

1/04/2005 minutes

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, January 4, 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
Sean Walter, Esq., Town
Attorney

(Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited, led by Erika)

(This portion of the meeting was not recorded)

The minutes of December 29, 2004 were offered by Councilwoman Sanders and seconded by Councilman Bartunek. The minutes were approved.

REPORTS

Town Clerk
Monthly report for
December,
2004 - total collected:
\$15,189.88

Building Department
Monthly report for
December,
2004 - total collected:
\$154,365.75

APPLICATIONS

Change of Zone
Edward Hulse and Astrid
Hulse
Fresh Pond Avenue for
development

Change of Zone
Ralph Passantino - Fresh
Pond
Avenue for development

CORRESPONDENCE;

Eric Russo
Petition for Parking
District
Atlantis Holding Co.

Public Hearing opened: 7:20 p.m.

Continuation of TDR public hearings of December 29, 2004

Supervisor Cardinale: "-- the final statute to implement the master plan. Is there any public comment in regard to the proposed TDR statute? We have-- as we indicated at the last hearing, it's a lot of work to do on that and we've already commenced that to make sure it's what everybody wants it to be, effective in implementing the development rights transfer program.

It's 7:22, we're officially open for public comment if I can induce any further public comment from the public. If there is no-- if there is none other than Peter Danowski who I think is approaching to comment, I will begin with him."

Peter Danowski: "I just want to verify because I hadn't heard you reiterate there will be a 10 day comment period for comments in writing."

Supervisor Cardinale: "Yes."

Peter Danowski: "I did deliver some tonight as well that I filed with the Town Clerk so as long as the 10 day comment period is, I'll make it in writing. Thanks."

Supervisor Cardinale: "Okay. I appreciate that, Pete, and, yes, this hearing will remain open for written comment through January-- close of business January 14th.

If there's no further verbal comment other than I have one comment, Larry, would you care to comment verbally and, of course,

1/04/2005 minutes

once we finish the verbal comment, the written comment is open until the 14th."

Larry Oxman: "Larry Oxman. You have my written comments. Please-- "

Supervisor Cardinale: "Yes, I see you-- "

Larry Oxman: "-- take the time to read them. Just wondering how the GEIS revision of the figures, how is that going?"

Supervisor Cardinale: "The GEIS-- "

Larry Oxman: "GEIS-- GIES-- "

Supervisor Cardinale: "Which figures are you talking about?"

Larry Oxman: "Um, as far as the potential yields in each district and I guess the maximum that really dealt with the cap, and was the foundation, I think, for the transfer of development rights.

In regard to-- you're talking specifically as to the residential or to both?"

Larry Oxman: "Yes, well both. But, but paying particular attention to the residential-- "

Supervisor Cardinale: "The residential will be as I understand it, at least three to one."

Larry Oxman: "Three to one."

Supervisor Cardinale: "Six-- the 600 is incorrect. In other words, the receiving areas to the sending areas. If you have 500 you're sending-- residential sending, there are at least 1500 receiving."

Larry Oxman: "Okay. Will that be corrected in the document?"

Supervisor Cardinale: "You bet. Yes. Because it doesn't make any sense the way they've got it stated."

Larry Oxman: "Okay. And do you know when that will be available-- will that be available prior to you acting upon the law?"

Supervisor Cardinale: "Oh, definitely. There's-- there's-- we have a-- although the public hearing written comment period will end on the 14th, it would be surprising to me if we were ready to pass it on the 15th. We're going to be doing a lot of work, particularly Barbara and George and Jill to get it right.

1/04/2005 minutes

We've got a lot of written comment, which is good, from the farm community, from the development community, from the Long Island Building- Builder's Institute and this is the kind of public comment that really is going to be very effective and functional because there's no policy differences. Everybody wants this to work right. We're just trying to get the- to work well. Everybody wants that, all the community wants it. So we've got to make sure that the words make that happen."

Larry Oxman: "Terrific."

Supervisor Cardinale: "Okay?"

Larry Oxman: "Thank you."

Supervisor Cardinale: "Thank you. Okay, I'm going to note it's 7:26 and the verbal portion of testimony is closed. However, it will remain open for written comment. This is very nicely put together, even pictures, which make it entertaining to read. So if we could get the written comment in by the 14th, we'll read it, we'll give it to the committee who will incorporate it as thought-wise into the law.

