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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town hall, 200 Howell Avenue, Riverhead, New York on Tuesday, March 18, 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 |

Supervisor Cardinale: "-- students, is it? Oh, Jim, how are you? Welcome Jim DeLuca and his class from Farmingdale College. We don't have any public hearings tonight but we have all sorts of other excitement.

We'd like to begin with the Pledge of Allegiance and have Hank lead us."

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

Supervisor Cardinale: "Okay, we also do not have any particular honors to bestow at the beginning of the meeting so I'll ask if there are any committee reports or any announcements from the board and then just get right into the approval of the minutes if not.

Okay, if there are not, could you offer-- someone offer to consider and accept the minutes of the March 4<sup>th</sup> and 6<sup>th</sup> meetings."

Councilman Dunleavy: "I move the minutes."

Supervisor Cardinale: "Okay, second, please."

Councilman Buckley: "Seconded."

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

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

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Supervisor Cardinale: "Barbara, would you go through the Reports, Applications, Correspondence?"

**REPORTS:**

|                              |   |
|------------------------------|---|
| Receiver of Taxes            | Total collection to date:<br>\$59,822,604.16  |
| Building Department          | Monthly report for February,<br>2008 - total: \$93,615.50   |
| Police Department            | Monthly report for February,<br>2008  |
| Sewer Department             | Biosolids volume disposal<br>report for 2007  |
| Industrial Development       | Adopted budget for fiscal<br>Agency year 2008   |
| Open Bid Reports             | Recreation Dept. brochure<br>spring/summer - 2008 - one<br>bid was received from Pine<br>Barrens Printing |
| Annual construction contract | opened 3/17/08 - nine bids<br>were received<br>Results may be viewed in the<br>Town Clerk's office        |

**APPLICATIONS**

|                |   |
|----------------|---|
| Special event  | Abess Farms - July 26 & 27<br>USA music festival Hallock-<br>ville Museum - wedding -<br>Sept. 13 <sup>th</sup>       |
| Special permit | Verizon Wireless- Route 25A-<br>Wading River - installation<br>of a public utility wireless<br>communication facility |
| Special permit | John and Nick Musacchia -<br>s/w c/o Philip Street and<br>East Main Street - to erect<br>a car wash and gas station   |

**CORRESPONDENCE:**

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Letters

Nine letters received re  
Great Rock Golf Course  
outdoor catering facility

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

Supervisor Cardinale: "Now, normally we would anywhere between one and eight public hearings but we are blessed this evening by not having any public hearings. It doesn't mean your class is unblessed, I suppose, but we don't have any public hearings."

That being the case, we can move-- we have about 50 or so-- 48 or so resolutions which we'd like to take comment on before we consider them for passage and then after we consider the resolutions, we're going to open it up for general comment upon anything hopefully within our control for the public.

So if there's anyone who would like to comment on any one of the resolutions #209 through 256 which are available in summary at least, please come up. Mr. Shulman."

Mr. Shulman: "First of all, I don't know whether the new members of the councilmen (inaudible), we welcome them."

Gentlemen, welcome to the council, best of luck, good health.

I'm here to speak briefly about an application by the people who own the jitney and it's very important to me because anybody that-- or any business that desires to come in next door to me is very important. Will they be helpful; will they hinder me? We have a very serious business there. It's the golf business and just for a second to say this to you, Phil, I am very, very proud of what you are doing pertaining to some of the things that the county wants to do and the truth of the matter is, that what's happening at the county level, is those people that own and operate golf courses in the town of Riverhead can very well be out of business within the next couple of years.

Just briefly, on a weekday, Calverton Links-- and it's basically the same with the other group of public golf courses that are privately owned.

On a weekday, we charge-- in season, \$41.00 for a round of 18 holes. In Indian Island, they charge \$25.00. On weekends which is when we do most of our business, we end up charging \$51.00 and the county charges \$27.00. So these numbers certainly indicate that our business is a tough business and we've lost a lot of money these last few years. But very frankly, the reason we stay there is it's

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an insurance policy to me to have a-- at 90 years old, I need something to go to to see what am I going to do that day.

I had two meetings with the people who own the Hampton Jitney. I asked a lot of questions and they gave me a lot of answers and I find that in my opinion, the granting of the permits so that the Hampton Jitney can produce a product which they showed me, they showed me some of the drawings and stuff like that.

I know that there are a lot of people, some in here, some not in here, that don't want any-- any progress. As a matter of fact, I got a flyer here from the Long Island Pine Barrens Society I should sent them a bundle of money. Okay?

The truth of the matter is, there's a certain amount of environmental feelings that all of us have but when we start to think of the time that it may take for any additional businesses being subject to taxes as the Resorts situation is, we get frightened. And there was-- you rendered a report that the monies, the income that comes from these mortgages and stuff like that is falling down.

We're now-- we are now, whether the people recognize it, and they don't have to look, we are now and I have practiced accounting-- I don't do it now-- for 60 years as a CPA and I can tell you, we are not in a recession, we're not in a depression, we're in a catastrophe. The whole-- this whole country and this whole world is about to be buried alive by what's happened and when the government now says 30 billion dollars for (inaudible) and stuff like that, that's like giving a person that's half dead a pill to stay alive for another few hours.

What I'm saying is this. These people have a wonderful plan, they employ approximately 200 people and I believe that they would be a tremendous plus for this town. And I think we have to kind of look aside what the bare fundamentals are in the zoning, not that you're going to throw away all of the zoning rules, and I have right next door to me an outfit that transports everything in the world which is ugly but I have it there, and when somebody wants to come in and do something as beautiful as these people want to do, I think we should make it easy. Let's help them, let them get the thing built, and let them start to pay taxes.

Thank you very much."

Supervisor Cardinale: "Thank you. Any other comment on any of these resolutions? Come up, please, Sid."

Sid Bail: "Good evening. Sid Bail, President of Wading River Civic Association.

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I'm here to speak in support of Resolution 239 and that's calling for Dunn Engineering to do the design and permitting work for the construction of a rock jetty on the east side of the Wading River Creek.

And as we all know and, you know, what happens annually at Wading River has been an annual waste of money. And no one comes off looking very good in this process - the town, the Civic Association, the local fire department, Key Span now National Grid. So to come up with something that may keep the mouth of the creek open and accessible, not only to recreational boaters but also to emergency services.

And I know the fire commissioner was before you a few weeks ago so I strongly urge that, you know, you support this.

Thank you very much."

Supervisor Cardinale: "Thank you. Any other comment on any of the resolutions? Bob?"

Robert Kozakiewicz: "Good evening, Mr. Supervisor, Town Board members. Bob Kozakiewicz, lawyer, resident of the town of Riverhead, President of Riverhead Lion's Club.

I'm here in the capacity of President of Riverhead Lion's Club and I'm getting up to speak because I got a call earlier today that the board was going to adopt the usage policy for the Showmobile.

I'm sure you've given it a lot of thought, a lot of consideration, looked at it from a dollar and cents standpoint and I'm not sure if it's too late to even say anything. But I know that if I don't, it will be presumed that organizations such as Riverhead Lion's Club, service organization, does not have an opinion on the subject, does not have an opinion on whether it is a good idea or a bad idea.

I haven't even had a chance to speak to the club members about this but I know from my standpoint of doing the Riverhead Lion's Club Christmas parade every year, having been involved in asking this board for the use of the Showmobile, that I think it's a bad idea insofar as a service organization such as the Lion's Club is concerned.

I see the Showmobile as an asset for the residents of the town of Riverhead, something that the town obviously as town board members should be proud of, something that should promote the town of Riverhead, and when the Lion's Club is using it in conjunction with an event like I mentioned, the Christmas parade, that's what

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we're doing. We're promoting the town of Riverhead, we're making those who would not otherwise come out perhaps for that Saturday afternoon or that Sunday, having a chance to participate in a downtown event, and it's something that I think should be allowed for a core group and I think you need to think about that, where they're promoting the town of Riverhead, where they're not a for profit organization.

Clearly, Riverhead Lions, Rotary, Kiwanis, groups like that, they're not into it for profit. They're into it for community service. They're service oriented groups who are giving back to the community. And this is just one of the things that helps us give back to the community the ability to utilize the Showmobile, to do just that, showcase a little bit and give back to the community.

And I hope that you'll re-think or at least maybe consider modifying or amending or putting a caveat or think about this later."

Supervisor Cardinale: "Stay up there for a second because you are a respected community attorney and you are a previous Supervisor of the town."

Robert Kozakiewicz: "Well, I didn't want to address it from a former town board standpoint. So I'm not even going to-- if you're going to ask me a question in that capacity, I decline."

Supervisor Cardinale: "Okay, as an attorney I'm going to ask you this. The reason that the Showmobile policy-- we're trying to make a statement about it is because we've been advised by attorneys in our employ, town attorneys, that the Showmobile fee must be set and cannot be waived or distinguished between not for profits and profits or any individual citizen under the law of the state of New York. That's a brief we received from Ms. Prudenti, our town attorney.

There's no question that this does not-- the cost of the Showmobile, for example, included the set up, the take down by buildings and grounds, sitting with it in case there's wind damage in the few hours or day or two days that it may be up, and the cost of the amortization of the investment.

To do that would cost about \$1,500.00 a day, which is absurd so -- and on the other hand, the board has to we are told have a consistent policy not distinguishing between profits, not for profits or those entities, so our choices are limited as I expressed to the board at a work session to either charging nothing for anybody, not only not for profits but anybody that wishes to borrow it, or a set fee that has some-- recoup some portion of our expenses.

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So we're really kind of in a bind. We can either charge nothing or charge 200 or charge 400, but every time it goes out it costs something in the neighborhood of over a thousand.

So knowing that, we're faced with that, do you have any suggestions?"

Robert Kozakiewicz: "Well, the-- I don't know if I can even respond to it point for point because I haven't lived with the issue as you have, and I haven't had a chance to see the opinion that's been proffered to you so I don't know if it's necessarily on target or not.

I know that in the past a lot of times town boards have said, I don't care what I'm told by the town attorney, whether it's open meetings law or whatever the case is, we feel this is the right thing to do. But-- so-- I can't-- "

Supervisor Cardinale: "Generally followed by a lawsuit we lose."

