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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, March 7, 2006 at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
John Dunleavy,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "All right. Okay. This is- I'd like to call to order the March 7th meeting of the town board.

I'd like to begin with the Pledge of Allegiance which- Mitch, why don't you lead us in the Pledge- from Newsday."

(At this time, the Pledge of Allegiance was recited, led by Mitch Freedman)

Supervisor Cardinale: "Okay, we're going to come down into the well of the room and give out some proclamations and seals, town seal.

Gary Hubbard, he's here, would you come up and I think we also have- don't we have the management employee committee- labor/management committee. Could you all come up?

Okay, we have- the (inaudible) event of designating an employee of the year and the management/labor committee pours over all of the many appropriate and very worthy individuals that could reflect it, but Gary is the person they did select this year. So, Marilyn, I know that you would like to say a word. Why don't you do that? And anybody else on the committee would like to tell us how they made this choice."

Madelyn Sendlewski: "Indeed, as you said, Mr. Supervisor, Gary Hubbard was selected among some very fine nominations for employee of the year and when we say employee of the year, a couple of words, of course, come to mind that were written by the Supervisor. Exceptionally talented and we know that. Gary has an amazing gift for- anything you hand him, he'll do, in the way of carpentry. I think he's dabbled in plumbing, electrical, everything. And he's a

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greatly needed employee. He's been very good to us. His immediate—one of his immediate supervisors is here. Mr. (inaudible). I think we would like to say a few words on his behalf.

Let me introduce Mr. Hubbard's two lovely daughters, Alissa and Ashley, they're joining him this evening, and Dave, would you just come right down and after that, the Supervisor will give you the seal, the town seal."

Dave: "I'd just like to say that it's been a pleasure working with Gary while I've been here. He always makes me look good, makes my job a lot easier. Gary single handedly oversaw all the renovations in this room. It was his idea. If it was up to me it would have been half as nice as it is now and (inaudible) just one example of the many talents that he brings to the town. It's a pleasure working with you."

Madelyn Sendlewski: "I will add before the Supervisor gives him his town seal that unfortunately, you don't have a day off, I was going to say you do. The employee of the quarter does, but you don't get one. But certainly he didn't expect all of you to turn out this evening. Thank you. So the Supervisor will present the seal."

Supervisor Cardinale: "I would— it's a pleasure to present you, Gary, the employee of the year 2005 award of the town of Riverhead. I recall (inaudible) when I was leaving the board in 2001, (inaudible), I also would suggest you stick with your labor representative, Matt, is it— how the employee of the quarter gets a day off and the employee of the year does not get a day off."

Madelyn Sendlewski: "Well, actually, as a member of the committee you could give him the day off right now, Mr. Supervisor."

Supervisor Cardinale: "I think that's appropriate."

Madelyn Sendlewski: "Gary, would you like to say a word?"

Gary Hubbard: "Yes, I would like to thank the labor/management committee and everyone that voted for me, the guys from B&G, special thanks to Dave (inaudible). Thank you very much."

Madelyn Sendlewski: "You're welcome."

Supervisor Cardinale: "Thank you, Gary. We also, not coincidentally have employee of the quarter, for the last quarter of 2005 and it's Edward Reeve. Come up, please. And they're already here for you. Brenda, your spouse.

Again, the labor/management committee of which I am an undistinguished member, although I made at least two of the meetings

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last year and it was only coincidental that they were the luncheon meetings, but we do have this proclamation which I will read, but she says it so much better. So why don't you tell us why- "

Madelyn Sendlewski: "Again, ladies and gentlemen, this- Ed is the recipient of the award for employee of the quarter for the last quarter of 2005. From the words written by his immediate supervisor were that he is exemplary, does a job, doesn't need to be told to do the job, it's already done.

I will invite down right now Ron Caffrey who is the assistant superintendent of highways who wanted to say a word."

Ron Caffrey: "It's been my pleasure working with Eddie for 16 years. If we need something done, give him the job, it's taken care of. Sometimes he gets some work orders out and they know they're working with Eddie, they know they're going to work and it's better working with him."

Madelyn Sendlewski: "Ed and Brenda have two children, Amy and Adam, am I right? Are they too old to come with Mom and Dad to the meeting or- "

Edward Reeve: "Adam is away in college and Amy is at a concert tonight for the Riverhead school."

Madelyn Sendlewski: "Well, they got good mention. Supervisor, can now present the proclamation."

Supervisor Cardinale: "Ed, you are already dear to my heart by Ron telling me that people when they are asked to work with you know they're going to work hard. This is something that every (inaudible). I'm pleased to hear that.

The proclamation reads Whereas, you, Ed, have been a valued employee of the town of Riverhead Highway Department for the past 15 years, holding the position of construction equipment operator for the past three; and

Whereas, you have proved to be a knowledgeable, conscientious, CEO by demonstrating an ability to perform the duties of your job in a matter second to none; and

Whereas, whether working alone or with others, you are an active employee that knows exactly what work needs to be done and can often be found helping out and giving advice on how best to handle situations that arise during the job; and

Whereas, your commitment to your community is demonstrated through your dedication to your church where you serve as trustee and ensure the church building is extraordinarily maintained; and

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Whereas, as a result of your hard work and dedication, the labor/management committee has named you employee of the quarter of the fourth quarter of '05.

Be It resolved, that I, Supervisor and the entire town board add my congratulations and that of the town to you as employee of the quarter. And you do get a day off."

Madelyn Sendlewski: "Yes, he does."

Edward Reeve: "I'd like to say thank you to the- Mr. Supervisor, Town Board, the Labor/Management Committee, the people that voted for me at the highway, put me in this position here. A special thank you to Ron Caffrey, Mark Kwasna, also a letter that had gone out in (inaudible) that was written up, that was put out by the labor/management committee, a newsletter, it was written (inaudible) done by (inaudible) of our department. Last but not least, I'd like to thank my wife who has put up with me for all these years. Also while I'm out plowing snow, she's the one that's got to shovel the driveway.

Congratulations to Gary and if you need an extra day, I can sell you one."

Supervisor Cardinale: "Thank you and the members of the committee as well for your hard work and dedication.

Mr. Russo, how are you? Nice to meet you. We have a special award this evening that we could not resist making because of Jack's efforts in the last week for the community. Many of you may have seen the recent News Review where he was lauded for his efforts to get an 18 year old girl and a 16 year old girl out of a burning house and the 18 year old girl had the (inaudible) second floor, so he had to take a ladder and get there and get her.

That's the kind of dedication and putting yourself second to the community that should be acknowledged and I'm pleased to be able to do that today. This is an award, certificate of appreciation, from not just the board of the town of Riverhead but we presume to issue it from the residents of the town of Riverhead.

To Jack Russo for his heroic and life saving actions on February 28th of this year. And it's signed by me and my entire board I'm sure joins me in thanking you for putting your neighbor in front of yourself.

Okay, we're going to go back and resume the board meeting. Okay, we have the minutes from the last board meeting of February 22nd. Could I have a motion to approve them and a second?"

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Councilman Densieski: "So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes."

Barbara Grattan: "The minutes are approved."

Supervisor Cardinale: "Okay. Could you tell us the Reports for this meeting?"

REPORTS:

Receiver of Taxes
Total collected to dated:
\$54,394,261.93

Utility collections report for
February, 2006, total
collected: \$264,804.76

Town Clerk
Monthly report for
February,
2006, total collected:
\$8,420.59

Building Department
Monthly report for
February
and January, 2006, total
collected January:
\$143,218.25
total collected February:
\$85,040.50

Juvenile Aid Bureau
Monthly report for
January,
2006

Police Department
Annual report for 2005

Farmland Select Committee
2005 annual report

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. Do we have any Applications?"

Barbara Grattan: "We have one application."

APPLICATIONS:

Special event
Our Redeemer Lutheran
Church
and school - Aquebogue, May
11-14 - Carnival and Flower
Show

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

Jeanmarie Costello and

Philip Swotkiewicz
Letters of resignation
from
Riverhead IDA

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you, Barbara."

Barbara Grattan: "You're welcome."

Supervisor Cardinale: "We have six public hearings scheduled for this evening. The first is scheduled for 7:05."

Public hearing opened: 7:26 p.m.

Supervisor Cardinale: "It being 7:26, I'd like to call that hearing. It concerns the lateral water main for the Gateway East subdivision at Doctor's Path. And we have one of our— one of the H2M engineers, Dennis, and the water district superintendent, Gary, here to introduce it and to field any questions. Please, go ahead."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher from the consulting engineering firm H2M. We are the (inaudible) engineers for the Riverhead water district.

The developer of the— "

Supervisor Cardinale: "Is that on? Now it is. Okay."