And if you want to talk- anybody wants to talk about it, I'm sure the committee will be willing to talk about their insights at any time.

That's the only public hearing that we have this evening."

Public hearing left open for written
comment to January 14, 2005

Supervisor Cardinale: "So that means we're open for comment on any of the resolutions that are about to be considered. There's about 30- 38, something like that."

Councilwoman Blass: "We have one resolution that's coming off the floor."

Supervisor Cardinale: "And there's one that is to be added coming off the floor which, appoints after much discussion at the recent work sessions, members to the Board of Ethics which is created by the recently passed ethics code and we're naming five members to constitute the Ethics Board.

You had some comment, Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution #1, the second page of the attachment."

1/04/2005 minutes

Supervisor Cardinale: "Yes."

Sal Mastropolo: "To be consistent, September 7th is a Wednesday."

Supervisor Cardinale: "September 7th is a Wednesday. Okay. We'll note that. Do we intend that, incidentally? Okay. That's intended, it's a Wednesday meeting. Right."

Sal Mastropolo: "Resolution #2."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "On the attachment, I just have a concern that you make a statement in here, such order and notice shall be in writing. In a case where the building inspector finds a dangerous situation, the notice shouldn't have to be in writing. Verbal should be fine. As a matter of fact, verbal should be recommended. Okay? He shouldn't have to—"

Supervisor Cardinale: "Where is that, that you are referring to?"

Sal Mastropolo: "Okay. 52-12 stop orders. Okay?"

Supervisor Cardinale: "Right. What line?"

Sal Mastropolo: "About the eighth or tenth line down. The sentence starts such order and notice shall be in writing and shall state the conditions under which the work may be resumed."

Supervisor Cardinale: "Right. That's not being changed, but it is part of the current code."

Sal Mastropolo: "Okay. But the point is if it's a safety situation, okay, he shouldn't have to— in other words, they— he shouldn't have to provide a written notice to stop the work order. It's just a suggestion."

Supervisor Cardinale: "Yes. And I noted it and we're going to return to this. This is a— this is a statute which we're going to continue to work on. But you had a comment, Leroy? Why don't you insert it here?"

Leroy Barnes: "Thank you, Sal, for pointing that out. New York State building code gives us the authority in a public assembly area to close down or stop something that is a dangerous situation and it doesn't need to be codified here."

Supervisor Cardinale: "Okay, thank you."

1/04/2005 minutes

Sal Mastropolo: "Resolution #5, the notice to bidders, the very last line, it shouldn't be bids for meat and poultry. It should be bids- designation bids for food. They took the boilerplate from the one before it and didn't change meat and poultry to food."

Supervisor Cardinale: "This is #3?"

Sal Mastropolo: "No. Number 5. The very last line of the public notice."

Supervisor Cardinale: "The very last line of the public notice. Okay, should be bid- "

Sal Mastropolo: "Bids for food."

Supervisor Cardinale: "-- for food. Okay, thank you."

Sal Mastropolo: "Okay. 10, 11 and 12 on page 2, the second line, the next to the last word is wrong. I don't know what it should be. I think it may- it should be respective, but you can decide what should be. Whatever's there is wrong."

Supervisor Cardinale: "Second to the last word at the- "

Sal Mastropolo: "The second line down on page 2, the next to the last word, before the word bid and it's on three different resolutions, all provided by H2M or whoever wrote the resolutions."

Supervisor Cardinale: "Respective bid, respective, it should be the "b" is a "v". So we're making that change. Respective as opposed to (inaudible). Okay, so the "v" is right there. It's a misspelling. Thank you. And we will correct it on the others as well which will be you said on the next one, the "b" is a "v"?"

Sal Mastropolo: "Three in a row. 10, 11 and 12."

Supervisor Cardinale: "Yeah. That's actually 12, 13 and 14. I think. No, you're right, 10, 11 and 12. Okay."

Sal Mastropolo: "Resolution 16."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "My first question is does he have to get post approval? I mean this approves him to spend up to \$10,000 which I think is a little high without getting prior approval from the Board."

1/04/2005 minutes

But does he then have to get approval after he spends the money? There's nothing in here that says he has to get any kind of approval or any kind of a notification to the Board."