Robert Kozakiewicz: "Yeah, exactly. So I can't respond to it on point by point. If it's something that you feel or have been advised by law you must have, you know, I would ask you-- "

Supervisor Cardinale: "One option available, Bob-- "

Robert Kozakiewicz: "Don't do the fees at all."

Supervisor Cardinale: "Yeah, we could do that. And then maybe-- "

Robert Kozakiewicz: "And then limit its use for profits. I think that a for profit entity that's putting on a concert and making a lot of money from it, they should have their own stage. They should hire their own outfit to put on the event for them, quite frankly.

And I think that what's happened is that the Showmobile has been expanded. Its uses has been so sought after. It is a lovely piece of equipment and it's a great venue. Maybe that's where it shouldn't be used and I think you could probably say we don't want that to be used for that purpose, the fee issue being set aside."

Supervisor Cardinale: "It's an interesting-- yeah, we do limit it to Riverhead only and I think we could legally limit it to not for profits only and completely waive the fee as it relates to non-profits.

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Even a 475 fee will make this impossible to be used by some of the small church groups that use it in the afternoon often for an afternoon event, one of which I think celebrates Riverhead.

Maybe what we'll do is table and discuss it further because there is on the board the same concern that we want it used, we want particularly the service groups to have access to it, and you might not be able to afford-- the Lions may not be able to afford-- "

Robert Kozakiewicz: "Yeah, we're not-- while we're a service organization like you guys, we're not quite as-- "

Supervisor Cardinale: "Funded."

Robert Kozakiewicz: "Service membership funded, correct."

Councilwoman Blass: "And there are those functions such as the Lion's Christmas parade where there are no vendors that you are renting space to that wherein you would collect a fee."

Robert Kozakiewicz: "Right."

Councilwoman Blass: "It's just a parade. You're not making any money from it."

Robert Kozakiewicz: "And if we do, it goes to a scholarship, it goes to our funds that we give back to the community, in any event, if we do make any money out of it."

Supervisor Cardinale: "We might be able to make some distinctions on policy of who gets to us it and then-- "

Robert Kozakiewicz: "Well, that's what I was suggesting with my earlier comment as opposed to the fee question, the policy on who actually can utilize it."

Supervisor Cardinale: "Thank you."

Robert Kozakiewicz: "And I appreciate it. Thank you."

Supervisor Cardinale: "Yes, please come up. Jim. Another former council member."

Jim Lull: "Jim Lull, Riverhead."

Supervisor Cardinale: "They look much happier out of office."

Jim Lull: "Absolutely. I'm here to talk about 242 as well. I oversee the use of the Showmobile for three times during the course of the year, one for the Country Fair. We do not have the

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same kind of question about its use, about the charge for the Country Fair. The Country Fair does have vendors, does make money, although all the money made by the Country Fair is in one way or another turned back to the town as was made clear, I guess, in the paper a couple weeks ago when you saw that we turned over all our profits from last year's fair to the Peconic Bay Medical Center building fund.

But we have done a great deal, Townscape, over the last 35 years of putting things together for the town, helping out with things. And as a matter of fact, Townscape actually offered earlier in the year, last year, sorry, when we realized that— or we've been saying right along but when somebody in town hall finally realized that there was really a need for a new sound system on the stage, we actually offered the money to pay for it.

So, that, you know, it's that kind of thing, that kind of message that the work that we do, the same as what Bob was talking about, the work that we do is, in fact, for the town.

I'm extremely concerned because it's coming up immediately, not immediately but very soon, is the use of the Showmobile for the summer concert series. The summer concert series has been going on for 18 years. We offer 10 concerts during the course of the summer. Two of those concerts are very large concerts. They're a symphony orchestra and a choir.

Those two really do need the Showmobile and if we were to do that, if we were to pay the money that is listed in this resolution, we simply can't afford to do that. Townscape pays for most of the concert series but we also have lots of sponsors. We have about 15 so far who have signed up to be sponsors this year for the concert series but in the end it does cost Townscape between seven and eight thousand dollars for the 10 acts that we line up.

It's a way of getting people downtown. The people are downtown during the dinner hour. The number of people who come to the concerts who bring pizza from Parto's or from Julia's or bring a bucket of chicken from Spicy's or who just bring coffee from across the street, these people who have stopped and had their dinner first and then come to the concert.

And it's a large number of people and we have a nice turn out for those concerts. I'm not trying to speak for the concert series at this point, but I can simply tell you this. That if this price is what is charged for the Showmobile, there will be no outdoor concert for the large groups.

I will have to go to the school where they don't charge large groups."

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Supervisor Cardinale: "Thank you."

James Lull: "So that would be what would have to happen."

I also want to point out something about the resolution itself. The second Whereas, it says Whereas the town typically charges a fee for the use of said Showmobile. I can tell you, I think in the 25 years that I've been running the fair, we've paid for the Showmobile three times and there are plenty of groups, I know and I think Bob would tell us that that is the case with his group, who have never paid for the use of this Showmobile.

So saying that the town typically charges a fee is really not quite accurate. The town typically does not charge a fee. We have paid for the Showmobile, especially the fair has paid for the Showmobile.

And the Whereas that says the town must set the fee to cover all costs of usage, there's nothing anywhere in any law that says you have to do that, you must set the fee. You must set a fee that is defensible and you must set a fee that is fair and equitable but you don't have to cover every expense with that fee. If that were the case, who knows how much it would cost to take a swimming lesson in town.

But the cost of the Showmobile, the cost of 475 a day, is way too expensive."

Supervisor Cardinale: "You want to turn that down a little bit, Vince- "

James Lull: "I'm sorry. I'll stand away from it, too."

Supervisor Cardinale: "Yeah."

James Lull: "But it is really very expensive. I had made the recommendation earlier in the year that the town decide what they want to do with the money that they raise from this fee. I believe that you can't consider amortization or anything like that. This Showmobile is paid for and we don't have to replace it with another one for at least 10 years. It's got a 20 year life span. And it's going to go for a long time.

The one that we replaced with this one, we got after it had been used for 20 years by the county and we used it five more years. And that was very poorly made. So this is going to last a long time. You can't consider something which was purchased, bonded and then tossed in with the town bonding as something that needs to be paid for.

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I don't believe that you should also consider having to pay for the cost of what the town needs to do to make this service available to the people of the town. Now, who you make it available to, that's your policy decision. That's certainly up to you. But who you make it available to is one thing, but if you were to put it out for rental by the way to a company that's going to have a concert.

They want to have a concert, they want to rent it for \$2,000, \$2,500, \$3,000, cool, you know. That's fine. But for what we're talking about, for the concert for, you know, a concert for a symphony orchestra and 200 people come sit which is free and offered to the town as a service of our organization, I think is something you should really consider.

And I agree that it probably would be wise to table and take a look for it again because we're talking about what, the Relay for Life which uses it. We're talking about the Santa parade which Bob already mentioned. Various other kinds of parades. Timothy Hill. You know, it's very difficult to think in terms of that and say, oh, now we're talking about \$500.

You're talking about adding a thousand dollars to the cost of the concert series which is one-seventh of the cost of the series. And the series is run on a real serious shoelace and it can't absorb that.

So I would ask you to consider this again and make your decision as soon as possible so that we can get to the engineering department and make the plans to either use the Showmobile or we'll be using the auditorium if it's not available.

Thank you."

Supervisor Cardinale: "Thank you. Any other comment on any of the resolutions? I appreciate the comments we have received. If not, we will consider the 47 resolutions in front of us and then we'll take general comment. Barbara."

Resolution #209

Councilwoman Blass: "Budget adjustment in connection with the 2008 recreation capital improvement. 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 #210

Councilman Dunleavy: "Town of Riverhead 2008 Recreation capital improvement budget adjustment. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #211

Councilman Buckley: "Building Department parking lot improvement budget adjustment. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #212

Councilman Wooten: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 6302 North Country Road, Wading River, New York. 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 #213

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 37 Constable Drive, Riverhead, New York. 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 #214

Councilman Dunleavy: "Ratifies resolution authorizing legal action against the owners, tenants, occupants and mortgagee of the property located at 136 Landing Lane, Baiting Hollow, New York. 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 #215

Councilman Buckley: "Establishes an escrow account with the Suffolk County Board of Elections. 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 #216

Councilman Wooten: "Appoints a recreation specialist Rebecca Winkel 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 #217

Councilwoman Blass: "Ratifies the appointment of an intern to the police department. 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 #218

Councilman Dunleavy: "Amends 2008 salaries. 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 #219

Councilman Buckley: "Appoints temporary secretary to the Board of Assessment Review. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #220

Councilman Wooten: "Appoints an automotive equipment operator in the Highway 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 #221

Councilwoman Blass: "Authorizes the CSEA vice president to attend a regional workshop. 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."

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Resolution #222

Councilman Dunleavy: "Appoints co-compliance officers. 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 #223

Councilman Buckley: "Ratifies the appointment of a deputy tax receiver. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #224

Councilman Dunleavy: "I want to amend this resolution. Down where it says Now Thereafter, instead of 6a, I want to put 5a."

Barbara Grattan: "That will be Step 5a?"

Councilman Dunleavy: "5a."

Barbara Grattan: "Okay."

Councilman Dunleavy: "Okay? Appoints an account clerk typist. So moved."

Councilman Wooten: "And seconded as amended."

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

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

Resolution #225

Councilman Wooten: "Authorizes the town attorney to execute a stipulation with a town employee. So moved."

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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 #226

Councilwoman Blass: "I think I'd like to make a motion to table to discuss this resolution, Mr. Supervisor. We didn't see it at work session and I'm not sure we have vetted this issue completely."

Councilman Dunleavy: "And I second that."

Supervisor Cardinale: "Yeah. I thought this was cleared some time ago. This was an application for a change of zone that we didn't want to consider, that's what we're talking about here. And I thought that it was released a while back and they came in saying they never got it and apparently Legal determined we need to have a resolution authorizing the return of it."

Because it strikes me that if a guy makes an application for a change of zone and we decline to consider it, he ought to get his 2500 back.

(Unidentified): "Is that what happened here?"

Supervisor Cardinale: "Yeah, that's what I- and it was last summer. So if anybody has a problem with it, we can table it. But if we don't, he's anxious to get paid back."

Councilwoman Blass: "Okay. I would move to consider this resolution but I would like in the future to discuss the concept of perhaps, you know, there was considerable discussion and staff time related to this change of zone, so we did spend some time. To get the entire money back is something that maybe that we should consider. There could be at least a non-refundable administrative- that's my point."

