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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, June 3, 2008 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "All set, Barbara?"

Barbara Grattan: "All set."

Supervisor Cardinale: "Okay. We are about to begin the June 4th- 3rd meeting of the town board. I'd like to begin with the Pledge of Allegiance and Tim Gannon will, with his melodious voice, lead us."

(At this time, the Pledge of Allegiance was recited, led by Tim Gannon.)

Supervisor Cardinale: "Okay. We have approval of minutes from May 20th. Will one of the Council people offer it?"

Councilman Dunleavy: "I offer the minutes."

Supervisor Cardinale: "Second, please?"

Councilwoman Blass: "Seconded."

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

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

Supervisor Cardinale: "Would you tell us about Reports, Applications and Correspondence please?"

REPORTS:

Receiver of Taxes Total collections to date:
\$76,430,230.74

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Town Clerk Monthly report for May, 2008 total collected \$9,060.07

Sewer District Discharge monitoring report for April, 2008

APPLICATIONS

Special events permits Martha Clara Vineyard LLC - July 20 - Sept. 14, private and charity functions, fundraising and tasting room overflow

Martha Clara - July 26 & 27
Fundraiser for March of
Dimes & Riverhead Food
Pantry

East End Arts Council - July
5, 12; Aug. 9, 2008 - wine
press concert series

Irish Cultural Centre of LI
July 18, 19 & 20 - 11am to
11 pm - Irish Cultural
Festival

Special permits Wieslawa
Steizel - bed and
breakfast - s/s of Sound
Shore Road

Parade permit Riverhead
Community Awareness Program
- June 6
@ 9:30 am

East End Voter Coalition -
June 14 - 10:30 am

Jamesport Fire Department
10K race - Aug. 24

CORRESPONDENCE:

Richard Wines Re: in support of the request of Jedediah Hawkins Inn

Barbara Grattan: "That's it."

Supervisor Cardinale: "We have a series of public hearings between 2:10 and 2:35. I believe the 2:25 hearing is going to be adjourned but when we get to it, I will-- or maybe I'll do it right now if I get the attention of the town attorney."

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But the first town hearing is at 2:10 and it's 2:29 so we can begin that hearing.

But before I do that and while she's finishing, anybody on the board have a committee report or announcement?"

Councilwoman Blass: "I have one, Mr. Supervisor. Thank you from the energy committee just reminding everyone that we're having a seminar or the committee is sponsoring a seminar at the Riverhead Library this Thursday evening from 7:00 until 8:30.

Representatives from National Grid and LIPA will be there, and it's primarily for energy conservation in the home and they'll be talking about the (inaudible) pioneer program and others and it's a lot of information, so I'm encouraging everyone to attend.

Thank you."

Supervisor Cardinale: "Thank you. We have a 2:25 hearing. Are we adjourning that, Dawn?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Okay, so the 2:25 hearing, if anyone is here for that, we are going to adjourn it. There was a problem with the text and we're going to have to re-advertise. Other than that, we intend to do the five other hearings and the 2:10 hearing is for the consideration of a local law amending Chapter 86 entitled Rental Dwelling Units."

Public hearing opened: 2:29 p.m.

(Unidentified): "Let me ask about the 2:25 hearing. It's going to be adjourned to (inaudible) are not available to comment, their comments be given today (inaudible)."

Supervisor Cardinale: "It's going to be a different text apparently so let me ask the town attorney."

(Inaudible comment)

Supervisor Cardinale: "There will be some changes made. That's why we can't have the hearing. So what I'll- we'll re-notice the hearing and you could either send in something in writing or attend as you prefer but you'd then be commenting on the text that we're considering. We're not considering this any longer."

(Inaudible comment)

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Supervisor Cardinale: "Yeah, it would be on the- we'll pass it on the 17th probably for a hearing what would be- two weeks- the second meeting in July- third Tuesday in July, that would be our intention.

Okay, anybody else for that hearing, we can get you going if you were here for that hearing.

Otherwise, on the 2:10 hearing, could you tell us what the change is, Dawn, that's being requested?

Actually, I can because I have it open. It is to Section 4 of 86-18 A(4), and it is a technical change simply allowing the presumptive evidence of more than one electric meter to- except for and may be permitted by the building department administrator or his designee as set forth in an additional section of the code.

Could you tell us the purpose of this one?"

Dawn Thomas: "Our code- I spoke to Mr. Barnes this morning and our code requires anybody who wants to put two meters on a residential property to get approval from the zoning board of appeals.

This would in our rental law allow the building department to exercise discretion in determining whether or not a zoning board variance would be necessary to look at the maybe they want a meter of a garage separately or maybe they have a separate meter for solar panels or some other legitimate purpose that would make them need to do that."

Supervisor Cardinale: "Okay, thank you. Does anybody want to comment on this proposal?"

What it would do is add latitude- discretion to the building department inspector to permit two electric meters on a residential single family if he was convinced that it was not a second apartment but a legitimate use such as a garage or solar panel or something of that nature in an outbuilding.

That's what she said. Anybody have a comment on it? Okay. If no one has a comment, what I'll do is I'll leave it open for written comment for 10 days from today which will be, let's see, the 13th at 4:30 p.m. The 13th of June. It being 2:33, I'll call this hearing closed except for the written testimony that you'd like to submit between now and the 13th."

Public hearing closed: 2:33 p.m.
Left open for 10 days for written
comment to June 13, 2008 at 4:30 pm

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Public hearing opened: 2:34 p.m.

Supervisor Cardinale: "And the 2:15 pm hearing is for the consideration of a local law amending Chapter 52 entitled building construction and that local law is- "

Councilman Dunleavy: "The second page."

Supervisor Cardinale: "Yeah. The- it's the same change in a- that other section and adds that the building department administrator or his designee unless the applicant can demonstrate that the location of the principal structure to the accessory structure is such that the electrical service requires two or more meters, and the applicant completes an affidavit attesting to single family use in conformance with the applicable zoning district. So this allows for the application for two upon the showing that you can demonstrate that the location of the principal structure and the accessory structure is such that they need two meters and the applicant completes an affidavit attesting to his use is single family.

So similarly it gives a little more latitude to the building inspector to say something other than no.

Anybody want to comment on this? It's 2:34, we're opening and we're ready for comment is there is any such.

If there is not, again, I'll leave this open for written comment 'til the 13th of June at close of business, 4:30 pm, and move to the third hearing."

Public hearing closed: 2:35 p.m.
Left open for written comment for
10 days to June 13, 2008 at 4:30 p.m.

Public hearing opened: 2:35 p.m.

Supervisor Cardinale: "-- scheduled for 2:20. It's 2:35. This one considers a local law amending Chapter 108- 108-3 entitled definitions word usage Article I-F general provisions bar or tavern where we define certain terms that had not been defined previously.

And those terms are the following: Bar or tavern previously undefined in our code is specifically defined; bistro previously defined in a few words is defined in a few more; and certain definitions no longer relevant are- to our code, are crossed out.

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Restaurant— drive-in restaurant and restaurant are crossed out and we re-define restaurant, restaurant fast food, restaurant take-out.

So there's four— there's four— five different definitions: bar or tavern we're defining-- bistro, restaurant, fast food restaurant and take-out restaurant.

Anybody want to comment? Please come up, Charles. Oh, Charles and then the young lady, Jody."

Charles Cuddy: "Charles Cuddy, Griffing Avenue, Riverhead, New York."

Councilman Dunleavy: "Mr. Cuddy, I don't think that's on. Hit the front."

Supervisor Cardinale: "Just hit it and we'll tell you if it's on. No, I don't think so. We're going to check it. Hit it again. Yeah, that sounds like it might be on."

Charles Cuddy: "All right. Can you hear me now?"

Supervisor Cardinale: "Yeah. That's about as good as it's going to get."

Charles Cuddy: "I'm here specifically to talk about the bistro portion of this new proposal.

I believe that the bistro portion is aimed at an applicant presently before the town and if that's the case, then it's an applicant I represent. I would have hoped that the board would have come to me or to the applicant instead of trying to make new law. We would have been happy to try and work out some sort of compromise or some sort of condition that would have established what you are looking for.

I don't think every time there's an upset or an objection that we should have a new code or a new code provision.

But getting down to the actual language that you use, I'd like to point out to you that it says 50 seats in a maximum seating area of 750 square feet where food or drink are prepared or served. That would appear to me to be saying 750 square feet both for the tables, for the chairs and for the kitchen. If that's true, that's way beyond a reasonable code provision.

I would hope that it doesn't mean that but it says that."

Supervisor Cardinale: "Well, I'm not as sure of either of those, Charles. You and I discussed this as you know.

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If you- what it is intended to say is an established bistro defined, an establishment, comma, we will add limited to 50 seats in a maximum seating area of 750 square foot, comma, where- so an establishment where, blah, blah, blah."

Charles Cuddy: "Okay."

Supervisor Cardinale: "So what we're trying to say is that there's 750 square feet of seating area. As you know, 50 seats times 15 which is the requirement, that's what we really intended, and we're just clarifying.