Dennis Kelleher: "I'll start over. Good evening. My name is Dennis Kelleher from the consulting engineering firm of H2M. We are the consulting engineers for the Riverhead water district.

The developer of the proposed Gateway East subdivision has requested the extension of the water main to service the proposed project. The subdivision is a proposed seven lot project located on the west side of Doctor's Path in Riverhead.

The project is already located within the Riverhead water District boundaries.

In order to provide water to the proposed subdivision, approximately 1,000 feet of eight inch water main will need to be installed into the cul de sac. On the plan that is presented, highlighted in blue is the existing water main that's located on Doctor's Path. We will be tying into that existing water main and installing the thousand feet of new water main which is highlighted in orange.

In addition to running to the end of the cul de sac, we will also be extending the water main to the far side of the property in order for a future connection to the vacant land behind it. In case that vacant land is every subdivided at a later date, we will be able to tie in this long dead end into a new subdivision.

The- highlighted in pink is a proposed water main easement which will be between lot 7 and lot #6. We had originally laid it out on lot #7. However, the developer has asked that we switch it over to lot #6 so we don't have to move it over 15 feet. So the Riverhead water district has no problem locating in on lot #6.

We estimate that the water use for the subdivision would be 2100 gallons per day on an average day and 6300 gallons per day on a peak summer day.

At the present time, the Riverhead water district does not have sufficient excess capacity to provide the subdivision. However, we are in the preliminary planning stages of planning and constructing new public supply wells so that by the time this subdivision is on line, we should have sufficient capacity to provide water to this subdivision.

We estimate the cost of providing water to this subdivision at \$67,000. That includes construction costs, engineering costs, inspection, legal and contingencies. This entire cost will be paid by the developer.

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In addition to that, the developer will need to pay key money fees in the amount of \$2500 per single family home for a total of \$17,500. This key money will be used by the Riverhead water district to construct additional facilities such as new wells, new transmission mains and new storage tanks.

Thank you."

Supervisor Cardinale: "Thank you. Is there any public comment on this hearing? Yes, please come up."

Sal Mastropolo: "Sal Mastropolo, Calverton. Who's paying for the extension from the property that's going to possibly serve as futures?"

Supervisor Cardinale: "You want to address that, please, Dennis?"

Dennis Kelleher: "The developer of this project is paying for all water main, including the piece that is going to the furthest piece highlighted in pink. The purpose we're installing that pipe now, it may never be used in the future but once these homes are constructed, the Riverhead water district does not want to go back and install a piece of pipe through somebody's property. They'd like to install it now for future use."

Supervisor Cardinale: "At the developer's expense."

Dennis Kelleher: "Wholly at the developer's expense."

Supervisor Cardinale: "I especially like to do that. So that takes care of that question, right, Sal?"

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Does anybody else have a question? Okay. If that is the case, I'd like to note that it's 7:31 and close the 7:05 hearing."

Public hearing closed: 7:31 p.m.

Public hearing opened: 7:31 p.m.

Supervisor Cardinale: "And call for the beginning of the 7:10 hearing which involves the extension of the water district—the extension to the water district to be known as Extension 83, Stoneleigh Woods."

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Dennis, you are presenting this?"

Dennis Kelleher: "Yes. Again, my name is Dennis Kelleher from H2M. We are the consulting engineers for the Riverhead water district.

The developer of the proposed development has petitioned the town board to provide water to the subject property. The proposed development is not within the Riverhead water district so this is different than the hearing we just held where the previous property was already in the district. This is outside the Riverhead water district property.

I've highlighted in pink the proposed development, all outside the Riverhead water district. The proposed subdivision known as Stoneleigh Woods, actually it's not a subdivision, a development, will consist of 176 dwelling units plus one clubhouse.

The property is located- it's located between two existing subdivisions and we propose to install water main to the site.

Again, highlighted in blue, is the existing water main and we propose to install approximately 6600 feet of pipe which is highlighted in orange.

We- the developed asked that this subdivision be what we call master metered which the water main coming in would have one large water meter and the individual units would not be master metered. The Riverhead water district does not like this arrangement and when we requested that it would not be master metered and it will be treated like any other single family home in the Riverhead water district where they will have an individual water meter in each unit.

The difference is on a master meter, the water main inside the complex would remain- would not become property of the Riverhead water district. We would like it to become property of the Riverhead water district after it is constructed. That way the Riverhead water district could actually operate and maintain, for example, if there was rusty water complaints within the complex, the Riverhead water district can go in there and flush the mains. So we have recommended that it not be master metered and have individual meters.

As you can see we will also be tied into the existing water main in the adjacent Sunken Pond Estates subdivision which is on the top of the sheet.

We estimate the water use for this complex 88,000 gallons per day on an average day and 264,000 gallons per day on a peak day. Once again, the Rivehead water district as of today does not have

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sufficient pumping capacity to provide water to this development. However, the Riverhead water district is in the planning stages for additional supply, both wells and storage tanks.

And the estimated cost to provide water to this development is estimated at \$650,000 including construction costs, engineering, inspection, legal and contingencies. This entire cost will be paid for by the developer.

The developer has asked that the project be broken down into two phases. The first phase of approximately 60 units plus the clubhouse and we estimate the construction costs of that first phase at \$275,000. Again, the entire cost being paid by the developer.

The developer will also be required to pay key money in the amount of \$2500 per dwelling unit, a total cost for key money would be \$442,500 for the 177 units plus the clubhouse. This entire cost being paid by the developer. And the key money for Phase One would be \$152,500 for the 60 units plus the one clubhouse."

Supervisor Cardinale: "Yeah, Dennis, I have a couple of questions. I know that Barbara does, too. This is- we had an extended discussion on the last work session about the fact that this is dependent upon development rights that have not yet been purchased, the phase between 60 and 176. You're planning approval for water assuming there's going to be 176 or 177 units?"

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "What happens is there aren't that many units?"

Dennis Kelleher: "The Riverhead water district does not care- if we do the approval for the full amount and it only is built out for 60 and the Riverhead water district would just construct the first phase, they would get their money to construct it and they would get the key money for the full 60 units. And when the developer is ready to go to phase two, before we do anything, he would have to put up the money for both the key money on the remaining lots plus the construction costs."

Supervisor Cardinale: "But you intend to build it in phases?"

Dennis Kelleher: "At the request of the developer. That is correct."

Supervisor Cardinale: "So if the site plan approved ultimately because we're considering it now is for only the phase one, then you'd only build phase one?"

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Dennis Kelleher: "That is correct."

Supervisor Cardinale: "Okay. Do you have a question?"

Dennis Kelleher: "Again, this hearing is really just from the public water supply standpoint and if the town decides only to approve phase one, we will only provide water to phase one. This approval tonight would not be for anything besides public water."

Councilwoman Blass: "And does the site— does the siting of the units have any bearing on how you lay this out?"

Dennis Kelleher: "No. Definitely not."

Councilwoman Blass: "Okay."

Dennis Kelleher: "The most important thing is the number of units. If the number of units change, I think we will need to hold another public hearing and the layout is such that we do want to tie into the neighboring water main so we could have flow through the system to improve hydraulics, to improve fire flow protection in both communities."

Councilman Densieski: "Yeah, Dennis, that was my question because Bill Kasperovich isn't here. I see there's a couple of deadheads on there and we said we'd like to loop these so there's no, you know, rust situations at the end homes."

Dennis Kelleher: "If we did not have existing water main to the-- above and below and I'll just point for a second where our tie in is so— because we like to have water flow through a system from different angles. In case there is ever a fire in the rear part of the complex, we'd be able to feed the water from two different locations and I'll show you the connection."

So the main connection is coming from the street through the system here and if we did not have the ability to tie in here, if there was a fire all the way back here it could be a problem. But we are tying into the existing on Pebble Beach which is part of the Sunken Ponds estates. So if there is ever a fire, for example, back here we will have flow coming from two locations."

Councilman Densieski: "I don't think I was clear, I'm sorry. There looks like there is two deadheads where the water doesn't continue to flow to other lines."

Dennis Kelleher: "Right here?"

Councilman Densieski: "Yes."

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Dennis Kelleher: "Those- you know- it's only about approximately 150 feet of pipe- "

Councilman Densieski: "No problem? Okay."

Dennis Kelleher: "As you can see, we did it here but because it's such a small amount, it's not considered a problem."

Councilman Dunleavy: "Also, you said that the Riverhead water district cannot service this at the present time with the additional water. Is that what you said?"

