

6/17/2008 minutes

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 17, 2008 at 7:00 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

(The Pledge of Allegiance was recited, led by Sean Walter.)

Supervisor Cardinale: "All right. We saluted the flag, we did the minutes, we did the Reports. Okay, so we're going to move onward. Would you tell us the Reports, Applications and the Correspondence?"

Councilman Dunleavy: "Approve the minutes of the June 3rd town board meeting and June 12th special board meeting. So moved."

Councilwoman Blass: "And seconded."

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

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

REPORTS:

Receiver of Taxes	Utility collections for May, 2008 - total collected \$205,750.90
	Total collection of taxes - \$11,602,095.00
Juvenile Aid Bureau	Monthly report for May, 2008
Open bid reports	Well and pump emergency service - opened 6/5/08 at 11 am - four bids were received

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Open bid reports

Water service materials -
opened 6/5/08 at 11 am -
five bids were received

APPLICATIONS:

Special events

Peconic Bay Medical Center -
July 3 to 6 - Route 25A,
Wading River, amusement
rides, food concessions and
fireworks

Martha Clara Vineyards - Aug
9 - craft beer and wine
festival

Polish Town Civic Assoc. -
June 21 - 50's night

Fireworks permit Newton
Carnivals - July 5
empty lot south of 25A near
medical complex at 6144
Route 25A

Jamesport Fire Dept. - July
14th at 10:00 pm

Parade permit Riverhead High
School graduation - June
28th at 10 a.m.

CORRESPONDENCE:

Rex Farr

Re Industrial C zoning to
include special permit for
bus terminal and outside
storage

Barbara Grattan: "That concludes Reports, Applications and
Correspondence."

Supervisor Cardinale: "I'm glad we waited for you because
nobody does it like you. That was very well done."

All right, Barbara, I think you had an announcement and also
anyone else."

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Councilwoman Blass: "I have one, Mr. Supervisor, from the Peconic Estuary Committee and the DEC. We are looking for volunteers to assist on Saturday and Sunday of this weekend, that's the 21st and the 22nd, from nine until three to assist them in the (inaudible) on the Peconic River. I knew you were going to laugh, but this is the invasive species that's actually threatening—severely threatening and choking off the Peconic River and they ask for volunteers to help."

Supervisor Cardinale: "(inaudible) eradication volunteers needed. I thought it was a person that they wanted to eliminate or eradicate."

Councilwoman Blass: "No, they may be looking to—"

Supervisor Cardinale: "(inaudible) is not a person; it's an invasive species. Okay."

Councilwoman Blass: "If anyone is interested in volunteering, they can call my office at extension 225 or look for further information on the Estuary website which is www.PeconicEstuary.org."

Supervisor Cardinale: "Thank you. I'm glad that they're calling your office. Anybody else have an announcement? Okay, then I guess we are at 7:11 and we can start our 7:10 hearing. The 7:05 hearing was adjourned."

Public hearing opened: 7:11 p.m.

Supervisor Cardinale: "The 7:10 hearing is a special permit petition of New York SMSA Limited Partnership d/b/a Verizon Wireless. If you'd come up, please, and this is a swear in hearing, is that what you're telling me? Yes. This is a hearing that we have to swear you in, believe it or not."

Okay, so if you'd identify yourself for the record and raise your right hand."

Dawn Thomas: "State your name."

Supervisor Cardinale: "She says it's okay, because you're an attorney, especially because you're an attorney we want to swear you in. I am one, too, only kidding."

Steven Mark: "Steven Mark from Amato & Assoc., attorney for New York SMSA d/b/a Verizon Wireless."

Dawn Thomas: "Sir, do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

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Steven Mark: "Yes, I do.

Do you want to sear in all my experts in one shot at this point? I could also- "

Supervisor Cardinale: "Yeah, (inaudible) for you during the hearing."

Steven Mark: "I'm sorry."

Supervisor Cardinale: "Who is going to testify for you?"

Steven Mark: "I have a variety of experts. I have five people here to testify."

Supervisor Cardinale: "Okay. So why don't they stand up and tell us their names and she'll swear them in? Then we won't forget."

Dawn Thomas: (Inaudible)

Barbara Grattan: "We could write them down. He could write them down on a piece of paper for me."

Dawn Thomas: "Who wants to go first?"

Daniel Falesco: "Daniel Falesco."

Dawn Thomas: "Mr. Falesco, do you swear that the testimony you are about to give, to be the truth, the whole truth, and nothing but the truth, so help you God?"

Daniel Falesco: "Yes, I do."

Dawn Thomas: "Thank you."

Erin Duffy: "Erin Duffy."

Dawn Thomas: "Do you swear that the testimony you are about to give, to be the truth, the whole truth, and nothing but the truth, so help you God?"

Erin Duffy: "I do."

John Breslin: "John Breslin."

Dawn Thomas: "Mr. Breslin, do you swear that the testimony you are about to give, to be the truth, the whole truth, and nothing but the truth, so help you God?"

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John Breslin: "Yes, I do."

Louis Cornacchia: "Louis Cornacchia."

Dawn Thomas: "Mr. Cornacchia, do you swear that the testimony you are about to give, to be the truth, the whole truth, and nothing but the truth, so help you God?"

Louis Cornacchia: "I do."

Vishwa Mithu: "Vishwa Mithu."

Dawn Thomas: "Can you spell that, please?"

Supervisor Cardinale: "Spell that."

Vishwa Mithu: "V-I-S-H-W-A M-I-T-H-U."

Supervisor Cardinale: "Just like it sounds."

Dawn Thomas: "Mr. Mithu, do you swear that the testimony you are about to give, to be the truth, the whole truth, and nothing but the truth, so help you God?"

Vishwa Mithu: "I do."

Supervisor Cardinale: "Thank you. Okay. You want to start?"

Steve Mark: "Thank you very much. As I indicated, my name is Steven Mark with the office of Amato & Assoc. Our office is located at 666 Old Country Road, Suite 901 in Garden City, and I'm here representing New York SMSA Limited Partnership d/b/a Verizon Wireless.

Verizon Wireless is a public utility under the laws of the State of New York and holds and maintains two federal licenses, one for an 850 megahertz communications and one for a 1900 megahertz PCS communications.

I would like to mark at this point the licenses into the record as applicant's exhibits 1 and 2."

Supervisor Cardinale: "Okay, we've got the Doo Wop worked out so go right ahead."

Steve Mark: "Very good. Verizon Wireless is currently experiencing gaps in its coverage in connection with its licenses in the Riverhead area. It's respectfully requesting a special permit pursuant to Section 108-133.3 and 108-216 of the town code of the town of Riverhead for its proposed facility at the property.

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Verizon Wireless proposes to construct a wireless public utility communication facility on the top of an existing hotel located at 1707 Old Country Road in Riverhead, New York. The tax map number for the property is District 600 Section 119 Block 1 Lot 9.4. The property is zoned as business center. The site is presently developed with an existing three story hotel. The top height of the hotel- the building roof is at 31 feet 9 inches; the gable roof ridge is at 46 feet 7 inches.

And the predominant surrounding land uses in the area are commercial, some residential uses to the southeast; immediately east is developed primarily with a retail commercial corridor; to the west of the property are additional retail sites as well as a motor speedway. To the south of the property is a vacant lot zoned business center and a mobile home park. To the north of the property are commercial uses.

The facility will consist of the following things: 12 communication antennas broken up into three sectors with four antennas per sector on the roof of the existing three story hotel with the center line height of the antennas at approximately 40 feet 3 inches.

The top of the antennas would be at 42 feet 3 inches.

The antennas will be attached to a proposed frame that will turn, that in turn will be attached to the existing gable wall of the pitched roof.

Two small global positioning satellite units will be mounted to the (inaudible) sector antennas facing to the southwest and the top height of those antennas will also be at 42 feet 3 inches.

In addition to the antennas there will be 100 kilowatt generator and actually I just want to note that in our plans that we submitted, the plans indicate it's an 80 kilowatt generator. We're just correcting that. It's actually a 100 kilowatt generator. The footprint of the generator itself is remaining the same. And that will be placed at the southwest corner of the property.

Verizon Wireless and the hotel, just so you know, will be sharing the use of the generator, 50 kilowatts for the hotel and 50 kilowatts for Verizon Wireless in the event of an emergency.

There will also be a 255 square foot equipment room located within the basement of the building and two HVA units located on the roof of the building.

At this time, I'm going to call up my experts, the first expert is Dan Falesco, unless if the board would like, I could cut past

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that and just submit my expert reports if the board wants to skip the testimony at this point."

Supervisor Cardinale: "That would be fine."

Steven Mark: "Okay. Then I'm just going to call out the reports that we're submitting and I have an engineering report prepared by Dan Falesco."

Supervisor Cardinale: "Thank you."

Steven Mark: "I then have another report prepared by Erin Duffy which contains visual simulations depicting what the facility will look like after it's installed."

In addition, there is a radio frequency affidavit prepared by Mr. Mithu which explains the need for the communication facility and contains there in propagation maps depicting the facility without the facility on, showing the need for it in the area and showing what the facility will do once it's turned on, rectifying the need for the facility.

And a report prepared by Lou Cornacchia of Scienetics (phonetic) as to the health and safety issues, reflecting that the communication facility after it will be turned on will be several thousand times— several hundred times, excuse me, below the FCC requirements. And then a report by John Breslin, an appraiser, who addressed the fact that there won't be an effect on any real estate values."

Councilman Dunleavy: "Can I ask you one question? We're getting all these reports. Which report is going to show what this is going to look like?"

Steven Mark: "The report prepared by Erin Duffy, that's it right there."

Councilman Dunleavy: "Okay."

Steven Mark: "And there are simulations contained in it."

In addition, while you're reviewing those documents, I understand during the work session with the board the board had inquired about Verizon Wireless utilizing certain town properties and Verizon Wireless investigated that and we are currently commencing discussions with the water district for the Pulaski water tank.

In addition, we had already been looking at locating onto the water tank on Old Country Road and that's actually going to be a

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replacement of an existing site that's a little bit further east on Old Country Road. It would be going off the Cablevision tower going onto the Pulaski- I mean the Old Country Road water tank."

Supervisor Cardinale: "Okay. I have two questions. One is the matter- the material that you read into the record. I have an engineering report by- "

Steven Mark: "Daniel Falesco of Savik & Murray (phonetic)."

Supervisor Cardinale: "Right. I have a radio frequency affidavit by Vishwa Mithu. I have an engineering report for Scienetics (phonetic)."

Steven Mark: "Scienetics, Lou Cornacchia."

Supervisor Cardinale: "Lou Cornacchia. Breslin Appraisal report and the impact- planning zoning visual impact analysis. Is there anything else that should be in the record?"

Steven Mark: "No, that's it."

Supervisor Cardinale: "All right. On the co-location, if I recall, our statute requires that you attempt to co-locate if it is possible and also make certain that there is no public facility that could be utilized for your purpose. Could you speak to that, those two issues a little bit? Have you explored co-location so we don't have towers all over the place and have you explored publicly owned property sites?"

Steven Mark: "Certainly. First as to co-location. Verizon has inspected the area and there are no- my understanding from speaking with our experts, I have two people here that can attest to this- that there are no existing structures other than the hotel that would serve the purposes that we're looking to serve here that would best suit the ability to fill the needs of the coverage- of the lack of coverage in this area.

In addition as to the issue of public lands, there was question about- well, first of all, one item was the Pulaski water tank which we are definitely interested in pursuing which we're going to do but it can't address the needs of the deficiency in this area, so we are going to need both that and this.

And then there was another parcel further to the east along Old Country Road, I believe it's the armory, and Verizon had inspected that and determined that the armory would not address the needs. In addition, that the armory- we would also have to build a new structure to address these- "

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Supervisor Cardinale: "Okay. I understood what you said about the publicly or municipal or other public owned property. As far as the co-location, there's no existing tower that you can use to build- "

Steven Mark: "There are no existing towers in the area that would address these needs."

Supervisor Cardinale: "Thank you. I think the board is looking at the documents- "

Councilman Dunleavy: "I- maybe I misunderstood when we first spoke about this. But I was under the understanding that this could not be visible from the front of the hotel. But looking at these pictures, you can certainly see these things from the front. And they're about five or six feet above the roof line of the front of the hotel. Am I correct in that assumption?"

Steven Mark: "That's correct."

Supervisor Cardinale: "Do you think they're going to mar the beauty of Route 58?"

Councilman Dunleavy: "No, I just- "

Steven Mark: "Actually let me just correct myself. There's two roof lines that we're talking about. There's the basic roof line and then there's the gable roof line."

Councilman Dunleavy: "Yes."

Steven Mark: "It does not exceed the gable roof line."

Councilman Dunleavy: "Right. It only exceeds the roof line of the top story."

Steven Mark: "Correct. Correct."

Councilman Dunleavy: "Okay."

Steven Mark: "Which it needs to in order to be able to transmit beyond the parapet."

