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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, February 1, 2005, at 7:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited.

Supervisor Cardinale: "Commence the meeting by the Pledge of Allegiance and we will let Irene Pendzick in the first row, our prior town clerk, lead is."

(At this time, the Pledge of Allegiance was recited, led by Irene Pendzick.)

Supervisor Cardinale: "Okay, I'd like to come down into the well of the room with the Board members to make some presentations.

We have a- the Board members and I have a series of presentations before the meeting begins. The first is to Virginia Hubbard. Is Virginia here? And the family members present, please come up. How are you doing? You have a big family.

Virginia has been acknowledged by the senior citizen community as Senior Citizen of the Year. And I wanted to present this proclamation on behalf of the town board and on behalf of my office to Virginia. And I'd like to read it. It reads:

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WHEREAS, Virginia is a very caring person, loved and admired by all who know her, particularly her many friends at the Riverhead Senior Citizens Center;

WHEREAS, she has served on the center (inaudible) council for many years, (inaudible) president, and continues to (inaudible);

WHEREAS, she has been enormous assistance to the staff of the Senior Citizen Center in planning and implementing activities both there and outside the center;

WHEREAS, she has always devoted a great deal of time and energy to promoting the welfare of senior citizens in this town;

WHEREAS, a measure of the admiration and respect she is held by her peers, Virginia has been voted Senior Citizen of the Year 2004 by her peers.

The resolution is from myself and the Board that we would like to add our congratulations and gratitude to Virginia on being named Senior Citizen of the Year and declare today Virginia Hubbard Day in the town of Riverhead.

And we want you to comment because this may be the best opportunity to do that today, so (inaudible)."

Virginia Hubbard: "Okay. I would like to thank all the girls in the office, Betty, Judy, Marie, (inaudible), you are all behind us, I know that. (Inaudible) but I thank you very much. And I'd also like to thank the (inaudible) congratulate the new council and I'd like to pay tribute to one of our council members who passed away Friday (inaudible)."

Supervisor Cardinale: "What's her name?"

Virginia Hubbard: "Sophie (inaudible). And thank you very much, thank all the senior citizens. I enjoy working with them."

Supervisor Cardinale: "Congratulations."

Virginia Hubbard: "Thank you."

Supervisor Cardinale: "You've got quite a family there."

Virginia Hubbard: "Yes, I have."

Supervisor Cardinale: "Congratulations."

The next thing I wanted to present on behalf of the Board is the beginning of what I hope will be a succession of quarterly nods in the direction of the school district which I would like see have a closer

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connection with the town board and I would like to see the public more aware of the excellence that exists in the school district, the achievements, particularly at the gifted end and also at the end of the special and challenged students. How well our school district does with those special- with the needs and special demands of those children.

So I am hoping to begin by spreading the word today. We have with us (inaudible) of the Latin classics program, (inaudible). (Inaudible) is in charge of the program (inaudible). Andrea- (inaudible)."

(At this time, presentations were made to some Latin students at the Riverhead High School.)

(The microphone was not able to pick up all of Supervisor Cardinale's comments)

Supervisor Cardinale: "Thank you very much, keep up the good work and come on back and see us. We'll try and get you back every quarter or so and honor some aspect of these scholastic achievement at the high school and middle school. Thank you.

Recently the town board passed a (inaudible) which called for the commission of the Board of Ethics board to consider any questions that came up in the course of the town's business to get expert opinions and determinations. There are five members- presently there are four, we're going to be naming a fifth member, and three of those members are here tonight. I'd like to introduce them and this is part of a concept of introducing the volunteer members of our important committees that serve the town and do its work with no compensation other than the good feeling they get for doing something valuable to their community as a community service.

The individuals that are on the committee presently are our former town clerk for 20 years or so, Irene Pendzick. Would you come up, Irene, please?

Okay, Irene Pendzick our former town clerk. Ed Bracken, an attorney and administrative law judge who's serving on a- and Wayne Gallant who is a court officer and is the chairperson. And the fourth member is Donna Barnard who I don't believe is here this evening but is a member and is a teacher in the community and we're pleased to have her.

I want to thank, and so does the board, all of you for being willing to serve and thank you in advance for the service you'll give the community. I know you had your first meeting. Chris Kent is the counsel to you and please feel free to avail yourself of his services. It may be the only thing free you get. You're not getting any

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compensation so at least you should get our legal services from the town attorney if you need them.

And thank you for being willing to work for us. Thank you.

We have two more presentations. Then we can get on with the work- the business of the meeting. But there are two important ones.

The first is- if I could have the Labor Management Committee come up which is instrumental in- in fact, it's essential in awarding the two awards we are about to give out. One is for Employee of the Fourth Quarter which as its name implies we do each quarter. I am a- I am a member of the committee and my attendance has dramatically improved. I missed the first 10 meetings and attended the last two because they were lunches. So two for two for December and January.

But these members of the committee, I think I'll let them tell us more about the Employee of the Quarter and who was selected this quarter."

Madelyn Sendlewski: "Good evening, ladies and gentlemen. My name is Madelyn Sendlewski. I serve as a co-chair representing the management team of the Labor/Management committee. Here alongside of me are other members of that committee.

The purpose of the Labor Management is to foster good relations between the forces of Labor and Management. We are involved all year in sponsoring several programs but I think I agree with the Supervisor that the most important is the Employee of the Quarter and Employee of the Year recognition.

I would ask you right now to join me in a round of applause for our Employee of the Quarter of the last quarter of 2004, Sue McEvoy and her husband, Ron. Please come down.

Sue is in her 21st year of service to the town of Riverhead. She is currently serving as a program coordinator under the Supervisor of Judy Doll at the Senior Center. Sue has a remarkable ability to communicate, get along with co-workers, and coordinate the programs as her title implies.

I would also like to add that Employee of the Quarter is a recognition of an employee that is exemplary and that is what Sue is. So again, Sue, I want to say congratulations. I will now pass the mike to the Supervisor to present Sue with her proclamation."

Supervisor Cardinale: "Thank you. Sue, the proclamation reads as follows:

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WHEREAS, you first joined the staff of Riverhead senior service in 1984 earning a full time position four years later;

WHEREAS, you in either dealing with the clients of the senior center or working with the colleagues there have always shown a knack for making each individual feel special and important;

WHEREAS, you are exceptionally well organized and always enthusiastic about taking on new projects, showing an ability to provide quick and intuitive assessment of each challenge that comes along; and

WHEREAS, you are known for remaining calm in any storm, seemingly capable at turning even the most difficult of situations around for the benefit of all; and

WHEREAS, as a measure of the high regard in which you are held, the town of Riverhead's Labor/Management Committee recently named you Employee of the Fourth Quarter, 2004.

BE IT RESOLVED, that I, as Supervisor, together with the town board here tonight add our congratulations and that of the entire town to Sue McEvoy, Employee of the Fourth Quarter, 2004."

Sue McEvoy: "I just want to thank the Labor/Management for this honor and all the time and effort it takes into this decision and process and I've got the dry mouth, and I would also like to, of course, thank Judy Doll who nominated me and under her leadership I really have grown over the years and she does have a tremendous knack in just making everybody— make sure they do their personal best, and then all of a sudden, you're doing something that you never thought you were capable of doing. And I thank you, Judy, for that.

And I'd also like to just say that I do appreciate the company that I'm in tonight. Diane, you're awesome. Virginia Hubbard, I wish I had half her energy. And I have to give (inaudible) to my husband who's been teaching for 36 years and who was recently nominated Educator of the Year."

Supervisor Cardinale: "All right."

Sue McEvoy: "Congratulations. How can I put myself in your company, but I do. And my fellow employees. Thank you for your support, all of you. I appreciate it. Thank you so much."

Supervisor Cardinale: "Thank you. Oh, wait a minute, before you go. Don't they get like a bond or something? And a day off?"

Madelyn Sendlewski: "They do. And I always emphasize that with the boss in the room, the day off includes Friday or Monday."

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Supervisor Cardinale: "All right. Very good. Take care."

Sue McEvoy: "Thank you so much."

Madelyn Sendlewski: "Ladies and gentlemen, before we proceed, I just briefly would like to introduce to you my co-members of the Labor/Management Committee that are present: Barbara Grattan, Maryann Tague (phonetic); Maureen Lynn and Kerri Fenton, who you can see is on duty.

This next presentation is one that we take great pride in. I want you to give me a big round of applause for our Employee of the Year. The title in itself is explanatory. However, please welcome Diane Wilhelm, her husband Rick, and Colleen; son Matt is not with us, he is away at the University of Massachusetts if I'm not mistaken.

Diane is currently serving in the capacity as Deputy Town Clerk under the supervisor of our Barbara Grattan, town clerk. Diane— a word that comes to mind to me for you is excellence. What is excellence? Being superior. What is excellence? Being the best among. And Diane not only in her job performance is excellent, she's always excellent in her personal triumph. We have been here before, haven't we?

Diane has successfully triumphed a very personal tribulation and some of us know as I do and share with her, that when you experience a personal struggle and a trial with your health and all of the things that go along with that, you can come out victorious and stronger. I believe that Diane's success in her fight against breast cancer, she has come out on top and she is one of the people to be admired for her fight in that battle.

So, Diane, not only your job performance, but also the example you were to all the employees in your strength and your courage and we just want to say thank you and thank you for being you.

I'll now pass it to Supervisor."

Supervisor Cardinale: "Diane, I want to read the proclamation that the town board and I would like you to have and also the seal which I forgot— John forgot to order but I brought you an example of. We'll get you one with your name on it sooner or later. The proclamation reads:

WHEREAS, in her six years with the town of Riverhead Diane has always been known as an employee who goes beyond the call of duty;

WHEREAS, in her duties as Deputy Town Clerk she has consistently performed beyond expectations;

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WHEREAS, in addition to the skills and knowledge she brings to her job, she goes about her work in a courteous and pleasant manner despite often stressful nature of demands made in the town clerk's office;

WHEREAS, Diane is known as a team player, cooperative with her colleagues and superiors and someone to turn to when something needs to be done;

WHEREAS, as a measure of the high regard in which she is held, the town of Riverhead's Labor/Management Committee recently named her Employee of the Year for 2004.

BE IT RESOLVED, that I, Phil Cardinale, Supervisor, and the town board add our congratulations and that of the entire town board to Diane Wilhelm, Employee of the Year 2004.

And that is for you. And this is what a seal looks like and you have to tell us what you really think now. Don't hold back."

Barbara Grattan: "Muriel, would you come up here, please? This is for you.

I can't say anymore. Diane is absolutely wonderful. Diane makes me what I am. Both her and Muriel are terrific, terrific employees and I love them. And congratulations, Diane."

Diane Wilhelm: "Can you hear me? I just want to say thank you to everyone. Labor/Management and the town board, all the members. Phil, and certainly the women that I work with in the town clerk's office, Barbara, Muriel and Melissa who couldn't be here tonight. But they're like a second family to me and I can't say enough about them. It's a pleasure to work with them every day. You spend so much time at work, sometimes more than you do with your family, and we work together as a team and it is an absolute pleasure. And not only them, but all the people in town hall that I work with. It's a pleasure to work with all of them.

And I just want to say congratulations to Sue McEvoy, also, she's still here. Okay. And that's all. I'll let you get on with your meeting."

Supervisor Cardinale: "Congratulations. Okay. I'd like to approve the minutes of the January 19th meeting. Can someone move to make a motion to approve those minutes?"

Councilwoman Blass: "So moved."

Supervisor Cardinale: "Okay. We've go a motion to approve."

Councilman Bartunek: "Second."

Supervisor Cardinale: "And second. Vote, please>"

Barbara Grattan: "Is that Bartunek seconded?"

Supervisor Cardinale: "Yes."

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

Supervisor Cardinale: "Okay. We have Reports. Could you give us Reports, please?"

REPORTS:

Receiver of Taxes
Total collections to
date:
\$49,750,634.54

Police Department
Monthly report for
December,
2004

Juvenile Aid Bureau
2004 annual report

Sewer District
Discharge monitoring
report
for December, 2004

Tax Receiver
Annual utility
collections
report for 2004

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

Site Plan
CAPS Realty Holdings-
Eastern

Wholesale Fence

Site Plan
Riverhead Commons -
develop-
ment of a 45,081 square foot
Sports Authority retail store

Site Plan
Robert Brown - additions
to
existing house and garage
Construction of new barn

Special Permit
David and Mary
Andruszkiewicz
Convert existing garage to
accessory apartment

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Thank you. Correspondence."

CORRESPONDENCE:

Gene Greaves
Re Crown Sanitation
Industrial
B zoning

Fred and Serena Moehring
Regarding the removal of
tree leaves from property
located at Park Road

11 postcards
Regarding the location of
the
plan of Vintage square

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. We have two public hearings
scheduled, one at 7:05 and one at 7:10."

Public Hearing opened: 7:50 p.m.

Supervisor Cardinale: "The hour having been reached, I'd like
to open the first public hearing for consideration of a local law

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amending Chapter 48 entitled Beaches and Recreation Centers scheduled for 7:05. It being 7:50, we'll consider the hearing open.

Would you describe the purpose of the hearing perhaps, Dawn?"

Barbara Grattan: "Wait a minute, wait a minute. This is for beaches and recreation centers. You don't have it either?"

Dawn Thomas: "This public hearing proposes a change to Chapter 48 which would amend the fine for parking within the beaches and recreation center areas in violation of those regulations from \$25 to \$100."

Supervisor Cardinale: "Yeah. I think somebody pointed out that the fines were cheaper than the sticker so we're trying to adjust that to make it less profitable to disregard the requirement of a sticker.

Anybody have a comment that they'd like to share in regard to raising the fines if you don't get a sticker? Well, it's a deafening uproar. You're all holding back so when you get the ticket well hear about it. As Dawn was saying but it's 8:48- 7:48- no it isn't that, is it? It's 7:52 and having started at 7:50 we can close this, and we're about to. So we're closing the public hearing."

Public Hearing closed: 7:52 p.m.

Public Hearing opened: 7:53 p.m.

Supervisor Cardinale: "And we're going to move to the second public hearing which I think will inspire more comment. It's a hearing commencing at 7:10. It is for consideration of a local law to amend Chapter 108 Article- what is that XA- "

Barbara Grattan: "It's Business F District."

Supervisor Cardinale: "XA? I figured that's a typo. It's a Roman numeral. All right. It's Chapter 108 Article X entitled Business F District, Manufacturer's Outlet Center Overlay Zone.

Before I open this at 7:53, would you tell us what this hearing is about, please, Dawn?"

Dawn Thomas: "Sure. This public hearing proposes or gives notice to the public of a potential change to our zoning code which is Chapter 108 to- specifically to the Business F Zoning Use District which is the Manufacturer's Outlet Center Overlay Zone.

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The change proposed would allow 15% lot coverage with sewer, 10% lot coverage without sewer, and a potential of 30% lot coverage with sewer and the application of development rights. Previously the coverage was— the previous coverage was what it was, right, 15% with an increase of up to 30 with the existence of sewer. And I hope that explains it.”

Supervisor Cardinale: “Very good. Pete. Say hello to the folks.”

Peter Danowski: “I’m about to say good evening, Rex. I do remember my Latin days and it was pretty nice and really excellent students. So I appreciate those awards. And my days with Latin with Mr. Diamond is no longer with us, still well remembered and Riverhead is great at the Latin program.

I have to start out by saying this proposed legislation is rather disturbing to the Tanger organization, myself in particular, because I view this as a death sentence to the proposal which has been identified as the Costco project, or the Tanger III project, or the Phase II of Tanger I.

I know this town board is aware that the SEQRA process to date has taken us 17 months approximately and we still have not reached a conclusion. The process began when I filed an application to amend a special permit with regard to Tanger I in August of the year 2003. It took the town board approximately eight months to reach a decision to reach a positive declaration, in part because apparently the town board felt they needed the advice of the Planning Board to reach a conclusion as to how to positive or negative dec this application.

I have asked Ron Abrams to produce a little time line that he’s produced on a small board that I would like to present and Ron and his wife are here tonight. I’d also indicate that Mr. Steven Tanger knows, this is important enough for him to fly up here from North Carolina and he will speak tonight as will Jeanine Nibbons who I would ask to follow me to the speaker podium. I think Mr. Tanger may reserve his comments until the very end of the hearing.

But clearly there is a cost that this town board has to recognize is prohibitive for a person that wants to come into this town and conduct business. The Tanger organization many years ago was invited to this town and was asked to build a center on property that created a tax base that this town was slowly losing. The Tanger organization relied upon the zoning that is in place today. That zoning allowed this application to move forward without the need to spend approximately \$4,000,000 in extra money to the town in the form of a transfer of development rights statute.

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Now I say approximately \$4,000,000 because I use the number the town has used in the past with some projects which are not business F zone projects where apparently some developers were asked to pay monies to the town at a formula that's reached at \$40,000 for every 1500 square feet of building area.

If a transfer of development rights statute does pass and I support such a statute, believe me, the farming community will raise that number and they should, to a larger number than \$40,000. So the extra cost to the Tanger organization would be well over \$4,000,000. For what? For something that Tanger has a right to today for density purposes.

Now you might say, well, what about Tanger's other costs? Are there any? Right now Tanger I is on septic systems. It's something that I believe this town board would like to see corrected. I think it's something the Suffolk County Department of Health Services would like to see corrected. I think it's something the New York State DEC would like to see corrected.

Mr. Tanger has agreed to take this new structure that he proposes and connect it to public sewer. He has also over a period of time agreed to tie in the entire Tanger I center to public sewer. What is the cost? Approximately \$2,000,000. He has also as part of this application recognized that the particular application that's pending before the board also needs a permit from the New York State DEC.