Because if you look at the bistro cafe definition previously, we said 50 seats or less but now we're making it clear about what we mean by 50 seats or less.

So do you have any other objection? If I put a comma after the word establishment and a comma after feet, it will clarify what we're getting at."

Charles Cuddy: "I still think there's a mistake but I'll get to that in a minute."

Supervisor Cardinale: "Okay."

Charles Cuddy: "I also would point out that below that you have 10% of the area may be used for a bar. Is that 10% of the 750? And if it is, then do you take away 75 feet so you have 675? It's not clear what you're talking about.

And let's talk about the 750 since that's what you brought up. The 750 I believe comes from the state code about ingress and egress. Each occupant gets 15 square feet times 50 is 750 but that's not the maximum, that's the minimum.

So what you're doing if you cut one foot off that, essentially you'd be violating the state law. The state law says you need 15 square feet for table and chair type situations. That, again, is a minimum number.

What you've done is you've made it the maximum number and I think that's wrong. I think that you should have a reasonable area whether it's 1500 square feet, 2,000 square feet for a bistro, and then if you want to limit the seating area, do so. But don't do it this way because this just leaves open a lot of questions.

How big is your kitchen? How big is the site? Do you have something when you come in, do you have a display of something. You've really confined it and I'm not sure why we need to micro-

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manage that much. So I would hope that you would take a second look at it."

Supervisor Cardinale: "What was the— those who worked on this, the— we could say the minimum seating area of 750 square feet. But what was the point of this? To make sure that the bar— it wasn't a bar, it was a bistro? Was that basically the point to— this clarification is supposed to do what? What's the— "

Dawn Thomas: "Anne Marie Prudenti— "

Supervisor Cardinale: "Anne Marie Prudenti worked on it. I'll look— I'll take a look at that but I think they do mean minimum. I don't think they would care if you had 1500 square feet to have tables and chairs. In fact, it would be nicer. But I think what this was intended to do was to make sure a bistro wasn't a bar by another name."

Charles Cuddy: "I don't think that's too much of the issue."

Supervisor Cardinale: "Yeah."

Charles Cuddy: "I think the issue was we're confining it, we're essentially conditioning this upon a certain size and I think that if you want to say that the seating area should be so big, that's fine but let's talk about the seating area, other areas of the site and what you might do. You're certainly going to have a kitchen, you're going to have some areas that you're going to need more space in. And I think this is very small to do that. And I don't think it's necessary. As I said, if this was aimed at an applicant, we could have worked something out, I'm sure."

Supervisor Cardinale: "I don't think that it was necessarily because it's definitional throughout the town. But maybe we could ask Anne Marie Prudenti before we pass it exactly why this clarification was necessary and I will do that."

Charles Cuddy: "I would hope that you would not pass it in this form."

Supervisor Cardinale: "I don't think we will but thank you."

Charles Cuddy: "Thank you."

Supervisor Cardinale: "So we could to talk to Anne Marie I guess at work session."

Okay, anybody else want to comment on the proposed definition? There's a lot of other ones, there's five of them there."

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Jodi Giglione: "Good afternoon, Mr. Supervisor and Members of the Board. My name is Jode Giglione, I'm the president of the Riverhead Business Alliance.

I became aware of this legislation and immediately started notifying restaurant owners throughout the town of Riverhead and bar owners and tavern owners to advise them of this change in local legislation.

I believe that it is the position of this board to determine where restaurants, bars, taverns and fast food places should be placed in the town. However, I don't believe that the inside of the restaurant and how many bar stools versus restaurant seats or what have you should be a determining factor and should be called out for in the code.

The restaurants and the bars and the capacity within those restaurants and bars is determined by the fire marshal and he says what the capacity of any given place should be and that it can't exceed that certain capacity.

With as far as the amount of seating for bar stools and restaurant seats, that is determined by the Suffolk County Department of Health Services. The Suffolk County Department of Environmental Health Services who has environmental engineers to study this and they have a code and since 1983 they have been reviewing these applications to determine the impact on the environment for the number of seats, either they restaurant or bar.

So I believe that the environmental engineers who designed that code are capable of determining what the environmental impact would be.

And, of course, we appreciate this board in (inaudible) the parts of town where a bar is suitable, a restaurant is suitable, a fast food restaurant is suitable and you have done a master plan and you have done that. So, we thank you for that.

As far as the terminology of the legislation, there's quite a few problems that I see with it and one of them as Mr. Cuddy had stated is the limiting of the square footage that a restaurant can be. Because you're basically saying that if you have a 1500- if I as a property owner owns a 1500 square foot building and the property is zoned restaurant or bistro, I can't have a restaurant or bistro there.

So as a property owner and trying to lease the space, you've restricted my business capacity and what I can use by building for, even though it may be zoned for that.

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As far as the bar area— in bistro, as far as the bar area being restricted to 10%, I understand now what the purpose of that was in this code but I don't know what the purpose of the change of this code in its entirety for the bar, tavern, bistro restaurant is, who initiated it and who actually wrote the revisions to the code. I was just curious if anybody could give me an answer on that."

Supervisor Cardinale: "Yeah. Anne Marie Prudenti was the drafts person. But let me point out something that's inconsistent with what you said.

Not only— the town through its zoning indicates uses. That's correct. However, apparently the town through its zoning indicates uses of bar or tavern, bistro, restaurant, fast food restaurant, take out restaurant, and it is only logical that one would want to get the best possible definition of the distinction between those five kinds of restaurants because then you'll know what we're talking about. If we don't have good definitions of the uses, you don't know what the heck we're talking about.

So I think Anne Marie Prudenti looked at our code and she said, you know, you look at these definitions of these restaurant type businesses, you don't know— how does a bistro differ from a tavern? How does a fast food differ from a take out? And that's what this is trying to do, to clarify that."

Jodi Giglione: "We've met with a few members of our— of the Riverhead Business Alliance as well as the board of directors and like I said we have weekly meetings and we've gotten a lot of input back from some of the restaurant owners, and we've drafted our own legislation that we think would address what a bar, tavern or bistro, restaurant, restaurant/fast food, restaurant take out— "

Supervisor Cardinale: "Good."

Jodi Giglione: "-- and it's very simple language and it's consistent with what other towns have and I'd like to submit it for your consideration."

Supervisor Cardinale: "Good. Great. It might be better than ours. As long as it's clear. I think that was our intent."

Jodi Giglione: "Okay. So, moving down along the lines to what you have proposed for restaurant, where it reads an establishment kept, used, maintained, advertised or held out to the public as a place where the primary business is the service of meals and suitable kitchen facilities and with sit down service to customers for the preparation and serving of food and beverages selected by patrons from a full menu. Customers must be served by a wait person.

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Does that mean that you can't have a buffet line where people can go up and get their own food?"

Supervisor Cardinale: "What definition were you just reading from?"

Jodi Giglione: "The restaurant."

Supervisor Cardinale: "It would mean that to me, yes."

Jodi Giglione: "Okay. So customers must be served by a wait person and the food must be consumed on the premises. So I guess if you wanted to order a take out dish for your son at home or your daughter, you couldn't do that because you'd have to consume the food on the premises?"

Councilman Dunleavy: "I don't- I agree with you. I don't know why that's in there. I've called restaurants and asked can I pick up something to bring out and why that would have to be an accessory use, I don't know what."

Jodi Giglione: "Okay. The facility must focus primarily on the preparation and serving of food and any other activities such as entertainment or the operation of a bar is ancillary to this purpose. No fee or a cover charge is required for entry.

Now, I know a lot of restaurants and I'm familiar with a lot of vineyards and I'm familiar with a lot of farmstands that charge cover charges during the harvest festival or the strawberry picking seasons and the people actually come to Riverhead. It brings them here, these restaurants that have this outdoor entertainment and it brings them to the farmstands and the farmstands are able to have their corn mazes and it's good for the farmstands and it's good for local business owners and it's great for restaurants to be able to have this outside entertainment, and a lot of times you get the people that are picking the pumpkins that don't necessarily want to go in and sit down and have a \$20.00 meal and a \$20.00 for their children.

So some of these restaurants and vineyards and farmstands have got dogs and they charge a \$5.00 cover charge and they charge a dollar for the hot dog and it allows them to pay for the entertainment to bring the people to Riverhead.

So I have a problem with that. I also have a problem with the section here that refers to that a bar, any area devoted to a bar, if any, can represent no more than 15% of the gross floor area.

Again, you're getting into issues that are governed by the fire marshal and by the Suffolk County Department of Environmental Health

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Services and if a restaurant owner wants to have a larger bar than restaurant such as Phil's in Wading River, or they want to have a small bar and a larger restaurant such as Jedediah Hawkins House, that should be the business owner's determination. He's in business to make money and he knows what's going to make him money and it shouldn't be a matter of this board telling him how to run his business.

So I have a problem— we, as the board of directors, have a problem with that.

It goes on to read that a special permit shall be required for seasonal outdoor seating and outside music or entertainment and I'm familiar with the special permit process and I know that from the time that you make application for a special permit to the town clerk, it could be three months before it's actually reviewed by the planning department and you get a public hearing before the town board for the special permit, and then it could take another six months to a year to actually get site plan approval for that special permit.

