

7/15/2008

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town hall, 200 Howell Avenue, Riverhead, New York on Tuesday, July 15, 2008 at 7:00 p.m.

**PRESENT:**

Philip Cardinale,	Supervisor
Barbara Blass,	Councilwoman
James Wooten,	Councilman
Timothy Buckley,	Councilman
John Dunleavy,	Councilman

**ALSO PRESENT:**

Diane Wilhelm,	Deputy Town Clerk
Dawn Thomas,	Town Attorney

**ABSENT:**

Barbara Grattan,	Town Clerk
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Supervisor Cardinale: "We'd like to bring the meeting to order, it being 7:10. This is the July 15<sup>th</sup> meeting. We'd like to begin as always with the Pledge of Allegiance. Mitch from Newsday is going to lead us, and then we'll get started."

(The Pledge of Allegiance was recited, led by Mitch Friedman.)

Supervisor Cardinale: "Thank you. We're going to come down and do some honoring to begin the meeting."

Thank you. We have two extraordinary employees to honor this evening, the town board. So let me-- one is the Employee of the Quarter and one is a special award that one of our employees receive.

So why don't we start with the Employee of the Quarter who is Martin Lynch. Come on up, Martin. And I'd like-- do you have family with you? Please have them come on up all of you and also the labor management committee members, please come up. All right. I didn't know what I was asking for here. So this is Mr. Lynch and his family. I understand you're outnumbered, that your wife is Adriane and your daughters are Olivia, 5 and 1/2; Francesca, 3 and 1/2; and Mikelah, 8 months and so it's just you and the four. God bless you. And anyplace you can find is hard to find, I'm sure.

I've got a little assistance here from the committee who worked as they always do every quarter to figure out the best employee to honor so I'm going to let them take this. And I also have your-- is the chief here? Come on up. This is the department head who supervises. I guess you get supervised by the chief and also talked

7/15/2008

to by information technology, right? So you have kind of a special situation because Martin does our police computer work.

I'm going to read the proclamation and then I'm going to turn it over to the committee and the department head to say a few words.

This reads: Whereas it is both fitting and proper that the town recognize the outstanding service of its employees; and

Whereas in order to provide a mechanism to recognize these employees and at the recommendation of the labor management committee the Employee of the Quarter program has been established; and

Whereas, Martin Lynch has dedicated himself to the service of this government and its citizens; and

Whereas his service has exemplified the highest ideals in the expression of public duty, I, Phil Cardinale, Supervisor and the entire town board to hereby proclaim today, July 15<sup>th</sup>, 2008 to be Martin Lynch Day in recognition of being named Employee of the Quarter, and I call upon my fellow citizens to join with me in recognition of this accomplished service.

And I signed it even.

So this is for you and your— and your daddy is pretty special, he is. It comes with a day off I'm told, right, and a bond and who's going to speak for the committee? You are."

Maureen: "I'm Maureen. I'm Chair of labor management. Every quarter we vote on someone, get nominations of employees who are outstanding in their work and Capt. Smith nominated Martin and he was a shoo in for the award. And he does. He gets a day off with pay and a hundred dollar savings bond.

Supervisor Cardinale: "And I'm going to give you a chance to say something but first I want to hear from your department head and keep it clean."

(Unidentified): "Will do. I'd bring the captain up here but he's on vacation, so he's kind of in the back there but he came out to at least congratulate Martin.

First and foremost, I want to thank the committee for recognizing Martin along with the town board. Martin has been with us for about three years, two years, he seems like family already which is a great thing.

7/15/2008

He does a great job which is really not an easy task considering he's got about 80 Type 1 personalities to deal with and who want their computer fixed right now. So he does a wonderful job. He's got a terrific work ethic. He's keeping us moving us forward as far as computerization with the town and I appreciate and thank him for all the things he does."

Supervisor Cardinale: "Thank you. I know that it took a long time to fill that position because I remember asking about it every two weeks at the work sessions. And then I know that you got hired and I know that I've heard only good things for the three years, so I guess we used the time wisely. It took I know six months I think to find the right person so we want you to say something."

Martin Lynch: "It was more like nine months, I could have had a baby. All I can say is thank you very much. I appreciate the award and the recognition and I'll, you know, keep doing the best I can and keep things going forward as the chief says and hopefully we can make things better and work better. Thank you."

Supervisor Cardinale: "Thank you. Congratulations. Now, the town board members, John Dunleavy who is a member of the committee as well as the town board and those people over there all want to shake your hand so I'll let them do that. Thank you."

So, nice guy, isn't he? So how does he treat you? See, good. And that was a spontaneous answer. Are you fond of your father? She's not speaking, okay. Thank you very, very much. And an additional prize, Martin, is that you do not have to stay for the balance of the meeting.

Kenny Testa, our town engineer, would you come up, Ken and could you bring anybody who is here with you up too including your Christine Fenton, our ace deputy. She's carrying the plaque. How are you doing? Thank you.

Ken Testa has been our town engineer for how many years, Ken?"

Ken Testa: "Nineteen years."

Supervisor Cardinale: "Nineteen years and he's really, honestly a tremendous asset to this town. He's served- I've known him for 10 years as a council member and as a supervisor, and I think at last count he and Christine were the only engineers currently working although we're going to find another one I hope soon, have like 48 projects going literally that we go over periodically.

So not only I but the Suffolk County Chapter of the New York State Society of Professional Engineers understand how extraordinary

7/15/2008

the talent we have. They honored Ken Testa professional engineer as the 2007 Engineer of the Year at their recent annual awards dinner. The dinner was held recently and brought to our attention by, not by Ken because he's too modest, but by Christine who told us about it and who wanted to acknowledge it publicly.

The society recognizes outstanding individuals in the profession for their dedication, innovation and progressive thinking in engineering.

The award reads: Engineer of the Year, New York State Society of Professional Engineers Suffolk Chapter presented to Ken Testa, September of '07 and it was recently given to him at an awards dinner in '08.

And that plaque over there upon which Ken's name will be inscribed has some really interesting people on it."

Ken Testa: "This dates back to 1959 and it includes each of the annual award winners from the Suffolk Chapter of the New York State Society of Professional Engineers and I'm quite a bit humbled by the fact that there are such names on the plaque as H. Lee Dennison and Bob Holzmacher (phonetic), founder of the firm of H2M; and also Charles Bartha, Steve Hague (phonetic), former Commissioners of Public Works. We also have on here somewhere Mr. Blydenburg (phonetic) who I believe has a park named after himself. So it was quite humbling to see some of those names. I don't know how I ended getting on here but nonetheless it's quite an honor and I'd like to request if I could to display this.

They have a tradition of handing it off to each of the annual winners for the year to display in their place of employment and then it moves on to the next one. I was fortunate enough to be the last one on the bottom here so I think I get to keep it forever, so I was going to ask if we could display this proudly in the lobby of town hall."

Supervisor Cardinale: "I'd be delighted."

Ken Testa: "That would be great. Thank you."

Supervisor Cardinale: "Thank you, Ken. And thank you for your hard work and I'd be delighted and so would the town board to have that on display this year in the lobby of town hall. So keep up the good work and we will try to remember this when we're looking at promotions and things like that next year because we know you deserve it. So, thank you.

No day off with pay. He's got too much work."

7/15/2008

Ken Testa: "Thank you."