Dennis Kelleher: "Yes. Actually we met with the town board about four months ago. After last summer, we had a tremendous- we had a lot of hot weather and dry weather and the Riverhead water district pumped a record amount of water and we were using every well that we had. So at that time, the town board approved for us to make some improvements and actually Superintendent Pendzyck and myself will be coming back to the town board in the next 30 days because we've completed a master plan for the Riverhead water district that we would like to present to the town board where we talk about construction of four new public supply wells to be able to supply the- meet the demands for the Riverhead water district for the next 10 years."

Councilman Dunleavy: "All right. He's not going to help you construct this with any money?"

Dennis Kelleher: "Yes, he is. Because you're new on the board I'll go back and talk about key money. Key money is a fee that we charge to any new development which we- \$2500 per single family home. And we take that money and we put it into a reserve account so that when we need to build a new well we have that money so we don't have to go and bond."

Councilman Dunleavy: "Okay."

Dennis Kelleher: "So in this project alone, we have key money that the developer will have to pay, \$442,000- \$442,500 which will not go to any of this construction. It will go to the Riverhead water district's account and that money will be used to build new wells."

Councilman Dunleavy: "Okay."

Dennis Kelleher: "It's actually something that the town board approved probably about 20 years ago, this key money concept, and it has helped us grow the Riverhead water district without bonding."

Councilman Dunleavy: "Okay, thank you."

Supervisor Cardinale: "Thank you. Is there any other comment in regard to this proposal? Okay, if not, I note that it is 7:40 and I'm going to call the hearing closed."

Public hearing closed: 7:40 p.m.

Supervisor Cardinale: "And move to the next hearing scheduled to begin at 7:15 to consider the special permit petition of 1998 Peconic LLC and it is now 8:41 and I see— 7:41, just feels like 8:41 and, John Ciarelli will present this."

Public hearing opened: 7:41 p.m.

John Ciarelli: "Good evening, Mr. Supervisor, Members of the Board. My name is John Ciarelli, Ciarelli and Dempsey in Riverhead, and we represent the applicant."

Supervisor Cardinale: "John, since this is a special permit petition, you need to be sworn in, I am told, even if you are an attorney, or perhaps because you are an attorney."

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

John Ciarelli: "I do. I am handing my affidavit of posting and mailing to the clerk. This is— the applicant in this case is comprised of two families with substantial stakes in the health and prosperity of the town of Riverhead, the Miller Environmental Group family and the other component is Paul Elliott (phonetic) a Prudential commercial real estate. He has a substantial, again as I say, a substantial stake in the town of Riverhead.

They propose to build an aesthetically and operationally compatible gas station in an Industrial A zone where it is permitted as a special permit.

The gas station itself will be— is not— not that there's anything disparaging about Exxon or Mobil but it's not an Exxon or Mobil station, it's going to be operated by the Schenk (phonetic) family which has for the last 100 or so years been operating a fuel and gasoline business in the town of East Hampton, Chris Schenk and Rod Hurlin (phonetic) who are both in that family are here and available to answer any questions that you might have later on.

We have been to the ZBA. We have an extensive record before the ZBA and I ask you to incorporate that record by reference. And before the ZBA, we compared lot sizes with other gas stations in the town of Riverhead. Our lot is twice as large as nine of the 10 closest gas stations to this particular site. And I should say I guess for the members of the public where it is. It's 150 feet east of the

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intersection of Edwards Avenue and Route 25, just east of the Crossroads Restaurant, between the Restaurant and the Charter School.

Our clients have met with the board of the Charter School on March 2nd and are— and have another meeting scheduled for next week and they are addressing the concerns and objectives of the Charter School in this application. And I bring that up because we were also before the Planning Board and as is the procedure here and the Planning Board without making any findings, however, said that they were concerned about the proximity of this use to the Charter School.

So there will be testimony in a couple of minutes that there are no safety related issues that make the proximity of this use to the Charter School a concern that this board or any citizen or anybody using the Charter School or the gas station should have.

And with respect to the Charter School itself, they have these concerns. They are the buffer between the gas station and the school, the fencing and plantings that are planned and you'll see the drawing in a minute. I was hoping Mr. Young could have that available to look at. The operational safety which will be addressed. The overall management of the site which I said was going to be a family run business, not absentee management. And the traffic impact that this might have on their operating bearing in mind that the Riverhead police department does assist the Charter School with arrivals and departures during the school year.

The applicants are also meeting with the Calverton Civic Association. We're on the agenda for tomorrow night and we expect that we'd have the same type of reaction from the Calverton Civic Association in that they are— our clients are intending to operate this facility as good neighbors and with compatibility to the surrounding area.

I'd like to introduce someone who needs no introduction here, Howard Young, whose firm prepared the drawings and the engineering for this particular site, to address certain characteristics of the design and the layout related to the special permit criteria.

Mr. Young."

Howard Young: "Good evening. Howard Young, Young & Young, Riverhead, New York."

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

Howard Young: "I do. As Mr. Ciarelli has mentioned, this site is between the Charter School and the Crossroads Restaurant on the

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south side of Middle Country Road, New York State Route 25. The site consists of 2.1 acres. The car wash is 1,000 square feet of flooring. The convenience store and gas station office 2,400 square feet. The maximum coverage— the coverage of the lot is 3.73%. The pervious surface on the site is 51%. The floor to area ratio is 3.7%.

The parking required is 12 stalls. We show on the site plan 19 stalls. We're in Industrial IA zoning use district and the site plan probably is one of the nicest or I think will be one of the nicest gas stations I think on Long Island.

As you can see, we have— this is the Charter School over here and we have a planting buffer there, the Crossroads Restaurant here with buffer. This is the car wash. The five pump island here with a canopy. The gas station (inaudible) parking here with an entrance here, an entrance out with a right turn only and then this is the end of the cul de sac and the new development that was approved by the planning board some years ago, so we would provide access both from this cul de sac called Miller Drive and with that I would answer any questions."

John Ciarelli: "Well, let me ask you a question, Mr. Young. Does this design meet town specifications?"

Howard Young: "Yes, it does."

John Ciarelli: "And is there adequate provision for runoff and collection of sewage?"

Howard Young: "Yes, sheet 2 or 2 which I just made a hand out show the drainage calculations and all the drainage facilities that we propose for the site."

John Ciarelli: "Is there adequate provision for turning radiuses and access by emergency vehicles?"

Howard Young: "Yes. We've checked all the turning radiuses and they meet— for the fire protection as well as the tractor trailer deliveries of gasoline."

John Ciarelli: "I should say, one of the other things that occurred at the planning board. Prior to this, to the point at which they addressed this particular use but when they approved the subdivision, the planning board restricted access— egress from the site onto Route 25 so that the only egress from the site onto Route 25 will be eastbound in the eastbound direction. No westbound egress. Later our traffic expert will address that in more detail but I neglected to (inaudible)."

Supervisor Cardinale: "Is Rick Hanley here?"

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Councilman Bartunek: "He's out in the hall, Phil."

Supervisor Cardinale: "I was just going to ask if he had but I see Barbara has the planning board resolution."

Councilwoman Blass: (Inaudible comment)

John Ciarelli: "I have it if you need it."

Supervisor Cardinale: "Yeah, I may have seen it, but I don't recall it."

John Ciarelli: "There's two. There's one of the special permit and one on the subdivision."

Supervisor Cardinale: "Yes, thank you."

Councilwoman Blass: "Mr. Ciarelli, in looking at the key map I see that this proposed road actually connects Edwards Avenue to the rear of the site. In light of the fact that you just said the only egress from the site would be in an eastbound direction, do you anticipate that you're going to have a lot of traffic that's going to use this to bypass that light at Edwards Avenue?"

John Ciarelli: "I don't think that- no, I don't, I don't think so. Because the traffic, it's not necessarily a roadway that goes from Miller Road to 25 to go eastbound. You know, I don't- we don't anticipate that."

Councilwoman Blass: "Okay."

John Ciarelli: "Actually the- it might be a good thing to take some pressure off that intersection at Edwards Avenue but that's not going to happen. I think naturally from the design of the road, although maybe Mr. Schneider, our traffic expert, when he testifies will give you a better answer based on the physical attributes of the site."

Councilman Dunleavy: "Is that going to be a cul de sac or is there going to be an entrance to the gas station from that proposed road?"

John Ciarelli: "No. There's going to be access to the gas station from that private road."

Councilman Dunleavy: "Because you don't show that on this. It's completely enclosed."

Howard Young: "This is the cul de sac here and this- "

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Councilman Dunleavy: "Right."

Howard Young: - and this is the roadway shown here."

Councilman Dunleavy: "It's not shown on this one, that's why."