Supervisor Cardinale: "There's an odd- there's a reason for this strange resolution that is passed at the first meeting. Does anyone know? Do you recall, Dawn?"

Sal Mastropolo: "I remember it came up last year and we raised- you raised the number. I don't remember what the number was, and it was because he has to go out and buy certain things sometimes when he needs them for repairs and stuff."

It just seems like \$10,000 is an awful lot for him to have authority for without prior approval. And there's nothing in here that says he even has to notify you after the fact that he just spent \$10,000 for something."

Supervisor Cardinale: "I believe this is reciting a statute, a state statute but, Jack, you may know. Would you come up and explain that, please?"

Jack Hansen: "It is a state statute but the one thing you're missing is he still is required to have requisitions with your signature on them in order to get a purchase order. That is not doing away with that. You still have to get a requisition, you still have to get the purchase orders, you are still getting the approval of the town board, and the bill to be paid has to be approved by the town board."

Supervisor Cardinale: "Okay. So it authorizes the expenditure subject to those limitations- "

Jack Hansen: "Yes."

Supervisor Cardinale: "-- and how does he know- how do we know that it's subject to those limitations when we look at the resolution because that's his point? The Whereas, the Highway Law requires all purchases to be approved by the town board; Whereas the town board authorizes the highway- may authorize to purchase such equipment tools without prior approval in any amount from time to time. The highway super- "

Jack Hansen: "He doesn't need the entire town board's approval to go and acquire; he needs the supervisor still."

Supervisor Cardinale: "He needs the supervisor. Okay. So your point is that it would still go through the normal requisition process?"

1/04/2005 minutes

Jack Hansen: "Still through the normal- he does not have go to through the entire town board to get anything--"

Supervisor Cardinale: "Then why do we have to pass this? Because the state law requires it?"

Jack Hansen: "It's under state law."

Supervisor Cardinale: "Okay. So there is a protection and that's what it is."

Sal Mastropolo: "Okay. Resolution 35. It says resolved, effective January 1st, 2005, Lyle Wells be and is hereby reappointed as a member of the town- of the Riverhead planning Board."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Does he have a year left on his old appointment? Because if this is starting January 1st and its five years, then it ends December 31, 2009, not 2010 because from January 1st, 2005 to December 31st, 2010, it's six years. Five, six, seven, eight nine."

Supervisor Cardinale: "Thank you. You're absolutely right. And that would be proper because the term by state law is five years. Thank you."

Sal Mastropolo: "Okay. That's it."

Supervisor Cardinale: "That the term- the term would run- yeah, the term runs from January 1, 2005 to December 31, 2009, not 2010, because that would be a six year term. The state (inaudible) five years."

Okay. There are- is there any other comment on these- this is an organizational meeting being the first of the year. It's relatively benign material because we've been- I think we've had two or three- we had a meeting on the 21st and the 29th. But if there's any comment, I'd like to take it now on the resolutions. Otherwise we'll address the resolutions and then open it up for general comment of the meeting.

If no comment on the resolutions, let's get the resolutions considered."

Resolution #1

Councilman Densieski: "Establishes the time and dates of the regular meetings of the town board. So moved."

Councilman Bartunek: "Seconded."

1/04/2005 minutes

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

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

Resolution #2

Councilwoman Sanders: "Adopts a local law to amend Chapter 52 and Chapter 108 of the town code of the town of Riverhead entitled Building Construction and Zoning. 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 #3

Councilman Bartunek: "Amends Resolution #1212 of 2004 authorization to publish advertisements for meat and poultry. 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 #4

Councilwoman Blass: "Amends Resolution #1213 authorization to publish advertisement for janitorial supplies. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #5

Councilwoman Sanders: "Amends Resolution 1214 for authorization to publish advertisement for food. So moved."

Councilman Densieski: "Second the motion."

1/04/2005 minutes

Supervisro Cardinale: "Moved and seconded. And I believe that amendment earlier read in bid for food at the last line of the notice has been made. So, vote, please."

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

Resolution #6

Councilwoman Blass: "Appoints Leslie Lawrence as a volleyball official to the Riverhead Recreation Department. 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 #7

Councilman Bartunek: "Approves temporary sign permit of Hudson City Savings Bank. 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 #8

Councilman Densieski: "Authorizes submission of a grant application to the DEC. 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 #9

Councilwoman Sanders: "Authorizes the Supervisor to execute a contract agreement between the town of Riverhead and Peggy Schiefer for the court reporter services. So moved."