It has been suggested, and I would like to think this town board would join in this idea, that a parcel or parcels or property along the Peconic River could be preserved by some means that still will have to be determined by the New York State DEC and that Mr. Tanger will contribute toward the cost of the acquisition of these parcels. That will take place through a procedure that is still being finalized as we speak and I'm talking about the SEQRA process. That SEQRA process has not reached a conclusion.

More than 45 days have gone by since the last public hearing with regard to the accepted DEIS. The town has not responded by supplying us with a written document saying what we should place in the FEIS. However, today Mr. Ron Abrams has completed an FEIS. He has delivered it to Mr. Hanley and I will say there have been communications between Mr. Hanley and Mr. Abrams. In a spirit of cooperation, we will respond to any other written comments and some of those comments, I think all of them, have been handed to Mr. Abrams as he delivered the FEIS today.

So I am going to make part of the record here tonight that FEIS that's been delivered to Mr. Hanley. We will respond to the further comments that Mr. Hanley has made. But I want to say right now, if

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you adopt this legislation, this project is over. It is stopped and you will not see the construction of this building.

I also say that there is no ability for you to point to anything in the comprehensive plan that identifies this requirement of this legislation or even justifies it. Business F zoning was retained in the comprehensive plan. But Business F zoning is clearly on the master plan maps as Business F. Business F is retained, it is kept.

There is no need to ask for and extract further monies to the town that as a practical matter will prevent this project from moving forward. It only leads to the suggestion of more litigation against the town. There is no support in the SEQRA documentation. There is no support in the comprehensive plan.

I have the comprehensive plan here tonight. I looked it over and over again. I am not making up the stories as to location of Business F. I'm tearing out the pages and showing you the map which are exhibits in the master plan. I'm handing them up tonight. Business F retained by the town board in the comprehensive plan.

You shouldn't be doing this. You shouldn't be calling this public hearing. You shouldn't be suggesting that you're going to all of a sudden change the rules midstream. After 17 months of a pending application, Mr. Tanger has a right to rely on the word of the town board's in the past, saying come to this town, here is the zoning we have in place for you.

And I will say this. You also treated Mr. Tanger a little differently as to what he was allowed to do on his property. I know you are aware of formulas such as 70/30. I know you are aware about the prohibition on restaurants. I know this, that if you're going to ask him to abide by the rules set forth when he first came to this town, you should abide by the same rules.

And I'm suggesting to you it's improper to pass any legislation which tries to change the rules midstream. I also, just coincidentally, I was here yesterday at the work session and I have to smile because it just seemed to be the right time that the Dreis (phonetic) application drew a comment from their representative about the fact that they were placed in the Business F zone and they thought I think mistakenly that new legislation had passed and they want to know how it affected their site plan application which this board has approved at approximately 20% coverage. And I don't disagree with the Dreis application. I think it should be approved, I think they should be allowed to build it. I don't think they should pay any transfer of development rights.

Whatever understanding they have with the Tanger organization, they'll apparently will reach some understanding or at least come to

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us with regard to one issue. It's out there. But clearly, I heard the comments and I heard the comments that initially I think Mr. Cardinale felt that they were vested or covered in or grandfather or at least had a right to build out the site plan and I think he wisely sought the advice of counsel and those people were told run across and get your building permit and start construction. I'm supportive of that, too. I'm not opposed to that.

But they're the only other people in the Business F zone. So this legislation affects how many people, Dreis and us and maybe not even the Dreis people if they start building. I think it's unfair. I think it has no foundation in the master plan and it will absolutely stop this project.

If you think about cost for sewer, if you think about cost for DEC mitigation, and I'd like to think that you want to preserve lands along the Peconic River and you would like the concept subject to the DEC approval of acquiring a parcel for mitigation purposes in some procedural way that can be guaranteed to the town, then isn't that enough to pay. At some point, every businessman has a breaking point and this legislation is it. If you pass it, the project is over.

Now I would like Jeanine Nibbons to step forward and just explain a little bit of the history and a little bit of the concept as I hand the documents up here today."

Supervisor Cardinale: "Pete, I'd like to ask a question. Two questions. In regard to the sewer connection that you indicated would be at a \$2,000,000 cost, that's a necessity is it not to obtain the yield you need for the project. It's— in other words, if you need to connect to the sewer, you don't have the yield at the moment."

Peter Danowski: "Obviously an alternative which I don't think the Health Department would agree to which is a (inaudible) system or some form of package plan on site, we wouldn't even suggest to do that. We have an understanding or agreement with the Health Department and we would do the public sewer and it's in the statute.

All I'm saying is when a project has a potential budget, this law breaks the budget beyond belief."

Supervisor Cardinale: "Let me ask you one other question besides the sewer question. In regard to the— see if you can address this one for us. All other surrounding zoning it is my understanding must buy the increased yield through the participation in the TDR program which we're trying to— which we're trying to encourage. All other surrounding zoning. How can we in fairness exclude this one zone?"

Peter Danowski: "Because I think you have to recognize the history here. I think you recognize the Tanger family was invited out

here with zoning that was proposed. I think you have to recognize that only Tanger has the restrictions that were put down with regard to the percentages of particular types of uses. I think you can't equate apples and oranges. I think you have a project here that relied on the zoning, relied on the density, relied on the ability to increase density subject to public sewer. And the town is collecting taxes for the benefit of being in the sewer district. And Mr. Tanger has cooperated with regard to that particular application.

I think to say to a developer now we have you, you've come to town, now we've got some buildings here, we're just going to change the rules midstream and say deliver a further check in order to build any more. I don't think that's right."

Supervisor Cardinale: "What you're— what you're not mentioning, however, is two things. One, there was a comprehensive master plan over the last six years going into effect, and, two, the reason the town board started to look at this was because among other things, was that a neighboring owners of property who were being asked to in effect buy back an increased yield, were saying why is this particular zone exempt from doing what we were requiring in all adjacent zones."

Peter Danowski: "Who asked that question?"

Supervisor Cardinale: "And that— the— I think it was Mr. Sendlewski who brought the issue up among others in regard to a client in a neighboring zone. So I'm asking you to address that which is a very troubling question to this entire board.

Everyone sacrificed. You're looking at someone who had eight lots on the property next door to my home possible and now I have four. That's at 250 a lot, \$1,000,000 out of my pocket because of this master plan. Why must— why should we exempt one zoning district?"

Peter Danowski: "Because I don't think that anyone can parallel the history with regard to the Tanger application and his reliance on the zoning and the fact that he has built out to the point that he has today. This is not something where someone's buying a credit, a transfer. Mr. Tanger's site plan which I'm handing up tonight as part of the record here, prepared by Joseph Ingegno, will indicate that the Tanger I site is at approximately 14.82% coverage, round it off to 15%.

You're saying for every square foot of the new building, we've got to buy and transfer development rights if you pass the transfer of development rights statute. The cost is just prohibitive and you have to understand that you're stopping this project and it will not and cannot happen if you do that. What other client, what other developer, what other project area can say that and where in the

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master plan can you point to the fact that you have the right to pass this law here today affecting Business F?"

Supervisor Cardinale: "Certainly we would not pass the law unless we thought it was through counsel, justified by the record, but you have two other problems here. You have the DEC waiver that you need from the Wild and Scenic Act, and you need a special permit from the town board. So this is not the only problem that faces this project. And to suggest that this is the only problem, I think, is not quite accurate."

Peter Danowski: "I think you are misstating my words. And that is if you pass this legislation, the project is over."

Supervisor Cardinale: "Well it may be over even we don't is my point."

Peter Danowski: "My point is we're more than willing to go through the process which we always understood was a process with the state. We clearly understood and still understand that the state is waiting for the conclusion of the SEQRA process. They have to do their own investigation, their own research and listen to comments from all counsel. I understand that. I don't expect the process to end.

If you didn't suggest this legislation. If you denied the amendment resolution tonight, we would move forward and we feel confident that with your cooperation and with the state's cooperation, we can reach a final plan that would allow a permit which would include a variance or waiver from the state. And I'd like to think that you wouldn't pre-judge this application and under the special permit provisions, you would at the end of the day with reasonable conditions, grant the special permit.

What I'm saying is the reverse. I'm saying we understand there's processes. We're willing to go through those. We want to go through them. We've always cooperated. We always wanted to reach a common ground with the town and the state and all we're saying is this will prevent us from moving forward. Absolutely."

Supervisor Cardinale: "But what I'm concerned about though and I wanted to ask you to address and I appreciate your addressing the issues I'm questioning you on, is the letter from the DEC which recently suggested two things. And I think that's what you're communicating with our planning director on. One, that the DEC was not interested in a purchase in order to allow you a waiver from the Wild and Scenic Rivers Act- to allow you to build on the wrong side of the Wild and Scenic River Act, they were not interested in a purchase of a piece of property. You got a letter that suggested that.

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And also they indicated that they were concerned with the segmentation because this initial project on Tanger I utilized the absence of this project's build out as a justification for the initial project and they felt that was segmentation. Those two issues could themselves kill this project.

You're asking us to specially treat your client in this instance because this project could then be passed. It is very possible, in fact probable when I read that letter, that you're not going anywhere anyway with the DEC. Anything you can tell us about that?"

Peter Danowski: "Yeah, I think Ron Abrams is here tonight but we are very confident that your strict reading of that, you know, might lead you to the opinion you just gave. We don't think that will be the final outcome, however, of the DEC application. They await their review after the conclusion of the SEQRA process. That process is not absolutely finished and I believe they're seeking legal opinions with regard to our suggestion of what to do and how to mitigate.

The segmentation issue has been handled by Mr. Abrams in his FEIS and I believe that the DEC when they review the written document from Mr. Abrams will tend to share in the facts as Mr. Abrams has pointed them out because I think there is a little discrepancy as to facts and accuracy.

For instance, the simplest of ones, they were talking about the Dreis parcel being controlled and owned by us and somehow that was--"

Supervisor Cardinale: "Yeah, they were wrong."

Peter Danowski: "All right. So things like that. And I don't like to stand up here and throw stones at anybody but I think the DEC is a good organization that wants to go through what they consider to be the proper process and so do we. And we are still going through that process. So I think we will address the comments in that letter and I think at the end of that day with your cooperation, I think we will gain a permit

Now certainly if this board as a whole were opposed to the DEC granting the permit, that might cause some problems. But I'd like to think you wouldn't do that and I'd like to think that you'd like to preserve a parcel along the river. And I think that would be a goal that almost everybody would like to see accomplished.

If we can do that or help do that, that's our position. But we recognize that is a cost that we will have to bear, we'll have to see what that cost is. And all I'm saying is we're rather confident the process will take care of that answer. We can't assure you today and I know you've had your own dealings with the state and the river

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regulations. So we can debate whether the regulations should have existed in the first place beyond the railroad tracks. You can debate whether they'll change the location. You can change the designation. Not in my lifetime will some of these things happen is my guess.

So we have to deal with a procedure and as you might guess there's not a lot of precedent to cite on the Peconic River regulations as they exist down here. I think probably if you were in upstate New York with thousands and thousands of acres with no roads near them, probably no one has to ask for a waiver in many instances.

But certainly the idea of mitigation measures by buying and preserving land off site is always done even with wetlands areas and the DEC is seriously involved in that and it's been done all around the country. So I don't think there is an ability to say today a permit shall be granted, a permit shall not be granted but I think with your cooperation and the Tanger organization's cooperation, we can see this to a successful conclusion.

And on the special permit, I recognize you'll review the law and your conditions and whatever else and deal with issues that could be raised. All I'm saying is go back, way back to the beginning of time with Tanger, all right. We've been asked to cooperate. I think in the beginning process Mr. Tanger donated \$1,000,000 to the town and then with the IDA application another \$900,000. Some people even criticized that.

But I mean the ability to reach in your pocket and say here's another check or go buy development rights and transfer them on, at some point it's a breaking point for one building. And that's all I'm suggesting to you, that we oppose this application. We don't think there's a justification for it or a SEQRA compliance by a reference to the accepted completed comprehensive plan."

Supervisor Cardinale: "Thank you."

Peter Danowski: "And before Jeanine gets up- "

Supervisor Cardinale: "Thank you."

Peter Danowski: "-- I will hand up Mr. Ingegno's computation which includes the dollar cost based upon a 15% excess and also the Business F zoning original pages right out of my comprehensive plan. I also will hand up the FEIS as delivered and you will note with the plan of Mr. Ingegno, this also provides some slight modifications which would deal with the 100 foot area for parking and a slight setback for the building. Mr. Abrams will deliver some more copies of this to Mr. Hanley and do more copies of the FEIS and he'll also respond to Mr. Hanley's letters."

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Supervisor Cardinale: "Thank you, Pete. Yes, Jeanine."

Jeanine Nibbons: "Good evening. I'm also going to start by going back and citing the economic development introduction as its written in the town's comprehensive plan. And I quote: Riverhead is a strong and diverse economic base with significant opportunities for growth in the future. Riverhead's major growth opportunity is in the area of tourism. Over the course of the 1990's, the north fork became a significant tourist destination for the first time.

It is no coincident that the explosive of tourism in and around Riverhead has been fueled in large part by unique projects like our shopping center. Let's turn back the clock for just a minute to May 19, 1994. Jim Burnstein who was then a staff writer for Newsday wrote, this is the first article that ever appeared about Tanger in Newsday. Stanley Tanger, the 71 year old former men's shirt manufacturer scoured Long Island for five years before he found what he thinks is the perfect spot for a factory outlet center, the very end of the Long Island Expressway in Riverhead.

If that seems like a remote spot for a shopping mall, Tanger is unconcerned. He said he hopes his 45 store mall will not only attract local shoppers, but people traveling to and from the Hamptons and the north fork as well. The experiment begins tomorrow.

Eleven years later we all know that the experiment and gamble has paid off rather nicely, not just for our company but for the town of Riverhead as well. As perhaps the largest single taxpayer and investor in Riverhead, the company is as committed today as it was a decade ago. And while our shopping center has certainly grown from the original 45 stores to over 165 stores today, the company has shared its success along the way with many old and new businesses and our company has brought strategic vision with determination, plain old hard work, and direct financial support to town.

Our company philosophy is very simple. Your success is our success. Riverhead's own success story and evolution since the 1990's are in large part attributable to projects that are unique. Tanger is unique. Tanger is not a Simon mall or a community strip center. Tanger is not a Riverhead center. Tanger is a year round tourist destination that brings more people to the end of the Long Island Expressway than to any other location anywhere on Long Island.

Our shoppers are unique. They come not just from Riverhead and the surrounding communities, but from Nassau County, the boroughs of Manhattan and from around the world. As duly noted in the comprehensive plan, many of our visitors spill over to other attractions. We encourage them to visit our beautiful community, taste our wine, enjoy the aquarium and thrill of Splish Splash, eat in our restaurants, stay in our hotels, and then they go home.

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More importantly, the Tanger organization has demonstrated something else that is rather unique. We put our money where our mouth is and we take a genuine interest and active role in the local community. We open our parking lots and sidewalks to the hospital and local businesses, we share our marketing expertise, we voluntarily allow our shoppers to be picked up by the north fork trolley for winery tours and allow them to leave their cars at our very already crowded parking lots.

Over the course of the past decade, the company has contributed over \$1,000,000 to local schools, the library, North Fork Breast Cancer Coalition, the American Cancer Society, local churches, local synagogues, the Boy Scouts, the Girl Scouts, the police, the ambulance, the fire department, and our local hospital. We actively partner with Splish Splash, the aquarium. We enthusiastically financially support the arts as well as the environment.

In addition, a great number of our stores and many individual center employees, many of whom are here tonight, have participated and contributed their time and hard earned money to numerous charitable events, most notably adopting well over 100 needy children each year at Christmas and filling multiple Salvation Army trucks with generous and thoughtful gifts for every child.

But perhaps the greatest gift that we can give is our ability to share the tragedies and to respond to them. We share the tears of the community as much as we celebrate the joy of success. And therein lies the difference. Tanger Outlet Center brings its heart to this community as well as its financial commitment. As perhaps the largest investor in the town and the single greatest source for sales tax revenue, property tax revenue and school tax revenue, the company believes it's played an instrumental role in the creation of Riverhead as a major tourism destination and in doing so has encouraged other unique investors.

Our future success is dependent upon our ability to attract and retain the most popular brand name shopping venues. We live in a 21st century world economy that is driven by consumer spending and demand for innovation. To ensure our success, we must remain competitive in the race to offer the most popular brands and venues to our shoppers. One thing is certain in retail, there always will be someone new entering the race to become the most popular brand in any category and consumer choice.

We must be strategically prepared to meet and greet that constant evolution. Our business motto is different than Riverhead Center. Our business motto compels us to remain competitive in our industry and at the top of the game.

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The Costco wholesale corporation has emerged as one of the fastest growing premium warehouse retailers. Costco is an important compatible and complimentary tenant for our merchandise mix to service consumers in categories where outlet distribution capacity is extremely limited or in some cases non-existent. Good examples of that would be electronics, automotive, appliances, toys, furniture, photography, sporting goods and recreation merchandise. A Costco is a Tanger Outlet Center under one roof and it's complimentary and it would enhance the experience for our shoppers and continue to build more traffic of shoppers that would come from the west to the east to choose Riverhead as their destination.

Stanley Tanger's great Riverhead experiment and vision is certainly central to Riverhead's comprehensive plan focus to embrace the strategy to develop tourism as one of the primary sources of future growth and revenue. Tanger has demonstrated a willingness to work with the town, with the county and with the state based on our fundamental belief that your success is our success.

We look forward to your commitment to promote tourism and we sincerely hope that the town board continues to place high value and careful consideration of our enormous investment in Riverhead most especially the unique partnership with its people that will ultimately serve to make our success your success in the years to come.

Thank you for your time."

Supervisor Cardinale: "Thank you, Jeanine. Pete— Pete, before your next speaker and before we move to the public comment, could I ask you a question? On the — on the 70/30 as interpreted by the board split, are you going to be able to stay within that with the Costco— with the Costco store? How many square feet is this and with that being retail throw you out of whack with the 70/30 requirement?"