Supervisor Cardinale: "You have another one coming up, I think, is a much larger issue. I think that's the one with the guys that sold- after they got all their approvals, they then saw the market stinks, so they sold it to the preservation as a preservation piece. And they are looking to get some money back and I'm not real anxious to give all of it back either."

This is real simple. That one wasn't."

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(Inaudible comment)

Councilwoman Blass: "Well, that's a really good point."

Supervisor Cardinale: "So if you want to table it for- I mean these poor people have been waiting. But another two weeks isn't going to kill them."

Councilwoman Blass: "Well in light of the explanation, I would move to consider this, but I would ask that we consider the policy in general."

Supervisor Cardinale: "Good."

Councilwoman Blass: "Perhaps there should be some consideration for the time that we spend in reviewing these applications and have a portion-- retain a portion of it as a non-refundable administrative fee."

Supervisor Cardinale: "That's going to come up right away now in the next one."

Councilman Dunleavy: "I'll second it but I still think we need a policy because a lot of time is spent and it's an application fee, it's not an approval fee. And I think an application fee is different than an approval fee. So I'll second for this one because he's been waiting and-- "

Supervisor Cardinale: "Well, I think that's a good point."

Barbara Grattan: "So you're not going to table?"

Supervisor Cardinale: "We're going to consider it but we want to consider a policy statement on all application fees."

Councilwoman Blass: "Approves refund to Raymond Janis. SO moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Yes. With my stipulation."

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

Resolution #227

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Councilman Dunleavy: "Authorize the town clerk to advertise for bids - Riverhead Sewer District Riverhead Scavenger Waste District removal of liquid sludge. 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 #228

Councilman Wooten: "Authorization to reject and re-publish advertisement for Recreation Department brochure for the Town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "I'm going to vote no. And the reason I'm voting no is because I knew we got just one bid, but now we're going to put his bid out to public so if anyone wants to bid against him, he would have to submit another lower bid and I think that because we received one bid, if we did our studies and find out what it cost us last year, if it's in the ballpark of last year's, then we should go on with this.

So I'm voting no."

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

Resolution #229

Councilwoman Blass: "Ratifies the submission of an application to the New York State Affordable Housing Corporation for funding to support the town of Riverhead home improvement program. So moved."

Councilman Dunleavy: "And seconded."

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

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

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Resolution #230

Councilman Dunleavy: "Ratifies application submission to the New York State Department of Transportation for safe routes to schools reimbursement funding to support traffic calming. 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 #231

Councilman Buckley: "Change of zone petition of Peconic Holdings LLC. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #232

Councilman Wooten: "Sets registration fees for 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 #233

Councilwoman Blass: "Adopts a local law amending Chapter 108 entitled zoning of the Riverhead town code, Section 108-3 Definitions: Word Usage. 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 #234

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Industrial C (IC) zoning use district - uses. So moved."

Councilman Buckley: "And seconded."

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

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

Councilwoman Blass: "I'm not going to support this resolution even though it's at this point, it's already adopted. But I'd just like to explain in a few comments the reason."

The industrial C zoning with its permitted uses was put in place after a deliberative process, meaning that after we reviewed and went through an analysis, there was a deliberate decision to zone one side of the street industrial A and the other side industrial C.

Perhaps we got it wrong. So I had asked whether we could do a corridor study of Edwards Avenue to see if there's new information which would support a change of zone on the town's own motion to industrial A, because this particular use for a motor coach terminal in my opinion is contrary to the intent of the district.

The intent of the district includes-- the intent of the IC district is for moderate sized businesses generally defined as those with less than 40 employees, encouraging commercial recreational business, etc.

This use is really more of an industrial A use than an industrial C use in my opinion. So when I asked to see if perhaps we had gotten it wrong and maybe we should consider a corridor study and maybe both sides of the street, Edwards Avenue, which we are talking about. One side is zoned industrial A and the other side of the street is zoned Industrial C.

Maybe we should do it all Industrial A in which case this would be a permitted use and we could go on with life.

Well, we're going to go on with life anyway but the answer to the question was that, well, what if the result of the study says it can't support industrial A uses on both sides of the street, and to me that was a very telling reply.

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So instead we take an industrial A use and we add it to the industrial C district throughout the entire district, even though one could question whether it meets the intent of the district.

I would also question our ability to defend requests to add uses to the industrial C district which are even less intense than a motor coach terminal.

And my final comment is that there is a pre-existing non-conforming use on Edwards Avenue which is a truck depot, not a bus depot. And is there really a distinction in uses between the truck depot and a bus depot. I guess there is because a bus depot conforms to the zoning but the truck depot wouldn't.

So how long do you think it's going to be before we're approached by that business operator to explain how that could happen?

For these reasons, I am not in a position to support adding the use of motor coach terminal to the industrial C zoning use district. I would have preferred to have had some study as to whether the corridor could have been more appropriately zoned to industrial A.

So my vote is no."

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

Supervisor Cardinale: "This actually is a reconsideration of an issue that we had discussed at length a while back and split 3-2 in '07.

It's a close question. I get what Barbara is saying and I agree with what she's saying. I'm comforted by the fact that this is a special permit use. I have not seen all of the plans yet that you referred to, Mr. Shulman. But I do know this, that Barbara-- what she said is theoretically correct. That there's industrial A on one side, industrial C on the other, you would think who cares. But there is reason to care as evidenced there and it's going to pass anyway.

So I prefer to remain consistent with my original vote, will consider it as a special permit use so we're all going to come back here and consider this particular special permit application.

This will now permit the special permit application, but I will vote no to remain consistent with my original position."

Barbara Grattan: "Okay, that resolution is adopted."

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Resolution #235

Councilman Buckley: "Adopts a local law amending Chapter 92 entitled Streets and Sidewalks 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 #236

Councilman Wooten: "Ratifies appointment of call in recreation aides to the 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 #237

Councilwoman Blass: "Authorizes town supervisor to execute agreement with Energy Curtailment Specialists, Inc. 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 #238

Councilman Dunleavy: "Authorize 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, Agriculture Protection Zoning Use District Sec. 108-22C Accessory Uses. 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."

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Resolution #239

Councilman Buckley: "Authorizes Dunn Engineering Associates PC to proceed with design and permitting of a rock jetty at Wading River Creek. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #240

Councilman Wooten: "Authorizes the release of a cash security for P.M. Restaurant Ent. - Phil's Restaurant and Sports Bar. 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 #241

Councilwoman Blass: "Authorizes the release of a cash security for 941 Northville Turnpike (Leonard Rosenbaum). 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 #242

Councilman Dunleavy: "I move that this resolution be tabled."

Councilman Wooten: "I'll second it."

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

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

Resolution #243

Councilman Buckley: "Ratifies the submission of a Buckle Up New York grant application. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #244

Councilman Wooten: "Ratifies the submission of a STEP grant 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 #245

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 18 entitled Code of Ethics 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 #246

Councilman Dunleavy: "Authorize the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 10 entitled Civil Claims of the Riverhead town code. So moved."

Councilman Buckley: "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 #247

Councilman Buckley: "Supports the naming of the Supreme Court Building in Riverhead, to the Thomas Stark Supreme Court Building. So moved."

Councilman Wooten: "And seconded."

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

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

Supervisor Cardinale: "Yes. Barbara, would you make sure that this gets to the county. I don't see that you have copies of where it's going. Because we all feel this way but we've got to get it to the- "

Barbara Grattan: "Okay."

Supervisor Cardinale: "Okay, thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #248

Councilman Wooten: "Authorizes town clerk to publish and post public notice to bidders for corrosion control chemical. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #249

Councilwoman Blass: "Resolution and consent approving the dedication of highways known as Josie Court and recharge basin at (Kelbridge Meadows). 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 #250

Councilman Dunleavy: "Discontinuance and abandonment of less than 1000' of the terminus of Hallett Avenue pursuant to Highway Law Section 207. 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 #251

Councilman Buckley: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning 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 #252

Councilman Wooten: "Approves Chapter 90 application of Jamesport Firemen's Association to conduce a Firemen's carnival in July, July 8<sup>th</sup> through the 12<sup>th</sup>. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #253

Councilwoman Blass: "Approves the Chapter 90 application of the Riverhead Country Fair committee. 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 #254

Councilman Dunleavy: "255?"

Barbara Grattan: "254."

Councilman Dunleavy: "Approves Chapter 90 application for East End Olds Club for a car show and swap meet. 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 #255

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 2080 River Road, Riverhead, New York. 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 #256

Barbara Grattan: "Resolution 256 is to pay bills."

Councilman Buckley: "I make a motion to pay the bills."

Councilman Wooten: "I'll second it."

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

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

Resolution #176

Barbara Grattan: "Now we've got Resolution #176 which was tabled on March 4."

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Supervisor Cardinale: "May we have a motion to withdraw that one?"

Councilman Dunleavy: "I make a motion that we withdraw or table for Resolution #176."

Supervisor Cardinale: "Motion to withdraw- "

Councilman Dunleavy: "Can I do 177 too?"

Supervisor Cardinale: "Well, that one we're going to consider. So why don't we consider withdrawing 176? Second, please."

Councilman Wooten: "Second."

Supervisor Cardinale: "Moved and seconded to withdraw 176. I think we passed a substitute earlier this evening. May we have a vote?"

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution 176 is withdrawn."

Resolution #177

Barbara Grattan: "Now we've got Resolution 177."

Supervisor Cardinale: "Can we have a motion to un-table that and to consider it?"

Councilman Dunleavy: "I make a motion to un-table Resolution 177."

Councilman Buckley: "I'll second it."

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

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

Supervisor Cardinale: "Now we need to consider- may we have a motion to consider for a vote now that it's un-tabled."

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

Councilman Buckley: "Second."

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

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

Supervisor Cardinale: "Okay. That concludes the resolutions on the agenda. We are prepared to take any comment from the public in regard to any item within our authority."

If anybody would like to make a comment, please come up. I see one lady coming up and the lady right behind her. Come up right behind her and we'll take your comments. Yes, please."

Dominique Mendez: "Hello. My name is Dominique Mendez. I'm from Wading River."

Supervisor Cardinale: "Yes."