1/04/2005 minutes

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 #10

Councilwoman Blass: "Awards bid in the Riverhead Sewer District. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #11

Councilwoman Blass: "Awards second bid for Riverhead Sewer District. 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 #12

Councilwoman Sanders: "Awards a bid for the Riverhead Sewer District on Cranberry Street. 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 #13

Councilman Bartunek: "Designates banks for official depositories for town funds. So moved."

Councilman Densieski: "Second the motion."

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

1/04/2005 minutes

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

Resolution #14

Councilman Densieski: "Maintains a policy of nondiscrimination. 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 #15

Councilwoman Sanders: "Reappoints Georgette Case as the town historian. 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 #16

Councilwoman Blass: "Approves highway superintendent expenditures. 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 #17

Councilman Densieski: "Sets towing and storage fees. 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 #18

Councilwoman Sanders: "Reappoints legal representation, planning consultant engineering, computer, court reporting, board transcription, appraisers, land surveyors and interpretation consultants. 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 #19

Councilman Bartunek: "Reduction of hours for administrative aide. 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 #20

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes. We wanted to, I think in the town attorney section, we were unable to complete the discussion of those agreements concerning Mary Hartill, Sean Walter, Chris Kent, Dawn Thomas. So if we could delete those, I think was the motion. So we could further discuss those on Thursday at the work session."

So with that, somebody could make a motion to amend, then we could vote."

Councilwoman Blass: "Mr. Supervisor, I'd like to amend Resolution #20 to delete those aforementioned salaries. I don't want to delete the individuals, just- "

Supervisor Cardinale: "The salaries."

Councilwoman Blass: "The first four."

1/04/2005 minutes

Supervisor Cardinale: "The first four in town attorney- "

Councilwoman Blass: "In the town attorney."

Supervisor Cardinale: "As indicated salaries, because we are going to continue that discussion at work session."

Councilwoman Blass: "And also to just mention that any of the town department head salaries that are on this are not reflective of the contracts that have yet to be further negotiated."

Supervisor Cardinale: "Right. And in regard to department heads, these are the salaries stated in 2003 and received again in 2004 and that's also subject to further discussion at the Thursday meeting- work session."

So with that amendment of those four numbers, can we have a motion to amend and then we'll- or with that amendment, can we have a motion to consider the resolution?"

Councilwoman Blass: "Yes. I'd like to move Resolution #20 which sets the salaries of general town employees for the year 2005."

Councilman Densieski: "Second the motion."

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

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

Resolution #21

Councilman Densieski: "Sets salaries of the various boards for the year 2005. 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 #22

Councilman Bartunek: "Sets salaries for the street lighting district for the year 2005. So moved."

Councilwoman Sanders: "And seconded."

1/04/2005 minutes

Supervisor Cardinale: "#22 you're on, right? Can you go to 21 just for a second that we just voted on. We have listed, I noted that we had Rod Stromski listed on Architectural Review. I think that's a vacant seat because we received a resignation. Isn't that true?"

Barbara Grattan: "Yes, we did."

Supervisor Cardinale: "Okay. So we should carry that as vacant and we should discuss that on Thursday, too. So if we could just do that and remind me on Thursday. Thank you."

Barbara Grattan: "Okay, Resolution 22."

Councilwoman Sanders: "It's been moved and seconded, I believe."

Barbara Grattan: "Okay, so we're waiting for the vote now."

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

Resolution #23

Councilwoman Sanders: "Sets salaries of sewer scavenger waste district for the year 2005. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek."

Councilman Bartunek: "Do we want to have a discussion that the department head--"

Supervisor Cardinale: "Yes."

Councilman Bartunek: "-- annual salary is not--"

Supervisor Cardinale: "Yeah. As in this instance and in every other, the department heads' salaries are stated as salaries received 2003 and 2004 and are not-- are still under discussion and we'll discuss it further at the work session Thursday. That being said, we can vote."

Councilman Bartunek: "Yes."