Councilman Dunleavy: "I've been around different locations looking at these and they're not too pleasant to view on top of these buildings when you go past a building with these four antennas on each side of the building. So I thought that we could not see this from the front of the building. That it was going to be on the back and the two sides. That's my only question."

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And speaking of the Supervisor's comment, will it mar the visual-- the beauty of County Road 58, it will not. I mean County Road 58 is County Road 58. But I'm trying to make everything look as pleasant as we can. That's all I'm saying."

Supervisor Cardinale: "You're a good man, John."

Steven Mark: "And one of the reasons why the-- specifically the sector of the antennas that's in the front part of the building, there's two sectors that are in the rear part of the gabled roof which will not be visible from county road, from Old Country Road. But there is one sector-- there has to be one sector up in the front in order to transmit to the north. And that sector was specifically placed so that the view of the antennas would merge into the gabled roof-- "

Councilman Dunleavy: "The second gabled roof?"

Steven Mark: "Yes."

Councilman Dunleavy: "I understand now. Thank you."

Steven Mark: "To avoid the visual impact."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other questions from the members of the board? If not, we've had the opportunity to meet in a work session previously so it's not that we're uninterested, it's just that we're questioned out because we've reviewed this. Yes, Sal. I know you're going to come up in a moment. Does anybody else--"

Councilman Wooten: "Well, I know there was one concern at the work session from constituents that were concerned about possible health risks, pacemakers, stuff like that. There is a retirement community behind there. And I know that that's probably not a health risk factor but I thought that was going to be incorporated in one of the-- "

Steven Mark: "It is incorporated in the health study and, in fact, what I could do is I could bring Mr. Cornacchia up to address those concerns."

Councilman Wooten: "Is that in his report?"

Steven Mark: "From Scienetics, yes."

Supervisor Cardinale: "As long as it's addressed-- "

Councilman Wooten: "I just wanted to know where to find it."

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Supervisor Cardinale: "Thank you. I think we have some public comment and if your experts are available, maybe they'll be able to answer some of the questions that are raised."

Steven Mark: "Certainly."

Supervisor Cardinale: "Sal, you had a comment?"

Sal Mastropolo: "Sal Mastropolo, Calverton. I have a question. What's the annual cost to Verizon for these 12 antenna on top of the hotel?"

Supervisor Cardinale: "I don't- you mean what are they getting in rent?"

Sal Mastropolo: "Aren't they paying the hotel to put those antennas- so the hotel is getting rent."

Supervisor Cardinale: "I'm not so sure we can ask that, can we?"

Sal Mastropolo: "Well, the only reason I'm asking the question is because they're making the statement that there's no effect on the appraisal of the hotel, but the revenue stream to the hotel is going up and that's commercial property so, therefore, the appraisal should go up."

Supervisor Cardinale: "There's a- what do you think? The question, I guess, is what is the rental income associated with this? That's what the public- "

Steven Mark: "Well, actually, let me just clarify. When I said the appraisal submitted, that it doesn't affect the real estate value of the hotel, it was the real estate value of the surrounding properties, not the hotel itself."

Supervisor Cardinale: "Okay. In other words, it doesn't diminish the value of the surrounding property."

Steven Mark: "Correct."

Supervisor Cardinale: "According to Mr. Breslin. But it will affect the appraisal. Don't worry, Sal, we're going to get some more money for you. Don't worry. Thank you. Somebody's got to do it, Sal. Glad to have you.

Our revenues are down and our expenses are up, the recipe for disaster. It's all the economy.

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Anybody else have a comment? Okay. We had previous work session with these experts and we asked a number of questions which were answered tonight, and if they weren't answered verbally, they are in these reports so I'm going to leave the hearing record open until a week from Friday which is my arithmetic is right is the— I guess it's the 27th at 4:30, if anybody wants to submit anything in writing up to that time. I'm closing the verbal testimony now and we will consider it at the work session that we will have the following Thursday after the 27th.

Okay, and I thank you all for coming out. I would anticipate we'll have this on the second meeting in July for a decision. All right."

Public hearing closed: 7:29 p.m.
Left open for 10 days to June 27, 2008
at 4:30 p.m. for written comment

Public hearing opened: 7:30 p.m.

Supervisor Cardinale: "The second hearing which is scheduled for 7:15 is a special use permit for Dr. Gerald Weber to allow the conversion and use of an existing single family residence as a professional office on property located at Main Road in Jamesport and the inestimable Sean Walters will be presenting."

Sean Walter: "Again with the big words. I told you I'm a simple country lawyer, Phil."

For the record, I have the affidavit of mailing and posting and some pictures for the board if they are not familiar with the property."

(Some inaudible discussion)

Supervisor Cardinale: "Hold just one second."

Sean Walter: "Not a problem."

Supervisor Cardinale: "Okay, we are noting that the last one began at 7:10, ended at 7:30. This is beginning at 7:31, the 7:15 hearing. Go ahead."

(Barbara Grattan administered the oath to Sean Walter).

Sean Walter: "Sean Walter, for the applicant, Dr. Gerald Weber. As was previously discussed in your cell tower case, we

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have met with the town board and gone over some of the criteria for the special permit application.

I have six pages of notes, if the board would like me to go through this and show how this fits the character of the community and the special permit criteria in the town code. If you'd like me to dispense with that, I shall."

Supervisor Cardinale: "Yeah."

Sean Walter: "The real issues here are this is a rural corridor zoned piece of property within one-quarter mile of hamlet center. Dr. Weber is putting in a doctor's office. He has received a zoning board of appeals grant for a side yard variance. He's in the final stages of site plan review. Currently he's before the ARB.

If you're within a quarter mile of the hamlet center in the RLC zoning district, professional office is a specially permitted use. So we are adjacent to hamlet center zoning. So it really is- the use fits perfectly into the concept of the master plan having you go from an intense retail use down into a lesser retail use, so it fits the master plan. It's within the quarter mile. We have all the other permits either in place or applications pending and I can go through the criteria, if you have any questions. I will dispense with the criteria. I know we have discussed this previously."

Supervisor Cardinale: "Right. Any questions from the board members? Can you tell us a little bit about the nature of the practice, size of the building?"

Sean Walter: "The practice is a- it's going to be a family medical practice. They expect there to be approximately five employees. Dr. Weber, at the most will see four patients per hour at the very height of the practice.

The interesting part about this with the traffic on Main Road or 25, this is a great use because he doesn't anticipate being open during peak traffic hours which would be Saturdays and Sundays except for emergencies basis. And right now Dr. Weber practices in Manhattan and this will be an annex to that practice and eventually becoming a full fledged family medical practice."

Supervisor Cardinale: "Okay. Family medical- what size will the structure be?"

Sean Walter: "The structure- the whole building is- with the extension will be roughly 2200 square feet. They're putting a 751 square foot extension on the building."

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Supervisor Cardinale: "So it's increasing from 15 to 22?"

Sean Walter: "It's- yes. Right."

Supervisor Cardinale: "Fifteen to 22. I have no other questions. I don't know if any of the board members- "

Councilman Dunleavy: "I just want- so everybody knows where this is in television land, this is west of Circle Drive and east of the- "

Supervisor Cardinale: "Jamesport Center."

Councilman Dunleavy: "Jamesport Center that's there."

Sean Walter: "Correct. It's adjoining- "

Councilman Dunleavy: "It's adjoining to that property. So just to let everybody know where it is other than a tax map number. It's next to the shopping center and just west of Circle Drive."

Sean Walter: "It's 99 feet west of Circle Drive."

Supervisor Cardinale: "Okay. So we know where it is. We know what it is and we know what you'd like us to do which is to special permit it as a use."

Anybody in the audience wish to make any comment? Yes, sir."

Ed Lopez: "Hello board members. My name is Ed Lopez. We're adjacent to this property that's going to be developed. We're actually right behind the property and there was two properties from the ZBA meeting that I think you might have a copy of the letter that I mailed that never got notified."

Supervisor Cardinale: "For the ZBA hearing."

Ed Lopez: "For the ZBA, yeah."

Supervisor Cardinale: "Okay. And that was for a variance for a side yard?"

Ed Lopez: "That was- yes."

Supervisor Cardinale: "Okay."

Ed Lopez: "And they're both senior citizens that own those two pieces of property. All three properties are back to back. I had talked to Sean last week. I had talked to Dr. Weber a while ago which I didn't have a problem but now the whole thing is there's a

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lot of traffic coming into that neighborhood. The driveway is only 10 feet wide. There's a basement there that you can drive up to. Is there going to be an elevator in there? Is it going to be a professional building? Lights are going to be an issue. Snow plowing in the wintertime. It's— our bedrooms are right there adjoining that property."

Supervisor Cardinale: "Yeah, I'd like you to, I appreciate it. I feel sorry for the— it took me 10 years to learn this stuff. But actually in order for the doctor to get started, he sought and got a variance for a side yard. He then has to get a special permit for the use which he's trying to do now, and then a lot of the concerns you have are site plan which we do— and three separate boards do this. The zoning board does the variance and we can't tell them what to do."

Ed Lopez: "Right. Which the planning board has— "

Supervisor Cardinale: "And we do the special permit and the planning board does the site plan and he needs all three approvals so I can't tell the zoning board you screwed it up, do it over again unfortunately but you can."

Ed Lopez: "Yeah, I have the copies here and is has question marks where there's two pieces of property on there which we never got noticed."

Supervisor Cardinale: "Right. And as far as the special permit, we've got to do this right, that's our responsibility."

As far as the site plan, that's the issues you're addressing now of will it be adequate— "

Ed Lopez: "Right. Which I was told to come here for that."

Supervisor Cardinale: "-- parking— that's actually the planning board."

Ed Lopez: "I talked to them last week."

Supervisor Cardinale: "Could you give us a status on that of where you are on site plan?"

Sean Walter: "They're in the final--I can address everything."

Supervisor Cardinale: "Yeah, please."

Sean Walter: "They're in the final stages of site plan review. As far as the notification is concerned, as the one for

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your- the shopping center came back. Sometimes the tax information is not correct and I do apologize.

The zoning board has addressed that issue as well as the planning board. We are going to make every effort to screen the entire parking lot in the back and I spoke to Mr. Lopez in terms of the lighting. We're going to comply with the dark skies legislation, with the lights are going to be shined down and in toward the property. I don't know that the town permits us to shut them off at night but certainly if there's some inconvenience, Dr. Weber- we will accommodate that. We're not going to shine them in to anybody's yards or anything of that nature.

The driveway is going to be extended. I believe the site plan shows a 20 foot right of way so it is going to be extended and I think that really the main concern was the screening around the parking lot and we're going to take care of that as part of the planning board and the zoning board. So we are in the final stages."

Ed Lopez: "I've got pictures- "

Councilman Dunleavy: "Mr. Lopez, can I ask you one question? Mr. Lopez, on Circle Drive, you live on- which development lot do you live on, first, second or third one?"

Ed Lopez: "The second one in."

Councilman Dunleavy: "The second one."

Ed Lopez: "Yeah, lot #27. Yeah, 27- I forgot the other, 26, those two never got notified. And it's (inaudible)."

Councilman Dunleavy: "Okay, thank you."

Ed Lopez: "The other one across the street is a non-buildable lot. That's where the pond used to be. So it just kind of- the other thing I have, too, is that I know that I just watched the meeting the other day that there's a new law for professional buildings. Did that get passed?"

Supervisor Cardinale: "Which law- "

Ed Lopez: "The rural corridor."

Supervisor Cardinale: "That actually is being- yeah, was it passed already? I think it's on tonight."

Ed Lopez: "That only allows within the building envelope. Right?"

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Supervisor Cardinale: "That's correct."

Ed Lopez: "And this is an extension of the property."

Supervisor Cardinale: "Yeah. It's a different- this is a different section of the code involved. He's not relying on the new section. The new section relates to the houses between 105 and the town line. If you want to change a house to a professional office, you can do that but you can't build a new one and you can't expand the house."

Ed Lopez: "One of the reasons why I'm going through this is I just had a driveway done. We took 20 tons of clay out of my driveway. Now if you know the back of your property, it's a four foot drop from his property. We're two foot below his property. And the clay deposit that's in there which you say, you know, to retain water on your premises, what about the saturation rate that goes underneath in the ground? That's another issue."

Because if you look- there's so many ponds around there and streams, that's another issue I have that just came up. That if there's going to be 15 cesspools on that property, because we're only- my cesspool is only 27 feet from their line. And I know what the law is but from drinking water, like it used to be 90 feet to the cesspools. Now I think it's more than that. So this is some issue that should be looked at."

Councilman Dunleavy: "Are you talking about cesspools or drains?"

Ed Lopez: "Drainage and cesspools. I mean you put a cesspool in or you put a drywell in, it's the same thing."

Supervisor Cardinale: "The approval of that will come after this."

Ed Lopez: "Because they are three small parcels."