Dominique Mendez: "And I'm just speaking (inaudible). Most of you are somewhat familiar with.

From July to late November last year (inaudible)."

Councilwoman Blass: "Excuse me, Ms. Mendez. We can't hear you."

Supervisor Cardinale: "Yes. Put that on. Thank you."

Dominique Mendez: "Oh, can you hear me now?"

Supervisor Cardinale: "I can."

Councilwoman Blass: "That's better, thanks."

Dominique Mendez: "They held a series of outdoor events, wine festivals, parties and weddings with booming music, a loud PA system and hundreds of guests. If this was happening in the middle of the typical sprawling golf course, this wouldn't be a problem but it's happening right next to our home, 600 feet from my home, and there are actually 25 houses in my neighborhood within that same range, some within 300 feet, there are two homes within 300 feet.

The golf course was already allowed to expand with a restaurant and then it was allowed to open to the public. Further expansion into a catering facility was just not compatible with the surrounding neighborhood.

The outdoor catering tent operation operated without a CO last year and neighbors throughout two adjacent neighborhoods have had to make countless calls to the police.

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Unfortunately the site plan for the tent was approved, clearly without the impact on the residential community being adequately factored into that decision. I'm sure all these events make plenty of money for the owners of the golf course and restaurant but does their desire to improve their business supersede our right to enjoy our own homes?

As tax paying homeowners, we respectfully request that the town of Riverhead preserve our quality of life.

I also look to the town to rescind the site plan approval until the impact on the community has been thoroughly considered and I'm hoping that one of you can address this after several of us are done with our comments on the issue.

Thank you."

Supervisor Cardinale: "Thank you. Maybe, well of the things we can do is get the ground rules straight. We did discuss this at the work session. We received nine letters this week and some in other weeks.

The site plan that was approved was approved by the planning board, right? So that in regard to a rescission of the site plan, we don't have the authority to do that because it was the planning board that approved it in the first place. They have to rescind it.

We did ask at a work session our legal department to look at it. Can you remember— can you summarize in three sentences or less the status of it? I think you're not handling it directly but overseeing Prudenti is it? You are handling it. I don't want you saying anything you don't want to say. But is it in litigation? Is there anything that's being looked at or do they have recourse to the planning board for rescission of the site plan only."

Dawn Thomas: "It's not in litigation currently. The applicant is in the process of applying for a special permit from this board to allow the expansion of a pre-existing non-conforming restaurant use."

Supervisor Cardinale: "Oh, okay. But what about in the interval while he's doing that? Does he get a chance— does he get to run the place— "

Dawn Thomas: "I believe and I'd have to ask Mr. Barnes if they have a certificate of occupancy for that."

Dominique Mendez: "They don't have a CO."

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Councilman Dunleavy: "Would you put the microphone closer to you? They can't hear you."

Supervisor Cardinale: "Leroy, I don't want you— again, if it's being considered for litigation, I don't want you to give away the family treasures here. But can you make a statement as to— I'm confused as to the facts. I remember you talked briefly about it at the work session last week."

Leroy Barnes: "I did."

Supervisor Cardinale: "Were you there? Maybe it was planning."

Leroy Barnes: "It wasn't me."

Supervisor Cardinale: "Okay. Can you tell us anything that— "

Leroy Barnes: "I believe the tent came for a site plan application. I believe it does have a CO now."

Supervisor Cardinale: "Through the planning."

Leroy Barnes: "Planning, and the planning board approved the application and they issued a CO."

Supervisor Cardinale: "Okay. For the tent."

Leroy Barnes: "For the tent."

Supervisor Cardinale: "Okay."

Leroy Barnes: "But there were complaints for noises and I think code enforcement was looking into it."

(Some inaudible discussion)

Leroy Barnes: "Well, I recall that they did but I can check. I can't say— "

Supervisor Cardinale: "Now I remember what happened at the work session. I had asked the legal to give me in the next work session we have, a complete review of status and whether we had any say in this.

We do have one say because apparently a special permit application has been made for the expansion of the non-conforming use to include what? A tent."

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Dawn Thomas: (Inaudible)

Supervisor Cardinale: "To expand the restaurant use by use of the tent."

Dawn Thomas: "Yes."

Supervisor Cardinale: "So although the site plan hasn't been approved for the tent, there's not a use permission yet so how do they get to use it? I guess they don't, right?"

Dawn Thomas: "They're not using it currently (inaudible)."

Supervisor Cardinale: "And so they have- if I understand this, correct me if I'm wrong. They have site plan approval from the planning board. We can't do anything about that. However, they might have site plan approval, it looks very nice, everybody loves it, but they don't have the use yet. They have to get a special permit from this board to receive the expansion- to do an expansion within the non-conforming-- of a non-conforming use in an area that would not now be permitted.

That's when we have to hear from the community because we have some discretion in that. Do we have that scheduled yet?"

Dawn Thomas: "No."

Unidentified: "No, it hasn't been submitted."

Supervisor Cardinale: "Okay, you are the attorney for them?"

Unidentified: "Yes."

Supervisor Cardinale: "Okay, so the attorney is here and he's going to submit and then you're supposed to get- you'll have public notice. Maybe if you tell the guy in the white shirt back there a contact we can let you know to make sure that you know when that hearing is on. We are aware there is a problem."

Councilman Dunleavy: "Can I ask- "

Councilwoman Blass: "And I believe- I'm sorry."

Supervisor Dunleavy: "-- Rick a question?"

Supervisor Cardinale: "Is Rick here? Come up, Rick, the planning director, he has a question."

Leroy Barnes: "John, can you tell me if there was a CO?  
John- "

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Unidentified: (Inaudible)

Leroy Barnes: "Okay, then I was wrong. I thought there was."

Supervisor Cardinale: "So there's a site plan approval but no CO for the tent yet but why would they want a CO until they got a- "

Leroy Barnes: "I know the last time I was talking to my staff they told me they were close to getting one or it was already approved. I didn't know if there was any technical problem."

Supervisor Cardinale: "This goes back to that issue, doesn't it, Barbara, that we've been discussing, why get the site plan approvals until you have the use."

Leroy Barnes: "Well, first of all the planning department and the planning director has the ability when it's in site plan to deal with the use and they make sure that it's a legal use."

Supervisor Cardinale: "Yeah, it is, but by specially permitted."

Leroy Barnes: "Certificate of occupancy was just for issues such as the tent and any legal issues that might involve the fire marshal or there was heating apparatuses in the tent that we wanted removed and that was the last I heard about it."

But as far as the use is concerned, they went through the same process as Mr. Shulman did at Calverton Links, they did the same exact thing. They followed everything to the "t".

Supervisor Cardinale: "Did he have to get a special use permit, Mr. Shulman?"

Leroy Barnes: "Yes."

Supervisor Cardinale: "Well, they didn't do that yet, that's my point."

Leroy Barnes: "He did it."

Mr. Shulman: "This matter that we went through was through the town board- "

Supervisor Cardinale: "Right."

Mr. Shulman: "-- not through the planning board."

Dawn Thomas: "Now it is."

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Leroy Barnes: "They changed the statute, that's why."

Councilman Dunleavy: "They changed the statute."

Leroy Barnes: "The statute was changed from the planning board."

Councilwoman Blass: "But- "

Supervisor Cardinale: "For the site plan."

Leroy Barnes: "The site plan review. Yes."

Supervisor Cardinale: "But I'm more concerned about- nobody is really arguing about the site plan. It might be very nice. It's probably well done, everything is great. They don't have the expansion of the use yet and I don't understand why we're doing site plans."

Leroy Barnes: "Well, you're talking about the special permit application, that's different."

Supervisor Cardinale: "Yes, the special permit use."

Leroy Barnes: "That's different."

Supervisor Cardinale: "Oh, okay. It was a mistake. I think that they kind of reversed the course. Now they're coming back, they've got to get the use. When they seek to get the use, we have discretion, we'd like to hear from you. If Bill Welsh, if you'll tell- if you'll give a contact point, we'll make sure you get contacted."

Councilwoman Blass: "I believe they also need an amended site plan because there are things that were installed that were not on the original site plan. I was told an amended site plan in addition to the special permit application would also be necessary."

Councilman Dunleavy: "Rick, I know they have to go to the state to the Department of Labor with a site plan for the Department of Labor to approve it before we approve it. How can we approve a site plan without the Department of Labor because they are the ones in charge of tents and I went through this already so I know what the process is and the state Department of Labor has to approve this tent and see the site plan. So I don't know- "

Rick Hanley: "There is no site plan application pending that I'm aware of for this tent."

Councilman Dunleavy: "Well, you said- "

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Supervisor Cardinale: "Site plan is now, John, is now we used to do it but this particular site plan is being handled and has been handled by planning and apparently they went there first which is kind of a reversal of what they should have done. They should have come and got the use before they got the- "

Rick Hanley: "The special permit typically is the initial application. Correct."

Supervisor Cardinale: "Yeah. So now, John, (inaudible) make a special permit application and then we're going to consider it."

Rick Hanley: "I think the law department instructed them to make a- "

Supervisor Cardinale: "And then they'll have to amend their site plan because what Barbara is saying is there are certain things in the set up now that weren't in the approved one."

Rick Hanley: "Yes. Correct."

Councilman Dunleavy: "But when will they get the Department of Labor's approval? They need that."

Supervisor Cardinale: "For the tent."

Councilman Dunleavy: "For the tent. They're in charge of tents."

Supervisor Cardinale: "Good. Okay."

Rick Hanley: "If it's not a structure, it's a different application. Much like Splish Splash. These are not structures- the Department of Labor- "

Councilman Dunleavy: "Mr. Shulman knows because I went through the process with him of getting the state Department of Labor to come down, look at their engineer's, look at the tent."

Supervisor Cardinale: "They have that, yeah."

Councilman Dunleavy: "And approve it."

Supervisor Cardinale: "I think the tent- I think the Labor-- I know what John is saying and I know that they are going to get what they need to get and probably it's going to be a lovely tent and the site plan is going to be lovely- "

Rick Hanley: "Right."

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Supervisor Cardinale: "-- but all of it is going to be for naught unless they have a use."

Rick Hanley: "A special use permit."

Supervisor Cardinale: "So to make sense to the people who came out tonight and are concerned and are letter writers, they have nothing until they have an expansion of a pre-existing non-conforming use special permit. And they never applied for it. When they do apply for it, we'll consider it but we will have to consider the neighbors' positions and the statute."