Peter Danowski: "I think Mr. Abrams will have supplied that answer and the answer is going to be yes, we'll be in compliance."

Supervisor Cardinale: "Are you considering this retail or are you considering this manufacturer's outlet?"

Peter Danowski: "I think we're going to have that addressed to you. I don't know the exact answer but I don't think I need a variance from the definitions."

Supervisor Cardinale: "Well, that might be yet another issue though is what I'm getting at and I'd like to make sure I know all of the issues. If you add 120,000 square feet of a retail Costco— "

Peter Danowski: "It's 136— "

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Supervisor Cardinale: "136,000 square feet, are you still going to be able to have 70% outlet stores?"

Peter Danowski: "I think, if you look at the definitions in the code when you talk about the separation of the big box from the remainder of it, we meet the definition of 70/30."

Supervisor Cardinale: "Okay. Thank you. I'd like to discuss that a little more. Maybe you could discuss that with Dawn a little more deeply whether the ZBA needs to interpret that. It would be them anyway."

Is there another speaker who would like to speak as from the team or the public? Jack why don't you speak, Jack Van de Wattering."

Jack Van de Wattering: "You know, I heard a lot of words over here that I didn't understand, zoning, 108, all these things are foreign to me. But what isn't foreign to me is that since Tanger came here in Riverhead, it's been a very good neighbor. And that is something that the town board has to take into consideration."

You cannot take this just on face- you've got to take them on face value on what you see. Mr. Tanger was on it just a few days ago and some of your people were there. You've got to take that into consideration."

I was listening to the speech from County Executive a few days ago and he talked about smart government. This is something that you've got to take into consideration. How can you make something happen at Tanger which is a win-win and all the laws that I hear, you've got to find a way to look for an answer that is positive and not look for, no, we have to have open space. Yes, we do want open space but find a way that open space could be put in some other areas where it becomes a win-win for all of us."

And I think a person like Mr. Tanger deserves that. He has been here for 10 years. He has been a good neighbor. He has contributed to this town three and a half million dollars a year in taxes. What would you do if Mr. Tanger wasn't here? He has contributed over a million dollars in the last 10 years just to help the hospital, the help the garden festival, things that I was involved in. He is there any time we ask him. You have to take those things into consideration when you make- when somebody makes an application and I hope you look upon that very strongly."

Thank you."

Supervisor Cardinale: "Thank you, Jack. Sandra, please."

Sandra Mott: "Sandra Lee Mott, Riverhead. I've been here in June it will be 12 years. I've listened to all of the meetings and

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all of the SEQRA and all of the this and all of the that and my first view of the Tanger Outlet was going out in the morning and coming back in the afternoon to see the complete deforestation of an area within a day. And I'm not the only person who had the same approach, crying hysterically saying what did they do and then being told we will put down some bushes, we will put down some landscaping. It's not quite the same. That was my first impression of the Tanger Outlet.

Now I don't have millions of dollars to give to you. But I think I've been up here at this podium enough times to know that I have given quite a bit of my time and effort. I don't have millions of dollars to give to you, let me restate that. And the millions of dollars that these companies give are also written off as tax write offs. So let's get it straight. This isn't Greek, this isn't Latin, this is money.

Big deal, a million dollars. Yeah, it sounds a lot nowadays, right. To those of us who don't have it, it sounds like a hell of a lot. A million dollar mitigation. I remember somebody who came forward and was extremely upset that special permits and so on were given to this property originally, this project originally. These are not my words, but if I recall them, they were referred to as bribes and payoffs. Well, I think the state has finally wised up that they're not going to accept any kind of monetary compensation. Good for them.

Finally the DEC is recognizing we have a limited amount of property, forested areas, habitat that can't be replaced. And telling me that they're going to buy properties along the Peconic, you can't do anything because the restrictions are even greater right along the Peconic. So big deal.

Whoever buys along that area and that's what the town should be accommodating the purchase of, along that area of the river with some of the monies that we have from, your, you know, purchase and sale and all that, I forget the particular- "

Supervisor Cardinale: "Open space program."

Sandra Mott: "Thank you. That's what we should be doing, not relying on someone who wants more of what they already have. And we certainly don't need a Costco because I understand from reading in the paper, a Wal-Mart superstore is going to go where the Lowe's is planned- was planned for. Okay? So, there. We've got it on one side, we've got it on the other. So what does that mean?"

That's going to kill all of your businesses, big ones, little ones, and in between ones east of the circle. Who the hell is going to go down Route 58? You think Main Street is bad? There's nothing there now. There are more empty vacant buildings there now than there

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were for many years. Yes, you have some new places. But they're small. They can't make the kind of money.

What happened to the trolley service? What happened to the no food services at Tanger? Those things— there's food services there now at Tanger. They promised they weren't going to do that. They were going to focus on downtown. That didn't happen. The trolley service ran for a while. I don't know what happened to that. I understand from Miss Nebbons here that it's doing the wine tours. That's lovely, that's nice. But it's not bringing them downtown. What happened to that?

There's no effort— there was no— any effect on our services, for example, the police department. Excuse me. I hear them whizzing right down Route 58 every day practically and I read it in the local newspapers. As a matter of fact, the most current example and I was wondering if it was a misstated amount, \$200,000 in clothing stolen from Calvin Klein and you're not going to have any effect on our police department that's already spread out beyond their abilities at this stage of the game with all the senior communities coming in.

Okay. Now I might not be as cogent as these people because they do this for a living and get paid. I'm sort of talking off the cuff so you might have to bear with me. I want you, if your intent is to lower the amount that can be built on, I want you to do that. I want you to do some protection of what's left and the only reason they preserved that property in between was the tiger salamander and God bless them, I hope that they're reproducing up the gazoo and moving up and down. Because if we don't protect them, nobody's going to protect them.

How this is going to be an asset to the town already overwhelmed by traffic and criminal activity specifically at Tanger, is beyond me. In the current ones. Costco is not an outlet. I don't care 70/30, 80/20, 100 or zero. You're not going to convince me that Costco is an outlet center. I've been in them.

We've got a BJ's. They'll be locking up, too. You won't have to build a new facility for the town. You'll have all these vacant big buildings. You can move town hall into one of these things. Hold on before you start building. You're going to have lots of vacancies I can guarantee you if you give them special permits just like there's always been before.

And that was the promise you made, right, Phil, in the master plan and the board made basically. When this master plan was made, we are not going to be giving them out like peanuts. Variances, waivers, special permits, it's a joke. Let's stop laughing now. Because I don't think it's funny. I live within a mile of this place. You cannot get in and you cannot get out on 58. And you cannot get in and you cannot get out on Mill Road. That's another story.

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We moved here under the misfortune of understanding in the brochures that we received that this was going to be a serene and tranquil environment. That was in June of 1993. Tanger moved in in '94. I've got a little seniority on a few people. I might not have been born here. I've been here long enough to learn a few things and know a few things and remember quite a few, including the DEC that said that you were not going to build on that property that you want to build on. Don't tell me it wasn't in there.

I said well thank God, we won't have to look at it right from the street. And if you don't remember that, you better check your books. And don't worry about cutting deals with the state because they're up for election, too."

Supervisor Cardinale: "Yeah, Sandra, just address the board because we're the ones that need the help."

Sandra Mott: "Fine. Me, too. We are at that end of town. We're not in Aquebogue, we're not in Jamesport, we're not in Baiting Hollow. We are a mile from that facility. It's not going to be an asset to us. We're going to have a Wal-Mart superstore there from what I understand. We don't need Costco.

My understanding again with that DEC was that they were going to allow Tanger I because you had to save the property to get the Tanger I. That was in the original approval. That's not Latin and that's not Greek. That's English. And environmental impact studies, I have not read or heard of one that has ever said that there's going to be a negative impact on anything.

And this is what we have in the town of Riverhead now. Cars from one end to the other. And now it's moving up north and south. Sewage, \$2,000,000 cost; \$4,000,000 cost if they kill this project. You'll write it off as a business expense. It doesn't make any difference. You'll just— you know, the other one is going to make more money, you'll just write this off as a loss. You have to have some losses otherwise you pay too much in taxes.

Preserving along the Peconic and the transfer of development rights, it's restricted as I said by the Scenic Wild River Act and you may not agree with it, but I think it's a very good act. And upstate you said, there might not be any need for special permits because, you know, the roads are not so close, they're thousands of acres. Well that is the point. We don't have thousands of acres. We have a little schmutz here and a little schmutz there and a little schmutz and this particular schmutz is right down the street from where I live.

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You have to abide by the rules the gentleman said and you were invited to Riverhead. Yeah, but you were also invited to be here and comply with the rules and regulations that the poor person who doesn't have \$1,000,000 in their pocket can buy their way through the system.

Let's see, what else did I want to say. In a nutshell, that's it. I don't care who's making money anywhere in this country. I wish I could fly back to North Carolina because I can guarantee you, he's not going to live in the same kind of community that we are now forced to endure to move— to stay in, because there's no place to move. Not all of us want to move. Our families are here. Our buried family members are here. And as good as they say that they've done and I know that they've done quite a bit, please understand the fact that they also write it off as a, you know, a business expense. Let's be real here.

I'm not condemning anyone for making money but you have to understand we do live here, we intend to live here, and as much as you dispute what I'm saying, I think my recall is as good as any and specifically the DEC, you save it, you get it, in a nutshell. So you saved it and you got it and now you want more? No.

You have to protect us. I don't care if you're up for election this round or not. You have to protect us and there's very little left to protect. Thank you."

Supervisor Cardinale: "Thank you. We have another comment. Sir, come on up. Let me— please come up and I want to refocus us on this hearing and its purpose so that we can all get some sleep.

There's a lot of things that have been said that— there's a lot of approvals this project will need, the DEC, the town board, the special permit, the DEC waiver, sewer, but the only purpose of this hearing is to determine whether as of now this piece of property has a 30% yield as a matter of right, that is coverage of the lot, 30% of the square footage.

This legislation and the bulk schedule would give it 15% with sewer, half of what it has now. But it would allow it to purchase back to the 30% yield by buying one development right off the farm fields for each 1500 of additional feet up to 30%.

Pete has estimated that would cost the applicant \$4,000,000 or more and the question is, is it the right thing to do and I asked questions that I asked, that are logical questions. How do you explain if we don't do it to the surrounding areas that are all impacted by having to buy up to that number. They don't get it as a matter of right.

Please, sir."

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Michael Schoolman: "Thank you. Good evening. My name is Michael Schooman. I'm with Classic Transportation. We operate the trolleys that you probably see at the Tanger Outlet Center."

Supervisor Cardinale: "Yes."

Michael Schoolman: "We took over that contract in January of '04. We also operate in our company roughly about 100 vehicles including motor coaches, vans, trolleys, limousines and sedans, etc. And I just want to speak a little bit about my positive experience dealing with Tanger and getting more involved in the east end in this community."

Since Classic started its association with Tanger, we found that since companies now know and tour groups now know we're associated with Tanger, we've got a lot of inquiries about the east end. We've got a lot of inquiries about people wanting to come out and actually take trips in our buses and come out and start exploring the area. And I'm very involved with different types of groups, with senior groups, with travel groups who like to come out east, and Tanger has really been, you know, seen as a magnet for the area as far as in our office, the feedback that we're getting.

We've had a good experience because of the kind of effect that we've had. It allows us— it helps us to employ more drivers. It's a very steady contract. We've had a great experience with— since we've been here so far, and, you know, I have a lot of involvement with Long Island tourism and frankly there's not enough done about it. There's not enough to promote Long Island as a destination.

And I'm always of the mind that I feel it needs to be more things where someone's coming from off the Island, whether in Manhattan or Westchester or it's a group coming into Manhattan. They need to have magnet areas where someone's coming out to an outlet center and they're interested in visiting the area and we definitely benefit from that and I've definitely seen tourism come this way, you know, through our vehicles and through our experience and it's been nothing but positive.

And I just wanted to say my piece. Thank you."

Supervisor Cardinale: "I appreciate your comment, thank you."

Michael Schoolman: "Thank you very much."

Supervisor Cardinale: "Joe."

Joe Shanahan: "Good evening. Joe Shanahan. I'm here tonight to speak in two roles. The first role is as a resident and the second

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role is as a labor leader. Now the first as a resident, I've been in Riverhead now for 32 years and quite a bit has taken place in that period of time. There used to be nothing out here but farms as many of you can remember and I'm glad to see that still a lot of them exist.

But I've always found that as a resident if I wanted to do some shopping, I had to go to Smithtown or Stony Brook. Since things have changed in the last few years, I now find that I'm able to come into Riverhead and spend money. I'm a very loyal person to this town. I like to spend as much money as I can here. I bought my first lawnmower at Carl's, God, many, many years ago. That thing is a piece of junk now, but I find now that I can come out to Applebee's and have dinner. I'd love to be able to go to the movies but that's another time.

I can shop at Home Depot and I have to admit out of self preservation, I had to start avoiding the Krispy Kreme store. But one thing I want to say is that the Tanger Outlet has been a boom to this area and Costco has always been a very good neighbor in the past.

Now one thing I want to say. I understand the problem here somewhat. Jill explained it to me so I think I can understand it. But what we're— what I'm imploring from you is to not pass this legislation that will kill this project.

Tanger Outlets has not only been a good employer, they've been socially responsible. They have employed hundreds of people to build their outlets that belong to organizations that have collective bargaining agreements. And for those of you who don't know what that means those are people that are able to work at a decent wage and get benefits and enables them to live and work and stay in this area. Not live in somebody's basement or trailer.

As a result of that, a lot of people have stayed here, a lot of people want to continue to live and work here. The addition of a Costco, I would trust is going to be done with the proper zoning as a lot of the building has been done here. I know that it can be difficult on Route 58, but you know, if you live here, you try to pick out times when you can go through different areas so that it's free to get through.

You know, living in Wading River now all these years, I know that if I want to visit my children down in Maryland, I have to sneak off the island at 4:00 in the morning. And that's just a part of life. Out where I am now where there used to be farms, there's multitudes of houses going up, all of them are probably in the \$400,000 bracket. So, excuse me, I'm going off on a rant.

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The whole point is that I want to see Costco come. As a resident, I don't want to have to keep going into Lake Grove once a month or once every other month. I can just take the trip right out here as I do to Tanger.

As a labor leader, I implore you to not prevent this project from going forward. Again, they've been very socially responsible and they have been a boom to this area.

Thank you very much."

Supervisor Cardinale: "Thank you. Thank you, Joe. Further comment from the public. Marty."

Martin Sendlewski: "Good evening. Martin Sendlewski. I'm here representing the (inaudible) Dreis application. I've given you correspondence. First of all, I'd like to start by saying I do concur with what Peter Danowski said with regard to the TDR's for- the zone to the increase to the extent of 30%. I think cutting it down to 15, although you may cut it down somewhat, I don't know what you're going to do. It seems excessive and I don't think that was the- from what I recall being at the meetings for the master plan, I never recall any footages being cut down that low.

If you look at the DRC in the other zones, they start at 20% prior to TDR's but that's just a point of reference altogether."

Supervisor Cardinale: "Is that accurate?"

Councilwoman Blass: "Industrial A."

Supervisor Cardinale: "Do you have it? I just want to make sure. The fundamental argument I'm having difficulty with should be no surprise to anyone, is treating this zone in the same equal manner as we treat adjacent zones. So it's important if we are not doing that. I understood that this was identical to the adjacent zones."

Martin Sendlewski: "It's not. Other zones are at 20% if you look to- "

Supervisor Cardinale: "And they go to 30?"

Martin Sendlewski: "Correct."

Supervisor Cardinale: "Okay, that's good to know. I'll check that. Thank you."

Martin Sendlewski: "That's not really what I'm here to discuss though. With regard to the (inaudible) Dreis application, I have a correspondence I've put into the record basically which refers to the

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matter before you, Chapter 108, I call it Chapter 10A because there is no A in Roman numerals for the Business F district.

The specific points I have are two. There are two avenues. One is with regard to our specific site. The other is with regard to the F zoning in general.

With regard to our site, what I point out here in item 1 is that per the town board resolution 419 adopted at a regular town board meeting on May 18, 2004, we currently maintain an approved site plan for the (inaudible) property known as tax map 0600-118-3-7. The site plan we have approved which is in accordance with this resolution is not in full compliance with the bulk schedule as published.

So we have an approved site plan by the town board for an F zone that we currently have the site plan approval. The bulk schedule we do not comply with totally.

Item 3 which is very important. We were at the work session yesterday and in accordance with the interpretation of our attorney, the town of Riverhead building department- we confirmed this with the building department- and the Riverhead town board, with this board yesterday, at the work session. It is our understanding that our site plan as approved is not subject to the bulk schedule because it is a previously approved site plan. That is our understanding and we maintain that as our position.

Fourth, these just point out some- "

Supervisor Cardinale: "I would get your interpretations from the ZBA or the legal department incidentally but go ahead."

Martin Sendlewski: "Well, I requested an interpretation from the building department because they interpret zoning and refer to the zoning board of appeals."

Supervisor Cardinale: "Excuse me? Yeah, but that's correct, you're of course, Marty, that if they don't stop, you keep going. That doesn't mean they're not (inaudible)."

Martin Sendlewski: "The next two items, 4, just point out some ways that we don't comply with the bulk schedule. We only have a 66 foot frontage on Route 58 because we're a flag lot and the bulk schedule requires 250 feet of frontage. And our lot in total is only 216 feet wide, not the 250 feet. We do have about 800 feet of frontage on the internal Tanger Drive roadway which as per the easement agreement between (inaudible) and Tanger as a condition of the approval of the Tanger II site plan, we are allowed access to our site off of Tanger Drive. That was previously approved by the town

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board when Tanger II was approved. That was a condition of the Tanger II approval.