Supervisor Cardinale: "And that will be the health department that has to deal with that."

Ed Lopez: "Okay. They are three small parcels that are there. They're not big. You know, I think his might be an acre or a little bit less. I know we're .28 acres. I know the one on the corner is I think even less than that."

Councilman Dunleavy: "After site plan approval and before he received his building permit, he will have to get the health department to okay all his cesspools and his drains."

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Ed Lopez: "All right. You know, I have no problem with a doctor's office. It's just my concerns and thank you."

Supervisor Cardinale: "Thank you."

Sean Walter: "Just quickly to address the septic and the drywells. They are approved by the health department during the site plan review process. The town code- I used to know it, Chapter 55, I'm not positive anymore, requires us to handle all water on site. We will handle all water on site or I'm sure Dr. Weber will get a visit from Mr. Barnes from the building department or a member of his staff."

So, Mr. Lopez, we will take care of that and we will screen your property and I'm sure we can work the lights- work the light issue out so that if there's a requirement in the evening that they be turned down at- we would do so. You know, I think we could co-exist without any problem. And if there's a drainage issue, we'll address it. It's not an issue."

Supervisor Cardinale: "Thank you, Sean."

Any other comment from a member of the public here today? If there's no other verbal comment, I'm going to open this up for written comment through the 27th at 4:30 p.m. by dropping it off at the clerk's office. And then we'll consider it at the next work session on Thursday of the following week. And probably address it for approval on the second meeting in July."

That closes that hearing at 7:44."

Public hearing closed: 7:44
Left open for 10 days to June 27, 2008
at 4:30 p.m. for written comment

Public hearing opened: 7:44 p.m.

Supervisor Cardinale: "And open the 7:20 hearing which is for a proposed increase and improvement of the facilities of the sewer district at an estimated cost of \$3.6 million dollars. So we have Michael Reichel, the department head, and Frank Russo our engineer with H2M. So take it away. It's 7:44."

Frank Russo: "Do I get sworn in?"

Supervisor Cardinale: "This is a hearing, not a special permit, so you don't need to be sworn in. Right?"

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Frank Russo: "Thank you and good evening. In 1996 a map and plan was approved by the town board that was used to create the commercial sewer district extension.

In that map and plan, one of the steps to handle the sewer district extension was the capacity increase of the Howell Avenue pump station. This station that you see here was originally constructed in 1937. This is what it looks like today. It's not fenced in, there's cracks in the walls. This station here was a station that was done up recently for the Cranberry Street pump station. You can see the difference.

And the reason I'm pointing that out to you is that today's codes are designed to prevent explosions occurring from sewage gases, prevention of generation of odors, and to maintain full operation during a variety of flow events by providing system redundancy and equipment duplication which this current station currently lacks.

As I said, the building walls are cracking. There's significant corrosion of the stairs, railing, pipes and electrical conduits. The ventilation system is not adequate and the site is not fenced which can lead to vandalism.

The last time the station was upgraded to handle more flow was in 1994 when Route 58 wasn't even started at that point and you certainly know what's happened since 1999 when the sewers were put in along the Route 58 corridor."

Supervisor Cardinale: "You're doing good, Frank. Keep it up. Didn't we spend a fortune on these overheads so we can see them on the wall and the screen?"

Frank Russo: "Technology. There's something about paper that I like."

Supervisor Cardinale: "The amount I've got to pay you guys. I'd like to see it on the screen next. Okay. Go ahead."

Frank Russo: "This station handles all of Route 58, the Middle Road pump station, Cranberry Street and of course the Howell Avenue collection district. It handles over 50% of all the district's flow which is over 400,000 gallons a day or on a peak—that's on an average, or on a peak day it handles over 2.8 million gallons a day. So it's over 2,000 gallons a minute that the station must handle.

It's undoubtedly the weak link in the chain that gets the flow from the Route 58 area down to the treatment plant. It will soon

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reach its (inaudible) capacity if the development does continue. If the pumps can't keep up with the flow, then there will be sewage backups into homes and basements and- "

Supervisor Cardinale: "You don't want to frighten us or anything."

Frank Russo: "No. I'm just telling it the way it is."

Supervisor Cardinale: "Right, right."

Frank Russo: "There was-- the proposed measures for the upgrade, is existing 10 inch diameter force main-- just to orient you, the green spot is where the pump station is now. This is about a .6 acre property that the sewer district would eventually purchase to construct a brand new pump station.

The force main goes down the driveway, down Howell Avenue all the way to Route 25 and then goes to a manhole that comes in to the sewer plant. That 10 inch diameter force main was installed in 1937 also. Force main (inaudible) clogging, solids deposited in the pipe. The existing pipe is not sized properly for the future flow.

So the project would involve the replacement of this existing force main with a new force main. That force main would come again down the drive, down Howell to Brook to Prospect and down along Route 25.

There's a condition known as tuberculation (phonetic). That's the build up of scale within pipe. As time goes on, that scale, instead of it being a 10 inch diameter pipe, it shrinks down significantly. What that does is it causes the pumps to work harder."

Supervisor Cardinale: "Like the cholesterol in your arteries."

Frank Russo: "Perfect example. So we investigated two alternatives, actually investigated more than two alternatives but narrowed them down to two alternatives.

We looked at keeping the existing force main and sizing the new pumps to overcome that friction loss produced by the clogging of the arteries. The second option was to totally replace that pipe as I said with a 14 inch pipe considering the ultimate build out flow for the sewer district and that turned out to be 14 inch.

If alternate one was used, you'd need two 60 horsepower pumps. If alternate two, meaning the new force main, you'd go to only two 25 horsepower pumps and we do know that the cost of electricity is

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probably in this case the most expensive o & m cost that the district has so we're saving. Once we make that capital investment in the force main, then forever you're not paying for that electrical usage. You're saving on that.

The existing site cannot accommodate the new construction as I mentioned and adjoining property would be purchased. Including the purchase of that property, the project budget is at \$3,535,000 and that's assuming that the construction would start in like the first half of 2009.

Assuming a bonding rate of 3 1/2% for 20 years, that's an annual cost to pay off the debt of over- of approximately \$248,000 per year. Since the upgrade is attributed to the flow increase caused by the development of Route 58 corridor, then the cost of new station force main will be paid for by the businesses in the commercial sewer district extension area.

The tax rate would go from 6.275 per thousand dollars assessed value to 10.943. That's a 74% increase."

Supervisor Cardinale: "At 3.5%, you're going to take my paper at 3 1/2?"

Frank Russo: "We researched it, we went on the internet and we tried- "

Supervisor Cardinale: "Are they really giving away a 30 year paper for 3.5?"

Frank Russo: "Yeah."

Supervisor Cardinale: "To a AA credit risk here?"

Frank Russo: "As of April of this year."

Supervisor Cardinale: "It's amazing."

Frank Russo: "Yeah."

Supervisor Cardinale: "Now is the time to borrow, folks. Let me see if I can sum this up for you. It's a 3.6 million dollar project that's going to drive my sewer rate up 74%. You're going-- the engineering fee is roughly \$500,000. If I don't do this, I'm going to back up sewerage into homes and basements all over town and you're saving me money because you're buying me two 25 horsepower pumps instead of two 60s. Is that about it?"

Frank Russo: "Yeah, pretty much."

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Supervisor Cardinale: "All right. Thanks. Anybody have a question?"

Councilman Dunleavy: "I have a question. I just have one clarification. Just so everybody out there knows. No residents will pay for the upgrade of this district. The only people that are going to pay for this district is the commercial establishments west of Osborne Avenue and anything that's built new there. So this is only for that area that's going to pay for this. No resident of the town of Riverhead will pay for this upgrade."

Supervisor Cardinale: "This is a commercial district, it's not a residential. So, relax, residential sewer people."

Okay, Barbara, you had a question?

So our decision is a clear one. Tell you no and back it up into the— incidentally, if there's no residential people paying, how's it going to go in the homes and basements? Wouldn't it go in the commercial establishments, not the homes and basements?"

Frank Russo: "You would hope so but that's unfortunately not how it works."

Supervisor Cardinale: "It doesn't work that way? You mean it actually goes into the people's homes that aren't in the sewer district?"

Frank Russo: "It's like anything else."

Supervisor Cardinale: "That's amazing. No, seriously. How do you do that? If you're not in the district, how do you get the sewerage backed into your house?"

Frank Russo: "Well, because the collection system of the Howell Avenue which is all residential, also goes to the pump station."

Supervisor Cardinale: "So if the pump station fails, it does help the residential. So if it helps the residential, how come— not to stick it on them, but how come residential isn't paying?"

Frank Russo: "Because if it wasn't for the development on Route 58, nothing would have to get done. The station would be fine."

Supervisor Cardinale: "It's a most unusual way of collecting in the sewer district. We could have a long talk about that. I get it. So in other words, we're not charging the residential component."

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Frank Russo: "Correct."

Supervisor Cardinale: "Okay. For reasons that you can defend, it may have to."

Frank Russo: "Absolutely."

Supervisor Cardinale: "Okay. Dick Ehlers can, too, our attorney. We've discussed it."

Frank Russo: "Yes, we have. Yeah, I wouldn't come here unless- "

Supervisor Cardinale: "Okay. Thank you. Seriously it was a good presentation. I actually understood it."

Frank Russo: "Thank you very much."

Supervisor Cardinale: "Michael, did you want to say anything or are you just here for moral support?"

All right. Who would like to comment? Anyone want to support backing it up into the homes and basements? Okay. So, therefore, we are going to end the verbal testimony and keep open for written testimony to be submitted not later than 4:30 p.m. on June 27th."

Public hearing closed: 7:55 p.m.
Left open for written comment for 10
days to June 27, 2008 at 4:30 p.m.

Public hearing opened: 7:55 p.m.

Supervisor Cardinale: "Move to the 7:25 hearing which is for consideration of a proposed local law to repeal Article XXXIII entitled Business E Highway Commercial/Service Zone and amend Article II entitled Districts and Boundaries.

Could you give us a little more detail on this, Dawn? I know we're crossing out the entire statute, that's easy. Why are we doing that? Because we wanted to- we should have killed it years ago when we did the master plan zoning? Whose proposal is this?"

Dawn Thomas: "It's your proposal."

Supervisor Cardinale: "Oh, not mine. I mean, who- okay, would you, please?"

Councilwoman Blass: "Well Business E does not longer exist."

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Supervisor Cardinale: "There you go."

Councilwoman Blass: "But it remained in the code. So it's one of those clean up actions that-- two different sections in the code where Business E is referred-- "

Supervisor Cardinale: "Okay. That's the amendment. Okay. So what in effect it is is that when we did the master plan zoning in '05, '06, we did not delete this which is no longer applicable. And we're doing that. So it's a clean up.

And, incidentally, don't we have another clean up on the (inaudible) zone, the rec zone that we were going to do? Okay. So we'll talk about that at the next work session.

So anybody want to comment about our housekeeping effort here to kill the statute that has no meaning any more? If you don't, I can commend you and I leave this open out of habit until 4:30 on the 27th for any warped soul that wants to put something in writing in about this."

Public hearing closed: 7:56 p.m.
Left open for 10 days to June 27, 2008
at 4:30 p.m. for written comment

Public hearing opened: 7:56 p.m.

Supervisor Cardinale: "And move forward to the 7:30 hearing, it being 7:56-- 7:56, yeah. And that is for consideration of a local law to amend Chapter 108 Article LX--Downtown Center 5: Residential (DC-5) Zoning Use District regarding uses at 314. And what are we doing-- "

Councilman Dunleavy: "We're adding bed and breakfast establishments to that."

Supervisor Cardinale: "We're adding bed and breakfast establishments to the DC-5 Downtown District because it was suggested as a good idea by some individuals who had previously commented in open session. And it will be a specially permitted use which would mean that they'd have to go through a hearing before they received the permission to utilize property in that area for that purpose.

Would anyone like to comment on this proposal? Yes."

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Councilwoman Blass: "I would like to put something on the record, Mr. Supervisor and that is when we were researching bed and breakfast there was I believe there was that (inaudible) inconsistency which should be corrected before we put it into another zoning use district. And that is that the definition says the duration shall be one week and in the body of the statute it's a two week duration. So before we continue to perpetuate that situation, we should clean that up as well."

Supervisor Cardinale: "You want to make it- let's make it two weeks because we want them in Riverhead the longer the better to spend their money."

Councilwoman Blass: "So we will need a definition amendment, a public hearing on that, but we should do that at the same time."

Supervisor Cardinale: "Okay. You wanted to comment?"

Ed Purcell: "Yes. Ed Purcell from East Main Street."

Supervisor Cardinale: "Yes."

Ed Purcell: "Have any of you stayed in bed and breakfasts?"

Councilwoman Blass: "Yes."

Councilman Dunleavy: "Yes."

Ed Purcell: "Okay. They do tend to be in the better areas and things that you want tourists so I absolutely am for in any area in the town, I think they should be a permitted use where except industrial because when you have more bed and breakfasts you get a better type of clientele."

