), Commercial/Residential Campus (CRC) Indoor Sports and Recreation Facilities. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yeah. On that we're going to have a bowling alley, hopefully, on Route 58. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1100

Councilman Dunleavy: "Awards bid for heating fuel. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1101

Councilwoman Blass: "Adoption of a fund balance policy of the general fund. So moved."

Councilman Bartunek: "Seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Sure."

Councilwoman Blass: "I haven't read this before, I hadn't seen it before-- "

Supervisor Cardinale: "Right."

Councilwoman Blass: "-- it came into the packet, and I just have a question. I know sometimes if there is a budget cap, and I know this is not a budget cap-- "

Supervisor Cardinale: "Right."

Councilwoman Blass: "-- but in a sense we are talking about keeping expenditures to a certain amount so as not to delve into the general fund balance. Do you think that it would make sense to require a super-majority in order to dip into it more than 15% as opposed to a simple majority? I know that that's customary when we're talking about budget caps that-- "

Supervisor Cardinale: "Well, what they-- yeah, the reason they did not do it that way is-- it was prepared actually by Bob Sekora (phonetic) of Munistat (phonetic) and it was actually something that Jack Hansen, bless his soul, had suggested in '05 and we did the one on debt but we didn't do the one on fund balance because they needed to change a sentence. And the sentence that they changed was on the front there, they finally got it to us when we were doing the budgeting this year for the bond, they asked about it and we found the old resolution and total fund balance including reserves in the general fund must be equal to a lot less than 15%. He didn't suggest a super-majority so that's why we didn't put it in. I hesitate to change it because he cleared the language but I don't think-- I think it's a reasonable suggestion. But that was what we waited for. In '05 we were going to pass it and we never got back to it, so-- "

Councilwoman Blass: "I just offered it as a suggestion."

Supervisor Cardinale: "Okay. Yeah. I want to leave it but I would certainly take it up with him and ask him if he thinks it would make it stronger."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Moved, seconded."

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

Resolution #1102

Councilman Dunleavy "Establishes terms and conditions of town personnel officer Margaret Ferris. So moved. As corrected."

Supervisor Cardinale: "Moved and seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Um-- "

Councilman Bartunek: "Who seconded it?"

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Supervisor Cardinale: "Did somebody second it yet? Okay, then moved and we have discussion."

Councilwoman Blass: "I had a couple of questions. I guess we got this one late as well."

Supervisor Cardinale: "Right."

Councilwoman Blass: "Is there a probationary period?"

Supervisor Cardinale: "Yes. This employee and incidentally also at your suggestion, I think a good one, this is by resolution so if there's any issue we want to change we can change it simply by resolution, this employee is a provisional civil service employee. She never took the test. But she was hired because there was no list available. That means that she'll have to take the test, she'll have to be then hired as a probationary employee and then work six more months before she is eligible for civil service status and protection."

Councilwoman Blass: "But do we not normally mention that there is a six month probationary period or not?"

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Ray, are you in a similar situation? You're waiting the test, right? Yeah, Ray's in the same situation."

Councilwoman Blass: "That's the provisional but I'm talking about generally being on probation for six months."

Supervisor Cardinale: "Yeah, but the point is these guys can't get on probation until they take the test and get to be non-provisional."

Councilman Dunleavy: "And I think- "

Councilwoman Blass: "They're on probation- "

Dawn Thomas: (Inaudible comment)

Councilman Dunleavy: "This is at the will of the town board so at any time- "

Supervisor Cardinale: "That's a good way of looking at it."

Councilman Dunleavy: "-- we can change this and it's at the will of the town board right now until they take the civil service test and they have to be either one, two or three to get appointed."

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Supervisor Cardinale: "For sure, yeah, unless (inaudible). But Barbara's question I think is what the probationary term is. And the probationary term is you just stay there. It's actually from the time you're hired to six months after you are appointed non-provisionally should that occur and if it doesn't occur, you're not here. So I think now let's make sure that Margaret understands that I guess is more important. I'm going to meet with her and maybe we can all meet together at 10:00 – about 11:00 tomorrow with Rothar (phonetic). Are you going to be around? All right, so we'll connect."

Councilwoman Blass: "I'm sorry, I do have a few other questions. I apologize."

Supervisor Cardinale: "Go ahead. Fire away."