Rick Hanley: "With the proper public hearing and the proper referrals to the planning board."

Supervisor Cardinale: "And in the interval, that will not be used, that tent."

Rick Hanley: "I don't see how it could."

Supervisor Cardinale: "The tent isn't even up, I'm told."

Rick Hanley: "I don't think it's up during the winter months."

Supervisor Cardinale: "Okay, so it ain't going to be up and it's not going to be used until they get a special permit use and they may not even get it but they're going to apply for it and that's when we want to see everybody back."

So come on up and get out of the way, Rick, and let them talk. Thank you."

Don Trago: "Good evening. My name is Don Trago, my daughter Zoe, we reside on Deer Run. It's actually the other side from some of the other concerned residents."

We are over 1,000 feet, about 1,100 feet from the tent area that was put up. Last summer, my daughter goes to bed about 8:00 at night and you can hear every single word of the songs and the DJ and the MC inside my house."

Supervisor Cardinale: "Yeah."

Don Trago: "It's not like when you're just outside having a barbeque and I'm trying to put her to bed at 8:00 at night and they're playing music until 10:00 at night. It's something that, you know, affects our life."

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Supervisor Cardinale: "Let me ask a question. John, did you-- last year, it was all Chapter 90's?"

John Ciarelli: "No."

Supervisor Cardinale: "All right. Because-- "

John Ciarelli: "It was done after the site plan approval."

Supervisor Cardinale: "Without a permit for a special use so it was all illegal."

John Ciarelli: "There was no CO's."

Supervisor Cardinale: "No. I'm not talking-- how did you-- "

John Ciarelli: "The special permit wasn't an issue because the site plan process had been filed the same way it was filed for Calverton Links."

Supervisor Cardinale: "Which was that strange procedure that we're correcting. Okay."

John Ciarelli: (Inaudible)

Supervisor Cardinale: "Okay, I understand. Okay."

Don Trago: "I guess my other point is even if it-- because this is a special use in a residentially zoned area for this golf course and apparently an accessory use for a catering facility, an outdoor catering facility somehow goes accessory to a golf course, which I can't quite see. I understand perhaps a restaurant next to the club house make it a country club, excuse me, but I don't know how an outdoor catering facility even if a special usage was provided to allow for expansion of the restaurant to be outdoor dining on a nice summer day, it still doesn't allow for radios or noises.

My understanding is in order to exceed the code for noise, they'd have to have a special variance for that as well which that comes to the town board as well for variances for noise. Is that correct?"

Supervisor Cardinale: "They can't exceed the noise-- "

Don Trago: "They can't exceed 65 decibels after 8:00 p.m. and 50 or-- 65 decibels before 8:00 p.m. and that's a typical conversation from three to five feet away. My wife's in the back yard, I don't hear in my house every single word so I can tell you right now or historically they were over 65 decibels before 8:00

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p.m. and definitely greater than 50 decibels after 8:00 p.m. They're running music until 10:00 at night."

Supervisor Cardinale: "That's typically-- that's why they need to come in for the special permit use for expansion of a non-conforming use. Because either of two things happens when they come in, which they didn't. One, they get rejected; or, two, they get accepted with conditions-- they get approved with conditions and one of the conditions you'd put on is, you know guys, you can't play music after a certain time at night; you've got to keep the decibel level down to a certain level. We can put any conditions we deemed appropriate.

We never got that opportunity last year because of, frankly, a mistake and now we're going to get it done right or not at all depending upon what the hearing brings forth."

Don Trago: "So the special use permit would also include a variance to allow them to make noise greater than town code?"

Supervisor Cardinale: "No. If it was granted, which it may or may not be, it would be granted upon conditions that would assure that the concerns that the public were stating were addressed.

None of the happened. That's why it was such a disaster last year."

Don Trago: "Okay. So they're not going to be allowed to have any noise or anything until they get all this approved?"

Supervisor Cardinale: "That's right. Right now they don't have any approval for the use of the tent that they would like to have. They're applying for it."

Don Trago: "Okay, thank you."

Supervisor Cardinale: "And they should have applied last year but apparently they didn't."

Don Trago: "And what did that get them? Any fines? I mean, I called the town police, I tried calling the-- Great Rock themselves. They don't pick up the phone when they're having a party. I called the police. I hate to bug the police. They're very busy on very important things and I felt like an idiot calling the police to complain about noise but 9:30 at night, I can hear every single word. They're going over the garter belt dance, describing detail about the garter dance. My daughter is going to be learning language in the next few months. I don't want to have to explain that to her this summer."

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Supervisor Cardinale: "Understood. You were not directed, John, to get a special permit use last time?"

John Ciarelli: "No."

Supervisor Cardinale: "All right. So partially it's a screw up on the part of the town apparently that we didn't direct them to get what they needed and so they didn't get it. Now they're going to have to or maybe they won't get it. It's all up to the town board's discretion."

Mrs. Trago: "Mr. Supervisor, can I ask one question? If they proceed before the permit is in or- "

Supervisor Cardinale: "There should be no activity out there until after the special permit hearing and a determination thereof in that tent. The tent shouldn't be occupied."

Mrs. Trago: "It's not even up now."

Supervisor Cardinale: "Yeah."

Mrs. Trago: "But, okay."

Supervisor Cardinale: "Anybody else, come forth please."

Jean Marie Krause: "My name is Jean Marie Kraus and I was the fourth in 10 years ago in Great Rock. Back then I was told they would never, ever be permitted to have catering. It was never going to be permitted or zoned. So I don't know what change but our nice, peaceful, serene neighborhood is like living back in Queens.

And quite frankly it is disappointing that they've allowed to conduct business without permits or - and just break the law when the rest of us have to follow the law.

And I hope it's taken into consideration that they are not allowed to do any catering or outdoor events. It's difficult to sleep not just for babies, but when my husband works a 12 to 16 hour day and can't snooze or go to bed, period, it's very unfair.

We did walk over and attempt to have a conversation last year. We were told basically, tough luck, we have a right to run our business. Unfortunately they wouldn't even do an illegal business if they don't have a permits."

Supervisor Cardinale: "In fact, the town attorney has indicated that there were summonses issued in the justice court last summer. Were those for noise violations and the like?"

Dawn Thomas: "Noise (inaudible)."

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Supervisor Cardinale: "Noise and permit. Yeah. Failure to have a Chapter 90 and for noise violations.

But this isn't really a Chapter 90 situation. We've had this in other places. This is going to be a-- more constant. Chapter 90's are for special events. So we did violate them last summer in the justice court, but did we bring a Supreme Court action ultimately?

But before bringing a Supreme Court action, we've had discussion with counsel and he's agreed now that he has to make that application and he will. Very soon, John?"

John Ciarelli: "We're waiting for-- I'm waiting for an EIS to be prepared and (inaudible)."

Supervisor Cardinale: "Okay. So he's in the process. And there should be no activity out there during the interim until we consider it and make a decision. And you have a right to come forth at a public hearing and express exactly what you're expressing now on the record."

Jean Marie Krause: "And should they just choose to do as they please like they did last year, what is our recourse? Just to spend an entire summer calling the police?"

Supervisor Cardinale: "No."

Jean Marie Krause: "I mean with the weekenders out, they have nothing better to do with the amount of crowds out on the weekend than to come and deal with noise?"

Supervisor Cardinale: "If you look at-- if you looked at four or five in a row, we said authorize Supreme Court actions for injunctions for an order of the court to stop activity? That's what would happen. If they started the activity there and I know John would not advise a client to do that, but if they did, we would go to the Supreme Court with our legal department and stop the activity by an injunction.

So it's not just justice court tickets. We would stop it if it was started before the approvals were complete. And they may not get the approvals. They are very well aware of that. There's a code, we have to consider factors, and if the factors are not met, then we would reject the expansion. If they are met, but we feel-- we are concerned about certain aspects of it, we impose conditions about-- and then you'll have an opportunity to speak about it."

Jean Marie Krause: "Okay."

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Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Can I just say something?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I urge everybody to come back when we have the public hearing and speak on the record of the public hearing."

(Unidentified): "How do you know? How do you get notified? I found out today at 4:00 about the meeting tonight to discuss some of this or at least the letters were going to be discussed or mentioned."

Supervisor Cardinale: "Yeah. Because we received them, we note them on the beginning of the meeting. But if there's a public hearing, as there was not tonight, but often there is as many as eight, they're published in the newspaper, the News Review which you probably don't read over there."

Councilwoman Blass: "I would- "

Supervisor Cardinale: "So you wouldn't know- oh, you could go to the web site."

Councilwoman Blass: "Ms. Mendez, we're in communication on a regular basis. If I'm aware of it, I will certainly call you so you don't have to look for it in the circulars."

Unidentified: "Thank you."

Councilwoman Blass: "You're welcome."

Mr. Krause: "I would just hope that in light of this whole thing with the noise that you would consider that it's not just a factor of just having a wedding on a Friday, Saturday. It could be a wine fest on Sunday afternoon. I'm a hard working guy, we own two houses in the town of Riverhead."

I am sometimes out all night working on air conditioning and heating and to come home to my sanctuary on a Sunday evening- or a Sunday afternoon just to try and get some sleep after I've been out all night, I consider, you know, it's an intrusion of when I have all the windows in my house closed and they're rattling and I go over and ask the gentleman that this is out of control and he says I have until 11:00 and cranks the music until 11:00. So just- "

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Supervisor Cardinale: "I can appreciate your annoyance. Actually, he didn't have the right to do that last year and he won't have it this year until he gets and approval."

Mr. Krause: "Thank you."

Sid Bail: "Sid Bail, President of Wading River Civic Association. We've discussed this particular issue at civic meetings and Dominique has kept us very much informed on this. And we strongly- there's a great deal of emphatic concern for their plight and I think the thing that's maybe in the back of their mind, some of them aren't- haven't come to many town board meetings, etc."

There's this nagging fear that they're going to be- to put it in the vernacular, jerked around. That this summer is going to be a repeat, you know, of last summer, etc. And so I've been urging them to have some faith in the town board to resolve this issue and the goodwill of, hopefully, you know, Great Rock, etc., to work this out.

But the violations, etc., obviously didn't do very much. It's almost like the cost of doing business. It's like a toothless junkyard dog, you know. So I, you know, I will be here, we will be here, the civic association, to support the residents when there is a special permit hearing."