Supervisor Cardinale: "Christine— oh, yes. Christine is the deputy. Donna is the spouse and Donna is one of our fine workers in highway, isn't it— highway department. So we have a dynamic duo in the two of you. So thank you very much.

Okay. We are now back to work, I think, but that was fun.

Okay. We have a new town clerk or at least the deputy is sitting in for Barbara and she's going to tell us that we're supposed to approve the minutes of the July 1, 2008 meeting. Would somebody offer them, please?"

Councilman Dunleavy: "I offer them."

Councilwoman Blass: "Second."

Supervisor Cardinale: "Moved and seconded. May we have a vote on the July 1 minutes?"

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

Supervisor Cardinale: "The Reports, please, if you could read those and also our Applications and special events."

**REPORTS:**

Receiver of Taxes	Utility collections report June, 2008 - total \$242,775.53
Police Department	Monthly report for June, 2008
Building Department	Monthly report for June, 2008 - total \$66,605.50

**APPLICATIONS:**

Parade permits	Suffolk County Historical Society - bike ride - Sept. 14
The Leukemia & Lymphoma Society	- Sept. 18
Special events August 9	Living Water Church - craft fair -
400 Restoration Realty, LLC	
Jedediah Hawkins House)	benefit for SASS - Aug. 12

7/15/2008

Larry's Lighthouse Marina                      boat show - Aug. 15-17

St. John the Evangelist RC Church - Chinese auction -Oct. 18

St. John the Evangelist RC Church - craft fair - Dec. 6

Diane Wilhelm:     "There is no Correspondence."

Supervisor Cardinale:    "Great. We have a series of public hearings from 7:00 through 7:35 starting times and we have seven of them.

I also want to give the board an opportunity to make any announcements before we begin them and I am told that we would like to start with the 7:10 hearing because of a scheduling conflict with our attorney who needs to be here for that one.

Barbara, you-- Tim."

Councilman Buckley:    "I'd like to make the public aware that the Riverhead recreation department will be sponsoring an adults with special needs dinner summer bash on Friday, July 25, at the senior center in Aquebogue. There will be a DJ and refreshments. There is no fee to attend, however, attendees must bring a chaperone, ages 20 and over are welcome. For any further information, please contact the recreation office, Jim Janacek (phonetic) at 727-5744, ext. 27.

Again, that's the adults with special needs dance, July 25 at the senior center in Aquebogue. And the time is I believe it's six to 8:30. Thank you."

Supervisor Cardinale:    "Yes, Barbara."

Councilwoman Blass:    "Yes, Mr. Supervisor. And I have just a phone number for anyone who is interested or has the need to report a helicopter noise nuisance complaint. It's a new toll free number. It is the season and I know we've been getting calls here at town hall and I'd like to be able to let everyone know they can register those complaints at 800-319-7410.

There are three options when you call. You hit the-- or respond to the Long Island region and they would want the location, the date, time and any identifying marks of the aircraft that you can report. And it's actually going to be very helpful to create a data base from where the complaints emanate so they can adjust the flight paths accordingly.

7/15/2008

Thank you."

Supervisor Cardinale: "Thank you. Anyone else have anything? Okay, I'm going to start with the 7:10. Frank Isler— and as he gets started, I would like to announce that I see Mr. Secunda in the audience still and that's a very good sign because Riverhead Resorts due diligence period concluded at midnight last night.

They are still in the deal; they could have gotten out; they chose not to. That means that the— it is clear now that they will not be leaving town without leaving not two million but six million dollars on the table for the town of Riverhead and most significantly it means that they have now until December 15, right, 2009 to close and if they seek to move forward after that and they need more time, we'll give it under the contract, two million dollars for every three months, five extensions maximum.

So I'm glad that you're in, the deal is still. I'm glad the town will receive at least six million if the deal does not move forward and onward to 16 and most importantly onward to a closing I hope. All right, thank you very much.

And, Frank is our attorney actually on that deal so thank you as well because you worked with me and the board on the contract.

Public hearing opened: 7:24 p.m.

Supervisor Cardinale: "Would you call the 7:10 partial condemnation hearing on property located at 1418 Pulaski Street, reputed owner Estate of Sophie Wilson. Go— you get started now that we— now that we are official and I'm telling you you are open at 7:24, why don't you introduce it?"

Frank Isler: "Okay. This is a public hearing that's been scheduled by the town board pursuant to Article 2 of the Eminent Domain Procedures Law in connection with the partial condemnation of 1418 Pulaski Street, Riverhead. The reputed owner is the Estate of Sophie Wilson.

And my name is Frank Isler. I'm a member of the firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski here in Riverhead. We're special counsel to the town board on this eminent domain process.

Tonight's hearing is to determine whether there is a public need to acquire a portion of this property. The purpose of the partial taking here is to create a new intersection and close off Pulaski Street where it hits Mill Road and instead veer Pulaski Street through this property north to join at the intersection where the current traffic light is with the main entrance to the Riverhead Center.

7/15/2008

So as a result of this taking, an improved intersection and traffic flow will result which is the purpose and the public need that is underlying this acquisition.

For the record, there is available to the public both a map of the proposed taking and an outline of this public hearing which sets forth the purposes of the taking, all in accordance with Article 2 of the Eminent Domain Procedures Act.

Unless the board has any questions, the next step after the public is heard would be to close the hearing and then at your next hearing or whenever you're available to do it, adopt findings either to go forward or not with the acquisition.

Are there any questions of the board for me?"

Supervisor Cardinale: "I know the intersection. I think many people do. It could only be improved because it couldn't get worse. So I understand this will improve the safety of that intersection and that's why we're doing it.

We're also doing it, I don't know if you mentioned, in conjunction with the county who is- who runs 58, Route 58."

Frank Isler: "And the county- it's our understanding the county is going to make the physical improvements to the spur road that will come through this property we're acquiring to connect Pulaski to County Road 58 at the traffic light intersection I described. And Pulaski will then end and not go into Mill Road where currently it terminates."

Supervisor Cardinale: "My friend, Steve Levy, is always helpful."

Councilman Dunleavy: "Can I just ask a question?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Mr. Isler, can you- because a lot of the public will not receive these maps or come for these maps, explain to them that we're not taking all the property. We're only taking the western piece of the property."

Frank Isler: "The total property is slightly larger than 1.7 acres. The actual area to be taken is a third of an acre which will be the westerly side of the property. Part of that third will be a permanent grading easement and actually not a fee taking for a legal technical point of view but the overall taking is going to be a third of an acre and that will leave about 1.6 acres left to the

7/15/2008

property owner. So this is a partial acquisition. We are not acquiring the entire piece so there will be residual use to the property owner after this taking."

Councilman Dunleavy: "And we're not taking the residence?"

Frank Isler: "We're not taking the residence."

Councilman Dunleavy: "So the residence is still going to stay there?"

Frank Isler: "That's my understanding."

Councilman Dunleavy: "Yes. Thank you."

Supervisor Cardinale: "Thank you. Any questions or comments from the public please. Yes, please come up."

Jonathon Brown: "Jonathon Brown, 737 Roanoke Avenue, appearing for James Wilson the Executor for the Estate of Sophie Wilson.

Section 202 of the Eminent Domain Procedure Law, Section 2, it provided that such notice as the notice that was given here tonight shall clearly state that those property owners who may subsequently wish to challenge condemnation of their property via a judicial review may do so only on the basis of issues, facts and objections raised at this hearing.