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

Resolution #24

1/04/2005 minutes

Councilman Densieski: "Sets the salaries of the refuse and garbage district for the year 2005. 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 #25

Councilwoman Blass: "Sets salaries of the water district employees for the year 2005. 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 #26

Councilwoman Sanders: "Sets salaries of elected officials for the year 2005. 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 #27

Councilman Densieski: "Sets the salaries of the highway department for the year 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, yes. The resolution is adopted."

Resolution #28

1/04/2005 minutes

Councilman Bartunek: "Sets salaries for police officers for the year 2005. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #29

Councilwoman Sanders: "Sets salaries of program employees for the year 2005. 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 #30

Councilwoman Blass: "Sets the salaries of the municipal garage employees for the year 2005. 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 #31

Councilman Densieski: "Grants special permit petition of Art Sites LLC. 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 #32

Councilwoman Sanders: "Are we tabling this?"

1/04/2005 minutes

Supervisor Cardinale: "Yeah. I don't believe we've seen this."

Councilwoman Sanders: "We didn't get to see the site plan, right. So we'll table it? I'd like to move to table resolution #32."

Councilwoman Blass: "Second to table."

Supervisor Cardinale: "Moved and seconded to table 32 for further consideration Thursday. Vote, please."

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

Resolution #33

Councilman Bartunek: "Adopts a local law to amend Chapter 13 entitled Conservation Advisory Council of the Riverhead town code. 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 #34

Councilwoman Blass: "Accepts the offer of a sale of development rights from a parcel owned by Todd Wells. 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 #35

Councilwoman Sanders: "Reappoints member to the planning board, that member being Lyle Wells. So moved."

Councilwoman Blass: "And seconded."

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

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

1/04/2005 minutes

Councilman Densieski: "Yeah, I have a lot of respect for Lyle. I think he's a very, very talented individual. He's very knowledgeable and he's very hard working and is an asset to have him on the board. I'm going to support him and vote yes."

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

Resolution #36

Councilwoman Blass: "Appoints member to the Board of Assessment Review. 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 #37

Councilman Bartunek: "I'd like to make a motion to table this resolution."

Councilwoman Sanders: "Second to table."

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

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

Councilman Densieski: "No. I think this is the beginning of the politics. This rotation system with the three papers that quality has worked very well taking the politics out of who gets the official paper aspect, and it seems to be that if the paper endorses, well, they get a favorable vote.

I think the rotation system works well. This paper has done it for us in the past, has done a good job. I'm going to vote no to table."

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

Supervisor Cardinale: "I'd like to have some further discussion so I'll vote yes for further discussion on Thursday and table for the moment and I think we can all agree that editorial content of the paper should have no consideration in whether it should be appointed an official paper."

Barbara Grattan: "That resolution is tabled."

1/04/2005 minutes

Resolution #38

Barbara Grattan: "Now resolution 38 to pay bills."

Councilman Densieski: "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 bills are paid."

Resolution #39

Barbara Grattan: "Now we have resolution #39."

Supervisor Cardinale: "Yes, there is a resolution which is part of the packet which was added later appointing members to the Board of Ethics to implement the ethics code recently passed. Those members were selected at work session which was, of course, public and televised. They're really good, Jean Tuthill, former County Treasurer; Donna Bernard, a teacher and resident of the town; Ed Bracken, an attorney; Wayne Gallant, what is Wayne?"

Councilman Densieski: "Court officer."

Supervisor Cardinale: "Court officer; and Irene Pendzyk, the former town official retired and a former for many years town clerk. I would like someone to offer this, please."

Councilman Densieski: "It would be my pleasure to offer the Resolution number- "

Councilwoman Blass: "Thirty-nine."

Councilman Densieski: "-- 39, which appoints the members to the Board of Ethics and, once again, they're unpaid volunteers. So moved."

Councilman Bartunek: "I'll second that."

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

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

1/04/2005 minutes

Supervisor Cardinale: "Okay, that completes the resolutions to be considered this evening. We'd like to take comment from any member of the public who wishes to comment on any matter of concern to the board. And why don't you come on up and begin?"

Jeff Seeman: "Good evening, Jeff Seeman, Coastal Environmental, East Quogue, New York.

I'd like to wish the board a very happy and healthy new year. I do have one question, however. I'm required to publish in the newspaper pursuant to a New York State DEC application in Riverhead's official paper, with that being tabled, could you give me some direction? I have a 15 day time period to do this and we've already lost six days."