John Ciarelli: "There's also, Mrs. Blass, an issue with the department of transportation."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "John, you may note, I was asking on the uses that you're calling for here in addition to the special permit use, you wanted a car wash and convenience. Is there- Industrial A, does it limit uses to a specific number and are you considering these all primary uses in that event or accessory?"

John Ciarelli: "The car wash is a- is integrated in the definition of gasoline service station in the code. In other words, it provides for multiple structures. It provides for the cleaning and polishing of cars and motor vehicles in the code. So- and this was dealt with extensively with the Board of Appeals. They made specific findings in the Board of Appeals that the car wash was part of the gasoline station use. It's not separate, it's not an accessory use."

Supervisor Cardinale: "On this matter they did or on another- "

John Ciarelli: "Yes."

Supervisor Cardinale: "What were you doing in the Court--what relief were you seeking there?"

John Ciarelli: "We were asking for rear yard and front yard variances for the canopy and for the convenience store which incidentally was reduced in size in the Board of Appeals from 3600 feet to 2400 feet."

Supervisor Cardinale: "Yeah, as I kind of vaguely recollected, two of the- the statute indicates and I just want to make sure that issue was reached by the ZBA, did you bring it for that purpose? In other words, it says in the- it says in the definition that I was just looking at a second ago, that there are two permitted uses and my inquiry has to do with, since I know you're looking for a gas station, car wash and a convenience store, how you're designating those uses."

John Ciarelli: "The convenience store is an accessory use of the gasoline station and the car wash is part of- is part of the gasoline station use. It's not a separate use."

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Supervisor Cardinale: "So in theory then, you're only using one use and one accessory."

John Ciarelli: "Yes."

Supervisor Cardinale: "So you've got another use. Want to pick one?"

John Ciarelli: "No, we don't want it. No, we don't need it."

Supervisor Cardinale: "Okay. I assume that's determined by the ZBA in other cases or in this case."

John Ciarelli: "It's been determined by this-- the question of whether a convenience store is an accessory use has been determined by this board and also by the ZBA in this case. But relying on prior determinations of the town board and also experience, the code says that the use must be incidental to the principal use and there are-- there are some court cases which we cited-- when I say we, we had extensive record before the ZBA, I wasn't exaggerating, we provided them with a memo of law describing the court cases that have established convenience stores as accessory uses to gas stations. And so that was the issue that was addressed there.

They had the question about the car wash also and-- but I think the-- and they recognized that the code clearly embraces the cleaning and polishing of cars within the use of gasoline service stations so then we're really just talking about whether it's done manually or mechanically. In this particular case, it's a non-- an automatic car wash and most, you know, and all car washes now in Suffolk County require-- are closed systems requiring recycling of anything that doesn't evaporate or doesn't turn into sludge."

Supervisor Cardinale: "Thank you."

Councilman Densieski: "Does this meet the Dark Skies criteria we have in the town?"

John Ciarelli: "I'm sorry?"

Councilman Densieski: "Does this meet the Dark Skies criteria?"

John Ciarelli: "I'm assuming that we're going to meet-- everybody's here. We're going to be able to address that."

Councilman Densieski: "It does."

Howard Young: "The plan I submitted shows the lighting (inaudible) left hand corner (inaudible)."

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Councilman Densieski: "Okay."

Councilwoman Blass: "Mr. Ciarelli, where is the nearest gas station to this one?"

John Ciarelli: "I think it's the Country Store which is east. It's quite a ways- I'm sorry, west. It's quite a ways."

Councilwoman Blass: "It's beyond the requisite half mile? Is that correct?"

John Ciarelli: "It's more than a half."

Councilwoman Blass: "It's more than a half. Okay."

John Ciarelli: "Well, that's not- that's interesting that you say that because I looked at the code and there's no- that was in the Industrial B portion of the code, not in the Industrial A, and I don't think there's any Industrial B- "

Councilwoman Blass: "I believe it's in the supplemental regs. It's not in the zoning section itself."

John Ciarelli: "It is where it is."

Councilwoman Blass: "Okay. I have another question for you. Although I don't think there's a designated crossing area for- with a crossing guard, there is a customary location in front of the school where parents drop off children on the other side of the street. Where is that in location to your egress point?"

John Ciarelli: "Well, again, that's a really- that's a complicated question only in the sense that the department of transportation is not necessarily going to give us those egress points."

Howard Young: "We have another hand out to show you, if you'd like, the Charter School."

Councilwoman Blass: "Well, I know the Charter School may have rendered an opinion on it, but one of the- "

Howard Young: "No, I meant the physical layout- "

Councilwoman Blass: "Okay, that could be helpful. One of the criteria that this board needs to review in granting the special permit is very specific about the characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, a school, a theater, a recreational area or other public assembly. So we're going to have to make a finding that this, a gas

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station with a convenience store, with a car wash, is it an appropriate location next to a school. Selling beer. You know, that one is a concern of mine."

Supervisor Cardinale: "Any comment from the public? Now is the time. Yes."

John Ciarelli: "I'm not done."

Supervisor Cardinale: "Oh, you're not done. I was hoping you were, but go ahead."

John Ciarelli: "I'd like to ask William Tyree to testify. He is an expert on the use and construction and operation of gasoline service stations and, well, I'll just call him. Mr. Tyree."

William Tyree: "Yes, my name is Bill Tyree. I'm a principal in the Tyree Company. We've been building gas stations for about 75 years."

Dawn Thomas: "Okay, you'll be sworn. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?"

William Tyree: "I do."

John Ciarelli: "Mr. Tyree, have you considered the characteristics of this use vis a vis, its location in proximity to the Charter School?"

William Tyree: "Yes, I've been involved in the permitting and construction of over a thousand service stations and I can't— I was asked a question, I can't think of any that were denied because of their proximity to a school as long as they were in an area that was zoned for a service station."

John Ciarelli: "Okay. And what are the safety considerations in the use and operation of the service station that would make it appropriate to be located near a school?"

William Tyree: "Well, usually the concern is fire and explosion. Gasoline has a low flashpoint. To that end, the service station of today is really a closed system which means that no fumes are escaping. Years ago, for those of you that were around when a gasoline truck dumped, you saw fumes going up into the air all over the place and when you were filling up your car, fumes would come out the fill pipe as well.

In the early '80's the laws changed and now the service stations are closed systems which means that they keep the fumes that are in them. You see when you are filling up your car, a lot of times

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there's a bulky nozzle. That's called a stage 2 nozzle, well, that's returning the fumes to the tank and even now the newer nozzles that are less bulky are still, they're called vapor vac nozzles and they're still returning the fumes to the tank.

These tank systems are closed systems and when the gasoline truck dumps, it actually returns the fumes that it displaces into the truck. The truck takes them back to the terminal and they're recycled actually back into gasoline or in some instances burned off.

The danger of a fire is generally speaking underneath the dispensing area, underneath the canopy area, and to that end there is—the biggest danger is probably when somebody hits a dispenser or drives away. These days the service station will have break away hoses which will mean if somebody forgets to take the hose out of the gasoline tank, rather than ripping the dispenser down or ripping the hose, there's a breakaway that prevents the loss of any gasoline and it can be coupled right back up.

Additionally underneath the dispensers are items that are called crash valves. If a pump is hit or knocked off the island or disturbed, these valves close mechanically and they also have a fusible link of them that under certain temperatures will melt and close that valve as well.

Lastly, this service station like other service stations that are new will be required to have a fire suppression system on it, a chemical—a dry chemical system that will be tested before the station is operational and is required to be inspected annually."

John Ciarelli: "And what other safeguards to prevent environmental pollution associated with the use and operation at the site?"

William Tyree: "Well, you may not know it, but Suffolk County is really nationally recognized as a leader in underground storage tank system engineering, installation and inspection. This station will be state of the art. It will mean that it will have double wall tanks, a tank inside of a tank, and that annular space in between there will have a probe that electronically monitors it 24 hours a day.

Additionally, the pipe from the tank to the dispensing area will be a double wall pipe with an annulus space in there which is also electronically monitored and underneath the dispenser will be a pan that catches any drips that may happen from a filter, etc., returns it to a sump which is also electronically monitored.

Lastly, the spill area where the gasoline truck dumps is double walled, has a spill containment manhole. As in industry, we've done a

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pretty good job of engineering out the chances for spills that happened as recently as 10, 15 years ago."

John Ciarelli: "Any questions?"

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "I have one question, if I could."

Supervisor Cardinale: "Go right ahead."

Councilwoman Blass: "What's the condition of the site currently?"

John Ciarelli: "It's vacant land."

Councilwoman Blass: "Is it wooded?"

John Ciarelli: "It's sparsely wooded."

Councilwoman Blass: "Do you know the percentage of the site that you would have to clear in terms of- "

Councilman Bartunek: "I think it's low brush."