Supervisor Cardinale: "Thank you."

Sid Bail: "Thank you."

Supervisor Cardinale: "One of the best things about safe housing program investigation task force or whatever we call it, is that they have been going to Supreme Court regularly. You can see we have five of them today. Because there you can get an injunction, an order of the court to stop something and fines, serious fines. Whereas in justice court, all they can do is fine. And it's generally not real serious, in amounts."

Sid Bail: "Thank you."

Supervisor Cardinale: "John, did you want to say something?"

John Ciarelli: "I just wanted to say very briefly that, I think, that the golf course reacted a little bit too late to the legitimate concerns of the neighbors. A dialogue has been started and I expect that that dialogue will continue and these issues will be addressed."

I don't think that there's any question that the golf course is committed to addressing and mitigating if not eliminating these complaints.

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That is, I think, an issue that has to be addressed whether or not the tent is permitted or not. I mean as far as the permitting of the tent, last year, you know, as Mr. Shulman pointed out earlier this evening, golf courses are looking for ways to survive economically and they saw that, you know, they picked up on the example of Calverton Links and came in with a similar application almost identical application as Mr. Barnes said for approval to put up this temporary tent from April to October. And received it.

And then acting in reliance on that approval, you know, spent a lot of money on the tent and the installation and the floor, you know, the patio and all that other business.

So they came in here on- in good faith and didn't intend to circumvent any procedure and no procedure that was identified was circumvented. Now obviously it became an issue and it was brought to the floor by the neighbors. It was handled very--the complaints were handled quite poorly last year, I don't think there is any dispute about that.

But this is a different consciousness now and the management is committed to addressing and solving this problem. And we have had discussions with the town attorney as to how to address this. The special permit is one way to attempt to address it and we are preparing a special permit application but I don't want- I mean I see the zoning and the special permit application as a different issue than the noise. We are addressing the noise. It will be an independent problem, although they are related and certainly it's going to be an issue for your concern if we get to a hearing on the special permit.

But I just want you to know that a dialogue has been commenced and the golf course is committed to addressing and solving these concerns."

Supervisor Cardinale: "I'm not intimately familiar with the concept of, you know, of April, October 10 and the seasonal thing but we're working on that, too. But the difference here seems- that's causing the problem or it is related is that Mr. Shulman is a conforming use and you are a non-conforming use.

And you have a whole host of problems, because, for example, Mr. Shulman can make all the noise he wants because all he's bothering is horses. But you are right in the middle of a residence. So, really, that hearing as to a specially permitted use is essential. I can't understand why we missed it last year but they'll tell me later."

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John Ciarelli: "I don't know. I think it's a little bit more complicated than just saying it's a non-conforming use. It was originally approved as a golf course or a recreational district. You know what I mean? So to say that- "

Supervisor Cardinale: "It was originally but it isn't now."

John Ciarelli: "You're changing- but if a golf course had functions for- not just catering which- catering is arguable, but if they have functions for golf outings that take place, you know, as part of the operation of a golf course, and you accommodate those functions, you're not changing, not necessarily expanding the use of a golf course. So it's an arguable question and we are going to resolve that question, hopefully, by acquiescing to applying for the special permit. But, hopefully, all the concerns will be addressed then."

But I don't see it, Phil, I don't see that it was so clear that we should have recognized that we needed to expand the non-conforming use."

Supervisor Cardinale: "Well, that's an interesting question. I will- if somebody will let me know, because I just told these people we're having a special use hearing in the reasonably foreseeable future in which they can express themselves and the result will be either the hope that we reject the pre-existing non-conforming use expansion or you can have it but under these conditions."

So if you're not going to do it or you have some other extracurricular legal activity-- theory that you come up with, let me know. Otherwise, I'm assuming right now within the next two months that we're going to have a hearing."

John Ciarelli: "Right now the current plan is to apply for the special permit- "

Supervisor Cardinale: "Okay."

John Ciarelli: "-- If we don't, we'll let you know."

Supervisor Cardinale: "Very good."

John Ciarelli: "Okay."

Supervisor Cardinale: "Please let me know so we can let them know."

John Ciarelli: "If we have a special permit, I think we probably have to send out 200 notices anyway."

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Supervisor Cardinale: "Yeah. Yes, ma'am."

Michelle Andreanna: "When I bought my house 10 years ago, he's right, they did say- "

Supervisor Cardinale: "Can you state your name for the record?"

Michelle Andreanna: "Michelle Andreanna. They did say that there would possibly be little outings, not 400 golfers eating hot dogs in the backyard. That was never, ever brought up.

We were told- when that big building went up, that was a total shock. That was never brought to our attention. It was like almost a no frills golf thing, to have a little small thing, a little clubhouse. Now this thing is monstrous. You have to now grow trees 30 feet tall to block it. Fine. We can do that. We cannot stop the noise. You cannot stop the noise.

I mean this last- around the holidays, there was a party back there. I'm not sure what day it was. It was cold, we had the doors shut, the heat was going and you can hear everything that was said. It was probably a wedding because there was something about garters and stuff.

But it's just- it's- I mean- and then when these 400 people are let out to the parking lot, they continue to party even though the music is off. You have semi-drunks playing in the parking lot right up against my house. I could spit into the parking lot. And I'm tempted.

But the biggest thing was they did say, yes, there would be outings. I don't know how many golf outings you've ever been to. Have you seen 400 golfers out there? So that's a misrepresentation of themselves. To sit there and say we agreed to it. We never agreed to anything like that. Nothing on that scale- nothing on that scope.

And my thing is, if you do turn around and say okay, we'll give you the permit and we'll give you- all this under specific situations, are we going to be here every single month because they've violated their conditions? Once you turn around and say, well, it's a special permit, I mean, do we really- we'll have the police there every time.

You might as well just make a little corner spot for the police department because I'm telling you now, I'm not going to put up with that. Because it's just progressively- it's like they take an inch. You say, okay, we'll do the outings, now there's a huge building in

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the backyard. I mean, there's just like it's no- there's no restrictions.

So I'm afraid if you turn around and say all right, we'll try the special permit, they'll be a circus tent back there along with everything else and a slide with water rides."

Supervisor Cardinale: "Thank you. You certainly have brought this to our attention. We appreciate that. We'll focus on it in the next work session we have and with our counsel and we're going to have a hearing or you'll know about it. And in the interval, nothing should happen, there should be no tent.

Any other questions, comments? Yes, please come up."

Regina Morris: "I'm Regina Morris and I live at Oakland Ridge Mobile Home Park. And what I want to know was and I've been trying to find an answer for a while.

Mr. Cardinale, you were a guest at the mobile home association back in October last year."

Supervisor Cardinale: "Right."

Regina Morris: "And I have since been trying to find out whether town code applies to Oakland Ridge Park and I still have not gotten an answer yet."

Supervisor Cardinale: "Did you get a- I had spoken with Anne Marie Prudenti who is the Deputy Town Attorney."

Regina Morris: "Right."

Supervisor Cardinale: "And had she spoken with you because I had gone over the issue with her and she concluded- made some conclusions which she said she had conveyed to you."

Regina Morris: "Right. And she said to me because the park was established in the 1950's, and this became in effect in I believe 1968, it didn't apply and I said to her well, you've got to understand, it extended in the 1980's both on one side and across the street so it practically tripled the size of the park, and I said there's a clause in here.

Chapter 79 is about mobile homes. And there is a clause in here stating that if it's been extended or expanded that they have to comply with town code."

Supervisor Cardinale: "Bill, you're familiar with this issue, our deputy supervisor Bill Welsh, you are familiar with this issue

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or not? Would you give him the contact information? Because what I'm going to get you is a coherent one page explanation of what our opinion is.

But I get what you are saying. That in '50 it started- the law wasn't until '68, therefore, they didn't have to do anything up to '68. However, if they expanded after '68, shouldn't they not have been complying with the law?"

Regina Morris: "Exactly."

Supervisor Cardinale: "I believe they should have then- but then, again, I could be missing a whole lot. So I want her to give us a written analysis. She's a pretty good attorney."

Regina Morris: "Anne Marie, yeah. She told me- she called me from the planning department."

Supervisor Cardinale: "Right."

Regina Morris: "And now I'm waiting to hear from planning because they have to look at the original papers that were submitted."

Supervisor Cardinale: "You are persistent. I know that."

Regina Morris: "Oh, yeah. It's over two years now."

Supervisor Cardinale: "You're famous in my office."

Regina Morris: "Yeah, I'm sure I am."

Supervisor Cardinale: "Bill- would you give him the contact information on the unlikely possibility we don't have it six times. But, because I know you've been calling. But she told me that she had concluded and conveyed the conclusions. I didn't ask her if she was- I assume she was right, but if she puts it on a piece of paper, I'll ask her if I have questions.

Your question is, how come they didn't have to comply after '68?"

Regina Morris: "Right. And why don't they comply now and Mr. Hanley is looking into the records because she said I have to go through planning."

Supervisor Cardinale: "You may have a real wait if Rick is looking into it. Rick- "

Rick Hanley: (Inaudible)

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Supervisor Cardinale: "Yeah. That's our director of planning right there."

Rick Hanley: (Inaudible)

Supervisor Cardinale: "Yeah, but she's persistent. She says our legal reasoning and our director of planning's reasoning isn't very (inaudible). That sometimes is an excuse--that sometimes is a preface to you're right, when they're researching. And finally they say yeah, the lady's right."

Can you give her an answer? Between the legal- not necessarily right now but if you have an answer I'll take it. But between you and Anne Marie, I'd just like this lady to have an answer. Whether she likes it or not, at least it's final."

Councilwoman Blass: "Can I ask the lady a question? Oh, sorry."

Supervisor Cardinale: "Yes."

Rick Hanley: "I spoke with this young lady last week. I need to research the approvals that were made on this park from 1950, whatever it is, until the present to see if this particular ordinance that required the recreational facility was law at the time. So I'm trying to do that."

Supervisor Cardinale: "The time that they made their expansion to see how many were made after '68."

Rick Hanley: "I'm trying to find the site plan, trying to find the resolution that approved it by the town board. If there was any mention of any kind of recreational facility. I believe there is some recreational facility on the premises."