Therefore, with that being said, what I request in item 4 is that you revise the frontage to be 200 feet which is the maximum width of our site. There's only two sites it affects. That's the Tanger sites which are obviously well in excess of that and the Dreis site which is not. So we would like you to revise that to 200 feet just so that it complies with the footage of our property."

Supervisor Cardinale: "But if we did any of that, it would have to be by a separate public hearing. The only purpose of this public hearing is to consider the one change that we've been discussing. So I understand your concern, but it's probably not the appropriate place."

Martin Sendlewski: "No. But the change is the bulk schedule."

Supervisor Cardinale: "Yeah, but we're not changing the entire bulk schedule. We're proposing in this legislation one change to the bulk schedule and if we're doing anything else, we're going to have to have a new public hearing."

Martin Sendlewski: "All right. I'll address that further on because there's another point that I think is being missed. But that's one request I have."

Supervisor Cardinale: "Incidentally, destination retail center which is the adjacent zone is going from— is 15% as of right. You can buy development rights to go up to 30%. So it's identical."

Councilwoman Blass: "It actually starts at 10, Mr. Supervisor."

Supervisor Cardinale: "And the only difficulty I have—"

Martin Sendlewski: "That's not my argument."

Supervisor Cardinale: "I know it isn't, but—"

Martin Sendlewski: "I'm not in here for that."

Supervisor Cardinale: "-- you indicated that you did not think that they were the— that this was proposal. The only proposal we're making, let's keep focused here folks, is to make Mr. Tanger and maybe not you because you may be through the site plan, but it affects him.

We're saying you can do the 30% but you're going to have to buy development rights in order to do so. It's the only change (inaudible)."

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Martin Sendlewski: "I understand. But that's not what I'm here to argue at all. That has nothing to do with my argument. I'm here to discuss- "

Supervisor Cardinale: "Well, what does your comment have to do with the proposed- with the proposed zone change, which is what I said?"

Martin Sendlewski: "Let me go through it and it will become very clear."

Supervisor Cardinale: "All right. Maybe it will become apparent at some later date."

Martin Sendlewski: "Okay."

Supervisor Cardinale: "Make sure I'm still (inaudible)."

Martin Sendlewski: "What I'm requesting is that we have the change to the 200 feet on the bulk schedule so that we- it will comply with our zone because we're the only ones it affects."

Supervisor Cardinale: "Probably a good idea. We'd have to have a public hearing."

Martin Sendlewski: "Item 5 says that- what I say is that the maximum lot coverage and floor area of our approved site plan is 20 and .2, not the 15% and .15 indicated in the bulk schedule.

I'm going to address that in a further correspondence with regard to the supplemental environmental study.

We would request since that's the case, since we already have an approved site plan, why a footnote wouldn't be added to the bulk scheduled to exclude previously approved sites. That's another request I have in item 5.

In item 6, I indicate that our approved site plan complies with all of the other requirements, yard setbacks, etc. So there are two things we don't comply with, the 15%, we have 20, and we can't comply with the lot width.

The next paragraph- `

Supervisor Cardinale: "I think you're missing the point."

Martin Sendlewski: "I think- let me finish the next paragraph because I think everybody else is missing the point and I'll explain it."

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Supervisor Cardinale: "Again. The hearing is only on one point and that is whether we should or should not make the Business F you and Mr. Tanger theory, do what the surrounding (inaudible) are doing. Buy up to the 30% yield by buying development rights. If we don't do this incidentally, if we do away with it all over, we won't have a development right program."

Martin Sendlewski: "All right. Here's the program."

Supervisor Cardinale: "The TDR program."

Martin Sendlewski: "The Business F zone- "

Supervisor Cardinale: "Yeah."

Martin Sendlewski: "-- that is mapped, the zoning for that zone does not exist. The F zone that you're amending is an overlay zone. It's not a mapped zoning ordinance."

Supervisor Cardinale: "You made that same point yesterday in work session and you were told by Mr. Hanley who is off visiting his mother tonight, our Planning Director, in the hospital, I'm told, that you're wrong. That we did adopt a zone."

Martin Sendlewski: "Where is the F zone in the zoning code?"

Supervisor Cardinale: "Check with the Clerk. It was done towards the end of last year I'm told."

Martin Sendlewski: "Is this the zoning here, the 10A, that's in the- "

Supervisor Cardinale: "The zoning- it would have accompanied the bulk schedule we are now considering a change to. When we pass zoning, we pass the text and a bulk schedule and a map and we did it."

Martin Sendlewski: "It's in the paper. It says Article 10A, Business F District Manufacturers Outlet Center Overlay zone. That's not a mapped zoning ordinance. That's an overlay zone."

Supervisor Cardinale: "It is if a map accompanies it. Is there a map that is that has been passed? That's really the question."

Martin Sendlewski: "No this zone was laid over Industrial A zoning."

Supervisor Cardinale: "Did you check with- Richard Hanley told you it was in fact passed and is a mapped zone. Did you check with him? If you didn't, let me know, because if we didn't pass it, it's

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important that we know that but it's my understanding from my Planning Director we, in fact, passed it."

Martin Sendlewski: "It's right here in your public notice that was in the paper. It says it right here. It says Article 10A, Business F District Manufacturer's Outlet Center Overlay Zone. That's what exists in the code."

Supervisor Cardinale: "And does a map- if a map got passed on the next board meeting, I'm telling you it's a mapped zone because the map was passed."

Martin Sendlewski: "It is a mapped zone, but this zoning is overlay zoning. And if you read the text of the zoning- "

Supervisor Cardinale: "You don't have a mapped zone that is overlaid, Marty. It's either a map or an overlay."

Martin Sendlewski: "If you read the zoning, I attached a copy of it- "

Supervisor Cardinale: "Yeah."

Martin Sendlewski: "-- you're amending one part of the F zone which is the yard requirements, the bulk schedule, the part that's crossed out."

Supervisor Cardinale: "The bulk schedule is what we're amending."

Martin Sendlewski: "Right. That's Article 10- I mean 108-44.8, that's one paragraph of the overlay zoning. Correct? That's one paragraph."

Supervisor Cardinale: "One paragraph of the bulk schedule we're (inaudible)."

Martin Sendlewski: "That's correct. If you read the rest of the F zone, I'll read the purpose, 44.5 of Article 10 A. Here's what it says now: This is the specific purpose of the intent of this article to provide for manufacturer's outlet centers and their customary accessory and attending uses upon those lands which are appropriate due to their location relative to public infrastructure and which are accessible to arterial roadway networks. This use district may be imposed by the town board in conjunction with or the exclusion of the Business B, D, Industrial A and Office Districts.

This is an overlay zone that you have in the zoning code."

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Supervisor Cardinale: "Assuming for the purposes that you're of discussion that you're correct, what's the implication of what you're talking about?"

Martin Sendlewski: "Well, my interpretation is that you're not only— you're not only revising the bulk schedule, but you're also changing the written code for that zone from an overlay zone to a mapped codified zone."

Supervisor Cardinale: "Oh, good. I'm glad you said that because we're certainly not doing that. If you're correct and we made an error in the initial passage of the zone, we can't correct that by changing one line in the bulk zone. We'd have to look at what you're saying and correct that era by a new public hearing and a new text for the zoning."

The only thing we're doing today is taking the bulk schedule which was passed earlier and saying, you see that line where it gave Mr. Tanger 30% lot coverage, we really meant he should have 15% lot coverage if he has sewer and the ability to obtain 30 if he participates in our TDR program by buying farmland. That's all that's being discussed tonight."

Martin Sendlewski: "But the bulk schedule that you published, the Business F zone, does not exist on the bulk schedule, it never has."

Supervisor Cardinale: "All right. I'll tell you what. When Rick comes in tomorrow morning, if you and I can sit down with him, we'll see if you are correct. If you are correct, that's another problem that I have to deal with. But my problem tonight is to get— "

Martin Sendlewski: "I'm not trying to create problems, believe me, because we have a lot at stake as well as Mr. Tanger."

Supervisor Cardinale: "It's another problem that I'll deal with. Right now I just want to get as much opinion as I can about whether it's a good idea to make this move. It's a moot point if it's not a good idea."

Martin Sendlewski: "No. I think it's a— well, with regard to the F zone, my understanding is, is that it's now a codified zone and my point here and the reason for my giving you the correspondence is to indicate that what we have on our approved site plan which we feel is grandfathered, does not meet the requirements and we want to be assured that it will be grandfathered."

It's our understanding as per the comments of the board at the work session as well as the other departments, that we are grandfathered. And just to add to that, when I went yesterday, when you said go across the street and get a permit. When I went to the

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building department, the building department told me they would not issue a building permit in the F zone because the F zoning does not exist. The only zoning that exists in the zoning code is the overlay zone which lays over Industrial A or another zone as per the original zoning."

Supervisor Cardinale: "I will check that again with the director of planning and ask him to show me why he answered in the negative when asked whether it was an overlay or an F zone."

Martin Sendlewski: "My point is that if you just revise the text of the F zone and make it a codified zone and comply with all of these requirements, everybody's problem goes away. If it becomes a codified zone, you put in a-

Supervisor Cardinale: "Yeah. That's easy enough to do."

Martin Sendlewski: "Right."

Supervisor Cardinale: "But the question still remains does Mr. Tanger have 30% of right or does he have to participate in the transfer of development rights program like destination retail center, shopping center and all the other zones do. That still remains. So let's hear- let's have a hearing on that.

Who else wants to comment? Yes, Steve, please, go ahead."

Steve Tanger: "Good evening. Good late evening. My name is Steve Tanger, I'm president of Tanger Outlet Centers, Inc.

Mr. Supervisor Cardinale, members of the Town Board, thank you for letting me address you this evening. The reason I'm here is because the town board on June 15, 1992, by its resolution #568 set up the business overlay zone which to answer your first question, Mr. Supervisor, the business zone says all special permit uses set forth herein shall be subject to the approval of the town board pursuant to the definition of special permits in Section 108-3 of this chapter for, and then it has a colon, 1, a manufacturer's outlet center: and/or establishments engaged in selling goods and merchandise to the general public for personal or household consumption provided that the entire structure housing such use is occupied by a single tenant or single owner use and shall be in a structure of no less than 100,000 square feet.

Now, that was proposed and passed to provide for a manufacturer's outlet center. This is now 13 years ago. A manufacturer's outlet center and/or a minimum of a 100,000 foot big box user."

Supervisor Cardinale: "That's an answer to my 70/30 question?"

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Steve Tanger: "Yes, sir, that's the answer."

Supervisor Cardinale: "You did better than— you did much better than Pete on that answer."

Steve Tanger: "Thank you. I'm not paid by the word or by the hour."

Supervisor Cardinale: "No. But I understand that answer and I get your point. I wonder if he just would have told me that, I would have had the answer."

Steve Tanger: "It's right here by your resolution which I'd like to make as part of the record, please."

Supervisor Cardinale: "Okay. Thank you."

Steve Tanger: "Second. I've had the good fortune, some might not agree it's been good fortune, but I've had the experience of appearing before this body for the past 12 years. I don't think there's any one in the town of Riverhead that will say we have not played by the rules that you have set.

I believe that we're regarded as good corporate citizens. As has been mentioned, I was delighted to accept on behalf of the 1,000 Tanger employees in our company around the country and the 2,500 employees in the Tanger Outlet Center that are your voters and taxpayers in Riverhead, an honor by the Central Suffolk Hospital Saturday evening for our service to the community.

In my comments and I don't know if Diane Wilhelm is still here— is she still here?"

Barbara Grattan: "No. She's gone."

Steve Tanger: "I wanted to tell her that my mother is a breast cancer survivor, that our two passions are cancer and kids, and I respect what the town board did tonight with the students. I think that's terrific. Also we have been very active in your local breast cancer coalition. I might remind the board as I was delighted to tell the story Saturday evening that when the unfortunate occurrence happened on the ballfield a couple of years ago in Wading River when a young high school athlete died because the local responder, the local police car did not have a defibrillator. When we found out that tragic story, my family purchased defibrillators and installed them in every single police sector car in Riverhead.

Now I respect this nice lady sitting over here and her passion. I understand that. But, and yes, that is a contribution that we made and, yes, if we so choose we can deduct it. But we do business in 24

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states. We do business— we have 39 shopping centers. We can choose whichever community we decide to contribute to. It's the same (inaudible).

We've had a very good experience in Riverhead because we played by the rules and for the past 12 or 13 years, you played by the rules that you set. We've been going through this public process for two years. It's been no secret what we wanted to do.

We first made application to this town board in August of 2003, 18 months ago. This town board in November of 2003 passed your comprehensive plan. If you so chose during your deliberations, your review, your drafting and your approval, which as the Supervisor said went on over a period of six years, you could have and you should have made these changes at that time. You chose not to.

We then came in, the first time in August, you approved the plan in November. Even before that, in October, you declared yourselves as the lead agency for the SEQRA process. If you knew that you were going to change this density requirement and this zoning, why didn't you tell me then? Why did you let me go forward with 17 months and hundreds of thousands of dollars in expense when you knew you were going to change it anyway? And if you didn't know you were going to change it, why are you changing it now when I've gone through the whole public process and been a good citizen and done the right thing and done all the studies and shown there's no environmental impact? Why are you changing the rules now at the end of the game when we've done everything that you've asked us to do?

Now, Mr. Supervisor, you said that you have four lots and the value of those lots has been diminished because this board changed the requirements for your density."

Supervisor Cardinale: "No. Actually, I said that the upzoning on the residential site diminished from eight to four the potential lots, taking money out of my pocket."

Steve Tanger: "But unfortunately— well, fortunately for you and unfortunately for me, I don't imagine that you had gone through a two year SEQRA process and the expense of doing that process and expended those monies and then had it changed. In all probability you had it changed before you went through a process and you could have made your decision at that time with the economics and the zoning at that time whether or not it was worthwhile and a prudent investment to spend your money."

Supervisor Cardinale: "But I'm intrigued— "

Steve Tanger: "Excuse me, sir."

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Supervisor Cardinale: "-- I'm intrigued by the analogy but your neighbors had the same problem you did. They were changed and were not grandfathered for any pending applications. DRC, destination retail, shopping center, all of those people were changed without grandfathering."

Steve Tanger: "You know what? You keep saying that I'm different. Listen, if you- if I could just have a chance to finish."

Supervisor Cardinale: "Go ahead."

Steve Tanger: "You've asked the question several times. Why should Tanger be treated differently? That seems to be the mantra."

Supervisor Cardinale: "Why should your zone be different from all of the surrounding zones?"

Steve Tanger: "Great. If you want to make us destination retail, then stand up and say they'll be the same. If each of you wants us to be the same, I'll vote for it. But make us the same. Don't discriminate against us. Don't make me comply to a 70/30 requirement that my neighbors don't have to comply with. Don't make me comply with not sit down restaurant service that my neighbors don't have to comply with. Those are the rules that I've had to comply with for the past 13 years.

So, hey, if you really want to do it, then do it. And I'll take my lumps. I won't sewer Tanger I. We'll continue, you know, taking care of our sewage the way we always have, and, yes, I would be delighted to be treated equally to the other shopping center zones and the other shopping center owners.

So, please, if you're going to do it and that's your mantra, do it. If you're just changing my density at the last minute, then you're discriminating against me and you are really not making me on the same footing as the neighbors. So that's the answer to your other question."

Supervisor Cardinale: "All of the business zones have to buy back from a lowered yield. That was the sacrifice we asked of all the business zones and I'm just having conceptual difficulty why we would not ask it of one business zone and ask it of all the others."

Steve Tanger: "I'm already built. I'm there."

Supervisor Cardinale: "Well, then we have the discussion you're in the middle of the project to build."

Steve Tanger: "Excuse me. If you want to change the density because you want to make our project the same requirements and the

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same zone as- the same zoning requirements as the other neighbors, your mantra is to treat Tanger the same. I've heard that from three or four town council people. Why should you be different?

I don't want to be different. Okay? You want to make my density different, then take away the 70/30 you put in to make me different. Take away the no sit down restaurants to make me different. And, you know, we are a different type of business but we won't even get into that.

If you really want to make us the same, then have the guts to stand up and say to your voters we're going to make Tanger the same. They can put in a restaurant like Riverhead Center or they can- don't have to comply- they might not even have to be a manufacturer's outlet center."

Supervisor Cardinale: "What we- you're missing the point. We did not change the surrounding zoning. We left the zoning in place just as yours but we reduced- we insisted they buy back an increased density. We didn't change their zoning. We're not going to change your zoning. But we did insist that their density be lowered and that they buy back because that's the only way the transfer of development rights program will work."

Steve Tanger: "I- you know, we could have this conceptual debate for hours. You asked me for an answer. I've given you my answer."

Supervisor Cardinale: "Okay."

Steve Tanger: "Okay? You know, as we've always done, we would like the opportunity to cooperate with the DEC. We'd like the opportunity to cooperate with the county and with the town to bring life, jobs and revenue, and tax revenue to Riverhead. The resolution before you which changes the zoning code provisions for this site, will kill this expansion. I think everyone of you knows that.

We have always been treated differently from the start, as I mentioned. The 70/30 was different. We were the only ones in town, only retailer developer subject to that. The no restaurant was different. We were the only retail site subject to that.

You asked, and this is another answer to your question, Mr. Supervisor, about the segmentation. I was here at that point in time. I don't know if anybody on the town board was but the reason we clustered in such an odd shaped site plan, Tanger I, was because you did not have the town sewer at that time. We didn't have the option of building 30% ground coverage because there was no sewer service. We were always limited to 15%.

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When we submitted our site plan originally, we were asked by your planning department, Rick Hanley, and the then town board, to please cluster your buildings in a semi-circle so all of the sewage can be combined— can be contained in one area. And we did that. We complied. There was never a double dip as has been said. There was never segmentation as was said. And I believe that we have or will be able to convince the DEC that that's accurate.