The client, the Estate of Wilson, may wish to preserve their objections to this taking; they may wish to comply with this taking at some future point. Up until now, we did not have a copy of this map so we don't know what the taking would entail.

This property has been subjected to two other takings, both for a sump and a fill easement. There is reason to believe on the part of the Estate that they have been subjected to enough takings and that this partial taking will impair the residual use of the residence on this property.

The Wilson family has been on this property for about 100 years. Sophie Wilson lived 81 years in this house. Her grandfather built the barn on this property in the 1920's and farmed there. James Wilson, the Executor of the Estate, is present with us here tonight and James was raised in that house.

Without a review of the taking map, we cannot determine the full extent and impact of the taking on the residence and further to the west is the Suffolk Life building.

7/15/2008

Those of you who have been around and recall that used to be a Billy Blake back in the day, will remember that there was a traffic signal located in front of that parcel. The intersection could well be located in that area and not in this area.

The— this property besides being subjected to the two easements, is further burdened with the result of decades of planning decisions that were made for the good or ill on Route 58 and should not be the sole property on Route 58 to bear the burden of correcting those traffic defects that were created by the commercial development that has ensued.

So we do not necessarily foreclose our cooperation with this taking but we do need to preserve those issues should we wish at a future point to object."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment from any member of the public? Okay, I'm going to leave this open for 10 days, Friday, a week, which will be the 26<sup>th</sup> and encourage John and Frank to stay in contact and discuss this matter so we can accomplish it amicably if possible.

So this will be open for written comment through close of business, 4:30, on the 26<sup>th</sup> Friday— is it the 25<sup>th</sup>? Thank you, the 25<sup>th</sup>, on Friday.

Okay. Thank you, Frank. Thank you, Jon."

Public hearing closed

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Public hearing opened: 8:08 p.m.

Supervisor Cardinale: "There is a 7:05 hearing, the special permit petition of Omnipoint Communications Inc. and I believe we have a presenter present. So I'm closing the other hearing at eight of eight and opening the 7:05 hearing and she's going to be sworn in because this is a special permit hearing. For some reason we have swear in's on special permit hearings but not on others."

Jacqueline Fleming: "Jacqueline Fleming."

(At this time, Jacqueline Fleming was sworn)

7/15/2008

Jacqueline Fleming: "I do. Good evening. I am Jacqueline Fleming from Munley Meade Nielsen and Re, 36 North New York Avenue, Huntington, representing the applicant, Omnipoint Communications Inc.

In this application, excuse me— Omnipoint seeks a special use permit to enable it to locate its wireless telecommunication facility at Tanger Outlet.

The proposal involves mounting antennas to an existing 65 foot high structure that Tanger (inaudible). It is located near the northern end of Tanger 1 behind an existing building.

The proposed equipment will be located at the base of the sign on the west side of that sign (inaudible).

Omnipoint is licensed by the Federal Communications Commission or FCC to construct, maintain and operate a personal communication system in the greater New York metropolitan area, including Nassau and Suffolk Counties.

Pursuant to New York law, Omnipoint's facilities are considered public utilities for zoning and land use purposes.

The services provided by Omnipoint benefit the community particularly during times of emergency and in places where conventional telephones are not available or are not operating.

Omnipoint strives to provide reliable service to its license service area. At present, there is a service gap in the vicinity of Tanger and the proposed facility will allow Omnipoint to close this gap in reliable service.

The power transmitted by the antennas will be very low. Copies of an FCC compliance report prepared by Pinnacle Telecom Group (phonetic), were previously submitted as part of our application before the board.

As set forth in that report, the maximum radio frequency energy or RF energy that would be experienced by the general public from Omnipoint's antennas will be only about 0.4% of the limit set by the FCC.

Omnipoint's proposal has been designed to coordinate with the modification to the sign structure that the owners of Tanger have already sought from the town. Pursuant to variances granted by the zoning board of appeals to Tanger, Appeal #08-042 granted on June 26, 2008 the sign as it currently appears may be modified independently from Omnipoint's application.

7/15/2008

As approved by the ZBA, the new sign will have a red aluminum base plate over which white neon letters spelling out Tanger Outlet will be affixed.

I would like to submit a copy of the ZBA's approval and elevations depicting what was approved by the ZBA right now for Exhibit 1 if it pleases the board."

Supervisor Cardinale: "Yes, please."

Jacqueline Fleming: "As part of Omnipoint's proposal, the aluminum base plate from this newly designed Tanger sign, would be replaced with the radio frequency compatible material that will also be painted red. This new material will allow the radio signal to transmit through the sign structure.

The antennas will be concealed behind this new base plate and so will not be visible. Similarly the cables connecting the antennas to the equipment will not be visible because the cables will run inside the sign structure from the antennas down to the equipment at the base of the sign.

Given this design, the Tanger Outlet sign will not look significantly different after Omnipoint installs its antennas than the currently approved sign.

This design that we're proposing is- are in drawings that were previously submitted to the board dated July 3, 2008.

With me tonight I have Neil McDonald from William F. Collins, the architect firm that prepared the drawing and if the board chooses, he can come up and try to describe the proposal to you in more detail or he's available to you for questions about the design if the board chooses for more details later on.

I also have reports by some expert witnesses who are also here for live testimony tonight. I can submit their reports at this time or if the board refers live testimony, I can also call them up."

Supervisor Cardinale: "I think we generally receive the testimony and make it part of the file with the county clerk- I'm sorry, the town clerk. Sometimes if we give it to the county clerk, it won't help us much."

Jacqueline Fleming: "If I can beg the board's indulgence, I would like to simply present the reports together and then bring them up all at once if you don't mind.

I have reports- a planning, zoning and visual impact analysis for the proposal prepared by (inaudible) and Elkowitz Consulting

7/15/2008

Group (phonetic) dated July, 2008. This includes a visual impact analysis with photo simulations that will depict the existing situation as it currently- if you go there now, what it looks like. It also includes photos of what the design will look like without Omnipoint's proposal but the new Tanger sign is put up. But it also includes a photo simulation of what it will look like when Omnipoint puts the antennas behind the new design.

The report does conclude that Omnipoint's proposal will not significantly affect the environment including effects on community character and aesthetics.

I also have a report by Michael Lynch, a New York State certified general real estate appraiser. Mr. Lynch was retained by Omnipoint to prepare a report addressing the proposal's potential effects on property values. His report documents that based on actual before and after sale figures, a proposal such as this has not been shown to have a significant affect on property values. And Mr. Lynch is also here this evening if there are any questions.

I have an affidavit of Mitchell Baum (phonetic). He's the senior RF engineer from Omnipoint. His report provides the coverage map showing what the existing coverage is of reliable service for Omnipoint in the Tanger area and what the coverage would be once the proposal is built at the facility.

And, also, I already submitted the report by Pinnacle Telecom group that I described earlier but Dave Cullen (phonetic), a representative of Pinnacle, is here tonight if the board has any questions."

Supervisor Cardinale: "Thank you. If you would give that to the clerk. In a perfect world, I'm going to leave this hearing open and our crack staff is going to be reviewing this stuff and putting any comments in and questions. Thank you.

Dawn, there's a provision I think in our statute that they've also got to establish that there aren't any other towers they could put this thing on and there isn't any public property they could put it on?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Co-location, and they get a map. Did you get all that stuff?"

Jacqueline Fleming: "We did. We- "

Supervisor Cardinale: "Could you address those two issues?"