I've stayed at bed and breakfasts from Cape May to by New Hope, upstate New York, out in Pennsylvania and it's a much nicer area and actually I have a friend that was going to buy a house in a downtown business area and he wanted to make it a bed and breakfast but he found out he couldn't do that so he backed off it and somebody else is buying it and they're going to- instead of restoring the house, they're going to rip it all apart and not make it what it originally was.

Because there are some houses back on 2nd Street and Ostrander that would be very- would fit very well in a bed and breakfast."

Supervisor Cardinale: "Since we established that you stay at a bed and breakfast and all the members of the board do, how does that support your thesis?"

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Ed Purcell: "Yeah, I know, I know, I know. But actually, I primarily stayed with people that actually, well, would be above my station."

Supervisor Cardinale: "Me, too, me too."

Ed Purcell: "People actually have money instead of work for a living."

Supervisor Cardinale: "Yeah, there you go."

Ed Purcell: "No, I don't know why when they originally set up- when you originally set up the plans, that you didn't include that in. It didn't make any sense to me after my friend who was going to buy the house said, well, that's not permitted."

Supervisor Cardinale: "What zone was that? Do you remember?"

Ed Purcell: "It was near downtown. It was around- "

Supervisor Cardinale: "Okay. We might want to take a look at the other downtown district- "

Ed Purcell: "Yeah. Because that would be- and I know it's so difficult to find rooms in this area. As a matter of fact, his daughter- no, actually, his niece had a wedding and they had to schedule rooms a year and a half in this area. So, you know, any more rooms on a couple of weeks, you know, not to rent it for a year or six months, but a couple of weeks would be advantageous."

Supervisor Cardinale: "Thank you. Anyone else want to comment? If not, we will end the verbal testimony, keep it open until the 27th at 4:30 for submission to the town clerk of written comment."

Public hearing closed: 8:00 p.m.
Left open for 10 days for written
comment to June 27, 2008 at 4:30 p.m.

Public hearing opened: 8:00 p.m.

Supervisor Cardinale: "And move to the final hearing of the evening, the long awaited consideration of a local law to amend Chapter 108- Chapter 8 Zero Tolerance Zones.

Would anyone like to comment on that? A text change. Would you please tell us what that is?"

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Dawn Thomas: "In the— one second, is my mike on? Now it's on."

In the proposed intent paragraph, it currently reads the town's business — it says the intent of this chapter is to decrease quality of life violations within the town's business improvement district by creating zero tolerance zones (inaudible), and it currently reads blighted areas. We're going to amend that to read urban renewal areas and I think that's the amendment."

Supervisor Cardinale: "Okay."

Dawn Thomas: "And also, in Chapter 96, in the section 8.3 where it indicates the chapters in which the fines will be doubled, we're removing Chapter 96. So when we adopt it, those are—"

Supervisor Cardinale: "Two comments that have been discussed on the board. Okay. So these would be— the fines would be doubled as to alcoholic beverages, bicycles, dogs, graffiti, loitering, and noise control and littering."

Okay. Anybody have a comment? If so, please come up. If not, I will leave this open for comment, for written comment, through Friday, June 27th at 4:30 p.m."

Public hearing closed: 8:05 p.m.
Left open for written comment for
10 days to June 27, 2008 at 4:30 p.m.

Supervisor Cardinale: "Okay. That ends the hearings we have scheduled for today and I'd like to ask for comment on any one of the resolutions we're about to consider from 501 through 558. Yes, Sal. Yes, Sal."

Sal Mastropolo: "Resolution 518."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Can you tell me if the town is going to recover the \$48,000 from the cellular carriers since it appears that it's stuff that they should be doing but can't in a timely fashion."

Supervisor Cardinale: "Yes. They are paying for the relocation and a few thousand of it is actually for our own use and we're paying a proportional share like police and water, etc. But, yes, we are asking them to pick it up."

Sal Mastropolo: "Thank you. 544."

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's no mention of the fee paid or being waived."

Supervisor Cardinale: "544 is the Chapter 90 on the Peconic Bay Medical Center."

Sal Mastropolo: "Right."

Supervisor Cardinale: "What is the status on this? Do we know? The law remains the same so if it's a not for profit, we waive the fee. Is that correct? It is-- we'll add that. It is waived for a not for profit. It's been much discussed but we haven't acted yet."

Sal Mastropolo: "Okay, 551."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Again, no mention of fee paid or waived and there's no mention of that being a non for profit."

Supervisor Cardinale: "This is a good one. Yeah, this is a good question. What are we doing-- "

Councilman Dunleavy: "They're both not for profits."

Supervisor Cardinale: "They are not for profits?"

Councilman Dunleavy: "We spoke to the gentleman yesterday."

Supervisor Cardinale: "Yeah, that's right. He came in. Yes. They're doing it for two not for profit enterprises but do you remember, Barbara, because you-- did they apply already?"

Barbara Grattan: "Oh, yes."

Supervisor Cardinale: "And they didn't pay, did they?"

Barbara Grattan: "No."

Supervisor Cardinale: "So we better say that they're not for profit and that's why they didn't pay and if they're not not for profit, then they should pay. Thank you."

Sal Mastropolo: "Okay. 556."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "What is the total cost to the town? I saw something that said 4th payment, \$3,500; 5th payment, \$3,500; 6th and final payment \$1,000. So that's \$8,000 right there. And I'm assuming that there's three payments before that. And then that begs the question why is the town paying for this? Why does the town care about piper plover? If somebody else is worrying about pipe plover, they should be paying, not the town."

Supervisor Cardinale: "And they are. Yeah. It was a grant received. It had the best of intentions. We actually net nothing out. But the idea was that we would do the work initially and have a net gain. The work turned out to be pretty onerous and we couldn't do it so we took the money and told the Nature Conservancy to do it and they'd do it with the grant money."

Sal Mastropolo: "Okay. So it's grant money?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you."

(Inaudible comment)

Supervisor Cardinale: "Yes. 546 you want me to look at? Is that the-- you want to comment on that? Please come up. This is the one you sent the letter on. Okay, this is the Riverhead Elks Lodge application for a Chapter 90 and you are the neighbor. Right?"

Kelly Penwell: "Kelly Penwell."

Supervisor Cardinale: "Right, go ahead."

Kelly Penwell: "I just wanted to comment. I was just outside speaking with Chief Hegermiller. Saturday night there was a-- 12:48 a.m., there was music coming from the Elks. I was trying to sleep, I was in bed. My window was open and I'm laying in bed, I actually wrote down some of the songs that they were playing. And I made a request that the police come down and investigate and I just spoke with Chief Hegermiller because, again, the report is there was no noise."

Supervisor Cardinale: "That's what the field report says?"

Kelly Penwell: "Yes. But I requested-- I did speak with Chief Hegermiller and I requested a statement from the officer stating whether there was a band there. I just took a lucky guess

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that there was a party. You know, I was in bed at the time, like I said, trying to go to sleep.

You know, it's an ongoing problem with the noise that comes from the Elks and I want to go on record that I don't have any axe to grind with any particular one group but what's happening over there is the Elks, even though it's taxed as a non-profit, it's operating as a business. It's rented out to-- different people have parties there. It's rented out to groups to have parties there. The Elks have events there.

And, you know, if the town is going to tax it as a non-profit, you can't really let it operate as a commercial entity and let them rent it out for parties and whatever have you.

And, you know, I'm not the only person that complains even though they said that I'm the only person that complains. They put ads in the newspaper using my name saying that I'm the only one complaining, which is not true. So I'm being publicly attacked.

I had a 12 foot steel sign come through my bedroom window the day after they were served, when my child was in the house. And, you know, I can't tell you that it was them but, you know, the vehicle that was identified was identical to Ms. Hubbard's son and her son works for the town and has access to such signs and I haven't heard back from the police department, which I was just talking to Chief Hegermiller about that again.

I mean it's like I'm getting terrorized in my own home. And I, you know, I've been down here a number of times to talk to you about different thing, you know, again, there's been a petition that's put in with more than 50 names on it from the residents in the neighborhood.

You know, the town code clearly has laws and rules and regulations on race tracks. There's a race track there. Go down there and look at it. They put it in yesterday. It's a dirt track that's been installed in there now. And I mean this is on a piece of property.

All I want to do it to be able to enjoy my property just like every single one of you sitting up there does on the weekend and be able to go to sleep at night and be able to feel safe in my own home.

I mean I also spoke to Chief Hegermiller and you can call my daughter right now. There was a truck squealing outside of my house last night. My daughter is terrified, going what's that, Mom?"

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Supervisor Cardinale: "I received your letter and I read it and I looked at this because I know that there are other problems over there. Pre-existing-- there's a couple of issues.

There's Chapter 90 issues. There's also the pre-existing use issue. This is a Chapter 90 event that was going-- it's supposed to happen between 12 in the afternoon and 4-- albeit, it's a lawn mower race. Between 12 noon and 4:00 p.m."

Kelly Penwell: "Which the County of Suffolk-- I've already submitted documentation-- has said that that event shouldn't happen there. I mean there's other issues that have happened in this town, I've read in the News Review with Jedediah Hawkins and Great Rock and we're not just talking about noise now. We're talking about dirt, we're talking about things that-- a stockade fence isn't going to stop dirt from coming over.

Again I'm an asthmatic. Ms. Thomas is very well aware of that. I've discussed that with her and her recommendation to put up a fence isn't going to stop the dirt from coming over and permeating into my home, into my swimming pool. I mean, who takes care of that? You know. There's no accountability whatsoever.

My house is full of dirt and I'm struggling to breathe and I've already had to endure whatever event they're having over there and then to have to clean it up, it's a matter of my health."

Supervisor Cardinale: "The-- well, I guess the point is-- is this the first one we've received for a Chapter 90 this year? I know it's the season. This is a 12 to 4 event. I understand the lawn chair problems; I understand the issue of-- "

Kelly Penwell: "It's lawn mower, not lawn chair. I wish it was lawn chair."

Supervisor Cardinale: "Lawn mower, yeah. I understand that there is a couple of issues here, number one which is when does a special event stop being special when you have so many of them. What is the pre-existing use to which the Elks Lodge is entitled to begin with, without even a special event."

Kelly Penwell: "And what about-- "

Supervisor Cardinale: "Is it open to the public or is it open only to Elks members?"

Kelly Penwell: "What about the setting up of a race track? This putting up a race track. I mean the town code is clear about what the parameters that you are allowed to run a race track under. Let's go down there right now and look at it. It's there, they made

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it yesterday. I sat there and I listened to that last night, too. You know, it's Long Island.

You know, I read in the paper about helicopters going over people's homes, people are complaining about helicopters, sit at my house on a Sunday and listen to that for four hours.

I mean, again, I'll go on record, I've said it many, many times publicly. Why can't they find another site? I've offered to call around and find another place for them to hold the event. I've offered to do that. All right? So I don't understand why it has to happen there."

Supervisor Cardinale: "You're talking about this particular event or event in general?"

Kelly Penwell: "Any lawn mower race that they have. I mean it can't be run in a rural place. I have asked that of the town board for like six years to say that. That it's not going to happen in somebody's backyard. I mean, do you want to listen to that on a Sunday? I've talked to many of you while the events are going on. The only person from the town board that's ever come down to witness what my backyard is like while one of these events are going on was George Bartunek. That's it."

Supervisor Cardinale: "Well, you know, because you are authorized a special event between 12 and 4 on an afternoon, does not permit noise in excess of a decibel rating permitted by our sound ordinance."

Kelly Penwell: "All right, Mr. Cardinale. We want to go there, I'm going to tell you I have, you know, I have (inaudible) police reports when the noise gets over the limit and the police says it's okay and I have to come down and speak to Chief Hegermiller and-- "

Supervisor Cardinale: "Well, that's wrong if that happens."

Kelly Penwell: "And then I can tell you another time when I was having an event at my house and you guys denied a Chapter 90 permit for them and they held the event anyhow and when I came down to the police station and spoke to Lt. Lessard, he said it was happening under his jurisdiction. So I'm trying to tell you that there's a number of issues that are going on here, that I would really like for you guys to take a really good look at what's happening here. Because as far as I'm concerned, it's really starting to smell."

Supervisor Cardinale: "The- the- your letter I read. I hear what you're saying, but for our purposes this evening as you stand

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there, I have to— we have to consider yes or no on a special permit from 12 to 4 for a lawn mower race which I think is the first special permit we've received. So the question is— "

Kelly Penwell: "But it's not the first event that's happened there this year. It's not the first event that they've held. It's not. They've had— they had a swap meet. They had— "

Supervisor Cardinale: "Special events, it's all coming back painfully."

Kelly Penwell: "Yeah, it's very painful for me."

Supervisor Cardinale: "Special events are when they offer it to— when it's public. But they have a right to utilize the property for their own members pursuant to their pre-existing, non-conforming use rights."