I'd like to make as part of the record this town board's resolution, May 18, 1993, Resolution #366, passed unanimously by this town board, and that has basically, that's our approval and special permit, was passed unanimously. And on page 4 of this, it says Be It Further Resolved that the town board hereby overrides the recommendation of the Suffolk County Planning Commission that a 17 acre portion of the property be permanently encumbered with an open space easement.

So your predecessor Board codified and put into this resolution that that's the 17 acres we're speaking about right now, is not open space, was never part of the mitigation. So I believe, I hope I've answered that question for you, Mr. Supervisor.

Next, you've asked about the DEC. I believe that the best comparable for the DEC in providing a permit for construction of buildings and parking in the wetlands— in the WSR line, is Tanger II. Not very far away, only a couple hundred yards. They issued a permit for construction in that area. There is significant precedent for buying land to mitigate and we have provided a legal opinion. We are comfortable and confident that we will be able to work with the DEC and you know what? If the DEC says you can't build, I go home. And this town board doesn't even have to do anything.

That's all I want is after 18 months of your leading me down this trail and being lead town agent— lead agent and knowing what I was doing, just give me a chance to convince the DEC that we— that this is a permissible site. You— when I come back for a special permit with the DEC, you can always the questions that you're asking now. If you're uncomfortable, vote no. But don't after 17 or 18 months of leading me on now all of a sudden where we finished SEQRA and we're just about done with the DEC, you say, hey, I'm going to change the rules. That's not fair play. That's not what I was led to believe the moral character of the people of Riverhead is all about.

And I'm just asking for a chance to do it. You know, it's interesting. The town requires and monitors strict compliance with the zoning requirements. I can't change them after I get my permit. Why should you be able to change them? That's not right. There is no public purpose served by this last minute change in the zoning code.

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The voters of Riverhead do not want to travel west to shop. They want the people on Long Island to travel east to shop in the Tanger Outlet Center in Riverhead as they've done. We are a tourist attraction. We attract 10 to 12 million shopping visits a year to Riverhead. Those people spread around. They go to other retail destinations. They eat in restaurants. They go downtown. They go to the aquarium.

We serve the purpose that the town board envisioned when they passed this zoning resolution, Resolution #568 in 1992 that attracted us. We've kept our word. And I've been a good corporate citizen. I hope that you will keep your word and the word of the previous town boards and the master plan and vote against this resolution.

I thank you for your time."

Supervisor Cardinale: "Thank you, Steve. Is there any further comment from anyone? Yes."

Carla Esposito: "Carla Esposito, 18 year employment residency Riverhead township. I hope that you will not pass this new law. The public purpose served with trying to pass this is to make the TDR program fly and that's strong arming the Tanger people.

Look at it please this way. I don't know if I'm going to be able to verbalize it right, make me repeat myself to clarify it if I don't do it the first time. I don't believe in TDR's. I never really understood them when you first introduced them. Everybody saying they're win-win entities. The way I see them, it's a real loser creation. I don't believe in TDR's.

I would say there should be no large lot building residentially speaking. I'm looking that can the town adopt a quarter acre building lot from the percent of the land that exists. Riverhead township has how many acres, all right. You're trying to lower the density so you're buying up development rights. But you're just transferring them. So the density just crowds over to another spot and then you've got an open space.

I would wish the town board would just have a mathematical formula. You start off with knowing your basic acreage, the density that you have now which is it at 28%, and you want to go to 40%? Do you know those numbers?"

Councilwoman Blass: "Are you talking residential densities?"

Carla Esposito: "Yeah."

Councilwoman Blass: "We've got - this has nothing- "

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Supervisor Cardinale: "Nothing to do with residential densities. This has to do with-- Mr. Tanger presently can build 30%-- "

Carla Esposito: "I know that. And he should be able to keep that. He should be able to keep that."

Supervisor Cardinale: "He will be. The question is whether he's going to have to pay about \$4,000,000-- "

Carla Esposito: "No. No. At no extra charge."

Supervisor Cardinale: "Okay."

Carla Esposito: "You're strong arming him-- "

Supervisor Cardinale: "And his neighbors apparently, too."

Carla Esposito: "Well, it's one neighbor?"

Supervisor Cardinale: "No, no. Everybody. Everybody on Route 58 has the same problem."

Carla Esposito: "Well, if they already put in their applications to build before this, then they should be grandfathered in, he should be grandfathered in as exempt. But if you do pass this law and a person now wants to build, then they have to fulfill the new requirements. He already put the application in. He doesn't have to fulfill new requirements. He's in the old requirements. That's a bunch of BS, the government is strong arming him. You're trying to make your TDR program fly and you're trying to make it fly on his existence and on the next step of his development. And I say that's not right; that's ugly.

But I don't think TDR's are needed. I think that you've got a certain amount of land, all right. Riverhead is "x" amount of acres. You're trying -- you're trying to have open space. You're trying-- oh, Lord, I don't know how to explain-- all right, let me just what I wrote here. Adopt a quarter acre building lots, and if it's a different percentage size for commercial, let's-- I'm saying any development. With the percent of land total in existence as allowable to be developed, left over percent of land not developed loses development rights once density is reached.

You-- we have a certain amount of density, we have a certain amount of population. We have a certain amount of commercial property."

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

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Carla Esposito: "All right. So figure out what percent of the total you want to develop. All right."

Supervisor Cardinale: "Okay."

Carla Esposito: "There's going to be other land that's not going to be developed. So just set a percentage that— I don't know, 35% of all the acreage in Riverhead will be developed. And let's say there's 50% of the land that is available now. Well, let the developers or builders go out and find their 35 and the 15 then loses the development rights because there will be no more development once you hit the saturation point of 35% developed. Do you understand what I'm saying?"

Supervisor Cardinale: "Vaguely. Yes. I would like you to share with us, I think before you leave, as long as we're completely off the point already, your theory on housing."

Carla Esposito: "Yeah."

Supervisor Cardinale: "Why don't you tell us about that before you sit down."

Carla Esposito: "On housing? What do you mean?"

Supervisor Cardinale: "About that they should every 10 years go down to \$40,000?"

Carla Esposito: "Oh, no, no, no. I said that the bible in the Old Testament runs in a 50 year cycle. It's called a year of jubilee and whatever— houses went back to the original owners. So what I was looking for for affordable housing is that there would be a non-negotiable, non-retractable phrase in deeds that would say every 50 years that the price of the house goes back to its original selling price when it entered the program. And during the course of the 50 years, \$1,000 is added to— can be added to the price of the house. So if I buy a house for \$40,000, in 50 years I can sell it for \$90,000 or \$89,000 because in the 50th year it goes back to the \$40,000. And this keeps houses affordable perpetually."

Supervisor Cardinale: "That's— the concept is one that is being explored so it's not— it's a very good concept, everyone is exploring that in affordable housing, how to keep it affordable. But that is thought provoking and since you're on a high point, maybe we can have the next speaker."

Carla Esposito: "Thank you. But, no, mathematically— mathematically I would rather see you guys understand your total land mass, subtract the amount— the saturation point of how much you want it developed, and after that anything that seemingly can be developed,

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it can't be. You lose your development rights because we've built all that we want to build."

Supervisor Cardinale: "Thank you. I appreciate your comments. Pete, did you want to follow that to conclude this because I don't think there's any member of the public?"

Peter Danowski: "I don't know if you've ever seen this sports program Pardon the Interruption? But at the end of it, they ask the guy to correct any errors made. I think you did make one comment that said you hadn't changed the zoning in the area around Tanger, and clearly we changed- or you changed the zoning from industrial to destination retail."

And my only other parting note is that you have seemed to distinguish the shopping center zone where you start out at 20% coverage and then build up, so if you're talking about comparisons and talking about shopping centers and Tanger, there may be a closer parallel in talking those numbers than the talk about what you did to the industrial zone and what you did to the newly created destination retail. Thank you."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "It just seemed to make sense, Mr. Danowski, that the manufacturer's outlet zone is a destination of sorts so it was more comparable in terms of use and coverage to the destination retail center requirements than a shopping center would be. That's why it's more analagous to DRC than any other zoning use district."

Peter Danowski: "I think Jeanine and I discussed that tonight. We probably would differ with that analysis but I'm suggesting that you might want to take a look at that before you vote on this."

Supervisor Cardinale: "Pete, thank you for a clear and complete presentation. I am- I think there were some good points that were made and I'm not sure where I stand on this issue. That's why I was asking I hope provocative questions."

Peter Danowski: "I do think some of these questions don't pertain to the issue but they should be brought out. You brought some of those out that I think Ron Abrams has covered in his FEIS and he's more than happy to sit down with this town board and address any other questions you may have and we certainly will address the written comments of Rick Hanley."

Supervisor Cardinale: "And I know Steve has left and I respect him and he is absolutely a wonderful corporate citizen who's done wonderful things for the town and a lot of good charities in town."

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And if he wants to be perfect, he could withdraw his tax reduction proceeding against the town and then he's be a perfect corporate citizen."

Peter Danowski: "You wouldn't suggest that to the other citizens who grieve their taxes, would you?"

Supervisor Cardinale: "No, I would. I would suggest to all citizens who want to reduce their taxes that-- "

Peter Danowski: "Just withdraw your application-- "

Supervisor Cardinale: "-- the best way to do that is frugal government and not by tax actions against the town."

Councilman Densieski: "I think, Phil, I'm not sure, but I think they're obligated to the stockholders to perform that function."

Supervisor Cardinale: "Well, I think that there are a lot of other business people that-- I don't think-- that have not chosen to sue the town on tax and then come up and tell me that they're paying a lot of tax."

Peter Danowski: "You're not suggesting to me that Mr. Tanger is not paying a lot of tax?"

Supervisor Cardinale: "No. But I'm suggesting to you that if he would like to pay less and has made a-- and is suing the town to have it reduced-- "

Peter Danowski: "That's a fair thing to do if you think you're overtaxed."

Supervisor Cardinale: "I just want to-- I just wanted to complete the record in that regard."

Peter Danowski: "I just don't want you to have the last word."

Supervisor Cardinale: "Okay. We'll let you sit down. Thank you, Peter. Thank you all and let's-- that's the last public hearing. We have about 50 resolutions on and we are going to close this hearing. We're going to close this hearing."

Public Hearing closed: 9:30 p.m.

Supervisor Cardinale: "And we're going to move on, it being 9:30 to anyone who wishes to make any comment about any resolution we are about to consider. There are about 50 of them. And let's move right-- "

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Councilwoman Blass: "Excuse me, Mr. Supervisor, did you want to mention that there would be a resolution coming off the floor?"

Supervisor Cardinale: "Yes, I did. There is a resolution not particularly controversial but which we had worked on because Vince Tria was bothering us by which the Supervisor is authorized to execute an agreement with the counsel for Vail Leavitt so that on February 7th and March 3rd and March 4th, we can have the second annual Riverhead Idol rehearsal. And since we're not paying anything for the use of the room, they wanted me to sign it real quick. So I'll do that, and that's the add on. It should be out there.

Other than that, they're in the package. Anybody want to talk? Sal, why don't you help us out with out typos here of which I'm sure we have some."

Sal Mastropolo: "They're not all typos."

Supervisor Cardinale: "More substantive matters as well."

Sal Mastropolo: "Oh, yeah, tonight there are a few."

Supervisor Cardinale: "Go ahead. Our proofreading"

Sal Mastropolo: "#90."

Supervisor Cardinale: "#90."

Sal Mastropolo: "There's no limit on expenses. We're not very consistent. There's another resolution, 92, where you put a limit on expenses. Just a suggestion, we should be consistent in our resolutions."

Supervisor Cardinale: "I can't even find #90. #90- "

Councilwoman Sanders: "90 is the right-- Finance Officer's conference."

Supervisor Cardinale: "Oh, yeah, that's a good point and a very-- because you know who is going on this is Jack Hansen- "

Sal Mastropolo: "I know. It's funny that Jack- "

Supervisor Cardinale: "Our financial officer."

Sal Mastropolo: "Hansen's going and there's no limit, but when Mike Reichel goes there is a limit."

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Supervisor Cardinale: "Right. And he's the one who's asking for it, too. Where is Jack, is he here?"

Councilwoman Sanders: "He's in training."

Supervisor Cardinale: "Let's put like \$100 limit on it, see how he likes it. I'll check that personally and make sure that he doesn't take us to the cleaners."

Sal Mastropolo: "Okay, Resolution 101. The Now Therefore Be It Resolved, there's a figure \$12,819.29. My question is, is that the total fee for that-- the professional services or is that just for the four month period and are we going to expect another shoe to drop for a period after that?"

Supervisor Cardinale: "Oh, yeah, that's the whole sad story and that is nothing that we actually. You'll see that that was-- that was a bill that's been hanging around since September of 2003 in which we got plans for a proposed-- "

Sal Mastropolo: "Yeah, animal shelter at EPCAL."

Supervisor Cardinale: "And it was Jim Lull and we took the plans and we made the guy work and we got to pay him but there is no paperwork on this so I said, I can't pay unless you give me some paperwork. So I'm asking for the town board to authorize it."

Sal Mastropolo: "But you haven't answered the question."

Supervisor Cardinale: "Is that the end? Yeah, that's the end."

Sal Mastropolo: "Is that the end? Or is there going to be another-- "

Supervisor Cardinale: "God bless us. No, I promise I would not ask him for any more plans."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "I would not have asked him for these."

Sal Mastropolo: "Okay. 102 and 103-- "

Supervisor Cardinale: "In fact, I didn't."

Sal Mastropolo: "-- since the package was so thick, I didn't go and check over the prices for like chocolate pudding and pork cutlets and stuff, but I do have a comment."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "I don't see how we can be giving out bids—awarding bids, when we only get one response. There's something wrong with that."

Supervisor Cardinale: "Is this on the food?"

Sal Mastropolo: "Yeah, this is on the food and on the janitorial services. We only had one response to the bid and we're giving it out."

Supervisor Cardinale: "But if we only get— if we get one bid only, okay, you're right."

Sal Mastropolo: "We should readvertise."

Supervisor Cardinale: "You think?"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "We might starve in the process if we want the food. Your point is unassailable."

Sal Mastropolo: "Huh?"

Supervisor Cardinale: "Your point is unassailable. You are right. It's not really a bid unless you get two of them."

Sal Mastropolo: "That's right. Otherwise how are you going to compare? You'll never know if you're getting taken over the coals on the pricing."

Supervisor Cardinale: "On the other hand, if you only have one bid and you keep— I think we should probably do it twice at least. But if you keep only getting one bid, I think you'd better get it or you will starve, you know. You'll not get anything."

Sal Mastropolo: "Well, let me ask you a question. When we advertise for these, we don't go to other suppliers, right? We just put a notice in the paper asking for— "

Supervisor Cardinale: "That's what we do, right?"

Barbara Grattan: "We put the notice in the paper but I do think downstairs, the accounting department— "

Sal Mastropolo: "Are they pro-active and going after another supplier?"

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Barbara Grattan: "-- the other suppliers. I think they do, Sal."

Sal Mastropolo: "Okay. I just think it's unreasonable giving it out with only a single response."

Councilman Densieski: "Historically whenever we re-bid, we usually pay more."

Barbara Grattan: "Yeah, that's true."

Councilman Densieski: "Not every time, but usually we do. So."

Sal Mastropolo: "Well competition drives price down."

Supervisor Cardinale: "Well, that's really wonderful."

Sal Mastropolo: "Okay. Resolution 108. I sent an e-mail to the Highway Superintendent to which he didn't respond and I'll cover that later on in the open session. But-- "

Supervisor Cardinale: "Okay."

Sal Mastropolo: "-- this one here-- "

Supervisor Cardinale: "108 you said?"

Sal Mastropolo: "Yeah, 108."

Supervisor Cardinale: "I'm having trouble finding this one. Okay. Authorize the Supervisor to execute an drainage easement."

Sal Mastropolo: "Yes. The problem here that you're trying to fix is a drainage problem which I've called in several times. The water runs off the Andrews farm and it floods Sound Avenue and it floods particularly in front of Gregory Way where I live."

Supervisor Cardinale: "Right."

Sal Mastropolo: "And it goes all the way down to the sewer and then down into the sump."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Okay? Now, the problem is further-- is made worse because he's added temporary greenhouses and he has approval to add another 160,000 square feet of temporary greenhouses."

Supervisor Cardinale: "Right."

Sal Mastropolo: "So we're going to get-- "

Supervisor Cardinale: "Worse."

Sal Mastropolo: "-- worse. Why-- what does the town plan, okay, you're getting an easement and it's a 10 foot strip. Is the town going to spend money to maintain the water on that property when it gets this easement for a dollar? And, if so, how much does the town plan on spending to solve Mr. Andrews' problem? It's-- the problem is coming off the farm. Why isn't he spending the money to create the drainage rather than us getting an easement and us spending town money on his property?"

Supervisor Cardinale: "Well, that's, again, an unassailable logic. You ought to run for office. The-- this is a result if I recall of the site plan which was recommended to us by the engineer, what's his name? Vincent Gordiello (phonetic), who gets a lot of money from us every year, and he says, yeah, you need an easement and you need the land but he didn't raise and we didn't either the question you're raising is, yeah, you need an easement but what kind of work do you have to do to create it and shouldn't it be the other guy who's building the greenhouses-- "

Sal Mastropolo: "That's right. It should be the landowner's-- it's his problem. It should be his expense to keep the water on his property."

Supervisor Cardinale: "Now if Rick Hanley were here and he weren't visiting his mother in the hospital, I would ask him that question. So maybe we ought to put this aside and not vote on it until we get the answer. All right. 108. Good question."

Sal Mastropolo: "Okay. Now you have a whole bunch of resolutions employee contracts. Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "First of all, a lot of them are inconsistent. Okay? Take the first one, 110, which happens to be Leroy's and it's on the second page, the Now Therefore-- "

Supervisor Cardinale: "Right."