So I think that clause should be taken out entirely. I think that we should embrace the restaurants that we have that offer this. I understand that the board has to take into consideration the residences around these establishments and the decibel ratings from property lines if there were outdoor entertainment or making sure that their health permits are current, that they have the proper seating, that that is definitely a concern of this board. And you've done a great job.

We— but I think this is far too restrictive and I know that I've spoken to a few people and I've spoken to someone from Riverhead Resorts, I've spoken to a few other people that are looking to come into Riverhead and open up businesses and open up restaurants and this is a concern of theirs, too. Because how are they going to market their property to restaurants that aren't in existence, that want to come into existence, and they want to come to Riverhead?

And I think that downtown is a great place for restaurants and I think that you're going to scare a lot of people away with this legislation. So I'd like to say that and I'd also like to say that, give me a minute. Actually, I'll come back up because I know that there are a few other people that would like to speak about this legislation."

Supervisor Cardinale: "Thank you. Yes. Come on up."

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Larry Oxman: "Good afternoon, Larry Oxman, with offices at 1 East Main Street and 1747 Old Country Road doing commercial real estate.

I'd like to start by agreeing with Mr. Cuddy's comments and I think the key word that he used was micro-managed and I don't understand the basis of this legislation or this change of code.

I also applaud the Riverhead Business Alliance for coming up here and basically saying- giving their comments.

I don't understand it. I just don't understand why you're going through this detail. It's a food establishment, it's a bar. You should have some very simple regulations.

Limited menu? Is there such a thing as an unlimited menu? I don't know.

Ten percent bar. What do you consider the bar? Do you consider it the shelves behind the bar? Is it just the bar? Is it the bar stools? You can all figure it.

I can remember not too long ago that when Tanger came here that they talked about a certain percentage of his business being for accessories. Somehow that got reinterpreted at a later date. So in trying to be so specific, I think that you open yourself up for a lot of problems.

The Riverhead Business Alliance talked about a buffet. Buffets aren't in there. How about an automat? You know, you want to go on and on with definitions. There are so many different types of food establishments, it's easier to just say it's an eatery, it's not an eatery.

Applebee's recently- very close to my office and very conveniently has started this what they call a drive up service where I can call ahead. They take my order, a server comes out gives me my meal, I give him a credit card, give her a credit card, pay for it, I'm done. How do you define that? Is that take out? I don't know. It involves a vehicle. You have little parking spaces.

What's also interesting about this legislation proposed is that my guess is it will create pre-existing, non-conforming uses because some of the established restaurants or bars or taverns in this town may not fall under the new definition. Therefore, they become pre-existing, non-conforming.

I truly hope that that's not the intent of this legislation. I think that it certainly can be cleaned up. It should be simplified, not complicated. And I trust that you will do the same.

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Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Yes, next, please."

Ferderick Terry, Sr.: "Hi. I'm Frederick Terry, Sr. I'm formerly of Baiting Hollow before the hamlet lines got moved by some legislator. I presently am between Baiting Hollow and Roanoke Landing. I represent (inaudible) and the oldest family in the town of Riverhead.

I just want to para- I haven't met Jodi. She called me yesterday but she articulated herself so well that I don't feel that it's necessary to go back through the specifics of the legislation. And she, I'm sure with others, would be- will be able to offer something specific that is a little bit more palatable to the business people here.

Just as a general rule, I'd just like to let you know, the- I hear a lot because I've been in the restaurant business for 44 years. I started the Lobster Roll in East Hampton in 1964 and I built the Northside 10 years ago and I hear a lot of the real estate mavens sitting at tables and the attorneys cutting up the eastern towns, very big people, and I overhear what they hear and so on.

And I'm hearing some very good things now. One of the reasons- Riverhead used to be a pass through town up until two or three years ago. You really didn't use- Riverhead was not a destination. Riverhead was kind of a place to pass through while you are on your way somewhere else and I'm beginning to hear a very, very different tone out of the individuals that I see now as our clientele.

Maybe my clientele has changed a little bit. I have seen a discernable change in the demographic characteristics of our customers on Sound Avenue and some of that is the good fortune of having Route 58 being over-developed so that everybody goes down Edwards Avenue and then drives by Jonathan and myself and patronize our restaurants which is a wonderful thing.

I guess the only other stop between us and Mattituck is Weigert's deli which is for sale if anybody would like to perhaps (inaudible). We probably are the only two- and I know Jonathan will parrot this- relief stations from William Floyd to the town of Mattituck and I have a policy where we've never refused anyone a bathroom. Probably 20% of our parking on any given Saturday or Sunday are people using the restrooms or traversing the 25 miles

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where there are none. So just to give you a flavor of what's happening there.

We're seeing a demography now that is using Riverhead as a destination. They love the wineries. They are all sitting back and wondering what's going to happen to the downtown which I consider a jewel. My dad ran the Riverhead laundry corporation which actually is the building next to the McDonald's in Flanders. It's the McDonnelly Motors building and I spent my youth in the laundry business there. So we're very, very anchored in Riverhead and know what's happened in this downtown area.

It's an absolute jewel as long as you have certain things within the infrastructure to make this work, I think. And the one thing that absolutely got me about the definitive part of this proposal, is the outside dining. My God. Of all the things you would not want to touch on the east end of Long Island in the summer which really doesn't have an industrial infrastructure, really doesn't have an infrastructure where you're coming for some other economic reason other than beaches, wind, air, having farm field dust go through your head, sitting outside under a large tree.

I invested much to my chagrin, the house that the Lobster Roll occupies is across the street from the original Terry Farm in Baiting Hollow which was the first farm in Baiting Hollow and Mrs. Zdunko (phonetic) was my grandmother's closest friend. So when I restored that farmhouse, I kept the maple tree that my grandmother had planted with Mrs. Zdunko in 1910.

Because of that, we began to come under the gun of some new building codes, we had to lay steel, I had to then hire an arborist to save the tree. But I'll tell you this. That tree that people come to sit under because it's outside, which is one of the biggest most painful things that I ever did because it cost me \$50,000 to maintain that tree and the bugs fall off of it and the health department actually hates it and so on and so forth.

That has lured more people to that deck than you can imagine because it works, it just simply works.

Jonathan does a fall festival that's like a magnet, people love it. They love to come and enjoy the air and so on. Downtown, the key to the downtown is going to be outside dining along that riverfront. And if you start passing codes where little bistros and the little operators can't operate in a downtown area, you don't just want the TGIF's. You just don't want the Bennigans and you just don't want the Appleebee's.

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You want the Otto's and the Modern Snack Bars and you want the Jonathan's and you want the Fred Terrys. I have been in this business for so many years, I know what works and what doesn't work.

I was president of the New York State Restaurant Association for Long Island for 10 years. I'm on the board of directors of the New York State Restaurant Association and I have designed virtually every culinary and restaurant program probably in the state of New York. I was on the board of Regents for those programs.

My file on outdoor seating is very interesting because it starts with outdoor seating Ag and Markets Law, separate jurisdiction. Suffolk County Health, Winery Law- New York State Winery Law, New York State Catering Law, push carts, farmstands, Town of Brookhaven farmstand proposal '04, changes, and on and on and on. I'm constantly involved in the dynamic of this kind of thing.

Think very, very carefully before you pass restrictive codes. I fully understand the need for definitive work in this area so that you can legislate but I would not paint with a small brush in this particular area, particularly in these times because you will devastate the proprietors and you will enhance- the small proprietors, and you will enhance the chains. Because they're the only ones that are going to have the wherewithal to litigate against you, and they will, and prevail to put up seating and so on.

The first thing I saw when I saw this bar capacity, I have very large boys who just graduated from Mercy High School and I can't afford to feed them so I take them out a lot to places that eat a lot- you know, give you a lot of food. And we go to Diggers a lot. My first reaction was with the bar set back further- the definition of the bars and taverns is that Diggers is out of business. Because where to you define- and I love Diggers. Where does the bar stop and the dining room start and so on? It's just crazy.

What's happening- one of my big fear here, since we have an enhanced code enforcement in all municipalities now and we have a revenue stream that is declining because of a tax base, and hear well what I'm about to say. Is what's going to happen here is you'll pass highly restrictive codes and the code enforcement guy is going to sit there with the building department guy and say, you know what, there's a \$100 or \$500 fine on that and out he goes.

There was a little lady in- on Long Island two years ago who the SLA decided to prosecute because they have on their books a law where you cannot get up from a bar in New York State and walk outside your building. When you license your bar in New York State and you draw the map of your bar, if you don't draw the map of your

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yard and you walk outside the building, you're fined. They fined her \$10,000. They put her out of business.

There is no fee, by the way, Jonathan, (inaudible), there is no fee to license your yard. Baiting Hollow Commons is licensed. It's 1.8 acres. You can take a glass of wine anywhere. But I'll guarantee you, if the SLA, the right code enforcement person got a hold of that statute which we fought in the New York State Restaurant Association, and saw a revenue stream of a million dollars from all the little bar owners and restaurant owners around New York State, they'd go for it. And I don't want to see that happen in this town because you'll have anarchy on your hands. If you get into that kind of a highly restrictive mode.