Supervisor Cardinale: "News Review until we change it."

Jeff Seeman: "Until further notice?"

Supervisor Cardinale: "Yeah."

Jeff Seeman: "Thank you."

Supervisor Cardinale: And it won't- eventually it will be- it will either be the Suffolk Life or the Traveler. But for your purposes- "

Jeff Seeman: "I can stay with the News Review?"

Supervisor Cardinale: "Yeah."

Jeff Seeman: "Thank you."

Councilwoman Sanders: "And Happy New Year."

Councilman Densieski: "Thank you, Jeff."

Supervisor Cardinale: "Thank you. Any- Tim."

Tim Yousik: "Thank you. Tim Yousik. First, I'd also like to wish Eddie a happy birthday. I remember when he first started the run, he had no gray hair. But next time you run, you should look like me with no hair, but good luck."

Councilman Densieski: "Did you ever hear of Grecian?"

Tim Yousik: "Supervisor, last meeting, six, seven days ago, you had indicated that you'd put a meeting together with the chief of police, yourself and I. Have you had an opportunity to do that yet?"

1/04/2005 minutes

Supervisor Cardinale: "We should have. John Stefans was supposed to do that and I wanted to have you meet and we had another person that wanted to join us after you came— after you had left last week which was Amy from the BID but why don't we do that right now? John, if you could meet with— let's just set a date this week."

Tim Yousik: "Okay. And also if at all possible, it would be nice to have an extra councilperson there as well. I mean it doesn't make any difference who. I think somebody else would be nice."

Supervisor Cardinale: "I think that's a good idea."

Tim Yousik: "Okay."

Supervisor Cardinale: "Rose, if you can be available?"

Tim Yousik: "That would be great."

Supervisor Cardinale: "Okay."

Tim Yousik: "Second on the list. This work session, is it possible to get some discussion going about reducing the fines on those tickets that we talked about?"

Supervisor Cardinale: "Yes. In fact, we just discussed it. It will be on the work session."

Tim Yousik: "Great."

Supervisor Cardinale: "We discussed it with the chief just before I walked in here and it will be on Thursday, too."

Tim Yousik: "Okay. And the last thing on my list is, once again, I'd like to bring up the parking garage a little bit. After our last— after the last meeting, I walked out of here thinking of everything that you had to say and came up with a couple of questions.

I understand that you'd like to go out to RFP for a parking garage after you receive some official notice back from the county."

Supervisor Cardinale: "Right."

Tim Yousik: "Which I fully understand. When you go out to RFP, my first question would be, how long are you going to wait for a response from the county? Is there a deadline?"

Supervisor Cardinale: "Yeah, yeah, there is. I've been talking to Mister— you should check daily as I do with Dave Cullen because he's waiting for Kevin Law and Bartha to get back with the answer, but I'm going to see Kevin possibly this Friday and if I don't get an answer by then, I'm just going to ask him personally."

1/04/2005 minutes

But I would like to get the RFP released, and it's ready for release with the exception of this information by next week. And meeting, let's say, next week is what- the 10th? Say by the 12th to release it, 30 days or something like that, I think, is normal. Is Andrea here? Thirty days for RFP to respond? Forty-five, something like that. So we should have it out and back by end of mid to the end of February."

Tim Yousik: "Okay. And when it comes to the RFP, is this for a parking facility on the one parcel that we already own?"

Supervisor Cardinale: "Yes. The board, knowing that it would cost us another three million dollars at least to- we condemned 80,000, the previous board condemned 80,000 square feet that exists now for about \$3,000,000. It would cost us at least \$3,000,000 to condemn the remaining 55,000 on that other piece and they would like to have whatever facility exists built on the piece that's already been condemned, so as to not necessitate additional expenditure."

Tim Yousik: "Okay. When you say we, that's the entire town board feels that way?"

Supervisor Cardinale: "Yeah. That's the- it's been discussed in work session. I really don't have honestly a strong feeling one way or the other, except that it's going to cost us- if we expand the 55,000 square feet although it gives us greater- what is the word- flexibility, it also is going to cost us \$3,000,000 and I don't think anybody was supportive of the concept of- "

Tim Yousik: "Well, okay, except for the fact that we've already spent \$3,000,000 and now you're going out for an RFP for a parking garage in one spot that's still a troubled area which is in my opinion going to create a real haven for crime."