Sal Mastropolo: "-- it says effective January 1, 2004. Is that a typo? Should it have been 2005?"

Supervisor Cardinale: "No. Because the employees have the-- the department heads that work without contracts largely since 2003 because I was having an extended discussion with them."

Sal Mastropolo: "Okay. Another comment is Article 3, hours of work-- "

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Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Barnes' minimum basic work week shall be the same as the employees under his supervision. Okay?"

Supervisor Cardinale: "They could have said 35."

Sal Mastropolo: "Well, some of the other contracts specifically say 40 hours. Doesn't everybody in town work the same number of hours?"

Councilwoman Blass: "No."

Supervisor Cardinale: "Unfortunately not. But literally and- "

Sal Mastropolo: "So the supervisor of the water department may work 40 hours a week and the supervisor of the building department works 35?"

Supervisor Cardinale: "There are differentials in the- "

Councilwoman Blass: "Yes. And some have no limits."

Supervisor Cardinale: "-- for example, she's supposed to work all the time. The town attorney has no limitation on her hours and sometimes she's here very late at night. And sometimes she's even working."

Sal Mastropolo: "Well, I notice that there was a comment about no maximum number of hours, okay, but my comments were specifically about the minimum number of hours. In one case it said same as the people under him and the other case, it said 40 hours."

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

Sal Mastropolo: "Which I thought was inconsistent."

Supervisor Cardinale: "I think you may be right. These contracts, although I'm being authorized to sign them, are going to be very carefully read before I do."

Sal Mastropolo: "Okay. In Leroy's there's a couple of errors also from the point of view of the he and she or he and her."

Supervisor Cardinale: "He's equivocal."

Sal Mastropolo: "On one page, it says he. On another page it says her. Somebody- "

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Supervisor Cardinale: "You decide."

Sal Mastropolo: "-- didn't-- "

Supervisor Cardinale: "Only his hairdresser knows."

Sal Mastropolo: "Yours is the only one that I found that problem with. Okay. Those are my only comments. Most of the contracts have the years and I wasn't sure if it was a typo or-- "

Supervisor Cardinale: "Yeah. It's for two years, is the contract. Thank you, Sal."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "John, why don't you come up? I bet you want to talk about Broadwater. Do you have any other interests?"

John Hritcko: "Given the hour, I'll refrain from reading this in Latin."

Supervisor Cardinale: "That's right. That's what really set us back tonight."

John Hritcko: "Also, after hearing the (inaudible) of Mr. Tanger, I'm going to go down to Houston and hug my attorney who said that the town of Riverhead has no regulatory authority over this project."

I just wanted to make a brief statement before you vote on your resolution this evening. Of course, Broadwater respects the town board's responsibility to identify and seeks answers for its constituents. However, we believe this is the reason for the Supervisor and the board to formally participate in the public review process and not to rush to judgment of a position on Broadwater.

Statements and comments made earlier today at the press conference only serve to reinforce our observation that you continue to reflect misinformation and lack of understanding of the most critical aspects of Broadwater.

First and foremost, Broadwater is committed to making this project the most safest secure project in the world. Like you, we will ensure that neither members of the public in general nor employees who will be working around this facility will be placed at risk.

The industrial and commercial use of Long Island Sound has and will continue to be a vital part of the region. Large ships arrive daily into ports along the shores, commercial fishing, transportation

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in the form of the Bridgeport to Port Jefferson and Cross Sound ferries among others. All use and depend on access to this public resource.

Before the government issues any permits and-- for commercial use for the Sound, the needs and benefits derived from those activities must be weighed against the impacts. Broadwater is no different in that respect. And the draft EIS that will be developed by the federal energy regulatory commission with input from all parties, including the town of Riverhead and its residents, will carefully and in great detail examine the benefits and impacts of the proposal on the Sound.

Only after the project is fully understood and the facts known can we make a well reasoned discussion and decision about this proposal.

No matter how you rationalize your decision tonight, the fact remains we are not at that point today.

The Supervisor's characterization of Broadwater's offer to pay its share of fair taxes as hush money is at the very least regrettable and borders on irresponsible. Hush money is doled out clandestinely to buy someone's support. We have been open, up front and honest in all our communications and discussions with the town of Riverhead, with the school board, and with state tax officials.

If it's your position that this town, the school district, have no compelling need to increase its tax revenue, then be up front and honest with people. Tell them why you don't believe that they would need or they don't benefit from \$15,000,000 in annual payments made over the next 20 to 30 years. But don't malign the integrity of Broadwater or the open public process that we've undertaken as hush money.

In spite of the positions being taken this evening by the Riverhead town council, Broadwater will continue to seek ways to work cooperatively with local government, share information, and address your concerns.

We are committed to a process of determining the future of Broadwater based on facts not conjecture, unfounded assumptions or the wishes of small segments of the community that have a special personal interest in seeing this project killed.

I close with a quote from the most respected statesman and founding father of this nation, John Adams, who in 1770 also had to face the public in a most unpopular defense of British soldiers on trial for the Boston Massacre. And he said facts are stubborn things and whatever our dictates, our wishes, our inclinations, or our passions, they cannot deter the state of facts or the evidence.

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Broadwater understands the project has raised the passions and is at odds with the wishes of some of you here but we stand committed to make a decision of the future of this project based upon stubborn facts.

Thank you."

Supervisor Cardinale: "John, your eloquence is always— but let me ask you something."

John Hritcko: "Yes."

Supervisor Cardinale: "You opened by saying that you are pleased and I agree that we have no regulatory authority. Do we have any taxing authority?"

John Hritcko: "That is unclear and that's why we've committed to make a payment of a minimum of \$15,000,000 based on what the tax experts finally determine."

Supervisor Cardinale: "Because the reason I ask that is because I can't understand how that can be payment in lieu of taxes if as I've been told in discussions that you don't have an obligation to pay taxes. It sounds— so that's really something that troubles me. If it's not our land in the middle of the Sound and we cannot insist you pay taxes on it, then isn't this— it's not payment in lieu of taxes. Let's find something else to call it, if not hush money or look away money, let's find another name for it."

John Hritcko: "Well, we would call it whatever you wish to call it but as long as you don't continue to run down the project by saying we're trying to buy off or either your acquiescence or to buy off the safety of this project. Because that in fact is not what we are doing here."

Supervisor Cardinale: "Well, payment in lieu of taxes it isn't, what is it if not an enticement for this town to look away from the detriments in consideration of the financial benefits?"

John Hritcko: "We are standing up and saying that we will be good corporate citizens of this town and regardless of the opinions expressed by many tax experts as to whether or not you do have taxing authority, we will cut through that and say we will commit to pay the taxes. You don't have to argue that you have taxing authority. We don't have to argue that you don't have taxing authority.

We have committed to make that payment. Period. It has nothing to do with safety. It has nothing to do with acquiescence. We are saying that our project is committed to go forward."

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Supervisor Cardinale: "How do you know the taxes are \$15,000,000 and not five or twenty or twenty-five?"

John Hritcko: "Because under the process that we have proposed we would make payments as if this project were located on shore."

Supervisor Cardinale: "Oh. And you figured out our taxes for us already?"

John Hritcko: "We have made a good faith estimate of what those taxes are and we are continuing to make discussions and that's part of the process ongoing."

Supervisor Cardinale: "Okay, thanks, John. Always a pleasure. Yes, Sandra."

Sandra Mott: "I'll make this short, too. I made a list. I listened to this gentleman at your work session on TV. I didn't attend any of his open house forums for the public. You know, I keep coming up here it seems on repetitive projects, whether it's— whether it's Millstone. I wasn't around here in this neighborhood for Shoreham or Plum Island. And it always comes back to the fact of personal danger that I feel for myself and my family, neighbors and friends."

You are not going to be able to convince me that \$15,000,000 or \$115,000,000 or a trillion dollars is going to satisfy the needs of this community. I do not see the need for this particular project. First of all, it's the first one, it's— they don't have any track record. This is the first thing that they're going to stick in the middle of a highly populated area. I think I've said this to you before."

Supervisor Cardinale: "It's a proto-type, right."

Sandra Mott: "Proto-type, thank you, that's the word. And I don't particularly want to be a guinea pig. He can't figure out their tax base; he's not going to be able to predict whether this thing is going to blow up. He's not going to be able to predict if a terrorist is going to fly into it. He's not going to be able to predict how much it's going to cost to clean the bodies, the property, the wildlife, God forbid this thing does go boom in he night."

Let's simply say he's not going to be able to predict. Because he doesn't know. We don't know. And I don't really want to find out the hard way.

I was one of the first, I think, to comment on this project in a negative way when I read it in the paper and I think my phrasing was

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are you kidding, are they kidding that they want to put a bomb in the middle of the Long Island Sound? Nine miles off is not that far.

I don't know if they've done any kind of studies in regard to how the concussive— is that the proper phrase— the concussion would affect properties and people. I'm talking specifically about Shoreham and Millstone on both sides of the Sound. That's a big boom. I lived in Bellport Village when the Grucci fireworks factory blew up a number of years ago. We thought it was an atomic bomb.

You do not know how sound the structures are and those are big buildings supposedly built of cement and soundly done, but there's wear and tear on it in regard to— especially right next to the ocean and the sea and you all know if you've been near the ocean what kind of corrosive powers the sea has. And I'm sure that, you know, they don't know that either.

This is a unique environment here. One of the most highly and densely populated areas. We don't need it, we don't want it, the danger there. Whether they want to predict it or not is not predictable. It's not going to be an asset to us in regard to providing us with any kind of fuel services.

I understand most of it's going to go to western— the west, including New York City. Is that correct? We're not really going to benefit from this thing. The pipeline is going to run in and go west. Well, there's a nice little piece of property on the upper west side that they want to put a Jets stadium on that— "

(At this time, the CD ended)

Sandra Mott (Cont'd.): "-- Verrazano Bridge and it can service the people that it's going to service. It's not going to help us. The long and the short of it is as I said, it's late and I wrote my list, it's over and over. And you know if anyone has seen the summertime, the fire department, I don't know if our fire marshal does it, they have the example of what a propane tank does to a barbeque. I mean that's a pretty big boom in itself.

Now these things are going to be coming in and coming out and coming in and coming out and there's waves and there's tides and I don't care how big the anchor is. They do not know.

Environmental issues I've just basically summarized and \$15,000,000 at— did you say over 15 years?"

Councilman Densieski: "Every year."

Supervisor Cardinale: "Every year."

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Sandra Mott: "Every year you're going to get- "

Supervisor Cardinale: "But only \$2,000,000 and a half or so to the town. The county would get two and a half, the school district would get a substantial amount."

Sandra Mott: "Okay. So why doesn't he say forget about the \$15,000,000? It's not \$15,000,000."

Supervisor Cardinale: "Not to us it isn't. It's two and a half to the town."

Sandra Mott: "Not to us. So I'm only interested in us and that's all you should be interested in."

Supervisor Cardinale: "Well, give us a break. The school district wants the money, too."

Sandra Mott: "Well, good for them. You know, but the basic problem is I would hope that they want children in the schools and teachers in the schools instead of being killed by this thing if it decided to blow up. You know and their homes and I, you know, talk about reducing the value of your property.

What are you going to tell to the people- what are the real estate people going to tell to the people coming into this neighborhood new who have no idea that that's been sitting out there because it's only a speck on the horizon. We're going to be a speck on the horizon if you put it there.

So vote no. I'll be happy. He won't be happy. He'll say that you're misrepresenting the safety and you know and so on. And his reference to the history and Boston and John Adams, I think he said. Remember that Boston started the revolution. You know, that's where the revolution began. I think our revolution for environmental concerns and this kind of foolishness should start right here in the town of Riverhead.

Let it be known that this is not going to happen, not in the town of Riverhead, not now, not ever. I don't care what the cost is. It's not enough money coming in to endanger the entire community and the environment. Thank you so much."

Supervisor Cardinale: "Thanks for sharing, Sandra. Yes, sir."

(Inaudible comment from the audience)

Supervisor Cardinale: "Well, you're talking- a resolution?"

(Inaudible comment from the audience)

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Supervisor Cardinale: "Wal-Mart is not on this evening. The only thing we'll see Wal-Mart- we will see Wal-Mart eventually, two weeks, four weeks, to approve a site plan. So it will be on- and before that, we'll be having- it will be discussed in work session when we review the site plan. It's going to be at the old Lowe's site, the site that was originally proposed for Lowe's and if you want to- if it's a comment just generally, which on say Wal-Mart is not a good neighbor or something like that, you would be- if you could wait until just after the resolutions, there's an open comment period. We'd be glad to take your comment.

Yes, Angela. Oh, Gordon, where are you? Please come up. I kept looking at your and then calling the guy behind you. Sorry. And then- Gordon and then Angela and then my Council members, one of them has asked that we take a break and then we'll come back and do the resolutions, take open comment, and go home."

Gordon Danby: "Yeah. My name is Gordon Danby. I live on Sound Road in wading River and I borrowed this report and I plowed through it in the last few days and I want to give- "

Supervisor Cardinale: "Which report is that?"

Gordon Danby: "-- you my comments. It's the Sandia report (phonetic)."

Supervisor Cardinale: "Oh, Sandia report regarding Broadwater."

Gordon Danby: "Funded by the Department of Energy, Sandia is part of Lockheed Martin and they reviewed this subject."

Supervisor Cardinale: "For those who don't know you, isn't it Doctor- "

Gordon Danby: "Yeah, yeah."

Supervisor Cardinale: "So it's Dr. Gordon who's going to give us some free instruction here."

Gordon Danby: "Free comments."

Supervisor Cardinale: "Yeah."

Gordon Danby: "Well, the study, and this is just a comment, it's not a criticism, but they put the conclusions first. It's sort of like they make an executive summary."

Supervisor Cardinale: "I love those."

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Gordon Danby: "They say under normal circumstances disaster would be confined to less than two miles say. I suspect that's true. They also say with efforts of the Coast Guard and the state and feds and community resources and everybody's on top of this thing, it should be fine. You know, they have to keep boarding ships and all these things. You could have said the same thing, of course, about the Shoreham Nuclear plant if it got all that attention. That was fine, too.

And they also say that— oh, they have experimental data in this but it's all hundreds of times smaller, discharges, small explosions, than a disaster of this big storage vessel. They typically transport these guys five tanks each with about 25,000 cubic meters and say almost 30,000 cubic yards of— in a tank, five tanks. Now liquefying natural gas reduces its volume about more than 600 times and that's why it's an efficient way of transporting.

And you have to go down a couple hundred degrees below zero to do this so it's what we call pyrogenics (phonetic) and you have to worry about metal behavior and so forth cracking, but people have learned to do these things if they do it right.

But I wanted— this background mentions some things— my comments on the Sound. We're all concerned about the condition of the Sound. It's been improving with a lot of money spent on it. We have managed to foul up the lobster crop and while there's arguments what it is, there's some kind of man made intrusion and so the question is, is this project really appropriate in the Sound?

This project will require at least a mile radius I determine with enforced exclusion. You can't have a screw up where some big ship comes barreling along, runs into this thing, and creates a massive discharge. So other ships are not allowed within the storage region and that will have to be constantly enforced.

Terrorism, of course, is a modern concern. It will require a great effort to exclude possible terrorists. Under ordinary circumstances of a catastrophe there, I agree probably would have no affects on shore. However, even this report mentions if you had a major release it could produce a vapor cloud if it didn't explode which could travel a long distance and then be ignited and could be very dangerous. Now I'm not saying that's very probable, but it's not impossible.

Could a— another question. Could a major hurricane dislodge the moorings of this vessel? I don't know.

Every two or three days, these supply ships, I believe, will have to come into the Sound and travel closer to the shoreline further east to get to this thing. There will be normal pollution sources for the

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facility and the various protections and services that are required to see that this remains intact. Okay, well, maybe that's a small price but it's a negative.

In summary, the project will start the industrial development of the Sound as far as I'm concerned. The report says the project can be done properly but with all levels of state, federal and local involvement to make sure all the time that everything is being watched and done properly.

And as I said before you could make the same statement about nuclear power plants. I believe the Sound is not the right place for this project. I would suggest it should be put in a northern shore and build a pipeline because they build pipelines all across the country and I don't think it's a bad project but I don't think it's a very good one for Long Island Sound.

Thank you."

Supervisor Cardinale: "One other question, Gordon, in regard to this. When the ships come in carrying this stuff before they go to the off load terminal, when they come in at Plum Gut, aren't they just about less than a mile off shore?"

Gordon Danby: "Yes, I'm sure they are."

Supervisor Cardinale: "Isn't that a problem?"

Gordon Danby: "And strong currents there. Yes."

Supervisor Cardinale: "Yeah."

Gordon Danby: "If I lived— you know, the people living in Orient worry about cars going to the ferry but no, it's true. I mean it's not— they operate these things very safely. There's very few accidents and I'm not trying to be a (inaudible), but the fact is you cannot prove that nothing can go wrong. It's one hell of an explosion (inaudible)."

Supervisor Cardinale: "I still don't know— that's an interesting thought. Do you think it's adequate? Because I don't know what facilities have— what improvements besides a ditch are going to be put on there. Maybe we can ask Leroy if he knows. I'll ask him at the break, we're going to be taking a break.

The— Angela, please."

Angela DeVito: "Angela DeVito, South Jamesport. A question on Resolution 109 with regard to the creation of the sick leave bank."

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Supervisor Cardinale: "Yes."

Angela DeVito: "Is there any minimum number of hours for participation to contribute and then a maximum number of hours or is it just open ended?"

Supervisor Cardinale: "Yeah. There is. Jack Hansen who's not visiting his mother but is- I tell you these people are saints, my employees, my department heads. One is- Rick Hanley is visiting his sick mother in the hospital and Jack Hansen is learning about automatic electronic defibrillation of people's hearts so that he can be certified so that if somebody has a heart attack near his office, he can plunk them with defibrillator and save his life.