I sit and have dinner every night on John Hallock's table. He wrote most of the laws in this town and I think it would be a great legacy to keep this in the-- keep the widest brush possible when you come to the definitive role, particularly looking toward code enforcement.

I don't know how you could possibly enforce some of the vagaries of that particular legislation that you're proposing here.

Thank you."

Supervisor Cardinale: "Thank you."

Martin Sendlewski: "Martin Sendlewski, architect, also with the Riverhead Business Alliance.

Jodi had provided you a copy of a draft that was put together by a number of business people in Riverhead for an amendment to the code. Really simple. Setting aside what you have that was written, and believe me, from what we've heard so far written without any input from business owners or bar owners, the information that was provided to you does a couple of things.

One, it breaks out very simply what a take out and a fast food is. Fast food is very simple to define. The definitions we gave you are very simple, similar to what you had written about the prepackaged food. It did add in there accessory uses play area like McDonald's has. If you're going to allow that, you might as well put it in there.

A take out. A take out up to 16 seats regulated by the County Health Department is a wet store. It's a retail store with up to 16 seats, is what a take out is. To confuse the matter by trying to put all this other language in the code, does not make any sense.

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Then when you get to the tavern or bar and the restaurant, what was done in this draft that was given to you, basically links the two together because they are linked together. For example, it says a bar or tavern, as establishment primarily engaged in the sale and service of beverages and food for on site consumption and take out without drive up windows— because I know you want to restrict drive up windows to more fast food restaurants, including indoor and seasonal outdoor seating which are also considered accessory incidental uses to a restaurant. So the bar can be part of a restaurant. The same definition can dovetail into the restaurant definition.

And you may want to have in there something like you're allowed incidental parlor games and live entertainment, whether it's indoor or outdoor. So now you've sort of defined what a bar is. It doesn't say you can't have it in a restaurant but at least it defines what that is.

Then the restaurant— an establishment primarily engaged in the sale and service of beverages and food for on site consumption and take out without drive up windows, including indoor and outdoor seasonal seating which may have an accessory incidental bar use. So the restaurant is simply a restaurant that dovetails into the incidental bar use.

And a bistro--a restaurant in parenthesis see restaurant. Limited to 50 seats. How easy is that? That's the type of legislation I think the business owners and the restaurant owners both on this matter and in future legislation hope that this town board as legislators will consider instead of again the initial comment of micro-managing and laying all of this stuff out there in the code when it's not necessary.

There's no reason that a bistro cannot be defined as a restaurant limited to 50 seats. End of story."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. If there's any other comment, we'd like to take it. Yes, in regard to this particular hearing."

Salvatore DiLiberto: "Salvatore DiLiberto from DiLiberto Winery in Jamesport. And I just wanted to echo the comments of Mr. Cuddy that if this is just an issue regarding an individual applicant, I feel it's inappropriate to pass a law.

I also want to say that I understand and appreciate what it's like to have your facility become a prior non-conforming use.

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Unfortunately on May 6th, the law was passed that made my facility a prior non-conforming use.

I think that the town has enough people available to them and all the committees that they have, that they could get the kinds of advice that was being given here today by the business owners themselves, and I wonder sometimes why the town does not refer out these matters prior to the time that the law is actually proposed. I think it would save everyone a lot of time and provide input from people who are really knowledgeable.

The town has the small business advisory committee. I don't know if this proposed law was ever submitted to them for comment or not. I doubt that it was. And I know that from time to time other laws are not submitted to committees that are supposedly there to advise the town based upon the experience and the expertise of the people who have been appointed to these committees. And I would hope that in the future that the town would, in fact, commit to giving all proposed legislation to an appropriate committee before they are actually proposed and people have to take their time and effort to oppose them.

Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. If there's any other comment, we'll take it. Yes."

Jonathan Perkins: "Jonathan Perkins, owner of the Cooperidge Inn.

I just wanted to thank the Riverhead Business Alliance for making we aware of such a hearing today.

The question I have is- I'm not really good at speaking like this, but why-- really, the big question is why- why the change? If it's not broke, why fix it? And what caused the town or the person- the committee to initiate a change? What was wrong before? That's what- the details. I know you mentioned about one thing but that seemed to open a can of worms going into- "

Supervisor Cardinale: "The change did not emanate from the board. It emanated from legal who felt that we needed clarification of the definitions to make clear the distinction between the types of restaurants.

You can do that in a number of ways. Frankly, what I've seen from the Business Alliance I believe is a better approach so we'll

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go- that's what public hearings are for. To get information, to go back- I think a lot of members of the board think simple is- more is less, simple is best. But this did not emanate from the board. It emanated from the legal department because they saw that we had in the old definitions a lack of clarity and some inconsistency.

But I don't like these definitions and I appreciate the comments. I think that we're trying to do too much. I think a lot of them are right on and we're going to go back to a work session and we're going to wind up putting a different statute together.

And the only purpose of it- it wasn't a policy issue. It was simply a clarification issue. So I'm glad everybody came out. I can tell you pretty much that we're not going to pass it in this form and if we do pass it, it's simply to clarify, not to set up new rules.

This was not intended to be an innovative or change. It was intended to be a simple clarification and apparently we've done too much and we've alerted the community that this- and I agree with a lot of the comments. That there's too much in these definitions. Definitions should be short and to the point and precise. And these are not any of that."

Jonathan Perkins: "My fear is that if the Riverhead Business Alliance didn't notify us of the changes, that this would have just been passed without any of us knowing."

Supervisor Cardinale: "Well, that's why we- "

Jonathan Perkins: "I mean- would have come before and sat down. No one would have been here."

Supervisor Cardinale: "That's why we have public hearings and so- and it's in the paper, it's- but I do think Mr. DiLiberto's point, it is a public hearing. All of them are notified to the public, they're on the website. But I think it would be wise for us to- before we put them on- we do do that with a lot of legislation. We've had a farmstand legislation kicking around forever in the farm committee. We have Chapter 90 legislation that has been- so this did- it should have been sent to the small business and they might have picked up some of the lack of precision in these definitions.

So there's been some very good suggestions but this was not a policy change. It was simply intended to re-state with greater clarity definitions. We certainly didn't do a good job of it so we'll look at it again."

Jonathan Perkins: "Okay. It would be directly detrimental to me. Obviously with a buffet, a lot of my business is Sunday brunch.

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It's probably our busiest day. Our fall festival I've been doing for nine years which to me is a great boom for Riverhead, I mean that whole strip. I mean there's so much involved here.

I just wanted to say in closing how about more, the town board to initiate more of a pro-business attitude. With everyone that I've spoken to that does business in the town of Riverhead, they just feel that it's more negative— and more corporate and not so much the Mom and Pop business.

I live in this town, I pay taxes on my business and— personal and business. And I just feel, I get the impression that it's always what the board or the town of Riverhead doesn't do for the local business owner instead of what we can do to help and promote the town because a thriving community with good businesses obviously is going to help out right down the road with everything. So I just wanted to mention that."

Supervisor Cardinale: "Thank you. Thanks. Okay, if there's any other comment, please come up."

Jerry: "Hi. I'm Jerry from Jerry and the Mermaid Restaurant, as you know. I just wanted— I don't want to keep on elaborating on what everyone else said. I just want to thank the Business Alliance for letting us know and also, you know, in these times that we're having right now, everybody knows the economy isn't great and to have laws like this you know put upon us which I know that you are going to redesign or eliminate, appreciate us, you know, hearing about this meeting and in the future, you know, if we can be notified, that would be super, you know. This way we can survive."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comment?"

Russ Mirand: "I'll be brief. Russ Mirand (phonetic) from Indian Island Country Club.

I just want to thank the Riverhead Business Alliance. I just want to say that I agree with all the comments that were made here today and that's it. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay."

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Councilman Dunleavy: "Phil, can I say something?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I just want to thank the Business Alliance. They did something which I've been advocating for the town that we should do.

When we want to pass legislation that's going to encompass somebody, we should be sending out letter letting them know a public hearing is going to be made. People don't— are too busy to read the local paper and a lot of people don't go on the computer to read the website or come down here and read our bulletin board.

So I want to thank the Business Alliance. I think they did a great job in letting everybody know about this but I think the town should take up the ball and let people know by letter what we're going to do to them. Thank you."

Councilwoman Blass: "I'd also like to say that I think as board members we should take our responsibilities as liaisons to committees very seriously and I think that in and of itself would allow for that involvement from members of the community as well."

Jody Giglione: "Thank you for your consideration to our concerns and if you would be interested in putting together a committee, if you feel that there is a strong need to change the code from what it is now, we have several people that would like to be a part of that committee.

So if you could please let us know before any new legislation that would affect businesses to form a committee to work with the town to come to an agreement that would satisfy both, the town and the business owners."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Okay."

Councilman Buckley: "Phil, I've got— "

Supervisor Cardinale: "Yeah."