Supervisor Cardinale: "Well, you know- "

Tim Yousik: "That's just, you know, that's my outlook on it."

Supervisor Cardinale: "Yeah, you might be right, except every time that I've suggested that we condemn that 55,000, I get calls from- who's the fellow that- good friend and I can't remember his name- the fellow that used to run the shoe store- Herb Drescher (phonetic) saying what are you killing small little businesses there that might be able to make it particularly, you know, with a reviving area.

So he wants us not to condemn and have to pay for the furniture, fixtures and real estate of those operating businesses, albeit--"

Tim Yousik: "I wouldn't want you to have to pay for it either but, you know, since there is a proposal on the table that would

1/04/2005 minutes

reimburse the town for all of that property, put the town into a positive cash flow, I would like to see that seriously considered."

Supervisor Cardinale: "Well, I hope that they would be able to do that on the other piece as well if, you see, the numbers— I'd be delighted if this deal is as good as what I hear about. I'm delighted. But the numbers still have to crunch and if they're not—we're going to have to spend \$3,000,000 or more dollars, are they not going to give me that \$3,000,000 back?"

As I understand it the town will have to deliver the land for any parking garage and then they will make— give a response in an RFP as to what the— having been delivered the land, what they will produce on that property and at what expense, if any, to the town. I think that's the basic dynamic.

And if they want me to pay another \$3,000,000 to condemn 55,000 square feet of land, obviously they're going to have to give me back \$3,000,000 more than they were going to give me on the other piece. If they can do that, I'd consider that, too. I guess the whole board would."

Tim Yousik: "I think that all follows negotiating."

Supervisor Cardinale: "Yes."

Tim Yousik: "Because I think you'd be pleasantly surprised."

Supervisor Cardinale: "Good, I hope I am, because I could use some pleasant surprise."

Tim Yousik: "But at the moment the way I look at it is by putting on an RFP for a parking garage on one corner, what you're really doing is saying no to another concept of having a movie theater which this town desperately needs."

Supervisor Cardinale: "Yeah."

Tim Yousik: "I mean everybody in this town would love to have a multi-complex. The proposal that's already sitting on your table is offering a 10 to 14 screen multi-complex and the gentleman that's bringing that proposal forward is— all he's looking for is to sit down and try to negotiate a good deal. Now I understand that you need to wait for the county— "

Supervisor Cardinale: "Right. Yes."

Tim Yousik: "-- that makes complete sense to me. But to put out an RFP that precludes revitalizing the whole block. That makes no

1/04/2005 minutes

sense, because you're setting up for yet- to keep a blighted area and maybe possibly make it worse. That makes no sense."

Supervisor Cardinale: "I don't think the board would object to the individual, the developer, purchasing or implementing our condemnation powers to purchase that property, Mr. Drescher's objections being one factor.

Putting that aside, okay, but who's going to pay for it is the real issue. In other words, we could use our condemnation powers as a town to accommodate the condemnation of that parcel for an urban renewal project, that's the 55,000 square feet. But the developer would have to pay for it because I don't think- "

Tim Yousik: "I think it's truly time to sit down and start talking to them, because you will be pleasantly surprised."

Supervisor Cardinale: "Well, then, I'm more than willing to talk about that aspect."

Tim Yousik: "Okay."

Supervisor Cardinale: "If they're willing to pay for it, all they want from me is the use of the condemnation powers, that's another story. We just don't want to pay- "

Tim Yousik: "You can achieve that goal. You can achieve that goal from my understanding."

Supervisor Cardinale: "Yeah."

Tim Yousik: "And the reason I keep coming up here about the parking is today is the perfect example of why we need parking so badly. The temporary lot was packed, Railroad Avenue- "

Supervisor Cardinale: "Yeah, I saw that, I was impressed. Yeah. It was pretty full."

Tim Yousik: "Railroad Avenue was packed, Griffing Avenue, Court Street and the municipal parking lot between Griffing and Roanoke was so full that they were parking up by the dumpsters, up on the curbs. My business and every business around me had no place for a customer to park.

I'm up here complaining about myself, don't make any mistake about that. I'm very selfish when it comes to wanting to be able to have parking for my business, but I walked around to all the businesses along there that are on Main Street that would effectively use that parking lot, everybody was slow today at lunchtime because the parking lot was packed.