Supervisor Cardinale: "But- I'll give you an example. If, in fact, they approved a site plan for an expansion- "

Rick Hanley: "Under the mobile home park ordinance."

Supervisor Cardinale: "-- they said, you know, instead of giving us a new, you know, expanded park space, give us money which- for the recreation fee- "

Rick Hanley: "That's what I'm trying- "

Supervisor Cardinale: "That would suffice. So he's trying to figure- "

Rick Hanley: "So he's trying to figure out if they did apply that law to them after '68."

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Rick Hanley: "I believe, however, there are recreational facilities on the premises. That's my understanding."

Supervisor Cardinale: "Yeah, but, there are recreational facilities."

Rick Hanley: "But I just want to see the site plan that required that."

Supervisor Cardinale: "When did they go in?"

Regina Morris: "It was- yeah, I had mentioned to him that- "

Supervisor Cardinale: "You must like sports or recreation. All this fighting about recreation."

Regina Morris: "Well, because I have a daughter, you know, and we have no place for the kids to play to- "

Supervisor Cardinale: "I begin to sweat when I walk by a gym. I don't need a recreational facility. Most of the people in those mobile home parks, aren't they older like me and they don't want to exercise either?"

Regina Morris: "Well, it's a mix."

Supervisor Cardinale: "Okay."

Regina Morris: "Because it's a family park."

Supervisor Cardinale: "I see."

Regina Morris: "But the thing is I had mentioned to him, Mr. Hanley, that they did put in where they used to park the boats and things like that, they've put what they call a recreation area, but they put in some- at the end of the summer, yeah, late early fall, I guess. And I just found out that it's been open to the public just when I went to pay my lot fee a few weeks ago, and it's a fenced in area. They put in a basketball hoop, some swings and a picnic table, and now they're stating that it's a so called recreation area on this hilly slope. It's- "

Supervisor Cardinale: "You got them nervous."

Regina Morris: "I don't know, I don't know. But anyway, I just want to know- "

Supervisor Cardinale: "Okay."

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Regina Morris: "-- being that they have the property, why can't they comply?"

Supervisor Cardinale: "Would you get a definitive answer for this young lady within the next week, Bill? You know, Prudenti, Hanley, with talent like this, we should be able to do it."

Regina Morris: "I hope so. It might be minor but to me it's important, especially for a child to-- "

Councilman Dunleavy: "Nothing is ever minor."

Supervisor Cardinale: "Right. Barbara is very knowledgeable in this area and she'd like to help as well. And her extension is-- her extension-- "

Councilwoman Blass: "I would absolutely like to help. In fact, I think late this afternoon someone left a voice mail for me and I didn't have a chance to return it. Mr. (Inaudible)-- "

Regina Morris: "Yes, he's the president of the mobile home association."

Councilwoman Blass: "Yes. And I will certainly look into it and return the phone call or speak with you about it as well. Whatever information I can find out. Absolutely."

Regina Morris: "Okay."

Supervisor Cardinale: "Thank you."

Regina Morris: "Like I say. It's two years plus. Thank you so much."

Councilwoman Blass: "You deserve an answer."

Supervisor Cardinale: "Thanks a lot. We'll get you an answer and thank you, Barbara. Come on up. I'm getting hungry. Go ahead."

Dan Hilton: "Dan Hilton, 30 Benjamin Street, Wading River."

Supervisor Cardinale: "Yes, Dan."

Dan Hilton: "I made my first dark skies meeting along with Councilman Buckley and I brought up an issue with ballfield lighting and it seemed that the consensus of the committee was to have it exempt. I'd like to hand out something regarding that."

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Supervisor Cardinale: "The consensus of the lighting committee was that we would exempt it? In other words, we wouldn't apply restrictions to that?"

Dan Hilton: "They said that, you know, the lights were only on four hours a night, you know. What's the big deal?"

Supervisor Cardinale: "Oh, that's very comforting because they were having a big battle with engineering about that, and recreation."

Dan Hilton: "One thing that struck me was they talked about the education to the town and I pulled up- I pulled up this web site from the Washington Post and it says, lights at night are linked to breast cancer. And I'll just read a couple paragraphs.

Women who live in neighborhoods with large amounts of night time illumination are more likely to get breast cancer than those who live in areas where nocturnal darkness prevails, according to an unusual study that overlays satellite images of earth onto cancer registers.

This finding adds credence to the hypothesis that exposure to too much light at night can raise the risk of breast cancer by interfering with the brain's production of a tumor suppressing hormone.

I really think this committee can go a lot further and I'm hoping that, you know, we look into every aspect of keeping the night sky the way it is.

A different topic. Is there a law that regards how far a drive thru ATM can be from a residence?"

Supervisor Cardinale: "I- the town attorney might know. I don't believe there is but you're talking about an ATM. So you're talking about a commercial area. So the only time it would impact if they were on the boundaries of two zoning districts, right?"

Dan Hilton: "Well, just recently, Phil, the Suffolk County National Bank installed a drive thru ATM which is on Benjamin so every customer that goes to that bank has to enter at Benjamin Street. So the street is a paper road or a private road so what's been happening is, you know, two, three o'clock in the morning you get a loud radio. A teenager comes in to get some cash and we hear it. I'm about 150 feet away and my neighbors are even closer than that. So it calls for a concern.

Another thing is that the road is very potholed and it's not really being taken care of. If you happen to drive by with two or three inches of rain. What's happened was the bank, you know, takes

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care of their portion but they raised the crown of the road so all the water drains down and we call it Benjamin Lake."

Supervisor Cardinale: "This is a public road?"

Dan Hilton: "I don't think it is, Phil, it's a private road. But if that can be looked into, I would appreciate it."

Supervisor Cardinale: "First, I've got to find-- where exactly is it?"

Councilman Dunleavy: "Right across from the elementary school. Right next to the Suffolk County National Bank."

Supervisor Cardinale: "Okay, now I know where it is."

Dan Hilton: "Yeah, that's it, exactly."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "So it's a private road but the bank patrons go over this private road?"

Dan Hilton: "Yes."

Supervisor Cardinale: "That must have been a great set up in the site plan. They go through a private road to get to a public place."

Dan Hilton: "They enter through Benjamin and exist onto Wading River."

Councilman Dunleavy: "Right. That's the only way they can do that there."

Dan Hilton: "Well, if you can look in the archives on, you know, if they were supposedly taking care of this road or allow for drainage, you know, that would be great."

Supervisor Cardinale: "Rick, I'm so glad you're here tonight. Could you check that old site plan, figure out why they're going over Benjamin to get to a commercial bank?"

Rick Hanley: (Inaudible)

Supervisor Cardinale: "Yeah. But is it appropriate? Maybe a fence would be nice or a gate."

Dan Hilton: "All right. Last thing is- "

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Supervisor Cardinale: "A toll booth."

Dan Hilton: "Another different topic."

Councilwoman Blass: "I thought you were actually going to be commenting on the ATM because they have their own special lighting relief from dark skies. I thought you were going to be concerned about the lighting- "

Dan Hilton: "Well, that's one of the reasons why I joined the committee."

Councilwoman Blass: "Yes, okay."

Dan Hilton: "But I can't do anything until 2010 I believe. That's when the law takes into effect."

Councilman Dunleavy: "When everybody has to change the lights."

Supervisor Cardinale: "You mean to change, yeah."

Councilwoman Blass: "I don't know that they're ever going to get the special dispensation from the state. What board is that, that regulates that, ATM's, the State Banking Authority. They have- that's what I thought the connection was with the ATM."

Dan Hilton: "What they do, Barbara, is they flood the area to meet the standard for illumination around the ATM, but they overdo it. So it takes, you know, light metering and, you know, things to- but that's what they do. They over light the area.

Another issue was-- this is in regards to safety. Does the town require a demolition permit for a building?"

Supervisor Cardinale: "Yes."

Dan Hilton: "And was there one given for the bowling alley?"

Supervisor Cardinale: "Yes."

Dan Hilton: "Excavation. Okay. And was there any findings of asbestos or silica? Okay, that's all. Okay, thank you."

Supervisor Cardinale: "Thank you. Come on up. How are you doing?"

Ed Purcell: "How are you doing?"

Supervisor Cardinale: "Good to see you."

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Ed Purcell: "Now that the frost is almost gone, do you have any time frame of when maybe the Grangibel Park-- will be a path over to the county center will be repaired or done?"

Supervisor Cardinale: "Yes. We have-- I was there today, in fact, walking along the riverfront. There's a connection that-- when you get to the end of the boardwalk, we're supposed to have a cross walk off of county funds with a light so you can get to Grangibel Park without getting killed, which is comforting because you can't park anywhere if you wanted to get there. So you park in that lot and walk across.

We have 1.4 million dollars to spend in federal money on improvements. We just got the proposal for Grangibel Park-- is that Grangibel-- yes, Grangibel. And we're supposed to be seeing at the next work session Christine-- the deputy town engineer, to tell us how quickly she can get from proposal to contract, you know, bid out the job and get it started.

I wouldn't plan any early spring picnics in Grangibel but maybe in the autumn."

Ed Purcell: "Similarly, on the sidewalks that I think we got a grant for Roanoke Avenue."

Supervisor Cardinale: "Yeah. Well the Main Street grant-- "

Ed Purcell: "Main Street."

Supervisor Cardinale: "-- that was 1.3 million I believe and it was being-- it is being implemented by the state of New York which is either good news or bad news depending on how you feel about the state of New York. In view of recent events, most people aren't feeling too good about the state of New York.

But they are going to implement the Main Street grant. It is their right of way, they're going to put it in with our money, the money we received from the federal government through Tim Bishop several years ago.

I would think-- and it's comforting to know that it will be done but it won't be done for at least a year or two."

Ed Purcell: "Okay. Actually I seem to remember that we had gotten some grant for Roanoke Avenue for safe schools-- "

Supervisor Cardinale: "Yes."

Ed Purcell: "-- something-- "

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Supervisor Cardinale: "In fact, that was on tonight."

Councilman Wooten: "Yeah, we just reapplied for that tonight. That was for Griffing."

Supervisor Cardinale: "We didn't get that grant. But we're reapplying for it now, \$400,000. We didn't get the initial one but they say we might get the next one and we just applied tonight."

Ed Purcell: "Also, an old story which I'm tired of talking about. What's going on with Apollo? Have they finally given up the ghost?"