Councilwoman Blass: "Personal leave, 35 hours at the beginning of 2007, so that means in a couple of weeks she will already have earned her 35 hours and she can take it after six months or is there no restriction on when she can begin to take it?"

Supervisor Cardinale: "Actually, that's a good question. We do that with all our contracts, too. They earn it in the beginning and then they can take it whenever they wish during the year but if they don't last a year, you can get nailed."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "So would you like to add to be used the second half of the year?"

Councilwoman Blass: "I'm just– I'm questioning whether we are complete in being consistent– "

Councilman Dunleavy: "On the municipal contracts, what does it state?"

Dawn Thomas: (Inaudible comment)

Councilman Dunleavy: "So they have to wait a year."

Supervisor Cardinale: "Can you– we would like this to conform with the CSEA agreement. If it does, great, if it doesn't make it before we sign it. Number 3 on Article 3. Article 3, Number 3."

Dawn Thomas: "Oh, you're looking at an old version."

Supervisor Cardinale: "Oh, yeah."

Dawn Thomas: "I changed the article."

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Supervisor Cardinale: "Okay. So what would that be?"

Councilman Dunleavy: "It's on page 2, it's number 3 on page 2."

Supervisor Cardinale: "Okay, number 3 on page 2."

Councilman Dunleavy: "On the new one."

Supervisor Cardinale: "Yeah. And that would be on page 3, number- "

Councilman Dunleavy: "No, I have it on page 2. 35 hours personal leave granted beginning 2007."

Supervisor Cardinale: "Yes, that's correct."

Councilwoman Blass: "Are we meeting Friday? Is there any way (inaudible) can we just go through this and adopt it on Friday. Can we do that? I know she's on payroll now."

Councilman Dunleavy: "She's on payroll now and Bill called and (inaudible)."

Supervisor Cardinale: "If you want to discuss it- because we're having a- because of Jack's death and funeral we're going to only have an executive session beginning at 1:00 Friday so Trina will say we'll have a public meeting at four and we'll pass this then if you want. So let's table it for the moment so that you can make sure you're comfortable."

Councilwoman Blass: "So we don't have to ratify it after this. Okay, make a motion to table Resolution 1102."

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

Councilman Bartunek: "I'll second that."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Seconded by both John and George. Can we have a vote, please, to table?"

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

Resolution #1103

Councilwoman Blass: "This authorizes the publication of a help wanted ad for engineer/assistant town engineer. So moved."

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Councilman Bartunek: "And seconded."

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

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

Resolution #1104

Councilman Bartunek: "Appoints Kathleen Wojciechowski to the Industrial Development Agency. So moved."

Councilman Dunleavy: "Can we table this? We didn't discuss any of these, this one or 1105."

Supervisor Cardinale: "Well, actually, we gave out the-- we did-- "

Councilman Dunleavy: "We gave the resumes but we didn't have any discussion on it."

Supervisor Cardinale: "That's true. But I mean we could table it-- "

Councilman Dunleavy: "I don't think it's important that we have to do this tonight."

Supervisor Cardinale: "Well, actually, they're short two members."

Councilman Dunleavy: "But they've been short two members for the last seven months."

Supervisor Cardinale: "Yeah, and we've appointed four and now we want to appoint two more."

Councilwoman Blass: "Would Friday be ample time to (inaudible)?"

Supervisor Cardinale: "Sure, let's table it to Friday."

Councilman Bartunek: "The same thing with 1105."

Supervisor Cardinale: "Okay, 1104 and 1105 can we have a motion to table for consideration Friday?"

Councilman Bartunek: "I make a motion to table Resolutions 1104 and 1105."

Councilman Dunleavy: "And second."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Cardinale, yes. The two resolutions are tabled."

Resolution #1106

Councilwoman Blass: "Question before I make the motion. I don't have any attachment."

Supervisor Cardinale: "You know, the same thing, there is-- we have a negotiated agreement which took most of yesterday to negotiate that we're down to one issue, one line that we're still debating. We should have it done by Friday. So table-- we'll do this Friday, too."

Councilwoman Blass: "Motion to table Resolution 1106."

Supervisor Cardinale: "And I'd like to sign it Friday, too."

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "Moved and seconded to table for consideration on Friday at special meeting."