Councilman Buckley: "Just a comment and it really encompasses what we've been talking about. But someone in particular, Mr. DiLiberto, and we passed legislation back at the last meeting that really affected him and it was not brought fully before the agricultural advisory committee. I'm the liaison to the agricultural advisory committee so I have a message out to the chairman of the committee to revisit it.

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I want them to take a look at it and I do want to say that I do take responsibility for not bringing it before them and realizing that it's something- I'm not saying that we're going to un-ring the bell but if it's needed, possibly that is a case where we can un-ring the bell that we already rang."

Supervisor Cardinale: "Okay. Any other comment? If not, I'm going to leave this open for written comment through 4:30 on the 13th of June. As I indicated and the board has indicated, this legislation will not be passed in its present form. If it is passed, there will be another hearing because it will be substantively amended and we'll first evaluate whether it's essential that we have a re-definition. So thank you."

Public hearing closed: 3:18 p.m.
Left open for 10 days for written
comment to June 13, 2008, at 4:30 p.m.

Supervisor Cardinale: "Next hearing is scheduled for 2:30 and that hearing is for consideration of a local law amending Chapter 108 Article LII, rural corridor zoning use district. And it being 3:18, we can hear that 2:30 hearing."

Public hearing opened: 3:18 p.m.

Supervisor Cardinale: "And the change that is being suggested by the legislation is what- let's see. Oh, is the definition of professional offices and the adding of on the rural corridor, which is the route between let's say 105 and the end of town, that we would permit professional offices as a specially permitted use for attorneys, architects, medical doctors or dentists provided that the subject real property conforms to the following conditions.

It's improved with a single family residence at the time of the adoption of this local law; the professional office use shall be within the building footprint of the existing single family residence; and the property has frontage on Route 25 between 105 and the town boundary.

This was actually suggested by- at a work session by residents of the area to permit some of the older houses on the Main Road that exist already to be utilized as attorneys, architects, medical doctors and dentist office but it would preclude the creation of new offices except as previously stated in the code.

Anyone have a comment on this, we would like to take that comment. If there is no comment verbally, we will hold open the

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hearing as always 'til the Friday, a week from this coming Friday which will be the 13th of June at 4:30 p.m. so stick a written comment in the file and we will see it before we proceed with this proposed amendment.

So I opened it a 3:19 and it's 3:21 and I'm closing this hearing."

Public hearing closed: 3:21 p.m.
Left open for 10 days for written
comment to June 13, 2008 at 4:30 p.m.

Supervisor Cardinale: "So I'm going to the final hearing which is the 2:35 hearing."

Public hearing opened: 3:21 p.m.

Supervisor Cardinale: "Which hearing is supposed to talk about the lateral water main for Baiting Hollow Club which I believe the counsel for Baiting Hollow is here to discuss and their engineer.

Lateral water main, Baiting Hollow Club residential subdivision Warner Road Baiting Hollow. Come on up, Mr. Esseks to the podium.

Now, Gary, who is presenting on this? All right, Dennis is going to present and then if there's any comment from the applicant or his counsel is here, his engineer is here, and our engineers for the water district are here.

Okay, Dennis Kelleher, the engineer from H2M who represents our water district and our town. Go ahead."

Dennis Kelleher: "Good afternoon. Dennis Kelleher, H2M. We are the consulting engineers for the Riverhead Water District.

The developer for the proposed Baiting Hollow Club residential subdivision has petitioned the Riverhead Water District and the Riverhead town board to extend public water to its subdivision.

Our firm has prepared an engineering report which has been distributed to the board that will evaluate the best way to provide water to this subdivision.

This slide here shows the proposed location of the subdivision which is north of Sound Avenue by Warner Road, just west of Warner Road. It is proposed that 30 single family units will be constructed. Next slide, please.

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And to provide water to the site, on this slide here you see Sound Avenue to the bottom of the sheet; Warner Road to the right hand side. There is existing water main running on Sound Avenue and a 12 inch running up Warner Road.

As part of providing water to this subdivision, we would need to run approximately 3,500 linear feet of water main as you can see looped through the subdivision tying in originally the south side of Warner Road, going through the subdivision and then tying in again on Warner Road.

We estimate, excuse me, the subdivision roads are going to remain private so the Riverhead Water District would request that 15 foot easements be provided for the water main installation.

We estimate the water use for the proposed subdivision as 15,000 gallons per day on an average day with a maximum daily use of 45,000 gallons per day during the summer.

At the present time, the Riverhead Water District does not have excess well capacity to provide water to this extension, actually to the subdivision. However, the Riverhead Water District is currently in the planning and design phase for new well sites. Just recently the Riverhead town board approved a \$1.9 million dollar bond issue to install a new well at plant 15, and the town board also awarded a test well contract where we're looking for an additional two wells for a total of three new wells for the Riverhead Water District.

So based on those projects proceeding, we will have water in the future for this subdivision.

Next slide, please.

We estimate the total project cost for providing water to this subdivision at \$243,500. That includes approximately \$175,000 for the installation of the 3,500 feet of water main and the 30 service connections.

At the same time, we also have non-construction costs of approximately \$68,500 which includes engineering, inspections, contingencies and some of the administrative fees that the town charges.

In addition to that-- this entire cost will be paid for by the developer.

In addition to that, the developer will have to pay key money fees in the amount of \$6,052 per unit. That is the key money fee for subdivision that are already within the Riverhead Water District which this property is, so if you multiply that by the proposed 30

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units, it comes out to \$181,560. That key money is used to build the wells and the storage tanks that the Riverhead Water District needs to increase their capacity.

Thank you."

Supervisor Cardinale: "Thank you, Dennis. Any other comment? Yes, Mr. Esseks?"

Bill Esseks: "Bill Esseks, I'm an attorney. I represent the Baiting Hollow Club in regard to the subdivision application. And a letter from me is being handed up together with copies of certain correspondence.

The complaint that we have and it's perhaps unusual to make a complaint when you're petitioning the board for a water main extension, is that as you can see from the correspondence that we are handing up, that when we were asked by H2M in March of 2007 to submit our application, we were asked to pay a \$5,000.00 down payment, which we did with regard to their charges, we were told that the key money charge— key money fee was \$2,500.00 per dwelling unit. We did what we were supposed to do. Our engineer did what we were supposed to do.

Somebody held things up until today and during that time, the key money charge went from \$2,500.00 to \$6,052, a gigantic, more than doubling the cost for the key money that goes to the town.

Now, we object to that. We don't think that it's ethical, we don't think that it's rational, we don't think it's legal. And we're going to submit further on it but I think that you control this or H2M controlled it. We didn't control it. We've been ready since the summer of— summer/fall of '07 to go forward with this and pay for it. And somehow or other, for some reason or other, it was held up until now.

In the interim, somebody, the town raised the \$2,500 per each of the 30 units— \$2,500.00 to \$6,052.00. I don't think that you can rationalize that additional cost. I ask you to reconsider it and I ask you when you pass your resolution, have the resolution go back to the \$2,500.00 key money fees per unit.

The other things— we're not complaining about, we're going to pay those. They are what they are. But this we complain about. It's over \$120,000 and it's not fair. It's very simple.

I've given you a letter, I've given you the materials. I understand— I assume, Mr. Chairman, we have another two weeks before the record is closed."

Supervisor Cardinale: "Yes."

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Bill Esseks: "Now, I would hope that we can talk about this and get this behind us. It's really not fair. If it happened to you, you would be annoyed to say the least."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. Any other comment?"

Dennis Kelleher: "Just in response to that. What we could do- we could look at the time frame throughout the whole project. I don't know why there was a delay, if there was a delay. I would have to check my records and I could do that and report back to the board the next day or so."

Supervisor Cardinale: "I'd like to see that. I'd also- on the equity side. I'd also like to see on the law side something from your office, Dawn, in regard to this. Because whatever the equitable inclination, we also have legal constraints."

I guess since it is Water District, then I guess Dick Ehlers will take a look at it.

All right. But I understand the issue.

We also have an issue on- we are really hitting them good on this subdivision, don't we, Bill, on the excavation issue? So it's the same issue.

Yeah, well, it's- this one incidentally had an extensive hearing with- and went over a lengthy period and the fee of 6052 as you can imagine is- was extensively justified on the record as the cost of the district to supply a particular, you know, a particular service.

But I get your concern. I'd like to see what you can give me and I'd like Ehlers to give me- Gary, would you pass that onto Ehlers so he can talk to me for clarification on what I want? Thank you."

Bill Esseks: (Inaudible)

Supervisor Cardinale: "Very good. Thank you. Okay. That was the final, I think, hearing that we had scheduled for this date."

Public hearing closed: 3:30 p.m.
Left open for written comment for
10 days to June 13, 2008 at 4:30 p.m.

Supervisor Cardinale: "We have a series of resolutions to consider and I would like to take comment on them before I can ask the board to consider them.

If anyone has a- Sal, if anyone wishes to comment, please come forward on the resolutions."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You have a whole bunch of resolutions on appointments of beach attendants, concession stand operators, etc."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "And they're inconsistent in that you don't give end dates. You give an effective date but not an end date, okay. And then you have one resolution that lists a whole bunch and they all have end dates. So I think your resolutions should all have end dates."