Councilwoman Blass: "The only reason I ask is that this one looks like there's a tree line here (inaudible). Is that a tree line, Howie, or not?"

Howard Young: "This is an old field, it was a farm field."

Councilwoman Blass: "Okay, thank you."

Councilman Dunleavy: "And you said you did a traffic study, because there's a post office directly across the street, a deli, and the Charter School is right there. So I'm concerned of traffic in that location of people exiting the post office and the gas station at the same- and the school bus coming in and out of there."

John Ciarelli: "There's- "

Councilman Dunleavy: "So I mean- "

John Ciarelli: "-- there's also other industrial property that it is planning to be developed there. And, you know, we are talking about a use, the reasonable use of property for something that's specially permitted in the area. So, I mean I'm glad you brought up the deli because, you know, there was some comments from the audience about the sale of what convenience stores sell and so does the deli. So it's like- it's a difficult question and we're planning on

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addressing that traffic issue along with the other proposed developments and existing uses on the site. But it's appropriate now to call Steven Schneider who is our traffic engineer.

Mr. Schneider, can you state your qualifications for the record?"

Steven Schneider: "Yes, my name is Steven Schneider, principal Schneider Engineering, 356 Middle Country Road, Coram, New York. Licensed special engineer. I've been in front of this board a few years ago, not recently though, and I've been doing traffic engineering for about 36 years, licensed in New York, New Jersey and Florida. I've taught PE review courses and have been accepted throughout Nassau and Suffolk Counties."

Dawn Thomas: "Mr. Schneider, you need to be sworn."

Steven Schneider: "That's fine."

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

Steven Schneider: "Yes, I do."

John Ciarelli: "Mr. Schneider, you conducted a review of the proposed design and layout of this particular site as well as the traffic conditions in the area?"

Steven Schneider: "Yes, I did."

John Ciarelli: "And did you form an opinion as to whether or not there is sufficient room for parking and movement on this site?"

Steven Schneider: "There is sufficient room."

John Ciarelli: "And what is the basis for that opinion?"

Steven Schneider: "That is based on my review of the site plan, the review of the traffic ingress and egress to the site as well as my complete traffic study that I've completed."

John Ciarelli: "Have you formed an opinion as to whether the area has sufficient access facilities to and from the site and whether it is designed to avoid traffic congestion either egressing from the site or entering from the site?"

Steven Schneider: "Yes, there is sufficient access ability both in and out. The easy part here is that almost everyone— everyone coming out on 25 directly will only have to make a right turn. There will not be any left turns at all. And anyone who does want to make a

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left turn would have to go through the access onto Edwards, make a right turn on Edwards and eventually make a left turn back onto 25."

John Ciarelli: "Have you looked at the site to determine whether or not there is sufficient parking or that is conducive to safe operation on the site?"

Steven Schneider: "Yes, there is sufficient parking."

John Ciarelli: "What is the traffic impact of this use?"

Steven Schneider: "I prepared a traffic study which looks something like this. I dropped it off last week at the offices. I'll just give you a very quick summary of it just so you'll know what I had done.

I prepared— we did some of the traffic counts over at Edwards and 25. We took counts during actually four periods, mid-week a.m.; mid-day; mid-week p.m.; mid-week and Saturday during the peak hours. We also applied a couple of growth factors to it. One was the growth factor for the future of 1.75% per year. We also increased the traffic counts that we took by 13% as per New York State DOT for winter/summer variations.

We also included in our study 11 of the developments that we were able to find in the town files that were either applications that were coming up to the board or even very preliminary applications. I tried to cover as many as possible. We had added those traffic— those trips from those other developments on to the site— on to the intersection, to determine how many cars would possibly be there in the future if in fact everything was there at the same time.

We did what was called a capacity analysis, a level of service analysis at that main intersection. We also did it at each driveway as well as the side street by Edwards for the access— ingress and egress from the industrial area and we also looked at the trips that would be generated to this specific site based on the Institute of Transportation Engineers which is the industry standard, based on a convenience store with a car wash and a gas station. That's in the report.

We also looked at the what we call pass by traffic and considered that as well. In this type of facility as you may imagine, the pass by traffic happens to be very high. Most people are not going out to the pumps, get your gas, and go back home again. They're mostly passing by the facility.

Same with a car wash and a convenience store. In many cases, a lot of the cars that are going for the gas station portion of it, will also stop off at the convenience store as well as possible for a car

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wash. So all that is taken into account in the analysis that I had done, again, based on industry-wide standards.

I also looked at the accident history in the area to determine what types of accidents there were in the past and how our facility might affect those accidents, the accident rates.

I will say that the— that level of service that I was talking about to you earlier, it's basically giving a grade to an intersection, everything from an A to an F; A it's wonderful, you're the only person on the road; F everybody's on the road. It's not that good.

The levels of service for my analysis which I looked at in the future. I took the current counts, I added two years to that to get it at what we call a future no built scenario, and then I looked at a future build with us in place, and the level of service varied very, very slightly. Just to give you an idea - a D to a D; a B to a C; a D to an E; a B to a B. So that the levels of service was not changing that much.

I will say though that if you add all 11 facilities, if they in fact all get developed which is a worse case scenario, the level of service does deteriorate.

I also spoke to the New York State Department of Transportation and they had given me a plan for that intersection and what they proposed for us to do at that intersection to cover this future traffic. I have incorporated that in my study and I also have if you want to see it the plan that the State gave us for what they'd like designed at that intersection.

I would also say that I'm working with another developer right new us, right near the site, and that particular plan will be used for both that development and this development.

So that the levels of service does not change drastically with our site. When you add all the other sites, obviously it does. That's all in my report.

I would like to state or give you right now if you don't mind an addendum to the report which includes the credit for the pass by traffic. That's that traffic where people basically are just passing by. My initial report included a conservative look at it not being any pass by traffic but, in fact, this addendum analyzes the pass by traffic as well."

Councilman Dunleavy: "Can I ask you one question?"

Steven Schneider: "Sure."

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Councilman Dunleavy: "You said the traffic wants to go west on 25 will egress on that proposed Miller Road to Edwards Avenue, back to 25, and then make a left turn?"

Steven Schneider: "That's correct."

Councilman Dunleavy: "Okay. The problem with Edwards Avenue, now that traffic from that traffic light now backs up past the restaurant almost to Fed Ex, it actually backs up past Fed Ex and people now are going behind the restaurant and using the restaurant as an egress onto Route 25 to go east because of that traffic backed up. So people coming out of the gas station using Miller Road and using Edwards Avenue is going to put a large strain on that traffic- on that road and the road cannot handle the traffic that's there now without egressing people back to that Edwards Avenue to go back to that traffic light."

Steven Schneider: "I have two points to address that. Firstly, people who will be stopping at this type of gas station and are familiar with the area eventually- obviously the first few times they're not going to know, you know, they want to go west, how to get west even though there might be some signage for that. But people using this facility will be the ones mostly going eastbound, okay."

A person who wants to continue westbound will eventually know that they will have to go through the access road we'll call it onto Edwards and then make the turn. It's meandering through. And people tend not to do that, they like convenience.

Secondly, interestingly enough the State DOT in their plan didn't show any improvement on the northbound which happens to be, and I agree with you, the worst approach of the four. They had added and actually in that plan a left turn eastbound and westbound into the site realizing that there isn't a lot of right of way that you can take at that corner because people own it. All right.

So in essence the State is somewhat avoiding that same issue that you're talking about but what I'm saying is that our traffic will mostly go eastbound. That's what will happen eventually when people start to get used to that particular gas station on that site. And anyone who does have to go westbound can still have that ability to go westbound."

Councilman Dunleavy: "Miller Road, is that going to be eventually developed with houses?"

John Ciarelli: "It's industrial lots."

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Councilman Dunleavy: "It's industrial. Because it would be a lot easier if you did not have an entrance off of Miller Road because eventually what it's going to be is it's going to be a short cut for people going east. They'll turn, go through the gas station, and have a straight shot, they don't even have to stop at the gas station, you have a road going straight through to Route 25 and I don't think that's very good for the traffic pattern of that intersection or that area."

John Ciarelli: "Again, Mr. Dunleavy, it's not established that there's going to be a curb cut there. The Department of Transportation right now is going to regulate the location of the curb cut. It's their position right now that there's only going to be one (inaudible). We think for our use, it's probably better for use and flow to have two curb cuts but right now they're only approving one. So I don't think that's going to happen."

And if people, I mean, you know, it's easy for us to say that, you know, people shouldn't do that, but you know I know that in the real world people do do that, that they shouldn't, but they do do it and hopefully we'll be able to keep it at a minimum."