Kelly Penwell: "Not as a race track."

Supervisor Cardinale: "Well, that's what I just said. We have to define what the pre-existing, non-conforming use rights are but they have a right to do that without a special permit application. The only time they make special permit applications is when they're offering it to the public. That's be definition what a special permit is— I'm sorry, a special event permit is."

I'm aware— tell me— speak to me about this resolution. The board has to in about 10 minutes consider whether to permit them from 4 to 12 on June 22nd— 12 to 4, I'm sorry, thank you, from 12 to 4 to run a lawn mower race which admittedly is probably going to be loud but it's the middle of the afternoon. Is that a Sunday?"

Kelly Penwell: "Yes. Again, that's another thing that I requested, that all the events don't happen on a Sunday."

Supervisor Cardinale: "On a Sunday."

Councilman Wooten: "I think the rain date is for Sunday."

Kelly Penwell: "No. It's definitely Sunday. It's always on a Sunday."

Supervisor Cardinale: "Okay. So why should we not allow it? That's really what this portion of the comment-- "

Kelly Penwell: "Definitely— first off, it's a disturbance to me, an enjoyment of my own property, all right. It's going to be a health issue to me just like I said to you earlier. It's going— I'm

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going to ingest dust while it's going on or I have the option to close all the windows in my house.

I'm going to wind up having a financial expense to have my windows cleaned or do it myself when it's finished. I've already had my pool water tested because I know what's going to happen there because it's happened before. It's typically a three hundred dollar bill to me with the dust that comes over."

Supervisor Cardinale: "John has a question."

Councilman Dunleavy: "I just have one question. Is there— I was told that there's woods between this so called track that you're calling it and your— "

Kelly Penwell: "It's not a so called— "

Councilman Dunleavy: "No, no, no. A track then, let's go with track."

Kelly Penwell: "No, it's dirt. The track is— because they always tell you that— "

Councilman Dunleavy: "Okay. But is there woods between your house— "

Kelly Penwell: "A little. A strip of trees. It's not— we're not talking about the forest."

Councilman Dunleavy: "How deep?"

Kelly Penwell: "Ten, twelve feet. I don't know. I don't really have the— we're not talking about— "

Councilman Dunleavy: "Because you testified that the sand is going into your pool."

Kelly Penwell: "It does. It comes over. I have a video tape of it. If you have access to an internet, Google lawn mower racing. Please do it and see what— and now when they took and they made the dirt track there, now they're going to race on dirt, not grass. All right. Just Google, Google any lawn mower race and just see what it looks like. And, again, it's like four hours of sitting there, you know, your windows rattling. I mean— "

Supervisor Cardinale: "Is this the only one that you object to or do they do other events that you object to?"

Kelly Penwell: "This is the one that I'm most— is most objectionable to me. Again, it's objectionable to have every single weekend of your summer and something that you put the majority of

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your savings and I didn't buy the house when they were already doing this. Like that's the thing. There are only two events there and I just spoke to Chief Hegermiller. If we were talking about one or two events a year, it's tolerable. When it comes in to every weekend, it's a problem.

And like I said, I can tell you all winter long because of the private events that they have over there, I could have called 30 times to the police station and complained about the music that comes out of there on Saturdays. And I don't."

Councilman Dunleavy: "Now, you're saying they're going to have these lawn mower races every weekend?"

Kelly Penwell: "Not every weekend but there's all kinds of events being held over there. You know, it's not one group that's holding these events. It's a variety of groups that are holding the events."

Councilman Dunleavy: "So you don't want nothing held at the Elks Lodge?"

Kelly Penwell: "I didn't say that. I didn't say that. They had an event there Saturday night and I was laying in bed and I'm telling you I have 12 songs written down of what was played. All right? I'm laying in bed. I didn't go over there. I didn't anything. And at 12:48 a.m., is that an event or is that not an event that happened?"

Councilman Dunleavy: "Were they inside or outside?"

Kelly Penwell: "They were inside. And the music was definitely audible to a point that I could sing along with the words if I chose to on Saturday night."

Supervisor Cardinale: "All right."

Kelly Penwell: "So is that an event or it's not an event? I mean, I'm not looking to argue, I'm just-- all I want to do is to be able to enjoy my home."

Councilman Dunleavy: "I'm just trying to get the facts. That's all I'm trying-- to know what I'm talking about."

Kelly Penwell: "Well, that's the facts and the police report came back that there was no noise so I asked Hegermiller if he could find out from the officer whether there was indeed a band over there and I took a lucky stab at it."

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Councilman Dunleavy: "How far is your house from their building?"

Kelly Penwell: "I don't know the footage. I don't. My backyard- "

Councilman Dunleavy: "A thousand yards?"

Kelly Penwell: "I don't know. I don't."

Supervisor Cardinale: "What I would ask you to do so we wrap this up is I think the solution is to, number one, limit the number of events to something that we believe is- continues to make it special. It has to be special so it can't be every weekend.

The second thing is to condition any events that we approve in a certain manner. We've done that in the past when we've had this problem.

The suggestion of the town attorney is that we- if we were to approve this, we could require that there would be a water down of the dirt racing area to prevent dust and that the applicant maintain all noise levels within the required chapter limits and that- and she's offered to give you the cell phone number of our chief investigator- chief enforcement officer."

Kelly Penwell: "I know them all really well."

Supervisor Cardinale: "All right. So you could call him on a Saturday at 3:00 and say, hey, this is decibel #90, please check this. Come on down here, I'm choking with dirt."

Kelly Penwell: "Phil, let me tell you what. We've already been- we've already visited what the noise sounds like at my house even when it's on the borderline of decibels. All right. It's not something you'd want in your backyard. It's not.

And I'm saying to you, again, that I submitted paperwork to the town that the County of Suffolk Department of Health says shouldn't happen. All right? I can go home and get you another copy of it.

They say that- what kind of emissions are coming off the lawnmowers? What am I breathing in? What kind of dirt is coming over? What are you regulating with that? Is it okay?"

Supervisor Cardinale: "I'd like to see the letter."

Kelly Penwell: "You have it and I'll bring you another copy."

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Supervisor Cardinale: "The only one I got this morning was your letter. I didn't have any attachments."

Kelly Penwell: "No. This is from the past that I brought it down here. I brought it down and Miss Thomas has it."

Supervisor Cardinale: "Dawn, do you have it still?"

Dawn Thomas: "I don't- "

Supervisor Cardinale: "If you could- if there's a health hazard that has been determined on this particular event, I'd like to know about it."

Kelly Penwell: "This is not the first time with Miss Thomas that I've brought up to her that it's a health issue. It's not."

Supervisor Cardinale: "I know there's an outstanding issue. But she may not have the file- "

Kelly Penwell: "All right. I'll have John Ciarelli, my attorney, deliver it down here tomorrow."

Supervisor Cardinale: "Why- we have to approve this or not approve this before the event. The event is scheduled for next- "

Kelly Penwell: "It's for the 22nd."

Supervisor Cardinale: "-- Sunday, so we have to decide this tonight."

Councilman Dunleavy: "It's Saturday. Is it Saturday or Sunday?"

Supervisor Cardinale: "It's Sunday of this week. Oh, actually, that's right, it's Sunday of this week. So we have to decide this either now or at Thursday's work session if we did a special. So when we get to it, we'll make that decision what we're going to do. We'll either decide it with or without conditions tonight or we're going to adjourn it and determine it at Thursday's work session in a special."

Kelly Penwell: "And just so you- the water works for about the first maybe 50 laps that get raced, all right. The water works for that. It doesn't work after it's been run over and, again, I implore every single one of you to take a look at what it looks like. Pick any Google web site and take a good look."

Supervisor Cardinale: "I'm not being facetious but I'd say it is a four hour session- "

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Kelly Penwell: "Right, with microphone and commenting."

Supervisor Cardinale: "I know. Have you considered an afternoon movie, seriously? It's a four hour- "

Kelly Penwell: "All right. So, Phil, it's again- again, I'm being asked to leave my home which I've been told- "

Supervisor Cardinale: "It's not ideal, but you know."

Kelly Penwell: "Let me ask you a question. How many times a year do you leave your home because of noise that comes? You know, any of you. Do you leave your home? Do you have to leave your home?"

Councilman Dunleavy: "While this is on-- can I ask you a question? While this is on, can I be invited over to your house to listen to it?"

Kelly Penwell: "Absolutely."

Councilman Dunleavy: "Just to see it."

Kelly Penwell: "Absolutely. 57 Daly Court, come on down."

Councilman Dunleavy: "Thirty-seven?"

Kelly Penwell: "Fifty-seven."

Councilman Dunleavy: "Fifty-seven. Okay. Thank you."

Kelly Penwell: "Mr. Bartunek has been there. I think it would be great if you came down, all of you. I think it would be great."

Supervisor Cardinale: "Thank you. I appreciate your- thank you."

Councilwoman Blass: "I just want- can I just say one thing?"

Supervisor Cardinale: "Go ahead, please."

Councilwoman Blass: "That I've said this before. I don't think something has to exceed the decibel level at the property line in order for it not to be a nuisance. And that's the part that I always have trouble with. Just because it doesn't exceed some, you know, level that can be detected on a meter, whatever that level is- 67 decibels, doesn't mean that it's not a nuisance to somebody."

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I always say you know you have mosquitos that are terrible nuisance— that are a terrible nuisance when they're flying over you and you're trying to sleep and, of course, that doesn't— "

Councilman Wooten: (Inaudible comment)

Councilwoman Blass: "-- well, no, but the fact is it's a nuisance irrespective of whether it's exceeding the town code and should be technically considered a violation or not. I absolutely agree with that."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Maybe we should amend the town code."

Councilwoman Blass: "I think we should."

Supervisor Cardinale: "We would like to hear from any other person that has a comment on these resolutions? If we don't have any further comment, we'll consider them. And then take general comment."

Barbara, would you call, please?

We have a CDA resolution as well? Chris Kempner is here. We're going to adjourn the meeting of the town board for a moment."

Meeting adjourned: 8:24 p.m.

Meeting reconvened: 8:25 p.m.

Supervisor Cardinale: "And reopen the town board meeting and ask Barbara to begin with 501."

Resolution #501

Councilman Dunleavy: "Ratifies transfer of ordinance inspector to the town board attorney's office. We're getting one ordinance inspector from the town of Southampton transferring over to the town of Riverhead. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #502

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Councilman Buckley: "Authorizes attendance of two police officers— two police department employees to LPR conference. LPR is a license plate reader which they received full— it's a \$20,000 device that they received for nothing through their work through a grant. So I vote— oh, so moved. Sorry."

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

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

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

Resolution #503

Councilman Wooten: "Amends 2008 salary resolution to adhere to the Suffolk County living wage law. 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 #504

Councilwoman Blass: "Approves the request for leave of absence for a town employee. 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 #505

Councilman Dunleavy: "Accepts resignation of a Conservation Advisory Council member."

Supervisor Cardinale: "I wanted to ask something on the last resolution. There was on the initial, another paragraph, that required a notice, 30 days prior to the expiration (inaudible). And that if, in fact— oh, because of— okay. Okay, fine, thank you. Thanks."

Barbara Grattan: "Okay, 505."

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Councilman Dunleavy: "Accepts resignation of a Conservation Advisory Council member, Frederick Edel. I just want to wish him luck. He's moved out of the town and he's going to better pastures. So he thinks.

So moved."

Councilman Buckley: "Seconded."

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

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

Supervisor Cardinale: "Yeah. And I want to thank him for his work. He was always saying that he might move, and he did. Where did he go?"

Councilman Dunleavy: "He went to Florida. Oh no, South Carolina or someplace."

Supervisor Cardinale: "God bless him and thank him for his work in the fire department and for us. I vote yes."

Barbara Garttan: "The resolution is adopted."

Resolution #506

Councilman Buckley: "Appoints a student intern to the office of town hall operations. So moved."

Councilman Wooten: "And seconded."

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

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

Councilman Dunleavy: "Yes. This is going to be a shared service between the clerk's office, the supervisor's office and any place else she's needed in the town.

I vote yes."

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

Resolution #507

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Councilman Wooten: "Rescinds Resolution #483 for the Riverhead recreation department due to errors that needed to be corrected. 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 #508

Councilwoman Blass: "Ratifies the appointment of summer recreation aides 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 #509

Councilman Dunleavy: "Amends the appointment of a lifeguard to the recreation department, Deborah Hennenlotter. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #510

Councilman Buckley: "Appoints a seasonal lifeguard Level V to the recreation department. So moved."

Councilman Wooten: "This isn't the chief, is it? 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 #511

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Councilman Wooten: "Amends the appointment of a beach attendant/concession stand operator 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 #512

Councilwoman Blass: "Amends the appointment of a scorekeeper 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 #513

Councilman Dunleavy: "Declares lead agency and determines significant of action land acquisition, Estate of Sophie Wilson. And this will help us with Pulaski Street and Route 58. 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 #514

Councilman Buckley: "Authorizes the Supervisor to execute an agreement between the Riverhead town board and the Riverhead fire district. 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."