But Jack would know the answer to the question but I'll try."

Angela DeVito: "Yeah, because in the actual, you know, the stipulation itself, it doesn't state."

Supervisor Cardinale: "And so, too, with- so too with Mr. Hattoff. But they- the way it works is that they can donate a certain number of their own days and the bank can never go beneath 50%. So we can never be at risk as a town but it gives an opportunity, the employees, to share in the event of an illness that has taken all of their time and to continue to have a bank to go to."

Angela DeVito: "And the other questions and comments I have relates to all of the department head contracts that have been proposed."

Supervisor Cardinale: "Yes."

Angela DeVito: "Specifically Article 10 Section 2. My first question is, is the town self-insured with regard to worker's compensation, New York State worker's compensation?"

Supervisor Cardinale: "We are- "

Angela DeVito: "How does that- "

Supervisor Cardinale: "We're not self-insured. We do have insurance but, again, Hanley- Hansen would know. But we have a level at which the insurance kicks in. We pay a certain amount. I think it's 100, isn't it? They pay after a certain number."

Angela DeVito: "I guess my concern is that what we have is, you know, normally the recourse for work related injury or illness is the worker's compensation system and what we are doing is paying full salaries and then if indeed they file a compensation claim and they are given wages for lost time, those checks get paid over to the town.

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The worker's compensation board only pays you 60% and there's an upper limit of what you can be paid. It's not always just 60% of your gross salary, weekly salary. There is an upper limit on this. And the town would then still be stuck with having paid out a considerable balance of salary when for most employees, actually for all employees in the state of New York, worker's compensation is your only recourse.

And the other question is, is this something that applies to all town employees? Any employee in the town of Riverhead who is injured gets paid full salary?"

Supervisor Cardinale: "The- I don't know the answer to that question but I will find out. I will tell you this though, it's an interesting situation on these contracts. They really- you can't change- these contracts are in effect anyway, whether I pass them or not because there's a clause in these contracts that says they continue in effect until extended. So you're not- the terms of the contract, as long as they're the same as were in effect in 2003, are not being changed. The only thing that is being changed is they have served- the department heads have served for the same compensation that they received in 2003 and 2004 and they're not happy.

So we're saying here's a raise for 2004 and here's the raise for the 2005 year. See me at the end of the year and perform well. So whatever terms were in this contract are the same as the terms in the 2003 contract. But I am intrigued by your question. So when I have Jack Hansen here- "

Angela DeVito: "Yeah, I- it just seems that your cost saving ability, you know, you want to save monies and this just seems to be something that needs to be examined in terms of continuance as a clause as its written in future contracts basically to try to amend those. I would suggest- "

Supervisor Cardinale: "Yes."

Angela DeVito: "-- that it be reviewed because it can be a tremendous cost potentially to the town."

Supervisor Cardinale: "Of course, this is what's interesting about this. If it is a good clause, there are several in there that I would like to amend, because they would be more favorably negotiated potentially to the town, but this is really a negotiation in name only, these contracts, because the--they're all civil servants and you can't change their terms and conditions of employment without a 35, Section 75 is it.

Furthermore, there's a provision in all these contracts well before I got here, that those contracts cannot- that you can decline to extend them but you cannot- if you don't change them- if you don't

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change them, they remain in effect as the employee works here. So, therefore, effectively, these contracts are only- you're only negotiating in compensation because the terms are locked forever in this cycle. It's a very bizarre situation I find the town- "

Angela DeVito: "Yeah, it's very odd because most public employees that are parts of bona fide bargaining units- "

Supervisor Cardinale: "They're not."

Angela DeVito: "-- that isn't the case."

Supervisor Cardinale: "But, they're not. So we should talk about that. I know you have some background. Thank you."

Anybody else have any comment? If not, we're going to take a five minute break and I really mean five minutes. We'll be back at 10:15. We're going to pass the resolutions or not as it turns out and then we're going to take open comment and then we're going to go home. Okay. 10:15. We'll be right back."

Recess: 10:15 p.m.

Meeting reopened: 10:25 p.m.

Supervisor Cardinale: "We are going to recommence the meeting and address the resolutions. The first thing we have to do in regard to addressing the resolutions is the first two resolutions, I think, are- no actually- yeah, the first two, are from the CDA. So I'm going to adjourn the meeting of the Town Board."

Meeting adjourned: 10:25 p.m.

Meeting reconvened: 10:25 p.m.

Supervisor Cardinale: "Reopen the meeting of the town board and look at resolution #80. Can we have that call for a vote- 78, oh, I guess I've got to go to 78 before I get to 80."

Resolution #78

Councilman Densieski: "2005 recreation improvements project budget adoption. So moved."

Councilman Bartunek: "Seconded."

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

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

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Resolution #79

Councilwoman Sanders: "2005 justice court metal detection equipment project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #80

Councilwoman Blass: "This is a general fund budget adjustment. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #81

Councilman Densieski: "Bus shelter improvement project budget adoption. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #82

Councilman Densieski: "Accepts cash security of Cellular Telephone Company d/b/a AT&T Wireless for Cherry Creek for LIN Cellular Communications. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #83

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Councilman Bartunek: "Accepts resignation of a planner in the Planning Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. I just want to say that we're going to miss Eric terribly. He made a tremendous impact in a very short period of time. He's a very talented individual and I'm sure he has a very bright future. I wish him a lot of luck. Yes."

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

Councilman Densieski: "I agree with Barbara. Yes."

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

Supervisor Cardinale: "Yes. And thank you to Eric."

Barbara Grattan: "The resolution is adopted."

Resolution #84

Councilwoman Sanders: "Accepts resignation of a water treatment plant operator trainee. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Yes. And thank you to James Messina."

Barbara Grattan: "That resolution is adopted."

Resolution #85

Councilman Densieski: "Approves the Chapter 90 application of the Cooley's Anemia Foundation, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #86

Councilman Densieski: "Approves the Chapter 90 application of the East End Olds Club for a car show and swap meet. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #87

Councilwoman Sanders: "Approves Chapter 90 application of Wading River Civic Association for duck pond day on May 1, 2005. So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Ah, life passes so quickly. Duck pond day is upon us again. Yes."

Barbara Grattan: "The resolution is adopted."
Resolution #88

Councilwoman Blass: "Approves the reduction of the performance bond of NF Golf Resource also known as Reeves Farms. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #89

Councilman Bartunek: "Approves the mission statement and enforcement protocols for the fire protection and code enforcement division. So moved."

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Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "I do have a little bit of reservation over this division word and what department they actually work for but I will vote yes for the statement."

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

Resolution #90

Councilwoman Blass: "This resolution authorizes the attendance at the government finance officers association annual conference.

We were going to set some limit on the expenses. I don't know if we-

Supervisor Cardinale: "Yeah, we don't know what to set them because let's see, how long is it? It's from April 6th through April 8th. Fifty dollars a day should do it. What we-

Councilman Densieski: "He'll just put it in some transfer anyway so you might as well do it."

Supervisor Cardinale: "All right. We have a work session on Thursday. Let's pass it but we'll bring it up and instruct him as to not-

Councilwoman Sanders: "It's not until April 6th so we can always-

Supervisor Cardinale: "Right. Yeah. Okay. We'll tell him not to spend more than ten bucks. So it's moved and-

Councilwoman Sanders: "And seconded."

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

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

Resolution #91

Councilman Densieski: "Authorizes registration fee schedule for Police Athletic League (PAL) programs for the year 2005. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #92

Councilman Bartunek: "Authorizes two sewer district employees to attend a tour. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #93

Councilman Bartunek: "Authorize stipends for the Conservation Advisory Council. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #94

Councilwoman Sanders: "Authorizes submission of an application to the New York State Affordable Housing Corporation (AHC) for funding to support the town of Riverhead Home Improvement Program. So moved."

Councilman Densieski: "Second the motion."

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

Resolution #95

Councilwoman Blass: "Authorizes the Supervisor to enter into an agreement with the Riverhead Business Improvement District Management Association, Inc. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #96

Councilman Bartunek: "Authorizes the Supervisor to execute an agreement between ENERNOC Inc. and the Town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #97

Councilwoman Blass: "Authorizes the Supervisor to execute an agreement between the Long Island Lighting Company d/b/a LIPA and the Town of Riverhead. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #98

Councilman Densieski: "Authorizes the Town Clerk to publish and post a notice of public meetings schedule for the Farmland Select Committee. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Yeah, thank you very much. Authorize— what are we— they stopped my resolutions at— I don't have any more. I ran out. So you're going to have to share with me. Did we move this?"

Councilwoman Blass: "We did actually."

Barbara Grattan: "98, Councilman Densieski. Sanders."

Councilman Bartunek: "These numbers are all out of whack."

Supervisor Cardinale: "I know that. But I don't have— I don't even have a 98. Okay. Resolution #98."

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Councilman Densieski: "Moved and seconded. Right?"

Supervisor Cardinale: "Moved and seconded. How about a vote?"

The Vote: "Bartunek, okay; Sanders."

Supervisor Cardinale: "I hope the comment period is quite short."

Councilwoman Blass: "Just nod your head."

Supervisor Cardinale: "Nod your head if you're having a problem."

Councilwoman Sanders: "Yes."

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

Councilman Densieski: "I'm going to vote okay, too."

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

Barbara Grattan: "You have those resolutions, Supervisor?"

Supervisor Cardinale: "Yes, I found them, I think. 99, is that the next one?"

Barbara Grattan: "You've got it."

Resolution #99

Councilman Bartunek: "Authorize the Town Clerk to publish and post a notice of public meetings schedule for the Open Space Committee. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #100

Councilwoman Sanders: "Authorizes the town staff to assist Riverhead Central School District with safe routes to schools programs. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek."

Councilwoman Sanders: "I'm sorry. I'm sorry. Could- in the yes, there was some language in the third Whereas, but more importantly in the Therefore Be It Resolved, can we add the grants coordinator to that list of people who should be receiving, authorizing CDA, town engineer, police department, highway superintendent and the grants coordinator to participate?"

Supervisor Cardinale: "Yes."

Councilwoman Sanders: "Would that be possible?"

Supervisor Cardinale: "The grants coordinator, she should participate."

Councilwoman Sanders: "Because it deals with applying for funds available for implementation and I think the grants coordinator would fit in there."

Supervisor Cardinale: "Makes sense. Got half the staff going over there to help them. We might as well send the grants coordinator. After police department, we add grants coordinator."

Councilwoman Sanders: "Yes, that's fine."

Supervisor Cardinale: "Okay."

Councilwoman Sanders: "I'm sorry."

Supervisor Cardinale: "With that change- "

Barbara Grattan: "With that change, would that be a yes?"

Councilwoman Sanders: "Do you want to ask George?"

Barbara Grattan: "I already got George's."

Councilwoman Sanders: "Not with the change."

Barbara Grattan: "Oh, with the change. Okay."

Councilman Bartunek: "Yes."

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

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Resolution #101

Councilwoman Blass: "Authorizes the Supervisor to execute a contract with architectural firm. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #102

Councilman Bartunek: "Awards bid for food. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #103

Councilwoman Blass: "Awards bid for janitorial supplies. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #104

Councilman Densieski: "Appoints Kim Hasty as a part time guard at the Riverhead recreation department. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #105

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Councilwoman Blass: "I think that should be ratifies with a "t" instead of a "d". Ratifies- "

Councilman Densieski: "Depends on what part of the country you're from."

Councilwoman Blass: "I guess."

Supervisor Cardinale: "Ratifies- "

Councilwoman Blass: "An appointment of a part time recreation aide for youth sports to the Riverhead recreation department. So moved."

Supervisor Cardinale: "Moved and- "

Councilman Densieski: "And seconded."

Supervisor Cardinale: "-- seconded. Please vote."

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

Resolution #106

Councilwoman Blass: "This is an authorization to publish and advertisement for proposals for South Jamesport Beach food concession. So moved."

Councilwoman Sanders: "So moved. And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote? Incidentally, did you want to indicate that there were some changes in the- "

Councilwoman Blass: "Actually, yes. The RFP itself should not be attached because it's still a work in progress and it will be at the Clerk's office at the required time."

Supervisor Cardinale: "But we're going to send out an RFP for the concession stand, commonly called the Snack Bar at the marina- no it's not a marina, the docking facility in Jamesport."

Councilwoman Blass: "The docking facility."

Supervisor Cardinale: "Can we have a vote?"

Barbara Grattan: "Sure."

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

Resolution #107

Councilwoman Blass: "This is a budget adjustment in connection with the Corwin Benjamin carriage house improvement project. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #108

Councilwoman Sanders: "Authorizes the Supervisor to execute a drainage easement agreement between the Town of Riverhead and Robert J. Andrews, Sound Avenue, Calverton. So moved."

Supervisor Cardinale: "Moved and- yes. Yeah, let me- why don't you second it and then I'll give you what I've got at the break."

Councilman Bartunek: "I'll second this then."

Supervisor Cardinale: "Okay. I would like a discussion it. Further to the comment by Sal, I spoke with Leroy who is familiar with it. Leroy points out that the Andrews are paying for the work in a sense by giving the land up to control the water which includes both the water coming off the roofs of the greenhouses plus other water coming off farm fields of their own and others.

Mark Kwasna is doing the work. It's a ditch with a drainage top and, therefore, the thought was advanced that we should not delay this. It's simply Mark is going to do the digging of the 30 foot long by several feet trench, put a drain on it, and they're dedicating the land for that purposes, handling the flow from their structures and other farmland.

So if you're ready to vote- if you buy into that, then we can vote. Of course, you have to consider the source which is Leroy, but other than that, it's convincing."

(Inaudible remark from the audience)

Supervisor Cardinale: "What are they going to do with it? It's going to- I guess it's going to go in the ditch and then dissipate is the theory. And if it doesn't dissipate, it will be right back on the

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road, of course, because the ditch is next to the road. This is what we paid our engineer all those big bucks for.

So I have what you don't have. Do you have it on the back of it here? It shows you where the easement is. It's right along Sound Avenue."

Councilwoman Sanders: "Sound Avenue, right."

Supervisor Cardinale: "So they're going to dig out a ditch, they're going to put a drain on it, the water's going to come off both the greenhouses and the farmland and the farmland behind him and, hopefully, stay in the ditch. It if doesn't- if the ditch isn't big enough, we haven't solved the problem. But you have to depend upon John- you have to depend upon Leroy's acumen and the highway superintendent's skill and so I can appreciate your nervousness."

Sal Mastropolo: "Well, the problem is that the easement is across Andrews' property."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "It stops at the east most border of the property where John (inaudible) house starts."

Supervisor Cardinale: "Correct."

Sal Mastropolo: "Okay? So if they don't tie it into a pipe underground, run it to the sump, okay, they could be creating a problem in front of John (inaudible) property, okay."

Supervisor Cardinale: "Do you know whether that is occurring, Leroy?"

Leroy Barnes: "Well, the (inaudible) and I had a discussion about it."

Supervisor Cardinale: "Why don't you come on up here and- so we can record your words for posterity."

Leroy Barnes: "The Highway Superintendent and I had a discussion and he felt very comfortable with this type of easement. I went over it with Dawn and I reviewed it with Mark and he feels that the water runoff can be handled by the drainage that he's going to install. Plus also they pay highway tax just like everybody else in the town and I think this project's been so prolonged, I think you should just- "

Supervisor Cardinale: "How come it's been delayed so long?"

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Leroy Barnes: "-- and well, it went through a special permit process for temporary greenhouses. There was a change of zone so there really- it's been almost a year. And this guy really needs to put his greenhouses up.

So and, you know, it authorizes you, Phil, to sign the agreement. It doesn't mean you necessarily have to sign it today unless you feel you want to do something else with it. But at least pass the resolution authorizing you to do that and if the legal staff needs to do something further to satisfy the board's requirements for financial needs- "

Supervisor Cardinale: "Well, he can't give us much more than what he's giving us. He's giving us--to answer your question. He's giving us the easement, Sal. He's going to give us the right to use the land for drainage- for construction and maintenance of drainage structure for town drainage purposes under and through the premises described. Okay?

So he's giving us that. Now we're going to have to do it and if we don't do it right, shame on us, I suppose."

Leroy Barnes: "If you don't do anything it's going to even exacerbate the problem. He gave it to us."

Supervisor Cardinale: "We conditioned our special permit on this drainage easement."

Leroy Barnes: "Right."

Dawn Thomas: (Inaudible)

Sal Mastropolo: "We're not solving the town's problem. The water's not coming from Sound Avenue going on his farm. The water literally runs off of his farm onto Sound Avenue, runs east on Sound Avenue, and in heavy rains, we get puddles 10 to 12 foot wide in front of Gregory Way. Okay? And in the winter time, they freeze."

Supervisor Cardinale: "We don't want that to happen."

Leroy Barnes: "Well, maybe if the drainage is put in, that will be alleviated. And that's what Mark is saying. Mark has always asked for that easement and he saw this as an opportunity to get it during this process."

Supervisor Cardinale: "We have the easement, that's good. But how- I would like to have some discussion between Mark and the engineer in our town as to how to utilize the easement to its full advantage so the guy doesn't have water- "

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Leroy Barnes: "Well, Mark did that already. Mark has done that and he recommended this easement to us and to the town attorney. And we had him check this easement before it was drawn up."

Supervisor Cardinale: "I know. But the easement— the easement is a certain area of land which is described."

Leroy Barnes: "Right."

Supervisor Cardinale: "My concern is that the easement is a ditch with a drain— with a cover on it."

Leroy Barnes: "Well, I think Mark's going to be the one to design the actual drainage or the ditch or whatever you want to call it. He'll design it and he'll put it in."

Supervisor Cardinale: "We let an engineer design it so it works as opposed to the Highway Superintendent."

Leroy Barnes: "Okay."

Supervisor Cardinale: "Okay. So just do that and I'll pass the thing, keep you happy. But make sure it works, because if it doesn't work, he's going to be back."