Supervisor Cardinale: "No. What's going on with Apollo is, in fact, Latham was in to speak to the board a few weeks ago. They have indicated that they're submitting a site plan in the second quarter for the north side to do-- tear down a building on that side. Because they own it and they're going to do something with it. And it's supposed to have retail, hotel, theoretically a cinema. What is that-- what's the name of the cinema they're dealing with over there? Anybody remember? Clearview Cinema. But that's going to come in in the second quarter.

By the third quarter, end of the third quarter, we should have the generic environmental impact statement completed, that would be a final. There would be a findings statement and the urban renewal update would be complete and they could then start-- they could get site plan approval.

Rimland is doing the same thing. They want to tear down that building and do retail and condos above. Bisset is in the same situation. He's making an application for a parking district."

Ed Purcell: "Well, the reason I ask is because I had either heard on the radio or saw in the paper that they wanted the town to put the town hall on the north side of Main Street."

Supervisor Cardinale: "They-- "

Ed Purcell: "And I think that's-- "

Supervisor Cardinale: "What do you think of that idea?"

Ed Purcell: "-- absolutely foolish. Absolutely."

Supervisor Cardinale: "Don't like that idea?"

Ed Purcell: "No. A hotel would be nice. That would bring in business. But when it comes down to a town hall on the north

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side of Main Street, I'm sure it will be business when the town hall is open, but after that it's just like it is now. It would be like a ghost town."

Supervisor Cardinale: "Well, that has been stated. That's why we didn't provide for office use except for specific real estate offices on the downstairs floor because we wanted to see more activity, the retail activity. And obviously a hotel is throughout the day."

Ed Purcell: "Yeah. I've been in Riverhead for probably 50 years and I know other towns are having similar problems, like Bay Shore. They still are trying to revitalize downtown but where we had three different proposals, you would have thought that something would have been started by now."

Supervisor Cardinale: "Yes. Now the study is going to be completed and we're hoping by the fourth quarter, we're going to see a number of these site plans move forward. If they don't, I'll be very disappointed as well."

Ed Purcell: "Railroad Avenue. Is that progressing?"

Supervisor Cardinale: "Yes. Railroad Avenue, that project is discussed at work session this past week and they have to move the crossing- I think they have to move the crossing- I think they have to move something, the railroad, and then we can do the paving and the curbing and the parking set up. So that really is going to get done, I expect this year."

Ed Purcell: "Have they gone to contract with any of the other buildings in that area?"

Supervisor Cardinale: "Oh, you're talking about Vintage?"

Ed Purcell: "Vintage."

Supervisor Cardinale: "I'm talking about the Railroad Avenue corridor. In front of Suffolk County National Bank. That's going to be cleaned up within the year."

Vintage has to sign a contract by June 15<sup>th</sup> with the town. We have a draft in the file. They have changed attorneys. We are still trying to get in touch with them to let us know who their new attorney is and they have some conditions that they have to comply with. But the key is that we have to be in contract by June 15<sup>th</sup> and they have indicated they're prepared to move forward but we haven't be able to talk to anybody."

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Ed Purcell: "Yeah. I was just wondering- I know from what I understand, they had to have 60% of the businesses in contract before we'd even consider- "

Supervisor Cardinale: "That's part of the contract. But the first thing they have to do is get an attorney retained and sign the contract and that contract does call for 60% of the businesses have to be negotiated with and bought, the properties, before we use any eminent domain power."

Ed Purcell: "Okay, thank you."

Supervisor Cardinale: "Any- if there are no- if there's another question-- my life is complete. Mrs. Esposito."

Mrs. Esposito: "Good evening.""

Supervisor Cardinale: "It's good to see you."

Mrs. Esposito: "Currently of Baiting Hollow. I'm house sitting."

Supervisor Cardinale: "Oh, yeah."

Mrs. Esposito: "So I'm a resident now. I enjoyed reading with interest State of the Town."

Supervisor Cardinale: "Oh, good."

Mrs. Esposito: "These are my thoughts. It talks about tax revenues from Grumman almost doubling. I called up here and I spoke with a Lori somebody, left a message, did not get back to me, concerning the empire zone and is that tax paid- taxpayer paid taxes for the first seven years? Does like Tanger Mall have that? And is the Grumman property in that?"

Supervisor Cardinale: "You're talking about tax abatement and the economic- both the economic development zone and the Riverhead IDA does offer tax abatements for new construction only."

In other words, if you build a building, you get a break for the first few years. Yes."

Mrs. Esposito: "And then it has Councilman Buckley saying- taking property from one private entity with the intention of giving it to another private entity violating property owner's rights. Yet the Supreme Court just ruled with eminent domain that if a tax base, the economics are improved, it's all legal to be taking from private owners. But I hope you people don't to that."

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Renovating Grangibel Park has all the pretty carvings but years ago when (inaudible) there, and people came forward and I came forward and I'm coming forward again to say we need rope and a life ring and pistol or lock up post erected there also. A little cubby, some sort of lock up system so a policeman can put his gun in there. If he happens to be first on the scene. But just have poles with ropes and life rings if someone wants to dare to jump in. I don't think that they exist."

Councilman Wooten: "I know that they were put there after that incident. They might have been taken away since."

(Some inaudible discussion)

Mrs. Esposito: "They need to be there if you're going to spend the million three on improving- "

Supervisor Cardinale: "The town board has directed that be done. We're going to verify that it has been."

Mrs. Esposito: "Okay."

Supervisor Cardinale: "The life rings."

Mrs. Esposito: "Concerning the Route 58. I've said to all of you in the past and there's new faces here, that you guys raised your hand, vote for me, vote for me, you're the creative minds."

I want to see something pro active concerning Route 58 and not settle for what the state foists upon us. I want you to be creative and I want you to envision a lot of traffic circles on Route 58, a lot more traffic circles. Down by motor vehicles there's lots of room for a traffic circle down there. Right now it's a terrible obtuse intersection with poor visibility. It's a terrible design. It should be changed into a traffic circle.

By Bank of America, Northville Turnpike, it already has all the side turning lanes. Just get rid of the bisecting lines and make that a traffic circle.

I expect this board to demand an experiment from the New York DOT, be proactive. In respect of getting rid of the bisecting circles and respect a circle. There should be- I envision there should be right turns in and right turns out and all the businesses on Route 58, no left turns. Get rid of the center turning lane.

Traffic circle in front of Wal-Mart, close off Ostrander to cross over 58. Move the main entrance and the light at Best Yet Produce, move it more west to the CVS pharmacy opening. Get rid of the light at Target. Condemn Sleepy's outlet store property. Put a

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traffic circle at Harrison and 58, plenty of room there, too. And if you have to take the sidewalk in front of the new Palace Laundromat, it doesn't really matter because I doubt they're really going to take care of that grass. It should all be just cemented sidewalk up front.

Traffic circle at Osborne and 58. Close the crossing at 58 and Crestwood or whatever it is where the nursing home road is. Traffic circle and Mill Road, Pulaski and 58. Take the tip off the Mobil Gas Station property. A big traffic circle there."

Supervisor Cardinale: "Oh, you love circles."

Mrs. Esposito: "Yes. I had an option 20 some odd years ago, either move to Patchogue or to move to Riverhead and I chose Riverhead because of the traffic circles."

Supervisor Cardinale: "Really?"

Mrs. Esposito: "Yes. Because you can move. It's a revolving door. You don't have to stop at any idiot light for no reason other than it's red."

Supervisor Cardinale: "I've always thought the traffic circles kind of symbolize Riverhead."

Mrs. Esposito: "They- and you know what?"

Supervisor Cardinale: "It's like going in circles."

Mrs. Esposito: "I grew up in Hauppauge and we had a summer house out in Sag Harbor and by the time we got out here where the big trees are and the traffic circles, we knew we were out east. So it's a symbol of out east.

Yeah, you've got to get rid of the new light for Glenwood housing because there should be a nice traffic circle at Mill and everything should be right in, right out, no left.

Traffic circle at Kroemer and 58 and also you need a traffic circle at Pulaski and Griffing where the corner of the cemetery is."

Supervisor Cardinale: "Yeah."

Mrs. Esposito: "Because that's a stupid little dog leg that's a pain in the neck, too. And there's a vacant old parking lot now where the old gas station used to be. You might as well make a circle and make things run smooth so that people don't have to be stopping.

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And in the last thing that you talked about also here was affordable housing. And, again, I'll say where is your affordable housing program where home ownership, not renting, is your American dream option given to every human being.

Where is respectable advertisement published requesting senior citizens to donate or sell their property for a very low amount of money into the affordable housing authority? Where a perpetual resale price statement is set in the deed of the property. All right?

I expect this to be happening and I've talked for too many reason and you guys get salaries year after year and I don't see anything concrete that's worthy of your salaries. And when I go see Jesus, I will be your accusers.

And--"

Supervisor Cardinale: "And, you know, now that you're in Riverhead, because I know you actually live on the other side of the river-- "

Mrs. Esposito: "And I've asked that that side be annexed into Riverhead."

Supervisor Cardinale: "Yeah. Now that you're babysitting a house in Riverhead, perhaps you could actually run for the town board."

Mrs. Esposito: "Amen."

Supervisor Cardinale: "Yeah."

Mrs. Esposito: "I'd be a great benevolent dictator. Get rid of a lot of you. I'm a good mom, I know-- "

Supervisor Cardinale: "You'd add spice to the campaign."

Mrs. Esposito: "No, really. And, also, with affordable housing. Developers-- where has the town demanded that developers open up their books and prove that there is a low profit, not an exorbitant profit, as a requirement to getting a license and doing business in the town?

And, also there's vacant buildings like is it JP Murphy or whoever it was over by the courthouses, that restaurant, and the old post office annex."

Supervisor Cardinale: "Yes."

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Mrs. Esposito: "They're vacant buildings and they look like hell. Is there a law on the books that demands vacant building owners or managers of those buildings to maintain them to make them look respectable? And if there isn't, get that law."

Supervisor Cardinale: "Thank you."

Mrs. Esposito: "Thank you."

Supervisor Cardinale: "You have some good ideas."

Mrs. Esposito: "Thank you."

Supervisor Cardinale: "If there is no further comment, I will end the meeting and look forward to seeing you at the next meeting and next work session. Thank you."

Meeting adjourned: 8:40 p.m.