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Resolution #515

Councilman Wooten: "It's a resolution of support and concurrence with the Suffolk County/Town of Riverhead Empire Zone (formerly Economic Development Zone) regionally significant project application. 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 #516

Councilwoman Blass: "Resolution of support and concurrence with the Suffolk County/Town of Riverhead Empire Zone (formerly Economic Development Zone) regionally significant project application. 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 #517

Councilman Dunleavy: "Authorizes the submission of a youth mentoring grant. 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 #518

Councilman Buckley: "Authorizes the Supervisor to execute change order No. 1, repainting of plant Nos. 8 & 9 stand pipes of the Riverhead Water District. So moved."

Councilman Wooten: "And 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 #519

Councilman Wooten: "Authorizes publication of notice to solicit proposals for the alternative analysis and final design of fishway at Upper Mills Dam. 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 #520

Councilwoman Blass: "A resolution that supports the town of Riverhead application to New York state Department of Transportation for transportation enhancement reimbursement funding to support bicycle/pedestrian path. 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 #521

Councilman Dunleavy: "Authorize Community Development office to submit application for funds to acquire real property as to develop the Peconic River greenbelt. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #522

Councilman Buckley: "Authorizes Community Development office to submit application for funds for educational signage for Peconic Estuary program invasive species eradication program in the Peconic River. So moved."

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Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "Yes. And I want to restate Councilwoman Blass' that we need volunteer for Saturday, June 21st and Sunday, June 22nd. So if you would give Councilwoman Blass a call and help us out. Thank you. Yes."

Councilwoman Blass: "Are you going to come down, John?"

Councilwoman Dunleavy: "Yes. I will be there."

Councilwoman Blass: "Okay, good."

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

Resolution #523

Councilman Wooten: "Authorizes the town Supervisor to enter into a municipal mutual aid and assistance agreement. 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 #524

Councilwoman Blass: "Scheduling a public hearing pursuant to Article 2 of the New York State Eminent Domain Procedure Law in connection with the partial condemnation of 1418 Pulaski Street, Riverhead, reputed owner, estate of Sophie Wilson, Suffolk County tax map number 0600-101.00-02.00-012.003, Riverhead, New York. 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 #525

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Councilman Dunleavy: (Inaudible)

Supervisor Cardinale: "Yes. This is the one that-- "

Councilwoman Blass: "This is the authorization to have the public hearing."

Councilman Dunleavy: "We had Verizon."

Supervisor Cardinale: "That is correct."

Councilman Dunleavy: "We didn't have this one so we're going to authorize town clerk to publish and post notice of public hearing Omnipoint Communications Inc. for an antenna on County Road 58. So moved."

Supervisor Cardinale: "Second please."

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 #526

Councilman Buckley: "Accepts an offer of a gift from P.C. Richards. So moved. Where's it going?"

Supervisor Cardinale: "It looks like we have to decide that but are we really getting this, Bill? Did you check? All right. We got an offer verbally for a 52 inch television set, so we took it. I think maybe the inter-generational center and I was going to offer it to one of you guy's office, but your offices are so small."

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

Councilman Dunleavy: "It wouldn't fit in our closet."

Supervisor Cardinale: "Yeah. So it will probably go to the inter-generational center at the senior center."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Okay, moved and seconded. Vote please."

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

Resolution #527

Councilman Wooten: "Accepts a donation for Lombardi Park from the Rotary International Club, I guess to help with the concrete flooring and lighting-- "

Supervisor Cardinale: "In the gazebo, right."

Councilman Wooten: "So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "Yes. And I'd like to thank P.C. Richards and the Riverhead Rotary. This is \$1,500 they're giving us for concrete flooring, so both of those organizations, thank you. I vote yes."

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

Supervisor Cardinale: "I'd like to repeat what John said and between a couple thousand for the TV and \$1,500 for Rotary, you know, we could start a new trend. If we keep getting donations, we don't have to pay taxes. We could just sustain ourselves as the not for profits to.

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #528

Supervisor Cardinale: "Bill, we've got to get letters out to the Rotary and to P.C. Richards."

Councilwoman Blass: "Authorizes the release of the security of Over in 2050 LLC (Riverhead Ford). So moved."

Councilman Dunleavy: "And seconded."

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

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

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Supervisor Cardinale: "I'm afraid it will be over by 2050. I think it may be over for this entire board by 2050 for sure and a lot sooner in all likelihood.

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #529

Councilman Dunleavy: "Authorizes the release of security for Vinland Commons. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #530

Councilman Buckley: "Awards bid for well and pump emergency service for the Riverhead Water District. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #531

Councilman Wooten: "It grants the special use permit petition of Fastenal Company. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "Yes. Did we ever get that one settled?"

Supervisor Cardinale: "Yes. That one issue? It's covered in here."

Councilman Dunleavy: "Okay, yes."

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

Resolution #532

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 90 entitled Special Events of the Riverhead town code. 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 #533

Councilman Dunleavy: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #534

Councilman Buckley: "Authorizes the town clerk to publish and post public notice of a public hearing to consider a proposed local law to amend Article XIII entitled Supplementary Use Regulations of the Riverhead town code. So moved."

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

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

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

Resolution #535

Councilman Wooten: "Authorizes the town clerk to advertise for bids on precast concrete drainage rings and associated items. 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 #536

Councilwoman Blass: "Authorizes the town clerk to advertise for bids on traffic paint. So moved."

Supervisor Cardinale: "Second, please."

Councilman Dunleavy: "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 #537

Councilman Dunleavy: "Authorize the town clerk to advertise for bids on traffic line striping."

Now, I don't know if this is for the machine or to have someone to come in and stripe. It doesn't say here. Did you find out?"

Supervisor Cardinale: "Traffic line striping, yeah."

Councilman Dunleavy: "So moved."

Supervisor Cardinale: "Thank you. And second, please."

Councilman Buckley: "Second."

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

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

Councilman Dunleavy: "I'm voting yes and have it straightened out to see if it's striping or machine."

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

Supervisor Cardinale: "I think it's individuals but I'll let you know, John."

Councilman Dunleavy: "You think it's what?"

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Supervisor Cardinale: "I think it's- they're asking for a bid for them to do- "

Councilman Dunleavy: "For a company to come in and do it?"

Supervisor Cardinale: "Yes. Do it, yeah."

Councilman Dunleavy: "Okay. Why don't we order the paint? Maybe- "

Supervisor Cardinale: "But I'll check it for you."

Councilman Dunleavy: "Okay."

Resolution #538

Councilman Buckley: "Authorizes the town clerk to publish and post notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-3 stop and yield intersections; railroad crossings; parking fields. So moved."

Councilman Wooten: "And seconded. This is a stop sign on the (inaudible)."

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

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

Councilman Dunleavy: "Yes. Is that a public highway now?"

Supervisor Cardinale: "The intersection is, yeah. This is really necessary because they come out of there and don't stop. So I would vote for the hearing certainly. I vote yes."

Councilman Dunleavy: "Yes."

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

Resolution #539

Councilman Wooten: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Rural Corridor zoning use district. This is that 105 to the town line. So moved."

Councilwoman Blass: "And 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 #540

Councilwoman Blass: "Mr. Supervisor, I make a motion to table Resolution #540. This is adopting a local law for which we have not held a public hearing."

Supervisor Cardinale: "That's a trick, isn't it? Okay. I think we ought to not adopt it before the hearing. No, I don't think we should adopt it before we have the public hearing."

Councilman Dunleavy: "And I second it."

Supervisor Cardinale: "Moved and seconded. We have a vote to table pending the rescheduling of the hearing."

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

Resolution #541

Councilman Dunleavy: "Adopts a local law amending Chapter 52 entitled Building Construction of the Riverhead town code. 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 #542

Councilman Buckley: "Adopts a local law amending Chapter 86 entitled Rental Dwelling Units of the Riverhead town code. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #543

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Councilman Wooten: "Approves a Chapter 90 application East End Arts and Humanities Council, Inc. for their yard sale on June 28th, rain date is June 29th. 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 #544

Councilwoman Blass: "Approves the Chapter 90 application of Peconic Bay Medical Center. 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 #545

Councilman Dunleavy: "Approves Chapter 90 application of East End Arts & Humanities Council, Inc. So moved."

Councilman Buckley: "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 #546

Councilman Buckley: "Approves the Chapter 90 application of Riverhead Elks Lodge #2044. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Discussion. Do we— we've had some comment on this. We have to resolve this by today or by Thursday. We may want to add some conditions, we may want to reject it for some reason after discussion with counsel.

What do you think we should do? Anybody have a suggestion? Dawn, do you have a suggestion?"

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Councilman Dunleavy: "I think the suggestion of watering down the track is a good one."

Supervisor Cardinale: "Okay, that's a condition that Dawn had suggested."

Councilman Wooten: "They may be continually doing it."

Dawn Thomas: (Inaudible).

Councilwoman Blass: "Can we spend a little time maybe going through some of the things that we could ask them to do in connection with this- "

Councilman Wooten: "In reading this whole thing, a lot of this has been addressed."

(Some inaudible discussion)

Councilman Wooten: "I see noise control; I see times."

Supervisor Cardinale: "The- I guess the question is does anyone wish to table or make any amendments? There's been an amendment request informally that we add- do you still have that document- yeah, you handed it- yeah, I don't think I did. I may still have it.

But there was a suggestion that we put a condition in."

Councilman Dunleavy: "If they made a dirt track and I don't know if they did, I haven't looked at it, but they should water it down if they have a dirt track."

Supervisor Cardinale: "Okay. The suggestion is you can read it in you can read it in as the condition that they water down the track and that they stay within the decibel levels required by law and she's offered to give to the next door neighbor the cell phone of our chief enforcement officer if there's a problem. So is that- anything else that wants to be added? Does anyone want to make a motion to add or to table?"

Councilwoman Blass: "I'd like to actually go take a look at what they've done tomorrow and if we have the opportunity to talk a little bit more about it on Thursday and have a special and put some additional conditions if necessary on Thursday. But I'd like an opportunity to talk about it a little bit more."

Supervisor Cardinale: "Okay. That's a reasonable suggestion. Does- so John wants to amend; Barbara would like to table to discuss further conditions."

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Councilwoman Blass: "And take action on Thursday."

Supervisor Cardinale: "And take action on Thursday which we'd have to take anyway."

(Some inaudible discussion)

Supervisor Cardinale: "Barbara's inclination is to table; John's is to amend; my inclination would be to table and to it right, have you prepare something with some conditions. I don't see denying something between noon and 4:00 frankly, but I do see that we could try to put some conditions on."

Because if in fact they're violated, it would help us with the next application and as we've done in the past, look, we gave some conditions and you disregarded them so you're not getting permission this time. So I would suggest-

(Some inaudible discussion)

Supervisor Cardinale: "I'm not sure we have three. I'm really trying to get it."

Councilman Buckley: "I'm good with amending it."

Supervisor Cardinale: "You would like to amend it now."

Councilman Wooten: "I'm good with it as is with the amendment that they keep the track-

Supervisor Cardinale: "Okay. So the question, John, winds up with you. Would you prefer to amend it or table it?"

Councilman Dunleavy: "No, I'd rather amend it."

Supervisor Cardinale: "Okay. Ed, we have three votes to amend. So can you read the amendment-

Councilman Wooten: "Wait until Thursday, and then it's scheduled for Sunday, I don't know what kind of preparation they need-

Councilman Buckley: (Inaudible)

Supervisor Cardinale: "All right. So for whatever reasons I understand the vote is, everybody wants to do something, but three want to amend now and two would prefer to do it more carefully, slowly, on Thursday. But so let's amend what we've got there. Is

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there anything else that anybody can think of they'd like to amend or add a condition before we consider it?

Dawn, if you have any thoughts, let me know. I think you offered those which was a help."

Dawn Thomas: "There were some that were in the boilerplate (inaudible)."

Supervisor Cardinale: "Yeah, the ones were in there. Right."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I tell you what. Let's get the best of both worlds. We've got three votes that want to pass it now with the amendment. Take a look tomorrow morning at, you know, the old resolutions. If there's something that really we should put in and we didn't, we'll put it in and we'll ratify it at the next meeting or we'll ratify it on Thursday. Okay? We have agreement.

Read in what you have and then if there's something that we missed in your judgment, we'll deal with it on Thursday or on the next meeting. We'll deal with it Thursday, if necessary. Okay. So we have an offer— who's offering the amendments? It's Mr. Buckley."

Councilman Buckley: "Yes, so moved."

Supervisor Cardinale: "Okay, moved as amended. She'll read in the amendment."

Dawn Thomas: "Okay. Resolved that the applicant be required— actually put it after the second Resolved on the second page, a new Resolved paragraph that would state: Resolved that the applicant be required to water down the dirt racing area as needed to prevent (inaudible) dust and be it further Resolved that the applicant shall maintain all noise levels from the event within that required pursuant to Chapter 81 of the town code."