7/15/2008

Jacqueline Fleming: "Sure. During the work session, this question was raised by the board and we did obtain the GIS maps prepared by the town and Omnipoint completed its own research and just even based on the town's own GIS map, it's clear that there is no suitable municipal sites in the area to locate.

As you know, Omnipoint is located at several municipal sites throughout the town such as water tanks and fire districts, but there's nothing like that suitable in this area. And we did submit an affidavit with the application indicating that we looked at alternatives and weren't able to find anything suitable."

Supervisor Cardinale: "Okay, yeah. Did I hear you correctly when you said there's this thing around- this red thing around Tanger?"

Jacqueline Fleming: "What you're holding is what was approved by the zoning board."

Supervisor Cardinale: "Yeah. That's the red- "

Jacqueline Fleming: "That's correct."

Supervisor Cardinale: "-- and the antennas, you're not even going to see them. You're going to see the red banner."

Jacqueline Fleming: "Exactly. They're going to be behind that- "

Supervisor Cardinale: "Would you- the guy with the machine over there, the audio visual genius, could you zero in on that so the people that have been watching this get the idea? I can't tell that is an antenna which is a great improvement over the stuff I've looked at. So underneath that red thing that says Tanger is supposedly what makes your- what is it phones- work? Cell phones. Okay, that's pretty good. I can't even tell it's an antenna."

Jacqueline Fleming: "Yeah. The actual photo simulations are in the planning report."

Supervisor Cardinale: "Thank you. That's very good, I'm glad to hear that. Maybe- I've seen them under flags but I've never seen them under a banner like that.

Any questions from anybody in the audience? Because we've got a presentation. We've got a lot of evidence in that my crack staff will be looking at so if anybody has a comment, we'd like to take that now. If not, I'm going to leave this open 10 days so we can read this stuff. Not me, of course, but somebody. And then if there's comments we'll put them in there and you'll get us answers

7/15/2008

otherwise we could act on it in our first meeting in August which I believe is August 5<sup>th</sup>— is that right? August 5<sup>th</sup>.

Thank you very much for your presentation.

We'll leave it open until the 25<sup>th</sup> at 4:30, end of business, for written comment only as with the other hearings."

Public hearing closed  
Left open for 10 days for written  
comment to August 25, 2008

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Public hearing opened

Supervisor Cardinale: "Okay the next one that we have to hear is the 7:20 hearing for consideration of a proposed local law to amend Article XIII entitled Supplementary Use Regulations, non-conforming buildings and uses in the code. And somewhere here I have a lot of papers here. Yes, somewhere here I have the code and it adds the following language to the 108-51: An application seeking to extend a single family residence shall be exempt from the requirement of a special permit provided that any extension thereof maintains the existing residential use, existing lot areas, lot setbacks and lot coverage that were required at the time the residence was issued a certificate of occupancy or letter of pre-existing use.

The reason for this is that when we changed the zoning, we have a lot of pre-existing, non-conforming residential structures and in order to do anything as mundane as put an extension on the second floor, they have to go through a big rigamarole which was neither intended nor helpful so our sharp building department chief brought it to our attention and in an effort to be business friendly as always, we are considering this.

So, would anybody like to comment? Perhaps the business alliance would like to applaud? No, I guess not. I haven't heard much applause from that group, at least not criticize.

So if there is no comment on that change to make things easier with no loss to the public, I'm going to leave it open for written comment in case you're inspired between now and the 25<sup>th</sup> at 4:30.

Public hearing closed: 8:07 p.m.  
Left open for 10 days for written  
comment to August 25, 2008

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7/15/2008

Public hearing opened: 8:07 p.m.

Supervisor Cardinale: "And move onto the 7:25 hearing which is to consider a local law to amend Chapter 108 Article XXVIA entitled special permit general use requirements of the code.

This is about- it's a companion of the last one and probably inspires as much interest because it says that the general use requirements for a special permit would except the section that we just considered if it were to be passed. So that we wouldn't have to consider it for special permits, residences that were going to be changed in some way but it would be right on the same footprint and the same use.

So does anybody have any comment on this? Not surprisingly you don't. So I opened it at 8:07 and I'm going to close it at 8:08 and I'm going to leave it open for written comment in case someone gets inspired, 10 days until the 25<sup>th</sup> at 4:30 p.m."

Public hearing closed: 8:08 p.m.  
Left open for 10 days for written  
comment to August 25, 2008

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Public hearing opened: 8:08 p.m.

Supervisor Cardinale: "That leads us to 7:30 for consideration of a local law to amend Chapter 90 entitled Special Events, 90-4 conditions for granting a permit.

This is a proposal to- and I emphasize the word may- to allow a charge back of town services but not to require it and it specifically should not be allowed at all in regard to special events held on public property opened to the public.

Anybody have a comment on this, other than last week's column in the News Review which was inaccurate because among other things, it suggested that we would pass something for which we hadn't even had a public hearing yet.

This is the public hearing, so let's read the comment into the record. Did you get the column, last week's Newsday, Bob Barda (phonetic)? News Review, I'm sorry, in which he said that it wouldn't be a good idea because it would affect the Vail-Leavitt sponsored Blues Festival. That could easily be rectified by simply saying shall not apply to any special event held on public property open to the public whether or not free of charge so long as by a not for profit with offices in our town.

7/15/2008

So there are ways to do that. That's why we have public hearings. That's why you should hold your columns until after we have them, too. But other than that comment, I don't think there was any comment. There's not going to be any tonight so we're going to leave it open for further written comment. I would put the column in though. I am serious about that. That is a comment. And if anybody has any other written comment, please let us know before the 25<sup>th</sup> at 4:30 p.m."

Public hearing closed  
Left open for 10 days for written  
comment to August 25, 2008

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Public hearing opened: 8:08 p.m.

Supervisor Cardinale: "The 7:35 p.m. hearing, the last hearing, and it's for consideration of a local law amending Chapter 18 entitled Code of Ethics of the code.

We passed the Ethics code. We said we could add people who would file what has been— what is really a conflict of interest disclosure document and we're asking now that the Ethics Board do that as well, as well as the IDA board and why not as Dave Wilmott would have said.

So does anybody care, if anybody has any comment, please make it. If you don't, I'm going to open it at 8:08, close it at 8:09 and keep it open for written until 4:30 on the 25<sup>th</sup> of July."

Public hearing closed: 8:08 p.m.  
Left open for 10 days for written  
comment to August 25, 2008

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Supervisor Cardinale: "That concludes the seven public hearings we needed to call this evening. We have about 41 resolutions to consider and we'd like to consider them unless someone would like to say something about any one of them before we do."

Councilman Buckley: "Sal brought these to my attention before. There's only two minor corrections to make.

On 632— "

Supervisor Cardinale: "Right, 632. Okay."

7/15/2008

Councilman Buckley: "The Resolve, the first Resolve paragraph. It should read Jane Wanat. It reads Dr. Gerald Weber which-- "

Supervisor Cardinale: "Okay. Dr. Gerald Weber on that one is now Jane Wanat. We left the name in from the previous. Okay. The next one is?"

Councilman Buckley: "And the next one is 643."

Supervisor Cardinale: "Yes."

Councilman Buckley: "And I believe that one has to do with a date. The second page-- "

Supervisor Cardinale: "Right."

Councilman Buckley: "Under term of agreement. I believe it should read 2009. It reads 2008, January 31, 2009."

Supervisor Cardinale: "That's correct. '09 on #2 there, if you would change that."