1/04/2005 minutes

Court parking is badly needed now. Forget about the new courts. We need it now and we've needed it all along. So this is something that has to move forward as quickly as humanly possible because it truly is hurting all the merchants in that area.

Thank you for your time."

Supervisor Cardinale: "Thank you, Tim. Okay, any comment further on any matter of interest or concern to the town? If we do not have further comment— George has a comment and usually George is our swan song comment."

George Schmelzer: "I hear there's a case in the northwest when the state or somebody passes a law restricting the use of private property, the property owners must be compensated. I wish that would become nationwide.

Now our weasel in Albany with this scenic river nonsense, I think he should register in the Communist Party, that's where he belongs. He makes sure, damn sure, he doesn't live in an area which have any controls though. Now sometimes these laws may violate the terms of the original patent. Now the (inaudible) patent is the first law that still takes precedent.

I was talking to Spitzer a couple years ago, he admitted that. And a couple years ago, I gave the town a copy of it, a handwritten copy, of the patent which is in western Riverhead, south and west of the manor line. Now the patent from north and east (inaudible) is the same as Southold. And Southold trustees controlled that part of Riverhead until 1965 even though we (inaudible) or not.

So maybe you could look into that, see if it's a conflict."

Supervisor Cardinale: "I— I know you are knowledgeable about patents and I am fascinated whenever you mention the subject."

George Schmelzer: "I don't know if you threw that patent away or it's still here somewhere. It's handwritten."

Supervisor Cardinale: "Didn't you use to— didn't you use to search titles in your old— in your youth? Were you a title searcher or in the title business in your youth?"

George Schmelzer: "Never was in the title business. I had to search out titles for myself because--"

Supervisor Cardinale: "Right."

George Schmelzer: "-- (inaudible) the ducks were bad and then I used to do work for— on the side for Reginald Smith."

1/04/2005 minutes

Supervisor Cardinale: "That's what I remember, yeah, you telling me that."

George Schmelzer: "Yeah, one time went to Europe even to search and I found the party in Sweden after one day and, well, that's a long story."

Supervisor Cardinale: "Thank you- thank you for not telling it to us."

George Schmelzer: "If- I'll say this, if we had these nuts 150 years ago that we have now, we'd have no railroad. They would have kicked about the railroad, it kills the chickens, kills the pigs, it scares the cows so they don't give milk, and scares the horses. And creates fires. They'd stop the railroads. We'd have no country. We still might not have a country if you let them do what they're trying to do.

First they say we don't want atomic energy. So they killed the lighting company. Well, now we have to find a new source of energy because we can't use natural gas and oil to make electricity. You know, what's the matter with these people?"

Supervisor Cardinale: "Well, I tell you, George, it's good to see you back and it's particularly good to see you back in your casual attire rather than in that spiffy suit that you had on last week when you were accorded the honors that you were."

George Schmelzer: "I feel better now in my work clothes."

Supervisor Cardinale: "Yeah, well you look good, too. You look good. You may be stating a new fashion statement for '05.

Do you know that Eddie wants- Eddie, before we depart, Eddie has an announcement, I neglected to ask him to make."

Councilman Densieski: "It's just a committee report, Phil. Just wanted to let everybody know that the Citizens for Riverhead have garnered up 3200 pounds of discarded batteries that are not going to go into landfills and will be properly recycled."

Supervisor Cardinale: "Right."

Councilman Densieski: "And it's mostly done right out here in front of town hall by citizens actually just putting their batteries in the container. So it's a pretty good thing."

1/04/2005 minutes

Supervisor Cardinale: "That is a good thing. George, we are all going to go home and watch the Collegiate National Football Championship game now and we appreciate your coming."

George Schmelzer: "Okay."

Supervisor Cardinale: "And unless there's any further comment, we're going to get off easy tonight and have a brief meeting because we had two at the end of December."

George Schmelzer: "Yeah. We can't use the piece of land in Calverton because it's part of the scenic river, hundreds of feet away."

Supervisor Cardinale: "We are working on that plus the community river designation."

George Schmelzer: "Thanks."

Supervisor Cardinale: "Thank you all for coming."

Meeting adjourned: 8:05 p.m.