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

Resolution #1107

Councilman Bartunek: "This resolution authorizes the sale of town property located on the northwest corner of Midland Street where it intersects with Park Road in Reeves Park, Riverhead, New York, subject to a permissive referendum. So moved."

Councilman Dunleavy: "And seconded."

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

Councilwoman Blass: "Amendment."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Our discussion for an amendment. We talked at the work session about including not only in the Whereas but in the Conditions the-- limiting the use and occupancy-- "

Supervisor Cardinale: "Yes, we did."

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Councilwoman Blass: "-- as a one family dwelling. I know it's in the Whereas but I don't-- "

Councilman Bartunek: "Resolved A doesn't do the trick there, Barbara?"

Councilwoman Blass: "Resolved A, that says it's sold in one parcel."

Supervisor Cardinale: "Yeah, we wanted to make it clear that-- "

Councilwoman Blass: "I thought-- "

Councilman Dunleavy: "I thought they said they were going to put that in the-- "

Supervisor Cardinale: "The covenants."

Councilman Dunleavy: "The covenants, yeah."

Councilwoman Blass: "They were going to put it in a deed but we also discussed the fact that it would be helpful to have it as a listed-- in the Resolve clause."

Supervisor Cardinale: "That's correct. Right. The-- we wanted to clarify-- I don't see that. Our director of planning is here. It will be sold in one parcel and shall not be further subdivided."

Councilwoman Blass: "Well, it wasn't necessarily subdivision-- it was-- as a one family house."

Supervisor Cardinale: "Oh, it's a vacant lot."

(Some inaudible discussion)

Councilwoman Blass: "That you have in the Whereas. That's what I was suggesting here. Subject to the following use, occupancy and development as limited to a one family dwelling."

Councilman Dunleavy: "You want to wait until Friday with this one, too?"

Supervisor Cardinale: "Shall not be further subdivided--"

Councilwoman Blass: "It's where?"

Sal Mastropolo: "It's in the second misspelled Resolved."

Councilwoman Blass: "It's in the second-- "

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Sal Mastropolo: (Inaudible comment)

Supervisor Cardinale: "Yeah, right here."

Councilman Bartunek: "Rick will take care of that in the covenants on the property."

Supervisor Cardinale: "And it's there. Okay, it is in that Resolved, the misspelled Resolved. Let's correct the spelling on that and let's pass it as it is."

Councilman Bartunek: "It's the old English, Sal."

Supervisor Cardinale: "Resolved, we don't need that extra- and can we have a motion to and a second?"

Councilman Dunleavy: "I think we did."

Supervisor Cardinale: "Okay, then it's moved and seconded. Vote please."

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

Resolution #1108

Councilman Dunleavy: "Authorizes town clerk to publish notice of public hearing special use permit petition of Brian P. Simonsen. So moved."

Councilwoman Blass "And seconded."

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

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

Resolution #1109

Councilwoman Blass: "Ratifies the authorization of the town supervisor to sign a grant application for \$3,000 from New York State Office of Children and Family Services for youth programs. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy."

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Councilman Dunleavy: "Yes. And this is a grant that Assemblyman Alessi gave the town for the town teen center for a basketball program over the wintertime and we're going to use it for the teen center. So I vote yes."

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

Resolution #1110

Councilman Bartunek: "Ratifies the appointment of Alexandra Sokoloff as part time recreation aide-volleyball official to the Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1111

Councilman Dunleavy: "Authorizes the supervisor to execute settlement agreement and general release in connection with the matter entitled MacLellan v. Town of Riverhead, et al, Index No. 03-23950. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1112

Councilwoman Blass: "Ratifies the submission of application to the New York State Affordable Housing Corporation (AHC) for funding to support the town of Riverhead home improvements program. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1113

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Councilman Bartunek: "Authorizes the town clerk to publish and post a notice to bidders for Carriage House renovations - Phase II. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1114

Councilman Dunleavy: "Amends resolution #1068 of 2006 Resolution and consent approving the dedication of highways known as Hidden Acres Path, Brookline Court, Riveria Court, Maidstone Lane, Inverness Court, Salem Court, Taconic Court, Canterbury Court, St. Andrews Path, Calverton Court and recharge basis Birchwood at Wading River, Section 1. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1115

Councilwoman Blass: "Authorizes the supervisor to execute a lease agreement for the Armory Drill Hall. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1116

Councilman Bartunek: "Authorizes attendance at the 2007 training school and annual meeting held by the Association of Towns. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1117

Councilman Dunleavy "Town of Riverhead public hearing rehabilitation of tank Nos. 8 & 9 Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1118

Councilwoman Blass: "This resolution increases rates for the Riverhead Water District. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1119

Councilman Bartunek: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-13 Parking time limited. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1120

Councilman Dunleavy: "Approves the plan of John A. Reeve for agricultural worker housing permit to be issued pursuant to Section 108-64 of the Riverhead zoning ordinance. So moved."