With those two amendments, thank you, Sal; thank you Tim.

Anybody have any other comments on these resolutions or should we consider them? They're not an exciting group, I can tell you that. Yes?"

(Inaudible comment)

Supervisor Cardinale: "Oh, yeah. Okay. Anybody have any comment on any resolution? Yes, Larry."

Larry Oxman: "Larry Oxman. As a member of the Business Improvement District Management Association and forgive me I don't have my glasses."

Councilman Wooten: "What resolution number?"

Larry Oxman: "It's Resolution 656."

Supervisor Cardinale: "Uh-huh."

Larry Oxman: "I believe that the BID had come to-- the BID Management Association, had come to the town board which is also the BID board, looking for some type of affirmation or approval to move ahead with the Management Association's decision to construct a pavilion downtown."

7/15/2008

I was at the work session and I-- this past Thursday, and I came away with the thought that it was going to move ahead. However, as I read this actual resolution, what does it say? It just says that you're in favor of the idea."

Supervisor Cardinale: "That's what it does say. Incidentally, let's-- what this is intended to do is exactly what we said at the work session with the exception that we specifically discussed and elected to include in the areas that we're asking you to consider is suggestions and the rationale for the best location.

You had asked that we set upon that location that the BID Management had suggested. We might well do that but only-- but we wanted to-- but we have not yet heard the rationale why that's the best spot and we haven't heard that you've considered other spots and came to that spot because of the balancing of the positives and negatives of other possible locations.

We do as a group understand this to affirm the concept of a pavilion, a celebratory space downtown. We are hoping that the three architects and any other resources they use-- they come to use, they are volunteers and we appreciate that-- can study those a thru g questions that we outlined, come back to us within 30 days, and give us those answers in which case we would then elect-- we would then move-- we would not then move forward actually because what it is, is the BID is us; you're the BID Management Association.

If you're seriously saying that the BID Management Association wants to do this with whatever resources they can put together, that's a little different and I'm happy because then all we would be doing is contributing a land lease for the piece of earth that we would contribute.

But if you would like the BID, that is us, the BID itself to continue to participate in this, that's a little different.

One thing that was made clear when we got this suggestion from BID Management is that there would not be general taxpayer dollars involved in this. Either the BID, \$120,000 tax levy would carry this, or some sponsorship from business organizations would carry it. That's great.

So the only contribution of the town itself would I guess be through the parking district to allow that piece of land to be used and in order to get to the decision beyond that we like the concept and what you really want from us is that you may have the use of that piece of land for this project, we wanted a thru g answered.

And I don't think it will take long. But as soon as we get those answers, I know that the board would like to go forward. I

7/15/2008

am, and I think the board is legitimately interested in this project. We're not trying to jerk you around. We just would like the answers to those questions."

Larry Oxman: "I thought that we had addressed it. Maybe we didn't address it in detail but the Management Association at previous meetings had discussed the idea of several different locations and the proposed location seemed to be the best for a variety on reasons."

Supervisor Cardinale: "I would like to hear them but-- that's probably true, but this is a 6,000 now proposal, 6,000 foot. In fact, you come back and you say, you know, when you consider the size of what you're considering, 3,500 or 4,000 would be more than adequate. Then you might say, well, there's a better location for that three or 4,000."

So that was our thinking, that these were-- and if you think of other things because we just put this together quickly-- that need to be looked at-- ultimately what the board wants to do here is say okay, you've got this piece of property for this concept with this design, with this function, with this material, for year-round utilization for this purpose, and we understand that you're going to raise costs about this amount to build something of that type on that location.

And then it's going to be you that is going to do this apparently, and we appreciate that because we're fresh out of money."

Larry Oxman: "Just so that you know, I believe that the 6,000 square feet, the reduction in space, was coming as a result of feedback from the town board or the BID board, reaction that 7,000 seemed a little large."

Supervisor Cardinale: "Right."

Larry Oxman: "So they had scaled it back so that was responsive to your input."

Supervisor Cardinale: "Right. But for example, I think Marty would acknowledge that-- as much as I love Marty and his offer to be of assistance here, (inaudible) has seen these plans or participated in any way, we wanted to get the input of the three entities that have proposed volunteer architectural contribution and I wanted you and Vince and the BID to firm up the proposal before we cut you loose and said here's the land, it used to be nine parking spaces. Nine parking spaces along, forgetting the roadway, which is of little value but of some, is worth about \$200,000, so if we're going

7/15/2008

to give the long term use over to a pavilion, we want to know more about it before we do that.

But we really do think it's a worthwhile idea, great. So I want to reaffirm that.

And I know you're disappointed that we didn't firm up the location because you had specifically asked could you at least, you know, say the location is fine. I'm pretty close to saying that but I just wanted to hear the rationale and make sure that the size you're going to come back recommending that that still is the best location.

I would hope that you can do this in 30 days or less."

Larry Oxman: "I'm sorry. Did Gary Jacqueman (phonetic) who I know and whom I've worked with when he was working with the BID many years ago."

Supervisor Cardinale: "Yes."

Larry Oxman: "He did say that he would volunteer his services as Michael Menuda (phonetic)?"

Supervisor Cardinale: "Yes. I spoke directly to Manetta (phonetic) who is my cousin as you know and is Spector's (phonetic) designer and he said yes, he would contribute his services during the design phase. He made it very clear that we wasn't exactly going to build it for me. But he would do the design with Marty. And I know that's difficult to have three-- I know with three architects, it's not easy to get together but you know a brainstorming session, see what you come up with. Bring it back.

I don't want-- this is not the Empire State Building. We're aware of that. You know, we've got to move forward, but just what's on the page and anything else you think relevant, bring it to us and I'll push the board for a decision."

Larry Oxman: "Okay. As I said earlier for a different public hearing, the Management Association will be meeting next week. Maybe we can invite the three architects to discuss the location because I think that the design is a different element. The design will take some time, but first we have to establish the location. Once you have the location, the design can follow."

Supervisor Cardinale: "I think you're right. But as long as you know that you need a facility of considerable size, as you said, there's not a lot of option.

7/15/2008

I mean, if you're going to put something probably more than 5,000 square feet, I don't think-- I don't know where else you can put it."

Larry Oxman: "Well, there are other locations but they would eat up 40 or 50 parking spaces."

Supervisor Cardinale: "That's what I mean, we don't want that to happen."

Larry Oxman: "Nor did the Management Association. Plus the fact that the way it would divert traffic and not end a thru street or a short cut that many people use to alleviate the light at Main Street and Peconic, that people who really want to go back there to utilize the waterfront or to park, that you kind of force them to make a right or a left."

Supervisor Cardinale: "Yeah."

Larry Oxman: "So that was another factor in choosing this location."

I hope that Mr. Sendlewski who has offered his services for free would still be interested because I know-- "

Councilman Wooten: "Could you tell me when your meeting is next week and where?"

Larry Oxman: "Wednesday, I believe, it may be here."

Councilman Wooten: "Last time you changed it on me."

Larry Oxman: "I went to the wrong place last time for a different-- I'll make sure you know."

Councilman Wooten: "Would you make sure I know, please?"

Larry Oxman: "Absolutely. And the other town board members, too."

Supervisor Cardinale: "Thank you."

Larry Oxman: "You're welcome."

Councilman Wooten: "All right, thanks."

Supervisor Cardinale: "Okay. If there's no other comment on the resolutions, let's consider them and then we'll take some general comment and go back and watch the All Star Game."