Councilman Buckley: "So moved."

Supervisor Cardinale: "All right, moved and seconded— "

Councilman Wooten: "I'll second it but that Resolved about noise is already in there. That's all right. It's redundant but it's good."

Supervisor Cardinale: "All right. Moved and seconded. May we have a vote, please?"

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

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Supervisor Cardinale: "I'm going to vote yes as amended. I've stated my preference but- and I think we've covered it with the remarks. However, one of the things is that it's 12 to 4, so let's give them an opportunity- "

Councilman Wooten: "Monday, John is going to report back."

Councilman Dunleavy: "I'm going to report back."

Supervisor Cardinale: "I think we have to give them an opportunity to see if there's a problem. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #547

Councilman Wooten: "Approves Chapter 90 application of Church of the Harvest for their community appreciation day at the East End Arts property July 26th. 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 #548

Councilwoman Blass: "Approves the Chapter 90 application of Old Steeple Community Church. 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 #549

Councilman Dunleavy: "Approves Chapter 90 application of Polish Town Civic Association and this is for the Polish Town fair August 16th and 17th. So moved."

Councilman Buckley: "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 #550

Councilman Buckley: "Approves Chapter 90 application of Polish Town Civic Association DOWOP - 50's night. So moved."

Councilman Wooten: "I'll second it but it starts sometime around- "

Supervisor Cardinale: "Five p.m. to 12 am."

Councilman Wooten: "It starts around five. There's signs all over town."

Supervisor Cardinale: "Okay. Five p.m. to 12 a.m. should be the final Resolve clause on the first page."

Councilman Wooten: "Five to 12?"

Supervisor Cardinale: "Yeah."

Councilman Wooten: "Okay, good."

Supervisor Cardinale: "And we should cover everything."

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 #551

Councilman Wooten: "Approves Chapter 90 application of the Irish Center of Long Island d/b/a the Long Island Irish Festival. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Chief, I've got you here, just to make sure. This is the same as the Blues Festival weekend. The gentleman indicated it would be about 1,000 people up at the Abbess

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Farm, at most, right, on any day. And I hear that you believe we can cover that. Speak now or forever hold your peace. I'm out of town so I'm not worrying. It's Bill's problem. I'm at a wedding. I know, that's why I asked the question whether you had objected and

I was told that neither you nor the fire marshal had. Silence will kill you. If you do, what I would do is disappoint the guy who say right where you are during our work session. He was very- do you think you can handle- if it's not a problem we'll approve it. I think we already did approve it actually."

Councilman Buckley: "Don't you get a special permit application that we get?"

Councilman Dunleavy: "This Chapter 90 is supposed to go to every department."

Supervisor Cardinale: "It did go to him. So you're saying he has his chance."

Councilman Dunleavy: "He had his chance and he missed it."

Supervisor Cardinale: "All right, chief. I vote yes. Fine."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "What? Well, that's a whole other issue. But you're right, but it's a whole other issue. Because that's- every time we have a festival, we have OT and nobody else charges for it and we're apparently not going to start. We'd be the only one out here that does.

I know, Sal. I offered it up a little bit but, you know, at the same time we're going to look like jerks if nobody else does it and we charge for overtime, especially since we have an empty Main Street.

Bring the people in. Celebrate. All right. Next, 552."

Resolution #552

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice of public hearing to consider a proposed local law for an amendment of Chapter 95 entitled Taxation of the Riverhead town code (exemption for cold war veterans). So moved."

Supervisor Cardinale: "Moved and seconded. Please have a second, somebody."

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Councilman Dunleavy: "I'd like to table- did we discuss this?"

Councilman Buckley: "I know Laverne sent in an explanation."

Supervisor Cardinale: "We did. It was- I understand- "

Councilman Dunleavy: "I know we passed one."

Supervisor Cardinale: "Yeah. I had a discussion with Laverne and I can explain, I think, what you're asking."

I had a discussion with Laverne, a discussion with Prudenti. The state of New York amended the statute in three ways which are reflected in this. Apparently we have to conform the local statute to the state statute if we wish to administer it. So it is a silly hearing because it's not really a hearing as to whether or not we should change it; it's a hearing if we can change it or not change it and if we don't change it, we are effectively killing the exemption. So that's what it's about."

Councilman Dunleavy: "I second it."

Supervisor Cardinale: "I will move and second. Vote please."

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

Resolution #553

Councilman Dunleavy: "Authorizes the town clerk to publish and post notice of public hearing for New York SMSA, Limited Partnership d/b/a Verizon Wireless."

Supervisor Cardinale: "Yeah, this is the one that's on top of the- where is that building? Were you Dawn?"

Councilman Dunleavy: "Oh, that's the big sign that Tanger has, that big building off the expressway."

Supervisor Cardinale: "That's right. Isn't that the one that they came in and talked to us about at Tanger?"

Councilman Dunleavy: "Yes, yes."

Supervisor Cardinale: "The other one was at the hotel, which we just heard."

Councilman Dunleavy: "The Holiday Inn."

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Supervisor Cardinale: "So that- we're authorizing to publish and post on that and Barbara is going to check because she has the book. So it's moved and- "

Councilman Buckley: "Seconded."

Supervisor Cardinale: "-- seconded by Mr. Buckley, and we're on. Vote please."

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

Resolution #554

Councilman Buckley: "Authorizes the town clerk to publish and post notice of public hearing for the special use permit of Atlantis Marine World. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #555

Councilman Wooten: "Declares significance of action on renovation of Grangebél Park comfort station. 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 #556

Councilwoman Blass: "Authorizes the Supervisor to execute an amendment of the contract between the town of Riverhead and the Nature Conservancy Inc. for piping plover management. So moved."

Councilman Dunleavy: "And 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 #557

Councilman Dunleavy: "Okay. This did go before the committee. (Inaudible)"

Authorize town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles and Traffic of the Riverhead town code, Section 101-7 Turns, and this is going to be no right turn at Middle Road and Northville Turnpike east and westbound, and Northville Turnpike north and southbound onto Middle Road. So moved."

Councilman Buckley: "And seconded."

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

The Vote: "Wooten, yes, to the no right on red."

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

Councilwoman Blass: "Can I just clarify where that— those towers, the antennas that we were talking about. It's not Tanger; it's the shopping center in Wading River. Remember?"

Supervisor Cardinale: "Oh, yes. What was that store?"

Councilwoman Blass: "It was the hardware store."

Supervisor Cardinale: "Ace Hardware. All right. Thank you."

Councilman Dunleavy: "It's two different levels. Thank you."

Councilwoman Blass: "You're welcome."

Resolution #558

Councilman Buckley: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments of Chapter 18 entitled Code of Ethics of the Riverhead town code. So moved."

Supervisor Cardinale: "Second, please."

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 #559

Councilman Wooten: "Make a motion to pay bills."

Councilwoman Blass: "Seconded."

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

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

Supervisor Cardinale: "All right, thank you, Barbara. Is there any comment on any matter that anyone would like to bring to our attention? Come up, please."

Karen Leslie: "Hi. My name is Karen Leslie. I live in Tall Oaks in Riverhead and I've lived here for I guess eight years. I just have a couple questions that I wanted to address. I haven't been able to get-- I wish this was a joke, this bag here, but it's not."

The quality of my water, I've saved these for years I've tried to talk to Gary Pendzick and have not been satisfied with any kind of answer. In fact, it's been more of a feeling of reprieve to get off the phone with him because I never get a straight answer as to why my water's like that.

And just by happenstance my boiler guy had to come last night. He's lived here for years and he said his water is fine but his in-laws live in Tall Oaks and have the same problem.

And this is years of this. I've had-- when I bought here in 2001, I was a public defender in Manhattan so I had to commute six hours a day and had obviously a certain income. Didn't spend much time here like what I got for the money and thought you couldn't beat the deer in your backyard, but for my pool, my pool price for that water, put Conquest (phonetic) in it sometimes runs \$50 just to clear up that and obviously your clothes get stained.

I don't drink any of the water and I'm here now because finally I changed jobs and have a little bit more time to make these meetings, but I've had no satisfaction in trying to find out what that is. There's a whole bag of--"

Supervisor Cardinale: "Is Gary here?"

Councilman Dunleavy: "He left."

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Supervisor Cardinale: "Would you see if he's in the hallway. It's Carol, right?"

Karen Lesley: "Karen Lesley."

Supervisor Cardinale: "Karen. Karen, this is interesting because I've been employed by the town as a councilperson for four years and then four and a half as supervisor during the period, I guess it's '98 to now, and I have— I don't think I've ever heard— other than the flushing season, I've never heard a complaint about water quality.

So it's surprising and it may be unique to the Tall Oaks, it may be unique to your particular unit, but your water looks like the scotch I would like to go home and have a drink of. No, seriously look at that. Take a picture of that."

Karen Lesley: "After I talk to Mr. Pendzick— "

Supervisor Cardinale: "I thought when you took that bottle out— you have it there, right? I thought when you took it out you were going to say people are throwing bottles on your lawn, which we do get complaints on. But that looks like scotch. It doesn't look like water."

Karen Lesley: "No. And this was just the other day coming out of— "

Councilman Wooten: "And where did it come out of?"

Karen Lesley: "The sink next to my washing machine."

Councilman Wooten: "Is that like the flop sink?"

Karen Lesley: "No. Just I've got one of those neo-Victorians in Tall Oaks and it's four bedrooms. The first floor has a half bath."

Councilman Wooten: "How's your neighbor's water? You know, I really never addressed it with them, never had time. But as I said, my, I don't want to use his name, but he used to work at Warner's. He now has his own business. And his in-laws have a major problem in Tall Oaks."

Supervisor Cardinale: "My suspicion is that it may be unique to your unit."

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Karen Lesley: "No. The other people had in Tall Oaks, my boiler person's in-laws live in Tall Oaks and he said they have the same problem and that was last night. I didn't know of it--"

Councilman Dunleavy: "Can I- "

Karen Lesley: "-- it's definitely not only us."

Supervisor Cardinale: "It's surprising because I've never heard a complaint except during the flushing season that water was discolored. And we do, you know, we do well on the testing."

Would you- my deputy, Bill, went out to see if Mr. Pendzick is around but if you will call- I'll have him talk with you but if you will call my office tomorrow, I'll get an answer."

Karen Lesley: "I'm here because I can't talk to Mr. Pendzick anymore."

Councilman Dunleavy: "No, no. But I want to ask you a question. When are you home that you can be visited?"

Supervisor Cardinale: (Inaudible)

Councilman Dunleavy: "I may get his deputy- no, I may get his deputy. Okay. I'll see you after- I'll get his deputy to come over, not Mr. Pendzick and we'll- he'll look at it from the street and see if it's coming up to your residence."

Karen Lesley: "Whatever. Any day to resolve it. I just, you know, felt I was getting snowed and not really dealt with."

Supervisor Cardinale: "Karen, see the guy in the blue shirt there with the- good looking fellow? Would you talk to him, give him- I'll have it resolved one way or the other."

He's on his way back?"

Karen Lesley: "Mr. Cardinale, please."

Supervisor Cardinale: "He doesn't want to talk to me."

Karen Lesley: "The other- "

Supervisor Cardinale: "She wants to talk to you, my deputy. My deputy, Bill Welsh, he keeps everybody happy. So will you please talk to Karen, get the details. I would like that water cleaned up. If it's her problem, she'll have to fix it. If it's not her problem, we'll fix it."

Karen Lesley: "And if my repair person- in-laws- "

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Supervisor Cardinale: "Yeah, let's (inaudible)."

Karen Lesley: "Right. The other two things are your sanitation contract. I called last week because all my garbage was left and I wondered why and- "

Supervisor Cardinale: "You're running a real problem here. Your water stinks, your garbage is left."

Karen Lesley: "I don't ask for much but the other thing was the town, the actual downtown. I just had one question. Is there any- between the grass contract with the sanitation. Apparently they're trying to do something about it but just think of us peons. I mow my own grass. I have an acre and a half."

Supervisor Cardinale: "Oh, you want us to pick up your grass. Is that it?"

Karen Lesley: "No. Well, I mean it was in the contract apparently years ago they used to pick it up and now they just stopped."

Supervisor Cardinale: "Not for a long time have we picked up grass. How long has it been? Over a decade. I can do the grass. I can do the grass, too. We pay 476 a house now. If you want to pay, I guess, another 50 bucks or so, you can probably get your picked up, too. But the question is, at what point does your sanitation bill look more like a full tax bill should look? It costs 476 a house for a single family. If we pick up grass, they'll do it but it would be a bigger bid and, therefore, we'd have to pay 50 bucks more."

Karen Lesley: "Well, all I know is what it used to be and all I see is basic services water, the garbage pick up, and just not to be embarrassed by the town. That seems to- the downtown seems to have gotten worse.