Councilwoman Blass: "And seconded."

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Supervisor Cardinale: "Yes. Moved and seconded. May we have a vote? Did you want to-- "

The Vote: "Dunleavy, yes."

Supervisor Cardinale: "-- discussion on anything?"

Councilwoman Blass: "Well, the customary format is to put the Be It Further Resolved where you send it as the last Resolve, the conditions. It looks as though there's something more to this, condition 1 and 2 is how it ends. Just switch the last two, right? It looks like it's missing a page, that's what I thought-- "

Supervisor Cardinale: "So what would you like to delete?"

Councilwoman Blass: "No, just switch the last two paragraphs, just reverse them."

Supervisor Cardinale: "Yeah, I see what you're saying."

Councilwoman Blass: "It looks like there's another page in there."

Supervisor Cardinale: "Right. We want to invert the second to the last and the last paragraph so the last paragraph would be the second to last presently."

Councilwoman Blass: "Right."

Supervisor Cardinale: "With that change, can we consider it?"

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

Resolution #1121

Councilwoman Blass: "Authorizes the town clerk to post and publish public notice for public hearing to consider whether the town board should change Riverhead town's classification pursuant to Article 2 of the town law: town of the first class. So moved."

Councilman Bartunek: "Yes. And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote no for this because this is going to politicize town hall. And this is where the department heads can be appointed by whatever Republicans or

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Democrats, whatever it's in. Nobody knows how long they'll be working for the town once they start their employment. It all depends on your political affiliation in most towns.

Look at the town of Brookhaven what they're doing. The only thing this is going to help us on is our speed zones. Everything else we change for ourselves, the traffic lights, stop signs, no parking, and I think the town has (inaudible) these zones in our town and if we have to wait four or five months to have one changed, it's a good thing to think about.

And this, too, will eliminate our elected assessors and have them appointed by whichever political party is in at the time. And I think we're a small town and we still want to elect our political-- we still want to elect our assessors the way that it's been done for years.

So I'm going to vote no."

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

Councilman Bartunek: "I vote yes. This is only for a public hearing, John."

Councilman Dunleavy: "Yeah. But it still, you know, we're having a public hearing on something that-- "

Councilman Bartunek: "You've already made up your mind about."

Councilman Dunleavy: "Right."

Councilman Bartunek: "Okay. I vote yes for the public hearing."

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

Councilwoman Blass: "I vote yes for a public hearing."

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

Supervisor Cardinale: "Yeah, I will vote yes for the public hearing because I would like to hear the public's opinion.

I also point out, John, I would like you to consider keeping an open mind because you're wrong about what you just said. The-- this does-- the town-- the first class does not call for appointed commissioners. That would be a suburban town."

Councilman Dunleavy: "No, I understand. I said department heads."

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Supervisor Cardinale: "That's what I'm saying, that it does not call for appointed department heads. That would be a suburban town. A town of the first class gives us control over our speed limits without have to go to the Department of Transportation and it does de-politicize the assessor's office by making it appointed instead of elected assessors. That's all it does. So the suburban town would do what you said and we're not having a hearing on that."

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1122

Councilman Bartunek: "Resolution to pay bills. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Okay. That concludes our resolutions. We would like to hear from the public in regard to any matter within our purview that they would like to comment upon. Yes, sir, please come up. Zdunko Lane. I had a big fight today already with the Highway Department on that because they promised me and you that they were going to pave that road."

Our paving contract is still in effect with Corazzini and Corizzini apparently doesn't realize that because he just disregards the instructions of the Highway Department. I'm trying to resolve it and I've instructed the deputy, Ron Caffrey, that, you know, when we give asphalt contracts for the year and they say they'll do asphalt at this price, we don't- he says they can't make money on small roads. I said well, that's tough. If you're doing it at this price for the year, you do all the jobs we ask you to do at this price for the year."