7/15/2008

Okay, fire away. We're ready."

Resolution #618

Councilwoman Blass: "It's a budget adjustment in connection with the recreation youth program. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, Yes. The resolution is adopted."

Resolution #619

Councilman Dunleavy: "Scavenger waste budget adjustment. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #620

Councilman Buckley: "Accepts 100% security of Route 58 LLC. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #621

Councilman Wooten: "Accepts 100% security of Riverhead PGC LLC. So moved."

Councilwoman Blass: "And seconded."

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

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

7/15/2008

Resolution #622

Councilwoman Blass: "Ratifies the appointment of a summer recreation aide Level II to the Riverhead youth bureau. So moved."

Councilman Dunleavy: "Sand seconded."

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

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

Resolution #623

Councilman Dunleavy: "Appoints member to the Riverhead Conservation Advisory Council and that would be Alex Galasso. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #624

Councilman Buckley: "Authorizes the attendance of one police department employee to a homicide seminar. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #625

Councilman Wooten: "Establishes salaries for board of assessment review members. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale."

7/15/2008

Supervisor Cardinale: "Yes. And would you make a note that Rothaar should get a copy of this?."

Diane Wilhelm: "Yes. The resolution is adopted."

Resolution #626

Councilwoman Blass: "Appoints a maintenance mechanic II to the building and grounds division of the engineering department. That would be Mr. Thomas Vance. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #627

Councilman Dunleavy: "Authorizes attendance of assessor at seminar. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #628

Councilman Buckley: "Ratifies the appointment of a beach attendant II Level I to the Riverhead recreation department. So moved."

Councilwoman Blass: "A comment."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "This individual I verified is actually starting tomorrow so we should change that title to appoints park attendant as opposed to a ratification and it should also go to the accounting department."

Supervisor Cardinale: "Okay. So it should read appoints- "

Councilwoman Blass: "Appoints park attendant. Right. Thank you."

7/15/2008

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

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

Resolution #629

Councilman Wooten: "This one ratifies the appointment of a beach attendant/concession stand operator Level II to the Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #630

Councilwoman Blass: "Authorizes the town clerk to publish and post a help wanted advertisement for a civil engineer. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #631

Councilman Dunleavy: "Classifies action and declares lead agency on change of zone for Aquebogue Mews (AAA Buffalo 2 Realty Corp.) and refers petition to the planning board. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #632

Councilman Buckley: "Grants a special use permit petition of Jane Wanat - prefabricated residential building. So moved."

7/15/2008

Councilman Wooten: "And I'll second it."

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

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

Resolution #633

Councilman Wooten: "Grants a special use permit petition of Dr. Gerald Weber professional office. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #634

Councilwoman Blass: "Authorizes the supervisor to execute an agreement authorizing the town to accept funds from Suffolk County Office for the Aging to supplement the town's expanded in home services for the elderly program. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #635

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement authorizing the town to accept funds from Suffolk County Office for the Aging to supplement the town's residential repair program for the elderly. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #636

7/15/2008

Councilman Buckley: "Authorizes the town attorney to execute a stipulation discontinuing action, North Fork Knolls I, LP v. Town Board of the Town of Riverhead. So moved."

Councilwoman Wooten: "I'll second it."

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

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

Resolution #637

Councilwoman Wooten: "Authorization to publish advertisement for propane for the town of Riverhead. So moved."

Councilwoman Blass: "Seconded."

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

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

Resolution #638

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law for the addition of Sections 52-22 through 52-27 inclusive to Chapter 52 entitled Building Construction, Green Building Construction and Certification regarding new town owned buildings and facilities of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #639

Councilman Dunleavy: "Extends the bid contract for landscaping items for the town of Riverhead. So moved."

Councilman Buckley: "Seconded."

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

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

7/15/2008

Resolution #640

Councilman Buckley: "Waives the requirement of the submission of site plan security pursuant to Sec. 108-133(I) of the Riverhead town code. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #641

Councilman Wooten: "Authorizes town clerk to advertise for bids on a used double drum static compactor. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #642

Councilwoman Blass: "Authorizes the town clerk to publish and post notice to bidders for electric motor emergency repair/replacement for use by the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #643

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement with Air Mark Air Conditioning Corporation to maintain heating, ventilation and air conditioning systems at the Riverhead Town Animal Shelter. So moved."

Councilman Buckley: "Seconded."

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

7/15/2008

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

Resolution #644

Councilman Buckley: "Authorizes the town board to designate and appoint Cheri Wirth as town board appointee to the Riverhead Business Improvement District Management Association's board of directors. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #645

Councilman Wooten: "Authorizes town clerk to publish and post notice of scoping hearing DEIS of the special use permit petition of Jul Bet Enterprises (Historic Village of Jamesport). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #646

Councilwoman Blass: "Adopts a local law to repeal Article XXV entitled Recreational District in Chapter 108 of the town code of the town of Riverhead entitled Zoning Sec. 108-124, 108-125 and 108-127. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #647

Councilman Dunleavy: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Sec. 101-7, turns. So moved."

7/15/2008

Councilman Buckley: "Seconded."

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

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

Resolution #648

Councilman Buckley: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Sec. 101-3, stop and yield intersections, railroad crossings, parking fields. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #649

Councilman Wooten: "Adopts a local law amending Chapter 95 entitled taxation of the Riverhead town code, exemption for cold war veterans. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #650

Councilwoman Blass: "Approves the Chapter 90 application of 400 Restoration Realty LLC benefit for SASS Foundation (Medical Research) and East End Breast Cancer Coalition. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #651

7/15/2008

Councilman Dunleavy: "Approves Chapter 90 application of St. John the Evangelist RC Church for a Chinese auction. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #652

Councilman Buckley: "Approves Chapter 90 application of St. John the Evangelist RC Church for a craft fair. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #653

Councilman Wooten: "Approves Chapter 90 application of Living Water Full Gospel Church for a craft fair and that's on August 9<sup>th</sup>. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #654

Councilwoman Blass: "Approves the Chapter 90 application of Larry's Lighthouse Marina for a boat show. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #655

7/15/2008

Councilman Dunleavy: "655 I'd like to table that and this is the one that authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 90 entitled special events of the Riverhead town code. And I request that it be tabled."

Councilman Buckley: "And I second that."

Supervisor Cardinale: "Okay. Moved and seconded to table. Any particular reason?"

Councilman Buckley: "We had a meeting with the Agricultural Advisory Committee last night and there's still some issues that we'd like to iron out."

Supervisor Cardinale: "Okay."

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

Resolution #656

Councilman Buckley: "Accepts offer from the Business Improvement District Management Association for a riverfront pavilion. So moved."

Councilman Wooten: "I'll second it."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy."

Councilman Dunleavy: "Yes. I really think this is a good idea and I hope that we come to conclusion with a good location. Yes."

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

Resolution #657

Councilman Wooten: "Ratifies attendance of employee at Leed Certification Training. So moved."

Councilwoman Blass: "And seconded."

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

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

7/15/2008

Resolution #658

Councilwoman Blass: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Okay. That concludes the resolutions before us. If there's any comment on any matter that you'd like to make? Marty, come on up. Anyone else, please follow. Yeah, Marty, go right ahead."

Martin Sendlewski: "Good evening. Martin Sendlewski. I'm actually standing in for Jodi Giglio for the Riverhead Business Alliance."