Leroy Barnes: "He's going to be back anyway."

Supervisor Cardinale: "I know. But I want him back for the proof reading— he's a very big help on proofreading our resolutions. He does it better than we do. I don't want him back complaining about the drainage on Gregory Place. Why don't you call this? Maybe we can get it done."

Councilwoman Sanders: "It was moved and seconded."

Supervisor Cardinale: "It was moved and seconded. Can we have a vote?"

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

Resolution #109

Councilwoman Sanders: "Approves stipulation of settlement. So moved."

Supervisor Cardinale: "Moved and seconded."

Councilman Densieski: "Seconded."

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Supervisor Cardinale: "Oh, here we go. Moved and seconded.
Vote please."

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

Resolution #110

Councilman Bartunek: "Authorizes the Supervisor to execute contract agreement. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "This is for Leroy Barnes. Yes."

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

Supervisor Cardinale: "Well, now that you mentioned it, this is for Leroy Barnes. This is his contract. He or she?"

Councilwoman Sanders: "Leave both in."

Supervisor Cardinale: "Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #111

Councilwoman Blass: "This resolution authorizes the Supervisor to execute a contract agreement with Michael Reichel. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #112

Councilman Densieski: "Authorizes the Supervisor to execute a contract agreement with John Reeve. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #113

Councilwoman Sanders: "Authorizes the Supervisor to execute a contract agreement with Gary Pendzick. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #114

Councilwoman Blass: "Authorizes the Supervisor to execute a contract agreement with Andrea Lohneiss. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, no; Cardinale, yes. The resolution is adopted."

Resolution #115

Councilman Densieski: "Authorizes the Supervisor to execute a contract with Mark Conklin. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #116

Councilman Bartunek: "Authorizes the Supervisor to execute a contract agreement with Ron Caffrey. So moved."

Councilwoman Blass: "Seconded."

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

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

Resolution #117

Councilwoman Sanders: "Authorizes the Supervisor to execute a contract agreement with Rick Hanley. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #118

Councilwoman Blass: "Authorizes the Supervisor to execute a contract agreement with Jack Hansen. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #119

Councilman Bartunek: "Authorizes the Supervisor to execute a contract agreement with David Carrick. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #120

Councilman Bartunek: "Authorizes the Supervisor to execute a contract agreement with Ken Testa. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #121

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Councilman Densieski: "Authorizes the Supervisor to execute a contract agreement with Dave Cullen. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #122

Barbara Grattan: "Councilman Bartunek."

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Phil, I have drafted an amended version I'd like to offer."

Supervisor Cardinale: "Okay."

Councilman Densieski: "I'd ask Barbara to distribute these to the media and anybody that cares out in the audience. And I'm going to take the liberty of reading it out loud if you don't mind."

Supervisor Cardinale: "Yeah, sure. Here you go."

Councilman Densieski: "This is an amended version of Resolution #122.

Sense of the board. Establishes a minimum criteria for limited conditional support of the Broadwater energy proposal.

Whereas as a responsibility of the town board of the town of Riverhead to adequately, comprehensively investigate the advantages and/or disadvantages of any proposal made for development within the town of Riverhead.

Whereas the town board of Riverhead town has made a commitment to put Riverhead first; and

Whereas the adoption of policy similarly dismissing a particular proposal without fully understanding the potential benefits or detriment is not in accord with our commitment to the residents of Riverhead town.

Whereas as a country, we are not currently able to stop our dependency on foreign fossil fuels.

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Whereas as a society with ever increasing energy demands.

Whereas we urge private industry and the federal government to expediently create new energy alternatives to foreign fossil fuels; and

Whereas it is incumbent upon the town board as elected officials representing a broad range of interest and opinions to further investigate the Broadwater proposal subject to Broadwater's agreement to the following conditions.

Now, therefore, be it resolved, that the town board intends to put Riverhead first by agreeing to fully investigate the Broadwater proposal prior to making any determination or taking a position on the matter subject to Broadwater's agreement to consider the following conditions; and

Be it further resolved, Broadwater Energy will be required to spare no expense to ensure public safety at all times with no exception; and

Be it further resolved, Broadwater Energy will be required to spare no expense to ensure environmental protection at all times with no exception; and

Be it further resolved Broadwater Energy will be required to spare no expense to use all state of the art equipment and expert personnel to ensure public safety at all times; and

Be it further resolved, Broadwater Energy will be required to pay Riverhead town a minimum of \$25,000,000 annually to the Riverhead town general fund in taxes and mitigation fees; and

Be it further resolved, Riverhead town shall not be required to incur any expenses associated with the facility being located within the town except for those expenses that are directly reimbursed by Broadwater;

Resolved that said tax payments shall be increased annually based on increases in the consumer price index;

Resolved that Broadwater Energy will be required to purchase and donate to the town of Riverhead one fire truck every three years for donation to the town's fire districts; and

Be it further resolved, that Broadwater Energy will be required to purchase and donate to Riverhead town one ambulance every three years for use by the Riverhead town volunteer corps; and

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Be it further resolved, Broadwater Energy will be required to make a one time donation of at least \$3,000,000 to the town of Riverhead police department to compensate for increased police needs created by the existence of the facility; and

Be it further resolved, Broadwater Energy will be required to make a one time donation to Central Suffolk Hospital of at least \$10,000,000 for the purpose of improving hospital emergency facilities within the town; and

Be it further resolved, Broadwater Energy will be required to make annual contributions in the minimum of \$1,000,000 each to Riverhead High School, Mercy High School, Shoreham-Wading River High School, for the furtherance of science and energy study programs; and

Be it further resolved, Broadwater Energy shall abide by the provisions of the Riverhead town code, the Suffolk County Charter, the New York State Environmental Conservation Law, the State Environmental Quality Review Act, and any other federal, state or local law that is applicable to the proposal whether or not exempted by the federal law; and

Be it further resolved, that the Town Clerk is hereby directed to forward a copy of this resolution to Gov. George Pataki, Senator Ken LaValle, Leg. Michael Carraciola, and the Broadwater Energy group.

So moved."

Supervisor Cardinale: "Which one would you choose, John?"

Supervisor Cardinale: "Well, this should be quick. Okay. Normally we would have this presented at a work session. I certainly would be glad to have further discussion on Thursday. You could offer it now and see if there's a second on it now. But I appreciate the effort.

I don't know if- I made myself clear at the press conference earlier that I don't believe that payment of money makes a bad project good. However, I think the important thing to me would be if \$25,000,000 annually, I think would be of value, of interest to know if \$25,000,000 annually plus 3 plus 10, one time payments, so it's 25 plus cost of living annually, plus \$13,000,000 and a lot of cars and trucks. If that's okay with John, let me hear it, John. If you're ready to (inaudible) it up, I'm ready to at least listen."

(Inaudible remark from the audience)

Supervisor Cardinale: "We want a vote, too."

Councilman Densieski: "I forgot the vote."

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Supervisor Cardinale: "So I don't— John figured out my tax bill for me, we don't need Laverne anymore and Madelyn and— because he told me it was 15. But he wants 25. I— I think we could further discuss this at a work session on Thursday if you'd like. I still like— kind of like the one we were talking about that we have proposed at 122, but, Ed, let's call this 121 ½ and if there's a second, we'll hear it. If there isn't, we'll take it over for discussion at the work session because I would be curious if John wants to up the ante to 25 and vote. And a car and a truck and \$13,000,000 to the hospital and— anyway, if there is not a second, we should move on and we should consider 122. Is there a second? Once, twice— "

Councilman Densieski: "Surprise, surprise."

Supervisor Cardinale: "Yeah. There isn't a second but I certainly would be pleased to hear John's formal response at any time. I want to make it clear that when we pass this resolution, my lines of communication remain open, John. I am more than willing to— every decision is only as good as the information upon which it is based. I was very careful except for, shall we say rhetorical flourish with hush money, to be very clear on the reasoning that I was attributing to my decision and which I believe the board shared.

And you will note that I did not talk about these facilities killing a lot of people in Cleveland and in what was the other place— foreign place, Algeria, because this isn't on land. It's in the sea and I don't know what it's going to do in the sea. But I agree with Gordon, who's very smart, Dr. Danby, that you probably solved a lot of the problems at least for the people if not for the fishes by putting it in the middle of the Sound.

But there are a lot of real issues and we'll get to them. But for the moment, 122. I'd like to have that offered."

Barbara Grattan: "Councilman Bartunek."

Councilman Bartunek: "Sense of the town board of the Town of Riverhead's opposition to the Broadwater Energy proposal. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "Well, obviously the other board members' (inaudible) aren't as high as mine. I did attend the Supervisor's press conference today and I took a couple notes. One thing as far as safety, Supervisor Phil said that the safety and security of our

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residents is not for sale. Well, I totally agree with that. But in the worse case event, the maximum area of personal or property damage would be between one and two and a half miles, still a minimum buffer of six and a half miles off shore.

And I heard— I also heard terms like hush money, blood money and bribe money. But I don't think an honest legitimate business paying taxes and legitimate mitigation fees to the town's taxpayers is hush money. I call it smart government and guess what, we need the money.

As far as a terrorist target. I don't think a barge nine miles off shore is as big a threat as say a mall, an aquarium, a school, or one of the many festivals that we have in Riverhead town. Those are real terrorist targets. We had a homeless guy in New York City that derailed the subway system for three to five years, never mind what the terrorists could do.

As far as tourism, I don't think a barge nine miles off shore will affect the tourist trade. I think that crummy sidewalks and crackheads mugging little old ladies has a bigger impact on our tourist trade.

As far as the health and well-being of our citizens. Bruce Marshall, now I don't know if you know our fire marshal, but he's pretty, you know, diligent in his duties, has no concerns over L&G, over Broadwater.

And certainly there are legitimate environmental and community concerns that must be addressed. But listening to the speakers at the press conference today, not one speaker offered an alternative, before they drove off in their fossil fueled Audi's and SUV's. I think the board should remain part of the process and I'm glad that we have four board members who are concerned about the environment. But I think we should have one board member who is concerned with the environment and the taxpayers.

Now onto Phil's resolution, the board's resolution. The first Resolve says that the town board of the town of Riverhead upon consideration and review determines that permitting industrial use in the Long Island Sound— it doesn't even say Sound— a public resource by a private not for private entity is bad public policy. Well, that may be true, but we have various industrial uses such as commercial fishing, ferries, Northville docks, oil tankers, barges, pipe lines, etc., etc. What's the difference between this one? This one they want to pay us a lot of money.

The next resolve. The town board of the town of Riverhead upon consideration and review determines that the Broadwater proposal is not consistent with the town board's vision for the future of the town of Riverhead and it is not in the best interests of the town of

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Riverhead. Well, I happen to think that multi millions of dollars per year may be in the best interests of the taxpayers.

And I could go on and on but I'll just simply vote no."

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

Supervisor Cardinale: "Thank you. As I indicated, we had a press conference. I had hoped that Ed would join us but he did not and I— but I respect his ability to come to conclusions (inaudible) on the board.

I'll give you the speed version. Gaffney told me on November 5th this was going to be a (inaudible) Riverhead's future. I've seen the future and it doesn't look so good to me in this project. Riverhead is going to be the most intimately impacted community and Riverhead has the most to lose.

We did a study, very carefully, for 60 to 90 days and as I told Mr. Gaffney on November 5th when the project was brought to my attention before the November 9th press conference. We've deliberated 12, 14 times over the last 90 days. We've concluded— we've concluded, seven major conclusions as a board, all of which I think are valid, none of which are assailable, and I will restrain my rhetorical flourishes.

Industrial use of the Long Island Sound, a public resource by a private for profit entity, is bad public policy. I stand on that, I believe it. Broadwater's proposal is inconsistent with the objectives delineated in various studies, by various people a lot smarter than anybody on this board.

The Long Island Sound Coastal Management program, the Long Island North Shore Heritage Area Management Plan, millions of dollars spent, they all conclude don't use your recreational facility as an industrial base, don't sell the Sound and it isn't for sale. Don't sell the safety of your residents, it isn't for sale, it isn't properly for sale.

Broadwater proposal #3 is inconsistent with the Riverhead town board's vision of the future of the town.

The bottom line of this is that's the key. That and the industrialization of the Sound. I have a different vision and I am joined by three members of this board for the town of Riverhead and that vision does not include sand mines, does not include these kinds of obnoxious industry, and it does not include this kind of 180 foot wide by 1200 foot long by 100 foot high facility in the middle of a precious recreational and environmental resource.

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Number five, there are certain insurmountable problems that are not solved by simply placing it in the middle of the Sound. Notably within one mile of Plum Gut when it comes in through the area there, it is at that point within one mile of our shoreline, the Southold shoreline. East target, east catastrophe in the making in the storms, easy target for commandeering, and also once it is set, a possible target for dislodging, as Dr. Danby indicated in his remarks, in the event of severe weather or other action.

So you have the problems of dislodging, you have the problem of commandeering this unit or this ship that goes to the unit, and you also have the problem— this is a prototype facility and as Sandra Mott pointed out, prototypes are odd things. You don't know what's going to happen because you don't have the experience.

Broadway (inaudible) no acknowledgment of the process of their position and the process of approval as is pointed out by John, their spokesman. He is pleased to know that the town has no regulatory authority on the process of approval. I'm not. That is a concern.

No acknowledged position in emergency preparedness process. We don't have a place. We can comment, but we don't count. No acknowledge position as a town taxing authority. He's figured out our taxes but he won't acknowledge we have the right to tax him. That troubles me.

No acknowledged position nor assurance, get this one, Ed, as to the ultimate siting within the town. Broadwater has written to me that they are not assuring the siting will be in the town of Riverhead. It may well be in another point after this process is finished. It may be on the other side in Brookhaven or the other side in Southold. It won't make that much difference because every one of those Supervisors and their boards are coming out against it anyway.

The point is you are supporting it because of the money you are going to get and you may wind up getting no money because they're going to site it someplace else."

Councilman Densieski: "You're absolutely correct. That's why I support it here. I don't support it in Brookhaven."

Supervisor Cardinale: "But the point is they haven't made a commitment— they have not made a commitment to place it here. So you're giving them a (inaudible)."

Councilman Densieski: "That's why my resolution says limited conditional support."

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Supervisor Cardinale: "Well, your resolution is a moot point, Ed, because they're not buying in, and if they're ready to sign the resolution, we'll talk to them at the meeting— at the work session."

Councilman Densieski: "All right. That's fair."

Supervisor Cardinale: "If they're not, I would ask you to join me in this resolution."

Councilman Densieski: "Okay."

Supervisor Cardinale: "Significant risk and limited benefit will result to the town and to eastern Suffolk as a result of the party's presence. We— the need for natural gas supply on Long Island. Is there one? The need for another unrenewable foreign based energy source. Is there one? As I point out, we're absolutely 25,000 houses from build out on the island. We're not going to use this oil. If you ask LIPA, you ask Key Span, they'll tell you the same thing. They don't need this— I'm sorry, this natural energy source, this natural gas, this foreign energy, this unrenewable resource. They will tell you that it is going elsewhere and it is."

The town finally is opposed— for the reasons I've stated before, and I believe that to further delay a decision would be counter-productive. There's 40 (inaudible); five that will make it. Hopefully we will be one of the 35. We must speak now or forever hold our peace because trust me, after this process is over, if they make an application to (inaudible) in regard to this, it is a federal game and we will be in deep trouble.

If you want to be heard, you should be heard now. And if we do not move now, we will be playing into Broadwater's strategy because once it reaches the federal level without dissent at the local level, it will be most likely approved.

So for those reasons, I and I think the rest of the board believes this is the time to speak out.

I vote yes for this resolution."

Barbara Grattan: "That resolution is adopted."

Resolution #123

Councilwoman Sanders: "This is an order calling for a public hearing for extension No. 75 Riverhead Water District Calverton water extension. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #124

Councilman Densieski: "Appoints Maintenance Mechanic II, Dennis Krupski, in the Buildings and Grounds Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #125

Barbara Grattan: "Resolution #125 is to pay bills."

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote to pay the bills?"

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

Resolution #126

Barbara Grattan: "Now Resolution #126 is the Vail Leavitt. Councilwoman Blass."

Councilwoman Blass: "I move to take Resolution 126 off the table— off the floor."

Supervisor Cardinale: "Okay. Moved to take it off the floor."

Councilwoman Sanders: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please to take it off the floor for consideration."

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

Supervisor Cardinale: "May we have a move to consider the resolution for vote?"

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Councilwoman Blass: "Authorizes the Supervisor to execute an agreement with the counsel for the Vail Leavitt Music Hall, Inc. So moved."

Councilwoman Sanders: "No, that was just to take it off the floor."

Supervisor Cardinale: "That was to take off the floor."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "To consider it, yeah, I know. Moved and seconded now to consider it for a vote. Yes or no."

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

Councilman Densieski: "I just got handed this at 7:00 tonight. I have not had a chance to read it so I'm trusting the Supervisor will make sure it's right before he approves it."

Supervisor Cardinale: "Yeah, I will. Thank you."

Councilman Densieski: "Yes."

Supervisor Cardinale: "Yes. I will vote yes and I will check it closely because it is, of course (inaudible). Unfortunately we're not paying anything for the use of your building."

Barbara Grattan: "Shucks, we have no more resolutions."

Supervisor Cardinale: "Okay. That concludes the resolutions. That means we can go home unless you have a comment generally and there are two people that have comments generally. Yes, sir, go right ahead, Sal, and then the gentleman right behind you and then the lovely lady with the odd housing policies."

Sal Mastropolo: "Sal Mastropolo, Calverton. First question is where do we stand on the renovation of the- of this meeting room?"

(At this time, the CD stopped recording. The following people spoke)

John Woods - re Wal-Mart

James Gaughan - re zoning

Carla Esposito - re mobile homes

Meeting adjourned: 11:30 p.m.

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