Councilman Dunleavy: "Because people do not tend to stop when they get to the intersection. They just make the right turn and keep going and the Charter School is right there which could be children exiting or entering, automobiles parked right there."

Steven Schneider: "Yes, but that traffic will be the ones making the right turns versus the--"

Councilman Dunleavy: "Well, that's what I'm saying. A lot of people don't stop."

Steven Schneider: "It's not our traffic per se, but it is other traffic. I can understand what you're saying. But the State DOT has told me personally that they have an issue with giving anybody, not just this particular site, two curb cuts anymore. They're just trying to reduce those access points which would not allow us to do what we'd like to do. But we have to work with them. It's their roadway."

John Ciarelli: "Also, didn't you say earlier that most of the cars are going to be on the road all day, so these-- we're not talking - a majority of the cars are on the road already, so we're not talking about new traffic so to speak."

Councilman Dunleavy: "Okay."

Steven Schnedier: "It's actually to be honest about 59% of the cars and you can imagine, 59% of the cars will be what we call pass by traffic. Those are people who are already on the road, say, by golly,

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I've got to go to the gas station. I've got to go to the convenience store. No one really will be going to that convenience store specifically and then going back home. It's not a primary trip."

Councilman Dunleavy: "Okay. So we have to watch out for the children at that Charter School."

John Ciarelli: "We're working very closely with the Charter School to address that. That's one of their primary concerns and it's one of our primary concerns as well."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Go right ahead."

Councilwoman Blass: "I have two further questions but they're not related to traffic if I may, and I'll be really quick, okay. Our public hearing notice called for 3600 square foot gasoline service station, accessory convenience store, and a 1,000 square foot accessory car wash. Is that an incorrect- "

John Ciarelli: "The convenience store is 2400 feet. The car wash is not accessory, it's part of the use of the gas station so I- "

Howard Young: "It's a thousand."

John Ciarelli: "Pardon?"

Howard Young: "It's a thousand."

John Ciarelli: "A thousand square feet."

Councilwoman Blass: "This- the way this is written it would indicate 4600 square feet of building. That is incorrect."

John Ciarelli: "It would be- that's right. It would be 3400 square feet."

Councilwoman Blass: "3400, okay. So we were wrong in our notice. And my last- "

Howard Young: "You were right in the notice--"

Councilwoman Blass: "Well, then I'm confused."

John Ciarelli: "Originally that was the original proposal."

Howard Young: "We submitted thirty six hundred."

John Ciarelli: "Right."

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Councilwoman Blass: "So you were reduced to 3400 square feet."

Howard Young: "Twenty four hundred."

Councilwoman Blass: "I'm sorry, 2400. No, 3400 total building area. Thirty four hundred total building area."

Howard Young: "It was reduced from- "

Councilwoman Blass: "I'm just looking at total building area 4600 down to 3400. I just wanted to make sure that that's- okay, and my final- "

John Ciarelli: "The convenience store size was reduced."

Councilwoman Blass: "Okay. And my final question, would this be the first car wash that would be located outside of our sewer district?"

John Ciarelli: "Assuming- I think there's only one automated car wash and service station and that's the Mobil station across from the Home Depot. I think that is in the sewer district. I- we are not- we are in the sewer district- I'm sorry we're in the water district, not the sewer district."

Councilwoman Blass: "That's correct."

John Ciarelli: "So you're right. So I'm assuming yes that it would be but then again, again, these car washes are- all the water is recycled."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay. Have you completed your presentation?"

John Ciarelli: "And sludge is trucked off the site. I hate to end on that note, but- "

Supervisor Cardinale: "As long as you end, I'll be very happy. Can we have public comment on this? Rolf, and then- "

Rolf Koesling: "Rolf Koesling, Wading River. I'm a little confused. My wife says a lot- "

Supervisor Cardinale: "I've noticed that, yes."

Rolf Koesling: "You talk about gas station and gasoline station. What are you looking at? Gas station or a gasoline station? If it's a gas station, I'd worry because you have Broadwater sticking

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its pipe up there one day and it would be collecting gas. That's—
about— "

Councilman Dunleavy: "It's a gasoline station."

Councilwoman Blass: "Gasoline, service— "

Rolf Koesling: "Make sure it's going to be a gasoline station. That you don't approve a gas station. Do you ever go pass a car wash three or four days after a storm and all these muddy cars are lined up, a half a dozen, a dozen, with the motors running, pouring all that carbon monoxide out and around? Go down to the Rocky Point car wash after a snow storm. The people are cleaning their cars there. Guarantee you there's at least a dozen cars there. That's it."

Supervisor Cardinale: "Thank you, Rolf."

Councilman Dunleavy: "I don't worry about the muddy cars, but the exiting there still being wet in the wintertime is going to create an ice hazard on that road."

Supervisor Cardinale: "Yes, how are you?"

Ken Laboner: "Good evening, Mr. Supervisor, Members of the Board."

Supervisor Cardinale: "Good evening."

Ken Laboner: "Ken Laboner (phonetic), Aquebogue. I have a few questions here. By the way, I spent 28 years in the traffic signal maintenance industry."

First, what is the percentage of recovery on the vapors?"

Unidentified: "I can't tell you what the percentage is."

Ken Laboner: "So you're telling me it could be 2%, it could be 98%. You don't know. You can't answer me that question."

Unidentified: "No, I can't answer that."

Ken Laboner: "Thank you. I bring that up because the prevailing winds in this area are from the west to the east. The Charter School is to the east."

Councilman Dunleavy: "Can you face this way? The microphones can't pick you up when you face the other way. Can you face this way, please?"

Ken Laboner: "The prevailing winds is from the west to the east, therefore, the school is to the east. Since this gentleman,

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this expert cannot tell us whether it's 2% or 98% recovery, we do— we could very well possibly have a problem with fumes on a windy day going into the Charter School. That's number one.

Number two, the exit coming out onto Edwards Avenue. Now the traffic engineer says that most of the traffic in and out of this gas station is going to be for eastbound traffic. The closest gas station to this proposal to fill up on Route 25 for westbound is the CITGO, down by Marcy Avenue. All you have to do is go west of this proposal and sit by the Coastal gas station. Look at how many people going west pull into that Coastal gas station. With them coming out, now these people are going to cross.

I don't know what the State is telling them that they're going to be able to do with 25, but with the people coming out of the gas station to go west and they have to come out to Edwards Avenue. Edwards Avenue is a two lane highway. As Councilman Dunleavy stated, traffic is backed up now. Those people coming out onto Edwards, make the right turn, go to 25 to make the left to go east, it's going to be a disaster. It's a disaster right now.

My other question to the traffic engineer is what has the State proposed for that intersection? Can you tell us without-- give us some kind of idea to the audience?"

John Ciarelli: "Yes."

Ken Laboner: "May I hear it?"

Supervisor Cardinale: "When you say what does he propose. Can you make it more specific, Ken?"

Ken Laboner: "To improve that intersection."

Supervisor Cardinale: "Oh, okay."

Ken Laboner: "They say that the State has some plans— "

Supervisor Cardinale: "Okay."

Ken Laboner: "-- that they want done with that intersection."

Supervisor Cardinale: "Sure. If that's your question and the expert's here, let's have an answer."

Steven Schneider: "We have two questions really. The first one concerns the traffic onto Edwards. The level of service there is either A or B coming out of the driveway so the level of service there is not an issue at all.

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And to answer your other question this is what I received from the State and I'll— I sort of mentioned it earlier but I'll show it to you as well. And basically, you don't have to see it, it's okay, he'll vouch for it.

Basically the State has come up with, not touching for some reason Edwards Avenue but only the east/west direction on 25 and they can touch Edwards if they wanted to because they have control over the whole intersection so they could have put turning lanes if they wanted to either north or south.

What they did is they put left turn lanes in both the east and the west direction and a through shared right turn lane both eastbound and westbound and this came exactly from the State. And this is actually what we're designing for that intersection pretty much right now."

Councilman Dunleavy: "While you're up there because you made a statement. Can I ask you one question? How long did you study the northbound traffic on Edwards Avenue because I think you're wrong in saying there's no problem there if you ever went north trying to get through that traffic light. I was there today for three traffic lights trying to make a right turn on 25. So I don't know how long you stayed there or what day you went there."

Steven Schneider: "I can answer that. As I mentioned earlier that was the, I'll call the weakest link of the four approaches. That level of service is F, okay, and that's really what it is. And with or without our site, it's insignificant (inaudible)."

Councilman Dunleavy: "But you just told that gentleman behind you that it was A, that it was no significant problem."

Steven Schneider: "No, no, I'm sorry. You're talking about the one at 25 and Edwards."