Previously in the meeting tonight, there was a mention that the News Review had something wrong about there not being a public notice about something. I don't remember particularly what it was.

And there was a comment that the board wouldn't take certain actions without public hearings. The Business Alliance is concerned about something that we've been sort of monitoring and we understood that there was from the June 25<sup>th</sup> work session, there was a discussion regarding parking for the courts.

And at that work session it was stated that there was a plan sent to the county and there was going to be a resolution done tonight. Now I know that it's not on the agenda. We were originally coming here to discuss the resolution but we do have concerns as a business association as to what's taken place here.

When we heard that there was something sent to the county, the Business Alliance went to the town clerk and requested a copy of the correspondence and the town clerk's office said they were not aware of any correspondence for a plan that was sent to the county. So it did not go through the town clerk's office and, therefore, there's no record of it in the town clerk's office.

After that we contacted the parking district committee and the BID and we asked them for their input on the plan that was sent to the county and they were not aware of it. They were not notified of it, they were not aware of the content of the plan and supposedly this was a plan that was sent out to the county to ratify the use of town parking for the parking- "

7/15/2008

Councilman Wooten: "Did you say the BID or the parking district? Which one did you say?"

Martin Sendlewski: "Both. We contacted both of them.

The RBA also contacted the chief clerk at the county courthouse and they were not aware of the plan that was sent.

So one of the things that the Business Alliance tries to do is to (a) monitor the stuff, find out what it's all about, get the facts, and get it out to our membership. Get it out to the businesses in general in Riverhead.

We've had a lot of trouble trying to get the facts of this because for some reason none of these facts are available. None of the committees have them. And nobody has what the plan is."

Supervisor Cardinale: "That's because you're chasing a rumor which you've created. There was-- you could look a long time but there's not-- you're not going to find correspondence that didn't occur.

What there has been going on in this town for the last four years, more than that, since 2000, a resolution was passed during the Kozakiewicz administration which I objected to that agreed that they would supply a certain amount of parking and the provision of that parking has been under discussion for eight years.

The courts are going to open fully, they're about half open now as you know. Part will open in '09 and part in '10. And there's been continuing discussion between the town of Riverhead and the County on what happens if more than the 253 parking spaces created at that parking lot are necessary. Where would we direct parking to-- overflow parking if necessary to go?

We don't believe it's going to be necessary but between 9 and 11:30, there is a crush for court parking and if that would occur, we're discussing where it's going to go.

No decisions have been made. These discussions have been with the engineering department and the town board and the supervisor's office. They have not reached the level or the determination of going to anybody else at this point including the parking district committee which is an advisory committee and has no authority, elected or otherwise. They are simply individuals that assist us if we ask for their advice.

The-- if-- we're going to be discussing this issue as we did at a previous work session at a work session within the next month because the deputy county executive, Jim Morgo (phonetic) is

7/15/2008

interested in what happens if he opens the courts in '09, four courtrooms; there's nine open now, there's going to be four more in '09, five in '10, and we're wrong about what parking we provide.

We're under discussions now with possibilities of having accessibility for leases on private property, Suffolk County National Bank's overflow lot among them, but there isn't— there's proposals but there's no plan.

Before any plan is adopted and resolved, there would be a subsequent discussion at a work session and that would occur probably in the next month. I will let you know personally so you will know, you know, the Business Alliance.

Then there would have to be a resolution placed on the agenda so that you could comment on it again so— and I think the concern was that one of the things proposed and the information is incorrect, is that if we're trying to— we have about 300 parking spaces. The county maintains we need more like 500 to 600 and the old resolution cites 600.

So the question is if we need them, where do we find them? A lot of the 200 or 222 we've identified through engineering would be on private property. There are a couple of instances in which and you should be aware and I think you are, Marty, that 400— there's supposedly 476 extra parking spaces in town according to the urban renewal update generic environmental impact statement and the engineers.

So there are certain spaces in town, for example, up against the north line of the north parking lot that are rarely used. We might, between 9 and 11:30, designate those parking lots for the Supreme Court. That hasn't been determined yet because the plan— it's been reviewed but not approved by the board yet.

So, believe me, before anything's done, we will run it by the BID— the parking district committee for advice, we will discuss it at work session and we will have it on for a resolution which you'll be able to talk about. We're not going to sneak anything through here."

Councilman Wooten: "Not only that, but with the Vintage Square project, it's possible that they're going to absolve the town of that."

Supervisor Cardinale: "That's correct. That's another issue. If that ever happens— "

Councilman Wooten: "So that may be a moot point."

7/15/2008

Martin Sendlewski: "One of the concerns is that we maintain a library of every work session on tape and at that meeting, the meeting on whatever date I said- "

Councilman Wooten: "It's been discussed- "

Martin Sendlewski: "-- it said there's going to be a resolution tonight and that was stated- you can play back the- "

Councilman Wooten: "I heard that, too. I didn't see anything."

Supervisor Cardinale: "And we didn't have it because we- I talked to Kenny. Largely we don't have it because I had hoped to have it for the Thursday work session but Kenny was off last week, our engineer of the year did take a vacation."

Martin Sendlewski: "I happen to have a lot of copies if you'd like copies of the plan. Because we have copies of the plan."

Supervisor Cardinale: "I've seen it and so has every member of the board. That's not a plan. What that is it's a proposal of where we would locate the 200-300 additional parking spaces that the county believes are necessary and we don't.

I hasten to advise and bring forth that nobody on this board, not one of us, including me who was on the board at the time in 2000, approved that resolution but we're honoring it because- we're trying to honor it because we're trying to bring activity to downtown.

So, come on everybody, come on now, let's get together. You know, everybody love one another. We are doing this for the downtown area. If you want the county not to put the courts or better yet take the jurors out of town, we want to hear about it because it's okay with us if it's a downtown community."

Martin Sendlewski: "No, no. That's not the case. But what we have is dated July 14<sup>th</sup> and it says it's Suffolk County Court proposed parking plan. And this is it. We got this from here, this building."

Supervisor Cardinale: "Yeah, proposed parking plan is what it is. It's 222 parking spots we've located and they may not be- it may not be the final plan. For example, one of your own members, Mr. Fedun, in an-- understanding how important it is for activity to be taking place down town, has recently suggested that he has a three-quarters of an acre parcel that might be appropriate for parking."

7/15/2008

Councilman Wooten: "Marty, can I get a copy of that?"

Supervisor Cardinale: "And he would probably gift it to us for that use I'm sure because that's the kind of guy he is. And we're all going to stand together and we're going to say, what is that song- Come On People, Smile On Your Brother, Everybody Get Together Try To Love One Another Right Now. Because we're all in it for the same good reason."

Marty Sendlewski: "Just so you're aware, we did- the Business Alliance had a meeting today and we did have members of the parking committee at the meeting."

I will tell you this, that the parking district members object to the use of the parking district parking spaces because they pay taxes on those parking spaces. I know they're only for a short time supposedly, but still they are parking district taxpayer parking spaces, so those- "

Supervisor Cardinale: "Yeah. We don't exclude you from the 253 car lot you didn't pay for."

Martin Sendlewski: "I understand that. But I mean, but also the- "

Supervisor Cardinale: "Come on people, try to love one another."

Martin Sendlewski: "Right. But also there's the Railroad Avenue, north side of the railroad, and if it was enforced, not that, we don't know how the parking is going to pan out. But if it was enforced, that would mean really if somebody wanted to commute, they couldn't park at the train station. Because all of those spaces are included."