I mean, when I moved here in 2001, there was at least a Sears and a few stores. Is there anything, like being done so that- ramps and all those things that I would never use, are tied to the (inaudible)."

Supervisor Cardinale: "Yeah, there's plenty being done. We should sit down and talk sometime but basically EPCAL- there's two major projects being developed up there but downtown, there's a lot of empties because renters are hard to find frankly. But Apollo investors is interested in developing the downtown and has indicated they've got money to spend.

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Also, Bissett, we just approved a special permit for an expansion of the— 102,000 square foot expansion of the aquarium including a restaurant and a 126 room hotel and retail stores.

The theater is in private hands, which are idle hands, because they were supposed to have reopened the theater by this year but he has recanted on his promises to the town.

The culinary art was just opened where a vacant lot existed. The Woolworth building— yeah, the Rimland parcel which is the old Ben Franklin building, is proposed for tear down and reconstruction, retail and then apartments or condos above.

The Woolworth building, that is the one to the east of the theater, that is purchased by Apollo and that's scheduled for a tear down and build up.

All we need is tenants. All they need is tenants. So those projects appear to be actually happening. There's an EDZ, economic development zone down there. There's an IDA, Industrial Development Agency availability there which would give tax abatements, which would give sales tax and mortgage tax abatements to would be developers.

There's a new master plan zoning which is by everyone's acknowledgment added mixed use that would be commercial, retail, and residential zoning uses up there, up to 60 feet which has added hundreds of thousands dollars to the values.

At this point, if they don't redevelop it I'm quitting which may make a lot of people happy, and I'll redevelop downtown and make a lot of money. Somebody can make a lot of money down there, a lot of it if they get real.

The economy doesn't look too good out there to you; it doesn't look too good to them either and that's one of the reasons why they're hesitant to pull the plug but there are a lot of things happening downtown."

Karen Lesley: "But the people that are building those snow mountains or whatever— "

Supervisor Cardinale: "They're not going to— they're going to have enough trouble making money with snow mountain. They're not going to redevelop your downtown as well. That's not practical reality.

These guys have already given the town \$2,000,000 up there, Riverhead Resorts. They're going to as of July 15th, give the town \$6,000,000 if they pull out. If they pull out anytime 18 months

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thereafter, they've got to give us \$2,000,000 for every three months they stay in. They are not going to give us— if they stay in, I'm a happy man. And if they finish it, we get \$155,000,000. But they're going to have enough trouble making money up there. They're not going to resurrect your downtown.

On the other hand, if they bring in 2,000,000 people a year up there, some of them are going to get off the reservation and find our downtown. Because— "

Karen Lesley: "I just wondered if you can tie developing part of downtown to the deal up there, but I— "

Supervisor Cardinale: "Yeah, that was suggested at Tanger, too, when Tanger developed. That we could tie the development there to downtown. It was attempted but we have been not good. There's 12— 8 to 12,000,000 that go to Tanger every year. I think three get downtown."

Karen Lesley: "Right."

Supervisor Cardinale: "I don't know why that is— three people I mean, not 3,000,000. Three people get downtown of the 12,000,000 that annually get to Tanger. It's— reality is they get off the expressway, they go to Tanger and they go home. They don't come downtown. The reality is there's not much to come for."

Councilman Dunleavy: "But that's why that was zoned up there."

Supervisor Cardinale: "Yeah. But that was the idea, that Tanger would, you know, lure them. They come out Route 25 and they'd be lured down to our downtown. It hasn't happened. It's disappointing. We'd like to make it happen. We've put up signs to induce them, come just another two— how much is it, 10,000 feet down the road. Ten thousand feet, less than two miles. We got it all for you.

Some of them go to the aquarium, some of them go to the riverfront where we just spent \$2,000,000. We're going to spend another \$2,000,000 for Grangebél Park. But all of that— with federal money, I might add, it's not yours. Well, it is yours, but it's not town money— real estate taxes.

There's a lot of things being tried, but trying doesn't mean succeeding. But we're working on it."

Karen Lesley: "Okay. And in closing I just wanted to— it's more of an anecdote, but it's kind of the way I feel having spent— I'm the only one that pays my mortgage and ever has, and there's an

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African American man that has a sold sign outside his house on Rabbit Run in Tall Oaks. I met him eight years ago, his name's Reggie. He works for a Mattituck Church. I said- when I saw it, I saw him cutting his bushes the other day and I said I'm sorry I never met you. Where are you going? He's going to North Carolina like everybody else. It's just getting- "

Supervisor Cardinale: "Yeah, Freddie just left for South Carolina."

Karen Lesley: "But I guess what I'm saying is I made a joke a couple years ago that my taxes are getting so high I'll have put all this money into the house because I want to be here and it will be too expensive and I'll be priced out. And I just hope that doesn't happen because he was clearly beside himself to have to move. He loved his house, his house was gorgeous. It was immaculate. And it's kind of sad so I thank you for the good work and- "

Supervisor Cardinale: "Thank you. And let me say two things before you go. One is keep your hopes up because if the two projects at EPCAL go, your taxes will go down. And, secondly, in the newspaper, Newsday, Patterson used this analogy. It's not just here, it's all throughout New York State.

Would it frighten you if somebody said the entire city of Syracuse left in the last few years from New York State? Yeah, it would. But the fact is that's what's happened. The population of Syracuse has left the state. And we're not competing well with the rest of the world, that's- and if you think we're doing bad, check up state. So thank you."

Councilwoman Blass: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comment? Come on up."

Ed Purcell: "Maybe I can see. I was going to get up and speak on the quality of life amendment that you brought up at the hearing."

Supervisor Cardinale: "Talk now."

Ed Purcell: "But my problem is if the upper limits of the fine for quality of life downtown is too low, maybe you should raise it throughout the town and that's partially because of the problems that I complain about, about certain streetwalkers and their clients that tend to be up and down the Main Street which may not necessarily be in that part of the town but if people come through

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the town, you can't help but notice when somebody is walking on the side of the road.

And my brother, he was complaining to me tonight that where he lives, every couple of weeks, he has to clean up a garbage bag full of Coronas and unmentionables, and it would be nice if maybe the whole town-wide you need to increase the upper limits so that maybe some of these people that are dealing with those people can be fined even more than what they are.

Because I call the police when I see those people and say could you at least chase them across the river and let Southampton town deal with them. Because I get tired of having people say, oh, I heard somebody making a deal. Well, it happens and I'm just tired of hearing about it."

Supervisor Cardinale: "You know the police chief is here and I'm glad he's— thank you."

Ed Purcell: "Oh, he does, his men come down but I mean you can't— you have to make it so it's not worth their while."

Supervisor Cardinale: "I have a question for Tim because he's— Tim, you dealt with doubling fines under the proposed zero tolerance zone in the BID district and we're doubling them— beverages, dogs, graffiti, loitering, noise control, and littering. How about— prostitution seems to be lacking— missing here. Shall add— "

Councilman Buckley: "That's not a town code violation."

Councilman Dunleavy: "It falls under loitering."

Supervisor Cardinale: "This is— is this a quality of life, negative, positive?"

Councilman Buckley: "No. It's a quality of life issue that certainly would be addressed under the zero tolerance zone but we don't, as a town board, we don't have the authority to— "

Ed Purcell: "Yes, but I mean, you— loitering would fit underneath it."

Councilman Buckley: "I'm sorry?"

Ed Purcell: "Loitering is not necessarily prostitution but they are loitering in other places around the town— you know what I mean?"

Councilman Dunleavy: "That's what it's covered under."

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Ed Purcell: "Well, that's what I mean. And that's why not necessarily downtown because as of right now, we don't have enough people downtown to really worry about these things. And I don't think personally it's going to make a bit of difference whether you pass this or not, it's not going to entice anybody to come downtown. It's not going to entice businesses to relocate downtown.

I believe, maybe I'm the only one, that one of the reasons why they do not relocate downtown is because they don't feel that even though you put all these possible— you can reduce their taxes and this, that and the other thing, it doesn't seem as though because, not just this board, previous boards and I know Mr. Buckley is against it, if you use eminent domain even on part of downtown, not necessarily the whole south side of the street, if you did say from oh, McDermott to the East End Arts Council, and instead of giving it to Apollo, put it up for bid, maybe somebody else— and that would show businesses that Riverhead is looking to put their money where their mouth is and it will improve, especially since the Atlantis is doing what they're doing.

And it's really— I've lived here most of my life, on and off since '53, and I continue to come to town board meetings and speak my mind because that's how I was brought up. My father used to come to town board meetings, as many people know, and many of his friends came and it was all for the betterment of the town, not because it would mean a lick of beans to any of us. Because I'm going to live on East Main Street; I have my little half an acre of property. I travel around the state.

This past weekend, I was in Rochester, and as you said, look upstate. Downtown Rochester is (inaudible) in some areas of downtown."

Supervisor Cardinale: "The streetwalkers have left there."

Ed Purcell: "No. They're there. But if you're in the outskirts— "

Councilman Dunleavy: "How do you know?"

Supervisor Cardinale: "What are you doing there?"

Ed Purcell: "I was there with my girlfriend. Anyway, if you're in the outskirts of Rochester, there's plenty of business. But not downtown. It's not near as much. It's like downtown Riverhead. And I travel throughout the state with the Odd Fellows, which I know, I've been. Yes. But I do travel all around the state. As a matter of fact, I'm going to be in Poughkeepsie in a couple of— in about a month. And that's--"

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Supervisor Cardinale: "All the hot spots."

Ed Purcell: "All the hot spots of upstate."

Councilman Wooten: "I'll say one thing. I agree with you to some extent with the south side, what you said. But I am going to disagree with you, the businesses that are on Main Street, the few that are there and those that have made proposals to come there, absolutely love the idea of the zero tolerance zone. That's a big plus to them."

Ed Purcell: "Well, as I said, the stores have been empty for a long time and it's primarily because we have an investor, not a developer owning most of the buildings. He bought them at a song when the owners retired and their children didn't want to get in the business so he got them for next to nothing.

And he invested. Well, now that the property values have gone down to some extent because of the economy, this would be the best time to at least do part of, and I believe if you did part of it, that would be enough to entice. Plus, then if there was a problem, it wouldn't cost us as much money through the courts in the long term as far as if it was appraised at let's say \$4,000,000 and eventually he got an extra million because of the arguments through negotiations, then that would be the price per square foot that the rest of it would be worth.

Whereas as most people know, Apollo paid entirely too much for that piece of property and that was I believe because they thought that they were going to be able to work with that person who is the investor and he is a hard nosed businessman. He knows what he's doing. But it doesn't help the town of Riverhead. It only helps himself."

Supervisor Cardinale: "Thank you. All right, thank you and we will see you at work session. And our water man is here. Gary, she didn't want to talk to you. She's made at you. But we're going to talk to you right now. Thank you."

Gary Pendzick: "Gary Pendzick, Superintendent of the Riverhead water district."

Supervisor Cardinale: "Yeah, it just occurred to me. When did that happen?"

Councilman Wooten: "So there's no recording going on?"

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Supervisor Cardinale: "Okay, Gary, this lady is not your fan. Her name is Karen— what's the last name— Lesley. She says that her water looks like scotch."

Gary Pendzick: "Rusty water."

Supervisor Cardinale: "What?"

Gary Pendzick: "Rusty water."

Supervisor Cardinale: "Yeah. Why is her water rusty?"

Gary Pendzick: "Water companies of any kind have problems with rusty water from time to time. It can be caused from fires— fire departments using the fire hydrants, illegal use of fire hydrants. At different times of the season, there's flow reversal, there's the speed of the velocity of the water because people begin to irrigate and that causes minerals or iron that settles on the bottom of the water mains. They get resuspended in the water and come in as rusty water."

Supervisor Cardinale: "How do you stop it?"

Gary Pendzick: "Call us up and we come out and we open up a hydrant nearest the house and we run it off into the street. Usually it's only a small little section that can be taken care of or dealt with within 15 or 20 minutes."

Supervisor Cardinale: "How did you get her to like you so much?"

Councilman Dunleavy: "Yeah. She said she calls you and you don't respond."

Gary Pendzick: "I don't know because she showed me a sample from June 11th and I have no complaints in that neighborhood at all, so, she had a lot of— all those samples represent eight years of— all those samples, every time she got dirty water over the last eight years— "

Councilman Dunleavy: "Oh, it could be flushing, too."

Gary Pendzick: "It could have been flushing. Yes, that's right. We flushed the mains out in that neighborhood two months ago. So we'll look into it again. We've been to her house. At the time that we get there and we take samples, of course, it's clean."

Councilman Dunleavy: "When you go over there, I want to go over there because I want to see."

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Gary Pendzick: "I don't believe she called us- "

Councilman Wooten: (Inaudible)

Councilman Dunleavy: "I'm trying to help the residents of Riverhead and these guys are joking around with me."

(At this time, the CD ended)

Meeting adjourned: 9:25 p.m.