Now they're telling me that the plants are closing down. Of course, if we wait for Christmas they'll all be closed down."

The best I could do for you is get on the phone with Caffrey and Kwasna tomorrow and say- "

Paul Smith: "I thought we were supposed to be with Merritt Road downtown."

Supervisor Cardinale: "Yeah. And also Iron Pier- Iron Pier Avenue, Iron Pier Road, whatever it is. They're screaming, too,"

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because they were promised a repave before the cold weather. I want it repaved.

This board cannot order the Highway Superintendent to do anything. We have control over the budget at the beginning of the year and then as an elected official he gets to administer his own budget. But I know everybody on this board wants those two roads paved because we hear it from the public. But let me let you make your comments."

Paul Smith: "You answered my question. But doesn't he have the courtesy to give us a follow up letter? Do we call him to no avail. We chase him down, no avail. I mean this is from October. Doesn't- can't he give us a courtesy letter, say the truck broke? He brings us up a load of gravel or recycled concrete which is worse now than it ever has been. The highway guys came up, they trimmed all the trees, I said I can't believe this. I said, listen, when you come up here with the machine, bring a hearse because I'm going to have a heart attack and drop dead when I see this road being paved."

Supervisor Cardinale: "Yeah, if- "

Paul Smith: "I mean, does he have the courtesy, a phone call? That's one question answered. And my other question would be is how much longer are we going to look at this mobile home behind the Lobster Roll Restaurant?"

Supervisor Cardinale: "Do you know the status of that by any chance, that long- that's the- "

Paul Smith: "I have pictures if you'd like to see what we look at every day."

Supervisor Cardinale: "That's- what's the guy, Terry- "

Paul Smith: "You know what's so funny? He did a beautiful article in News Review about his beautiful home that he built and it is gorgeous and he deserves it. But I wonder how it would look like if he owned what he sees- if he sees what he owns behind the restaurant, what we look at every day. I have pictures of it. All this work was done illegally and I think after five years- "

Supervisor Cardinale: "That's that manufactured home that is in disrepair."

Paul Smith: "It's been abandoned for five years."

Supervisor Cardinale: "And it's been used as basically a storage."

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Paul Smith: "Now it's just a (inaudible). That's all it is now."

Supervisor Cardinale: "Is there anybody living in it?"

Paul Smith: "No, it's uninhabitable."

Supervisor Cardinale: "Do you know anything about the status of that?"

Paul Smith: "And nobody— all the work was done on a Sunday, which we don't bother the guy at all which is a no-no in this town. He can't work on a Sunday."

Supervisor Cardinale: "What work was done on that?"

Paul Smith: "He pushed— he took his 30 feet right of way— I have pictures if you'd like to see, and he closed— he stole 30 feet of his own property for his parking lot."

Supervisor Cardinale: "For commercial use?"

Paul Smith: "Done on a Sunday. We don't bother the guy."

Supervisor Cardinale: "And then— if I understand it correctly in the community, they want the road done which I get, and they would like that the dilapidated building should be removed from the lot. Is that basically it?"

Paul Smith: "Oh, sure."

Supervisor Cardinale: "Do you care that he's 30 feet in on commercial use? In other words, he's taken over 30 feet of— "

Paul Smith: "He did already."

Supervisor Cardinale: "Yeah, I know."

Paul Smith: "He did. With no permission, no nothing."

Supervisor Cardinale: "That's my point. I'm not certain it's legal but is that a concern practically?"

Paul Smith: "I'm sorry?"

Supervisor Cardinale: "Is that a concern of the community, that a portion of that lot is now utilized for commercial purposes?"

Paul Smith: "Oh, sure. It looks like a dump."

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Supervisor Cardinale: "Okay."

Paul Smith: "If this was in front of your house, Mr. Cardinale, you'd be just as furious as we are. Code has been sent out there. We spent a lot of money on Harold as our attorney and other code enforcement officers. I will speak to Mark Kwasna tomorrow and ask again that he pave the road before the cold weather gets any colder and I will ask code enforcement to go out and speak to you."

Paul Smith: "They've been there."

Supervisor Cardinale: "And- but did they issue summonses to your knowledge?"