And then what we did also, one of the- just out of curiosity because this is what the Business Alliance does, we looked at this and we reached out to some of our members and asked them how they were affected, and one of our members happens to be the Vintage Group.

So we called them and said what do you think of the plan. And they would say what plan? We're actually reviewing a contract to buy that property. How could that be part of a plan to go to the county by resolution to designate it county parking if they're in a contract to buy it?"

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

Martin Sendlewski: "The big piece, the new parking lot- "

7/15/2008

Supervisor Cardinale: "Because their contract- what an asinine response. Their contract requires that if they were to buy that piece, they would have to provide 600 parking spots for the county. So, yeah, they could have that piece for the money they promised, they have to provide parking."

Martin Sendlewski: "I guess the confusion is is that if there was going to be a resolution which- and I mean- "

Supervisor Cardinale: "Well, there isn't one."

Martin Sendlewski: "-- we're not making that up. It's on the tape of the meeting. We have a library of the tapes and I can play it for you digitally. That's what was said at the meeting. It's on tape."

Supervisor Cardinale: "And it would have been on the work session Thursday and on the meeting tonight if Kenny hadn't been out last week."

Martin Sendlewski: "I can find the tape. It's not really a big deal. But it was said on the tape that there was going to be a resolution tonight and it was said that there was something sent to the county. That's what was said."

Councilman Wooten: "Trust me. There's a lot of things that are supposed to be on the agenda and are not. It's not uncommon."

Martin Sendlewski: "At the work session video and if you play back the video of the work session, that's exactly what was said."

Supervisor Cardinale: "We know that. But we're saying- I'm saying that had I been able to get it on the work session Thursday, we would have had a resolution to consider tonight and we would have taken comment on it."

We're going to have a work session within the next few weeks, probably within the next 30 days, certainly maybe within the next 15. You should come, you always do, and then you'll listen to us. Then we're going to have a resolution proposed and the resolution is going to be commented on, just like you did now, and we're going to take everything into account and try to do what's best for the town."

Martin Sendlewski: "And if it does designate utilizing public property even other town parking that the businesses use, not necessarily parking district businesses but any business, it really should be something that you may want to have a public hearing just so that you get the word out to everybody that there is a public hearing- "

7/15/2008

Supervisor Cardinale: "According to the county, we're committed since 2000 to provide this parking. I, again, didn't vote for it but their position is that we're committed now to provide the parking. So the question that will be before us is where do we provide it? Not whether we provide it. Unless you want to involve yourself in litigation."

Councilman Wooten: "But we do so only- "

Supervisor Cardinale: "Well, that's what I think."

Councilman Dunleavy: "Now, Marty. I'm liaison to the parking district. I know that they pay taxes for those stalls. I will protect them as much as I can because they do pay taxes for those stalls. Those 11 stalls or 12 stalls that they were talking about, we have to discuss at another work session before a resolution is brought before the town board here. Okay?"

Martin Sendlewski: "Also, the last thing I would comment on is that as part of that meeting today, all right, you had mentioned that, you know, Pat has property and I know where that's located, it's a pretty good location."

Mr. Tuccio who's a member of the parking committee, came to the RBA meeting today and he has property on the south side of Main Street adjacent to some property I think that's being appraised for possible parking from what I understand. I'm not sure what's going on there. But there could be a good block of parking on the south side of Main Street and some other--there are some other-- in other words, the parking committee and some other people have some ideas and that's why we're asking you to involve us- "

Supervisor Cardinale: "We could use- we'd be happy to have them."

Councilman Dunleavy: "I think that's a good reason for them to write us, give us their ideas so if no one shows up at one of our meetings, we'll have it written."

Councilman Wooten: "There's nothing on the south side of Main Street- "

Martin Sendlewski: "We were just concerned that if there was going to be a resolution tonight, that there was no discussion about it."

And, lastly, just two separate things. We haven't- the- we requested actually of the I believe of the town attorney's office, that there are people that are involved with restaurant owners, because we're not experts but we're just the business association,

7/15/2008

we have members of the association who want to participate in reviewing the legislation for the restaurant definitions and they--there hasn't been any dialogue generated back and forth. They really would like to have some input on it if there's a chance to do that. I just wanted to make you aware of it."

Supervisor Cardinale: "We understand and we'd be glad to have it. However, we haven't seen any revised definitions yet. I keep asking for it."

Martin Sendlewski: "I think they'd like to be involved in the process. In other words while they're doing the revision, if they can just at least give you some ideas because they're restaurant people. They know what this is all about."

Supervisor Cardinale: "Yeah, Prudenti is working on it. She's going to show it to the town board. The town board is going to give it to you. If you have any suggestions, we'd be glad to have them."

Martin Sendlewski: "Thank you."

Supervisor Cardinale: "And we'll go from there."

Councilman Dunleavy: "And she has Jodi's phone number, so-- "

Martin Sendlewski: "Yeah, they've been in contact but I just wanted to emphasize that there are a lot of restaurant people that would really like to have some input because some of the feedback from the business people is maybe a little bit different than some of the thoughts of the people that are writing the code. It's not that they're doing a bad job writing the code, it's just that they're afraid."

Town board members and attorneys, they're not restaurant people and we don't even know it but we have members of our group that know it and they would like to help you out."

Supervisor Cardinale: "Thank you. Any other comments? If not, we will adjourn-- yes, go ahead."

Vince Tria: "Maybe as of about 10 minutes ago I thought that I was the chairman of the parking district advisory committee. So tonight if I understood Marty right, there was a meeting today of the parking district. John, you're the liaison."

Councilman Dunleavy: "No. I think he said-- "

Vince Tria: "It's on tape."

7/15/2008

Councilman Dunleavy: "I think he said that they spoke to several members of the parking district. I did not know of any meeting today."

Martin Sendlewski: "The Riverhead Business Alliance (inaudible), and we reached out to members of the parking committee. One of them happened to be (inaudible), was at our meeting and we talked to him about- "

Vince Tria: "Yeah. But if you're going to reach out to a committee, it would be nice to go to the chairman of the committee."

Martin Sendlewski: (Inaudible)

Vince Tria: "And I think it's wrong for a split committee to talk for us."

Supervisor Cardinale: "I appreciate your point. Let me say this and I hope I say it on behalf of every member of this board. We all agree and love advisory committees. Okay?"

We love advisory committees because they help us with our work. They are no better than the advice they give. So when I look at an advisory committee, I don't see personalities, I see advice. Give me some good advice, give me some good ideas, I'll follow it. If you give me dumb ideas, I'm going to give you no respect.

So let's have some good ideas. We'll be very glad to look at them. I'm not interested in who's the chair and who's the vice-chair and who's the president, who's the vice-president and who is disrespectful to the chair or vice-chair. Okay?

So let's try and get some good ideas because that's what counts for the town.

I'm not going to sing again. Come on people now, smile on your brother, everybody get together."

Ed Purcell: "I heard mentioned Vintage. What's going on with Vintage?"

Supervisor Cardinale: "They have 'til what date, December?"

Ed Purcell: "You know."

Supervisor Cardinale: "I don't know what's going on. I'm rooting for them. If I could wave a magic wand and have it there, I would be happy. But many a slip between cup and lip. Thank you and I'll see you for the next work session."

Councilman Dunleavy: "Thank you."

7/15/2008

Supervisor Cardinale: "Many a slip between cup and lip."

Meeting adjourned: 8:53 p.m.