Councilman Dunleavy: "Yes."

Steven Schneider: "What I said before was the exiting from that— from our side street, from the industrial area coming around, that is the A or B. From the side road coming from the east side of the road making a right turn to go north for example, going westbound to northbound, coming from that side street, that's a A or B. The— what you're talking about and I agree with you is that the worst approach is the northbound approach. I agree with you 100%. But, again, this is what the State gave me to work with.

Our recommendation is to make it somewhat different. The only problem is that we're all constrained by the right of ways that's there right now and you've got to do something with the restaurant,

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etc., etc., and that the State obviously doesn't want to touch at this point in time."

Councilman Dunleavy: "And the State doesn't but I think that maybe you can negotiate with the State to try to fix that intersection when you're building your- because there's going to be a problem."

Steven Schneider: "Well, there's a problem there now and to be honest a lot of the other applicants would- I'm sure more than happy, you know, help fix that intersection except the right of way would have to be taken from some people's properties and the State doesn't want to do that right now."

Councilman Dunleavy: "Thank you."

Ken Laboner: "Thank you very much. I agree with you, Councilman, there's an awful lot of traffic there on Edwards Avenue. We also have the Fed Ex building, that barn, that depot on the west side of the road. That's a problem and this application is only going to compound the problem."

Now I know these gentlemen are engineers and personally gentlemen after 28 years in the business I haven't a love for engineers because I've seen too many bloopers and for instance you forgot to put the loop in in one place and all the traffic got backed up and the traffic light wouldn't change. And I can give you a couple other incidents but we'll let that pass.

I hope you deny this application because I do not think it has been thoroughly thought out plus we have the problem with the school there which is not going away. The school is more important than the gas station. Thank you very much."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay, is there any other comment from members of the public present tonight? Yes, sir."

John Ciarelli: "I just want to ask, I'm sorry, I just want to ask Mr. Tyree to address that question of airborne pollution traveling toward the school."

Supervisor Cardinale: "Yes."

William Tyree: "It was asked- under oath what the exact percentage is. It's a little bit difficult for me to answer that specifically but it's my opinion that it's well in excess of 90%. And that information is available if the board wants it."

Supervisor Cardinale: "Thank you. Okay."

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John Ciarelli: "Thank you, Mr. Supervisor."

Supervisor Cardinale: "Thank you, John. Having heard from all members of the public that wish to be heard, I'd like to read in the letter that the Clerk has from a member of the public."

Barbara Grattan: "Excuse me. James Loo, owner of the Village Crossroads. Dear Supervisor Cardinale and Members of the Riverhead Town Board.

Thank you for this opportunity to allow me to express my concerns with regard to the proposed development of the parcel described as Suffolk County Tax Map No. 0600-99-2-30 located at Middle Country Road, NYS Route 25, just east of the intersection of Edwards Avenue. Confusion exists between the description of parcel provided by the town clerk in the notice of public hearing and that of the description provided by the attorney for the developer in the certified letter provided to nearby property owners Suffolk County Tax Map No. 0600-117-2-2.5.

As I am sure you are aware, the intersection of NYS Route 25 and Edwards Avenue is in desperate need of attention. Many professionals believe this intersection requires a realignment.

We have all witnessed and I believe the statistics will show, numerous motor vehicle accidents or close calls at this very busy intersection. The construction and operation of a gasoline service station, accessory convenience store and 1,000 square foot accessory car wash may prove to further hinder the safety of this intersection.

This intersection is also experiencing increased traffic due to the recent addition of the Riverhead Charter School. The Charter School requires a police officer or crossing guard to assist with the safe crossing of students as well as to ensure the safe entrance and exit of school buses and parents picking up their children.

Therefore, granting a special use permit and allowing this development to proceed in such close vicinity to this already troubled intersection without immediate review and or modification to the intersection would be at best unadvisable.

Sincerely, James Loo, President."

Supervisor Cardinale: "Thank you. All right, that's read into the record and accepted by the Clerk. If there's no further comment from any member of the public or the applicant, I'd like to call this hearing at 8:31 and thank everyone for their participation."

Public hearing closed: 8:31 p.m.

Public hearing opened: 8:31 p.m.

Supervisor Cardinale: "There is a fourth hearing this evening, the special permit petition of George Nunnaro for Prest-O-Peconic. And if we could have I believe Charles Cuddy is presenting this on behalf of the applicant and making his way to the microphone. Good evening."

Charles Cuddy: "Charles Cuddy for the applicant, George Nunnaro who is here right behind me. This is a lot that's on West Main Street between Mill Road and Kroemer and it's on the north side of the street. It's between Route 25 and the railroad tracks.

The reason that we're here is because it's a small lot, it's 12,400 square feet and because of that we must by special permit ask to extend what is really already there.

What we're trying to do here is build a warehouse and an office for a business that's been there for a quarter of a century. To do that, we've had to go to the DEC because we're in the Wild and Scenic River District. We've had to go to the Zoning Board and we've also gone, of course, to the Planning Board. And I have copies of their findings, all of which recommend and approve our application. And I would hand those up at this time.

Mr. Nunnaro's business consists of selling at wholesale compressed gas, nitrogen and other type gases to hospitals, dentists, to other business people. He's been there as I've said for nearly a quarter of a century.

All he's doing at this point is not changing his business but just adding a building to the site and yet we've had to go through all those various applications to get here. And what he wants to do basically is store the cylinders and containers inside this warehouse area that he's going to construct and I believe that under all the circumstances not only based on the Zoning Board's determination, but based on 108-133-5 which is the criteria for the special permit, that he would meet all of those criteria.

His particular site is not near a school or a church. He's in a business area that has other businesses in it. He has access to the road which he's always had and there's no change there. There's no change essentially in his parking. He has a landscaped area that he's going to provide in the front first 25 feet.

There's no particular odor, dirt or noise that's generated by this. He keeps normal business hours. He's not open at night. He doesn't require any additional municipal services.

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It's simply a question of having a storehouse for what he had previously stored in containers or truck bodies and the town had asked him not to do that anymore and, therefore, he went ahead and made this application and we believe at this point, this is an appropriate use of the site and would certainly add to the business of the site. And Mr. Nunnaro as I said is here if you have questions of either myself or him."

Supervisor Cardinale: "Thank you. Barbara had a question, I believe."

Councilwoman Blass: "Yes— you may have mentioned this, Mr. Cuddy, I am sorry. Did you get your WSR permit yet or is it pending?"

Charles Cuddy: "Yes, we have an approval from the DEC."

Councilwoman Blass: "And did they make any special conditions?"

Charles Cuddy: "No."

Councilwoman Blass: "None. Okay. And you're here essentially because you're expanding a pre-existing non-conforming use?"

Charles Cuddy: "That's right. That's right."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay. And you have given to the town attorney the previous approvals obtained?"

Charles Cuddy: "Yes, I have."

Supervisor Cardinale: "And what is the— this is an expansion of a pre-existing non-conforming use."

Charles Cuddy: "Yes."

Supervisor Cardinale: "And what is the percentage of expansion?"

Charles Cuddy: "The coverage— what we're going to do is we're taking container areas and essentially eliminating them and we're putting in a 2800 square foot warehouse with an office above it on this site."

Supervisor Cardinale: "The storage that will be— it will be storage then and an office above?"

Charles Cuddy: "That's right."

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Supervisor Cardinale: "The storage area that you're using was previously- the tanks were held in truck bodies."

Charles Cuddy: "That's right."

Supervisor Cardinale: "And what's the- it's a 12,000 square foot full site. What have you got on it already?"

Charles Cuddy: "Yes. But right now what's parked on it are trucks that he uses in his business."

Supervisor Cardinale: "What about improvements? What do you have in improvements?"

Charles Cuddy: "The only things that were there previously are the containers that he stored- "

Supervisor Cardinale: "No structure?"

Charles Cuddy: "There's no structure there."

Supervisor Cardinale: "Okay. Thank you."

Councilwoman Blass: "The office building or- will that be your office or is that an office that you're going to lease?"

Charles Cuddy: "That's his office."

Councilwoman Blass: "That will be your office for the running of this business."

Charles Cuddy: "That's right. That's right. No, it's not separate."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay. Is there- thank you, Charles, thank you. Is there any comment from the public in regard to this special permit application for expansion of a pre-existing non-conforming use? Go right ahead."

Maureen Porter: "My name is Maureen Porter from Riverhead. I live directly across the street from him. Is there any danger to any of us living in the area under this construction or reconstruction? I know they're presently operating out of trailers. I'm just concerned, it's compressed gas. I am definitely concerned."

Supervisor Cardinale: "Okay. Yes, please."