Paul Smith: "To our knowledge, yes. Were they answered? I have no idea."

Supervisor Cardinale: "All right."

Paul Smith: "We heard he has been issued summonses for all the illegal work that's been done. This has been ongoing for five years now."

Supervisor Cardinale: "I'll talk to Harold Steuerwald who is the attorney in charge in regard to the status of it. If you call my office and ask for Trina, we'll give you an update as to where the court case is."

Paul Smith: "My next- she has more-- "

Supervisor Cardinale: "I see her all the time. Come on up. Trina is on a first name basis."

Unidentified: "He said it all. However, we want a date, a date when- "

Paul Smith: "If you have the power to give 10 days for the dumps to be moved- "

Supervisor Cardinale: "Yeah- "

Paul Smith: "Don't you have the power to give this guy 30 days to get rid of this thing? You don't have that kind of power?"

Supervisor Cardinale: "I will say this, that over elected officials, the power of the board, forget the supervisor, the supervisor has got a lot of problems with his power, but the board itself which is the governing agency cannot order another elected official to conduct his office in a certain manner. The only control we actually have is over the budget of that elected official's office."

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So, but we try to get along because it's a small town and everybody is supposed to be friendly.

So I will call Kwasna personally tomorrow and say if you can do this before it gets cold, I need it done and I'll get you if you don't. That much I can say. You know, because there are subtle ways that we can have influence. But we'd like to get it done.

And as to the other thing, I can talk to Harold Steuerwald who is the attorney for housing violations and ask what the status is and if you call my office tomorrow they will give you a status on the violations. They'll say he's going to be in Justice Court on such a day."

Paul Smith: "To my knowledge there has been violations but to what avail I have no idea."

Supervisor Cardinale: "All right. So if you'll call Trina tomorrow we will get you the answer on that and also an answer on the paving again, whether he's going to pave it before the cold weather is solid."

Paul Smith: "And bring a hearse up."

Supervisor Cardinale: "And if he does, bring a hearse in case you have a heart attack."

(Some inaudible comment)

Supervisor Cardinale: "One fellow died already. One fellow died already waiting."

Councilman Dunleavy: "We just took money out of his asphalt account. I hope he has enough."

Supervisor Cardinale: "Well, I know. I noticed that. Would you comment as you wish."

Phil Barbatos: "I was just wondering if there had been any action on the special use permit of Kar McVeigh."

Supervisor Cardinale: "Yeah. It was discussed at the work session last week. We had a spirited debate if you watch it on TV. Pete Danowski and I and the board. We are in a position where we can make a decision on that. Watch closely. I pretty much said what my—the limits of my discretionary authority I felt were, but I would expect that the earliest a decision would be made would be the December 19th meeting which is 2:00 p.m. right here.

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There is also some suggestion that we would love to— that whatever we do as you know is really— whatever we determine on the non-conforming use expansion or extension, expansion, is subject to the court's action because you can't expand a use if they find it not to exist in the first place.

So I don't know what the board is going to do, whether they're going to make a decision or not before the end of the year. But the next opportunity would be December 19th."

Phil Barbados: "Has there been a SEQRA determination?"

Supervisor Cardinale: "We will make— no, the SEQRA determination which we talked about in this instance as in the others, will be made simultaneously with the expansion decision if— if there's an expansion— if there is a decision. In other words, we would have to say two things, SEQRA requires a draft environmental impact— it's a significant— is that the determination— significant— pos dec or neg dec. We'd have to make that decision. Only if it is a neg dec could we move onto the decision on non-conforming expansion. So we will have to make both those decisions and we haven't made either yet. The earliest we could make either would be the 19th."

Phil Barbados: "If I understand you correctly, you say if it is a positive declaration— "

Supervisor Cardinale: "Pos dec will not allow a decision. Neg dec would allow a decision."

Phil Barbados: "So pos dec would lead to a decision to require the preparation of a draft environmental impact statement."

Supervisor Cardinale: "Draft environmental impact statement. Correct."

Phil Barbados: "Okay, thank you."

Supervisor Cardinale: "Okay. The— any other comment by any member of the public present? If not, I appreciate your attendance. We look forward to seeing you Friday, we're going to have a special board meeting at 4:00 and an executive session at 1:00 and we will— "

(At this time, the CD ended)

Meeting adjourned: 9:10 p.m.