Supervisor Cardinale: "Yeah. Except they may have different end dates."

Sal Mastropolo: "Right. Okay."

Supervisor Cardinale: "In the sense that some of the kids leave early for school and some of them are local and can stay later, etc."

Sal Mastropolo: "Right."

Supervisor Cardinale: "But I understand the point. As we see them, I will look at it."

Sal Mastropolo: "Okay. And 483 in particular, the resolution itself says to and including August 22nd but the attached sheet has an end date of August 24th. So which one is it? Is it the 22nd or is it the 24th?"

Supervisor Cardinale: "Okay, thank you. They may be using the pay period, that would be my suspicion. But go ahead."

Sal Mastropolo: "And one other resolution. On 492- "

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "Okay. I applaud the town for this resolution but I'd like you to add one thing to it."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. That nickel deposit has been in effect since 1982. Don't you think it's time to raise the nickel to a quarter and make it-- I mean, people just laugh at a nickel deposit and if you really want to clean up the roads, okay, you're going to make the change and cover the water bottles, the juice bottles, the Snapple bottles, okay?"

Councilman Wooten: "Somebody will definitely collect them, whether it's a nickel or a quarter."

Sal Mastropolo: "Yes. But the point is inflation alone from 1982, that nickel is worth nothing now. Okay? A quarter would be more-- "

Supervisor Cardinale: "Is that a part of-- Barbara brought this to our attention and Barbara gave us a sheet that she had picked up that showed the changes in the laws. I forget it. That wasn't addressed-- yeah, that's an interesting point. It is not-- in the state law, does not address that issue but I think it's a valid one. That is a nickel enough inducement for anybody but the guy with the shopping cart. You know, how many of us are motivated as we were in '82 by-- that's a good point."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you. Okay. I would like to consider these resolutions. The first is a CDA resolution, so Christine, would you offer it-- what are we putting in as-- "

Councilman Wooten: "December."

Supervisor Cardinale: "Dec. 15th is the date. Okay."

Meeting adjourned: 3:30 p.m.

Meeting reopened: 3:34 p.m.

Supervisor Cardinale: "Reopening the meeting of the town board to consider resolutions 472 through the balance of the resolutions that we have.

Okay. Barbara."

Resolution #472

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Councilman Dunleavy: "2008 recreation parks capital improvement project budget adjustment. So moved."

Councilman Buckley: "Seconded."

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

The Vote: "Wooten, yes; Buckley, no; Dunleavy, yes; Blass, yes; Cardinale, Yes. The resolution is adopted."

Resolution #473

Councilman Buckley: "Joan Caffrey subdivision budget adoption. So moved."

Councilman Wooten: "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 #474

Councilman Wooten: "Ratifies the appointment of Daniel Flood beach attendant, concession stand operator Level IV 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 #475

Councilwoman Blass: "Ratifies the appointment of Mary Beth Vail as a seasonal clerk to the Riverhead Recreation Department. 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 #476

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Councilman Dunleavy: "Ratifies the appointment of a park attendant III Level I to the Riverhead Recreation Department. 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 #477

Councilman Buckley: "Appoints a marriage officer. So moved."

Councilman Wooten: "And seconded."

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

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

Supervisor Cardinale: "I guess I should abstain because it's me that they're appointing. Thank you."

Barbara Grattan: "Are you available (inaudible)."

Supervisor Cardinale: "Absolutely. This is for a friend who's asked so I'm donating my time but only for that cause."

Resolution #478

Councilman Wooten: "Ratifies the appointment of Sarah Heins as a seasonal scorekeeper Level III 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 #479

Councilwoman Blass: "Ratifies the appointment of Stephanie Heins as a seasonal scorekeeper Level II to the Riverhead Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #480

Councilman Dunleavy: "Appoints a seasonal scorekeeper Level III, Kenneth Drumm, to the Riverhead Recreation Department. 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 #481

Councilman Buckley: "Appoints a seasonal scorekeeper Level III to the Riverhead Recreation Department."

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 #482

Councilman Wooten: "Ratifies the appointment of a summer recreation aide, Nicole Romano, level III 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 #483

Councilwoman Blass: "Before I move this, are we going to adjust the date in the front, on the-- "

Councilman Wooten: "The 24th is the end of the pay period."

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Supervisor Cardinale: "Yeah. We should adjust them to reflect-- I think the front-- "

Councilwoman Blass: "The resolved."

Supervisor Cardinale: "So that they're authorized for the period-- "

Councilwoman Blass: "To the 24th."

Supervisor Cardinale: "To the pay period."

Councilwoman Blass: "August 24th."

Supervisor Cardinale: "To the 24th of August."

Councilwoman Blass: "With that amendment, I move Resolution 483 which appoints summer recreation aides to the Recreation Department. 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 #484

Councilman Dunleavy: "Grants special use permit petition of 400 Restoration Realty LLC, Jedediah Hawkins Country Inn. 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 #485

Councilman Buckley: "Authorizes the Supervisor to execute an agreement with the Riverhead Business Improvement District Management Association, Inc. regarding co-sponsored special events. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #486

Councilman Wooten: "Authorizes the Riverhead Business Improvement District Management Association LLC. to expend business improvement district funds as herein delineated. 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 #487

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law to repeal Article XXV entitled Recreational District in Chapter 108 entitled Zoning 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 #488

Councilman Dunleavy: "Authorize the town clerk to publish and post notice of public hearing change of zone petition of Peconic Iron Works. 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 #489

Councilman Buckley: "Authorizes the town clerk to advertise for bids for a generator ATS emergency replacement for Riverhead Scavenger Waste facility. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #490

Councilman Wooten: "Appoints a fill in summer recreation aide, Samantha DiResta, Level I 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 #491

Councilwoman Blass: "Awards bid for corrosion control chemical. 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 #492

Councilwoman Blass: "It's a resolution in support of legislative update to New York State Bottle Bill. 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 #493

Councilman Dunleavy: "Authorizes the Supervisor to execute an application for grant funds from FM Global. So moved."

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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 #494

Councilman Buckley: "Amends Resolution #465 of 2008, Approves Chapter 90 application of Martha Clara Vineyards, LLC. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #495

Councilman Wooten: "Approves Chapter 90 application of Larry's Lighthouse Marina reference a boat show. 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 #496

Councilwoman Blass: "Authorizes the Supervisor to execute an amended agreement authorizing the town to accept funds from Suffolk County Office of the Aging for the purpose of supplementing the budget of the town's supplemental nutrition assistance 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 #497

Councilman Dunleavy: "Authorizes the town clerk to re-publish and re-post notice to bidders for calcium hypochlorite tabs for use by the Riverhead water district. So moved."

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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 #498

Councilman Buckley: "Make a motion to pay bills. So moved."

Councilman Wooten: "I'll second."

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: "We have one off the floor."

Councilman Buckley: "I have one off the floor."

Supervisor Cardinale: "Just for a public hearing."

Resolution #499

Councilman Buckley: "Authorizes the town clerk to post and publish public notice for a public hearing regarding a local law to create a chapter of the Riverhead Town Code, zero tolerance zone. 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."

Supervisor Cardinale: "Thank you. Any others? That is it for the resolutions. We'll take any comment that any member of the public would like to make and then adjourn. Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. A couple of items. One is there's a— it's like a newspaper. It's called This Week and it doesn't go out in the mail and it doesn't go out in the newspapers. Somebody drives down the road and literally tosses them out his car window every time he sees a mailbox."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "All it does is create litter. Okay. In a development itself, okay, where the mailbox is right in front of the house, the homeowner picks them up. But you go down like Hulse Avenue where the mailboxes are all on the corner, all they do is get accumulated there underneath the mailboxes.

Can't the town pass an ordinance that says you can't deliver advertisements this way? You either mail them or add them to the newspaper where the newspaper is put in the mailbox because they're paying postage to get the newspaper delivered. I mean it's ridiculous.

It's not only paper but it's plastic so it doesn't disintegrate. It just lays there until I guess somebody gets fed up and picks them up. That's the first item."

Supervisor Cardinale: "Can we?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. The town attorney is indicating that we can deal with it as a littering offense but that has its own issues of proof, but we can't, you know, obviously impact their human rights is what she was saying.

So what do we do- is there any realistic option? Because I've heard this before, not only from you but from others. In fact, I heard it at the civic association round table that I had which I do twice or three times a year and they were concerned in some of these communities it's just a lot of litter.

Is there anything you think we can do, Dawn, in regard to that? Other than deal with it as a littering offense which, of course, means it's going to be tough to prove because you've got to see them."

Sal Mastropolo: "Why can't you go after- "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "We certainly can ask for some cooperation and we can also threaten littering prosecution and I will explore whether there's anything else we can do. I'll ask Dawn to look at that because it has come up to our attention a few times now."

Sal Mastropolo: "Okay, the second item is what is the town policy relative to leaving town vehicles running attended?"

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Supervisor Cardinale: "I get that question from Mr. Burns in Reese Park all the time."

Sal Mastropolo: "Water district trucks on Fresh Pond, left running in the driveway."

Supervisor Cardinale: "Is he here? Gary, on first blush it appears stupid to leave your cars running when nobody is driving them but what-- is there some reason that we do that? Police cars to it, too, I know."

Gary Pendzick: "Gary Pendzick, Superintendent of Riverhead Water. Meter reading, lonely and spread out areas where there are houses on sparse roads and whatnot, meter reader will leave the vehicle either in front or the driveway running, run up, get the meter reading and then go back and move on to the next house or the next block."

Supervisor Cardinale: "What's the theory?"

Gary Pendzick: "Well-- "

Supervisor Cardinale: "First of all-- "

Gary Pendzick: "-- if you start and stop every-- "

Supervisor Cardinale: "Yeah, but what about a kid who gets in his car and takes a ride? That doesn't make a lot of sense to me. Then again, would you re-evaluate that, please, and police cars, too."

Sal Mastropolo: "Phil, this in particular was a white Colorado pick up truck #5 at the water plant on Fresh Pond. The individual was inside, probably working or taking some readings and the truck was outside the gate running. Okay? I was walking. I could have just gotten in the truck and taken off. So if I could, somebody else could have."

But the other point is with the cost of gasoline nowadays, okay, and the shortage in supply, we shouldn't be leaving them running and we shouldn't be leaving them running unattended.

Now I've seen situations where three police cars responded in a shopping center and three of them were left running for 15 minutes. That, again, is a waste of money."

Supervisor Cardinale: "Have you been talking to this Mr. Burns, the guy from-- who's always writing me from Reeves Park. He must send me one of those a month. And I keep asking my police department as well as now I know my water department, I will make a

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note of it and discuss it at work session. Bill, are you here? Yeah, Bill, my deputy, he was here. I will ask him to write a memo to all the departments saying if we leave cars on, we shouldn't, would we please re-evaluate and not do it?

It's part of our energy conservation, a greener town as Barbara said."

Sal Mastropolo: "Another item is do we have any idea what kind of revenue we're getting from sign enforcement?"

Supervisor Cardinale: "No, but I'd sure like to because we're paying the guy part time, right?"

Sal Mastropolo: "Right."

Supervisor Cardinale: "I hope he's making his salary- "

Sal Mastropolo: "And I see signs hanging off telephone poles, they've been there for months."

Supervisor Cardinale: "You mean illegal signs? I can't believe that. In this town?"

Sal Mastropolo: "Yes, you know, roofing with a telephone number, okay, stapled to a telephone pole about eight feet off the ground facing both ways on a major road. Okay?"

Supervisor Cardinale: "At least he's getting both ends of the traffic. There is a lot of illegal signs, you're absolutely right, that being one of them, not to mention all the little signs that people in the centers send out. I feel bad even hassling. It's bad enough to make a living as everybody's been telling us. But when all of the signs they bring out from the centers and they put in the roadway, those little sandwich signs, they're all illegal."

Sal Mastropolo: "Okay. Another item. The suggestion was made earlier, okay, about public hearings and mailings. Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I totally disagree. I mean you would have to do mailings for every public hearing and somebody would have to determine who the interested parties were which would be a disaster, and if you missed one, then you're opening yourself up, well, gee, I didn't get one and my neighbors did."

Supervisor Cardinale: "Yeah, that did occur to me, yes."

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Sal Mastropolo: "One last item. Parking, Okay? I've been listening to some of the work sessions and all the discussions on who is going to pay for the parking garage."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Okay? It sounds like now we're having a shortage or we anticipate a shortage of parking and that's why we need the parking garage. But that never came up when we were talking about putting Atlantis in the improvement district- in the parking district."

Supervisor Cardinale: "You may be- you know, what we did find out which- I meant to tell you this because you made some good points at the podium and also later in the letter."

The acceptance of an entity into the parking district does not assure that we are providing all the parking necessary for the project. What it assures is that they can get it between 80 and 100% with a variance of build out on that property.

The town board is going to be considering how generally if a property- for example, a one story building on Main Street is then becoming a five story building, adding from a 40,000 base, a 160,000 additional, how we are going to assess the impact on parking and pick up something at that point. We may need an impact fee in addition to the tax. We may need a special impact fee if people are going to have exclusive access to certain parking areas.

We may- we are going to use something called tax incentive financing probably which throws back all the taxes from the revitalization to support the parking district bond. We're going to use the- look at the potential for some portion of it being considered town-wide, you know, on a town-wide base because people do use downtown.

We're also going to use the possibility of paid parking, it will be a small amount at certain times. So everything is in the works but nothing's decided."

Sal Mastropolo: "Okay. I'm glad you brought that up."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Have you ever gone down to Port Jeff around Danford's?"

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "They have an excellent system down there. Okay? They don't use meters but they have every parking stall is numbered, G-1, you know, A-1 through A-99 and they have these kiosks, okay, where you go to a kiosk and you punch in the stall number, okay. And then you either deposit coins or you put in a credit card. All right. And it gives you a receipt. Okay? And that's your proof that you paid for parking. Okay? And I guess it goes to a central computer and somebody is monitoring the computer and they know which parking spaces haven't been paid and they send an officer and they ticket whoever is there."

Supervisor Cardinale: "That is an interesting system. We started talking-- John and I were at the meeting with the Apollo Group and we started talking about that kind of system."

The interesting-- sometimes I feel like I'm in, you remember the Twilight Zone? You're old enough to remember that. The Twilight Zone. Sometimes I feel I'm in the Twilight Zone. We're having 20 people around the table including the two of us, and we're talking about how to pay for the (inaudible). I've got an empty downtown, that's a problem I'd love to have, you know, have to worry about how I'm going to park all of these people. I'd just like to see a few. But that is something we're starting to discuss."

Sal Mastropolo: "Okay. I mean, they have-- you can park on the street for nothing. There are certain streets where there's parking but if you want to park in the lots, you pay for it."

Supervisor Cardinale: "Yeah. Surface parking is paid for as well."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Mr. Oxman."

Larry Oxman: Hi, Larry Oxman. I just want to talk about something that Sal had mentioned and I'm very sorry that the town attorney couldn't stay for the end of the meeting because this would be important.

With regard to the newspapers and things that are being put on people's property unsolicited, not only is it litter but it's also a very strong indicator that the person isn't home. So you now have summer and more weekend homes in the town and this invites burglary, an open invitation that no one is home.

I believe Southampton has looked into that issue. I'm not sure how they may have solved it or not but it goes far beyond just being unsightly. It's a safety issue."

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Supervisor Cardinale: "Well, that's an interesting point. Yeah. And we will look into that. I made a note of that to put it on a work session."

Councilman Dunleavy: "And I think that some towns have ordinances against that."

Supervisor Cardinale: "Yeah, I imagine- I think that her answer was not informed by what other towns have done."

Mr. Silverman, how can I help you?"

Henry Silverman: "Well, you definitely know how you can help me."

Henry Silverman- "

Supervisor Cardinale: "Other than that, Henry."

Henry Silverman: "Henry Silverman, 267 Peconic Bay Blvd."

Dear Taxpayers of Riverhead and Riverhead town board members:

I submitted a letter on April 20th to Barbara Grattan who very nicely took it from me but unfortunately from there I guess it disappeared or whatever. But I figure this way I might as well read it right now and give you another copy.

The Silverman family obviously has been hurt and saddened by the actions of our town. Up to now, we always loved and defended the town of Riverhead where we grew up, raised our family, planned to retire. Now we feel definitely unwanted in the town of Riverhead and realize that we're being forced to move out of our town that we were once proud of.

Very soon it will be three years, okay, three years that the town of Riverhead has kept us from living in our new home. We have seen how a favor from one can turn into a cover up for many. Riverhead has gotten itself involved in a neighborhood dispute, with anti-Semitic overtones, over our boat dock and a driveway. And the bottom line is that is what has kept us out of our house.

Both the Supervisor and one of the Council people have to drive by our house every day. I hope you take it personal that you live on the same road as me and hopefully you haven't really lifted a finger to help us but now I hope you do.

Overview:

The Silverman family applied for a certificate of occupancy on July 19 of '05 after receiving our letter from the building

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department, final inspection OK. All right. Final inspection OK. Obviously we have the letter. We never received any letter from the building department with any deficiencies.

We paid \$950.00 worth of bogus tickets to the Riverhead town court in front of Judge Dick Ehlers in 2006, that was May of, and if you actually look at the records at that point, Judge Ehlers said basically does this get the man into his home? All right.

In all of the nuisance tickets, if anyone would have the intelligence to go look, were brought on by the neighbors, Mr. Nicholson and Bill Coyle who happens to work for the New York State Supreme Court where a restraining order was drawn up. He's written letters on New York State letterhead telling the building inspector not to give us a CO.

We've been hurt here. We cannot use, occupy or maintain our new home and now after three years that's a big problem because with frozen pipes, vandalism, etc. it adds to our aggravation.

Two days after we did do the court with the town, you delivered this restraining order against us. In my discussion with Mr. Cardinale recently, he said, no, the town didn't. Mr. Cardinale, the town did. The restraining order is from you guys. You have to get your act together. You guys have got to get your story together.

The town and court has entered our house without search warrants. Mr. Downs, your ordinance inspector, has followed me, my family, for a whole day. He testified in New York State Supreme Court, he hid in a tree, 20 feet up with a pair of binoculars that were little opera glass toy binoculars. It's on a court record now. It can't be disputed. All right? This is America. Something is wrong here.

We have to report in, the Silverman family has to report in to the Riverhead town police department when I come and go from my property. All right? A little troubling. As an American, something is wrong here. And when I asked the police does anyone else do this? No. So we're obviously being singled out. All right? There's a problem here.

I just think about if you had to report when you come and go, it's a little un-American and it's very wrong. We have to pay our mortgage insurance taxes. You've raised my taxes last year \$6,000. You played with them. I've grieved them; I got back a little pittance. But bottom line, the taxes are over \$18,000 on a house I haven't lived in in three years.

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The insurance is high, the mortgage is high. So I am carrying over a \$50,000 debt here without any use. You have since helped the neighbors remove my boat dock. The town was involved in the court representing the neighbors. I no longer own my boat dock. Again, it's not over with. You won the first round but it's my boat dock. Yeah, for the neighbors, thank you.

We cannot sell the house with a CO. We've actually had it, realtors come out, appraise it. No one will touch a house that you've put this black cloud over. We've reapplied with the Conservation Advisory Council, reapplied with the building department, reapplied with our permits for a sprinkler system as per a letter dated over a month ago from the town that you said you would expedite and make consideration on.

We did it. We did the next step. All right?

You have brought in H2M Engineering into my house. You re-measured the house. The house is fine. So everything you've chased me on is from the neighbors. And the town needs to do a little more research when they attack someone coming from a couple of neighbors.

The Silverman family needs the Riverhead town board to stop funding this insanity. It costs the town taxpayers \$600.00 an hour every time you attack me. We've been to court 32 times. You have two lawyers, an outside counsel, and also a lawyer representing Mr. Barnes. It's very expensive. I've seen them stand whole days in my town— also and my counsel stand there, re-measuring my house. That was a lawyer. That was \$900.00 an hour standing there watching a guy by himself try to re-measure a large house with a tape measure flopping all over the place. A waste of taxpayer's money.

Who is pushing this lawsuit against us? I mean it is ridiculous at this point. What has the town tried to do to help us instead of harm us?

All we wanted was a CO, no strings attached, and compensation for taxes, mortgage, insurance, legal fees. The town has really come after me. I have subdivision pending that Thursday— excuse me, Monday of this week, the planning department re-found my files after looking for them. A subdivision for six years which is, you know, a little long for a simple subdivision.

I've offered property to open space at a public hearing. I've never even gotten a letter back, and that's two years ago.

The town has a drainage pipe which I have a letter from previous supervisors apologizing over the drainpipe saying we should do something about it. Well, remove that drainpipe. You're flooding my property.

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Okay? The town board needs to do the moral right thing and enough with this. It's three years. The taxpayers of Riverhead are not gaining one thing out of this ridiculous lawsuit. All right? At this point, we're in state Supreme Court, Appellate Court and Federal Court. Obviously, I'm not backing down.

The town has made a terrible mistake by helping out some neighbors and it's enough already.

Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "I know the following: that the Supreme Court, Peter Cohalan, not the town of Riverhead, has enjoined you from the occupancy of your home. Furthermore, I'd like nothing better than to amicably and equitably and judiciously resolve this. The resolution is in the hands of you and your attorneys and I'm not going to say anything else because that's what my attorney's been telling me. Not to speak other than through our attorneys in this matter.

So with that, let me take the next comment."

Henry Silverman: "Well, just I get to rebuttal, Robert's Rules of Orders."

Supervisor Cardinale: "We let you go more than five minutes which is a courtesy so please be brief."

Henry Silverman: "Thank you. Just on the Supreme Court thing, you've said that before. The town drew up- Harold Steuerwald who is your town attorney, drew up the restraining order against us."

Supervisor Cardinale: "And who signed it?"

Henry Silverman: "Obviously the court."

Supervisor Cardinale: "Yeah."

Henry Silverman: "But the town drew it up. Peter Fox Cohalan did not wake up one day- "

(Some inaudible discussion)

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Henry Silverman: "Yes. We have a little conflict of interest. There's no reason the town should have ever pursued it in this direction. And if you actually go back with Chris Kent, we did have this resolved back at a meeting with Chris Kent, December of '06. Well, thank you, and let's do something about it because three years is a little long. If you were kept out of your house for three years with this burden and the aggravation, you wouldn't be happy. And people should relate— and now that we have two town board members new, maybe we can get something accomplished here.

Thank you."

Supervisor Cardinale: "Next comment, please."

Antoinette Carboni: "Good afternoon. My name is Antoinette Carboni, 4002 St. Andrews Avenue in Riverhead.

First, I'd like to thank Barbara Blass for answering my e-mails and getting me the information that I often request. And to Mr. Wooten who I didn't know was not the liaison to sanitation and litter problems. I wrote to him and he took care of it right away. So thank you, sir."

Councilman Wooten: "You're welcome."

Antoinette Carboni: "The issue and I wish the town attorney was here, has to do with recycling. We were recycling in Sunken Ponds Estate until the members of the HOA checked whether or not we were required to. And when they went to— I don't know if you call your department waste management or sanitation— when they went there, they were advised that we were a private community, we pay for our own carting, we were not required to recycle.

They also checked with the town attorney and the town attorney, and this would have been in the winter of 2006, told them the same thing. And so effective January 1st, Sunken Ponds Estate stopped recycling.

I then took this up with Sen. LaValle because I remembered this law as being mandatory and I sent the response to you, to every member of the board, it is mandatory and if your code is written to be ambiguous, that could be the reason why both your attorney and your waste management department interpreted it as an exemption for private community.

I would like to see you look back at that code, rework it. No one should be exempt.

Brookhaven— excuse me, I keep thinking of Brookhaven because that's where I formerly lived, but Riverhead could very well be a

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very green town. You have the chance while your population is still low to be effective in litter clean up and recycling. And re-use of materials, the 3 R's.

My next thing is about litter. The roads have improved considerably in the last two months but litter is still a big problem and more so if people are allowed to put their garbage, their litter on the roadway days before collection. Is there anything in the code that says something besides Wednesday is recycling day or Thursday is garbage pick up day? Is there something in the code? I'm asking."

Supervisor Cardinale: "Our town attorney is here. Do you know, Dawn? Is there any prohibition against leaving garbage out for pickup or not taking it in after pickup within our code? You know, you must bring it out no more than 24 hours in advance- "

Councilwoman Blass: "It says it has to be there by six p.m. but it doesn't say- "

Antoinette Carboni: "It can't be before 6 p.m.? Well, if you go down Middle Road today, you will see it."

Supervisor Cardinale: "Well, how are you going to do that if you've got a summer home?"

Councilwoman Blass: "I was going to say it's particularly difficult for summer people who are out on weekends and whatnot and their pick up day is Wednesday, Thursday."

Antoinette Carboni: "This is not- unfortunately this is not a summer resident, it's the horse farm opposite Sunken Pond Estates. They're there year round. Garbage is put out the day before; recycling material is out there early this morning and I believe recycling is on a Wednesday.

That's how we have been getting all this litter in the area when garbage is put out more than 24 hours before pickup. It's not just on Middle Road but all through the town.

I wasn't here to talk about your mailing that you brought up, Mr. Dunleavy, but the way it was done in the town of Brookhaven, is that if there was something going on, for example, in the community I lived in in Miller Place, and I wanted to know about zoning changes, anything coming before the zoning board of appeals, I had to go to the town and put myself on a mailing list pertaining to those things that would occur in Miller Place or impact Miller Place. And you can do the same thing.

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You can have the businesses put in their mailing and you do a mailing to them. It was very- I found it very interesting this afternoon what they came forward with. But you could put that in so that they would be on a mailing- you wouldn't have to mail to every household or to every business but those who are interested.

If I'm interested in what goes on in the area of I guess you call it Centerville or I don't know how you give names to the neighborhood, I could put my name on a list and then when anything happens in those areas, I would get a mailing. That's a way to handle it.

Your intentions are good but it may be difficult if it's a blanket mailing people would just say, oh, there's more junk mail. But if they're interested, they'll put their name on a list.

That's all I have to say this afternoon. I hope you will look into that recycling. I am very concerned."

Supervisor Cardinale: "We discussed it at a recent work session and did instruct the town attorney to make any clarifications they need and incidentally they have now instructed us that, in fact, it does require recycling by the private communities and we have asked them to not only to clarify that but to make clear how it is that the private communities will establish that they're recycling by showing us that they have a contract with a recycler so that they're actually sorting at the source of the garbage, the recyclable from the non-recyclable. All right?"

Antoinette Carboni: "Thank you."

Supervisor Cardinale: "Thank you. We did discuss that at work session."

Antoinette Carboni: "Thank you."

Supervisor Cardinale: "Thank you. No further comment, we'll end the meeting and see you at the next- "

Meeting adjourned