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

George Nunnaro: "I do. Basically-- our business is basically compressed gas as in welding supplies. So it's safety equipment. The only thing that's there would be for example nitrogens, oxygens, things that are in the air. Carbon dioxides, helium for balloons, that kind of thing. No, there's-- industry-wide we have a very, very safe track record."

Maureen Porter: "Is this to be a metal warehouse? Is that what we will be looking at?"

George Nunnaro: "We're not sure what-- we're trying to get to that."

Maureen Porter: "What it's going to look like?"

George Nunnaro: "Oh, no, we'll make it nice. We're just trying to get to that point."

Maureen Porter: "Okay, okay. Well, it has to be a whole lot better than-- "

George Nunnaro: "Oh, yeah, oh, yeah."

Maureen Porter: "I'm for progress. I just-- for safety."

George Nunnaro: "Absolutely."

Maureen Porter: "Great, thank you."

Supervisor Cardinale: "Thank you. Okay. Is there any other comment from the public in regard to this matter? If not, I thank you for your presentation and it being 8-- I don't know what the heck it is-- 8:38, we'll move onto the fifth hearing of the evening."

Public hearing closed: 8:38 p.m.

Public hearing opened: 8:38 p.m.

Supervisor Cardinale: "That's scheduled for 7:25 regarding the consideration for adoption of a light industrial zoning use district and the Calverton office zoning use district at the EPCAL site on the eastern portion of the property. Yeah, eastern, right. We have somewhere in the place I'm sure, the director of planning. You want to come on up, Rick. Rick is our director-- Rick Hanley our director

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of planning is going to present the text and map. Do we have a map on the board? Okay.

And there are— I should point out at the outset that there are certain typographical errors in regard to the zoning language which Barbara has observed and we will correct. And she'll have some more to say about that as soon as you present and then Barbara will have some questions and some comment perhaps."

Rick Hanley: "Thank you. The map at the front of the room depicts a proposal of the town board on its own motion to rezone approximately 600 acres of real property at the EPCAL site from the existing Planned Recreational Park District into two new districts, the Light Industrial District and Calverton Office District.

The genesis of the zoning amendment was a report from the Riverhead Development Corp. to consider an amendment to the eastern portion of the property due to limited interest in recreational development and the increase market interest in industrial and office development.

Upon the preparation of a final GEIS and findings statement identifying no significant adverse impacts, the zoning committee and planning department drafted text and map of tonight's hearing. The Light Industrial District is in light blue which shows an acreage of 462 acres. The Office District in the green is 144 acres. The proposed Office District is currently owned by the United States and is expected to be conveyed to the town next year.

That's my summary. I'm here for any questions."

Supervisor Cardinale: "Okay. There were some text corrections necessary, largely typographical, which I would refer you to Barbara concerning, but I want to get to the substance as well."

Rick Hanley: "Right."

Supervisor Cardinale: "And any comments of the public. You'll be available for questions?"

Rick Hanley: "Yes."

Supervisor Cardinale: "Barbara, did you have any or do you want to— "

Councilwoman Blass: "Well, with all due respect, they weren't necessarily typos that I was concerned about, Mr. Supervisor. There were some concerns on the text itself. I know we intended to incorporate the requirements of the Pine Barrens Core and the overlay district into this and I don't— I think we should review that language

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because there's still reference within this text to the PRP district and 65% of the PRP within the light industrial district- "

Rick Hanley: "Yeah, it's possible that when we were drafting, that we transposed the supplementary- "

Councilwoman Blass: "Yes, I think that's what happened."

Rick Hanley: "-- from PRP and PRP to--"

Councilwoman Blass: "I think that is what happened."

Rick Hanley: "Right."

Councilwoman Blass: "We did talk about having to provide definitions of what is meant by light manufacturing which we don't have here. We were also concerned about a definition of front yard setback to differentiate between front yard and the front setback to the building line. We talked about that being necessary to clarify."

Rick Hanley: "Right."

Councilwoman Blass: "There are some other things and I know it's- I don't want to belabor this, it's going to be a long evening as it is, but I do see that the zoning- the bulk schedule that came attendant to the Campus Office District talks about residential component and I'm certain there is no residential component in this."

Rick Hanley: "There is none."

Councilwoman Blass: "Okay. So that is an error. And I did not get a dimensional regulations schedule for the Light Industrial District."

Rick Hanley: "They were both on the same sheet. They were both drafted at the clerk's office."

Councilwoman Blass: "Well, this is the only sheet I have so if there's something else, I would- "

Rick Hanley: "There is."

Councilwoman Blass: "Okay."

Rick Hanley: "Yeah, we did it for both."

Councilwoman Blass: "I don't know that that was available in the clerk's office because that's where I took this."

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Rick Hanley: "It was. They were attached to both districts which were stolen."

Councilwoman Blass: "Okay. Okay. Well this was all that was delivered."

Rick Hanley: "Maybe that's the wrong word."

Councilwoman Blass: "Okay. Misplaced."

Rick Hanley: "Taken."

Barbara Grattan: "Borrowed. They weren't misplaced."

Councilwoman Blass: "Okay. Well, as long as it exists- "

Rick Hanley: "It does."

Councilwoman Blass: "-- I'm happy- I'm comforted to hear that it exists but I'm sure we want to strike any reference to residential uses in this district."

Rick Hanley: "Yes."

Councilwoman Blass: "And there are no agricultural production- there is no agricultural production that's provided for. Am I correct in that or not? Because we make reference to agricultural production as well."

Rick Hanley: "We talked about in the committee mara-culture and flora-culture- "

Councilwoman Blass: "Right."

Rick Hanley: "-- facilities as a permitted use in the LI district."

Councilwoman Blass: "Okay."

Rick Hanley: "But it's not ag production per se."

Councilwoman Blass: "It's not ag production so the reference to that needs to be stricken as well."

Rick Hanley: "Which reference is that?"

Councilwoman Blass: "They talk about ag production."

Rick Hanley: "Okay."

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Councilwoman Blass: "There is- "

Rick Hanley: "Where is that, Barbara? Because I have the district in front of me so, I'm curious."

Councilwoman Blass: "Okay. We'll find it. Any existing expanded or new activity involving agricultural production."

Rick Hanley: "Where is that?"

Councilwoman Blass: "Page six."

Rick Hanley: "Of which district?"

Councilwoman Blass: "Of the Campus Office Zoning Use District. Unless I have something other than- "

Rick Hanley: "And the section, is that- "

Councilwoman Blass: "Page 6."

Rick Hanley: "Is it 108-138? Because if it is, it's performance criteria that- "

Councilwoman Blass: "Page six is 108-47. Again, I think it's part of the standards."

Rick Hanley: "I don't have a 108-47."

Councilwoman Blass: "Well, that's what I have."

Rick Hanley: "I'm working off what the clerk had."

Councilwoman Blass: "That's what I was given from the clerk's office. This is what I have."

Councilman Dunleavy: "That's what we were all given."

Rick Hanley: "Okay. I will check that."

Councilwoman Blass: "Thank you. I appreciate that."

Supervisor Cardinale: "Okay. The code revision committee obviously would like to meet with you tomorrow morning."

Councilwoman Blass: "But we will be at the land seminar tomorrow morning."

Supervisor Cardinale: "We'll be at the land seminar so you're lucky. Which is at Monta Clara at 8:00 and I have no idea what I'm

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saying but I'm welcoming you at 8:45. I think part of what I will say is let's have breakfast.

You stick around because bad as it may appear, you're our best expert.

Is there any comment on the- "

Councilwoman Blass: "Don't say that."

Supervisor Cardinale: "Well you just devastate the guy."

Councilwoman Blass: "I didn't. I think we would all just want to make sure that we have accurate information for the public to put before- "

Supervisor Cardinale: "Accuracy is good. You're absolutely right."

Councilwoman Blass: "Fortunately I read it."

Supervisor Cardinale: "Accuracy is important. Can we get comment, please, from the public from those of you who would like to comment."

(Unidentified) "I want to know if there is going to be a second hearing on this."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Yeah, we have- what we want to do is have comment on the initial version and then generally we have a second hearing before we pass the statute because it's a final form. I'm sure we'll do that in this instance."

If those of you who would like- I would suggest the following. That when you, the code revision committee gets together with Rick and corrects any of the remarks that were just made, we will have at the clerk's office an amended version which will be the beginning of that amended version which will be the subject of the final hearing.

That being said, if anybody has any comments tonight, we'll take it. If not, I'm going to leave the hearing open for written comment for at least 10 days. So you can mull it over at your leisure and give us the benefit of your wisdom. And so I'd like to- I'd like to leave this hearing open for 10 days for written comment from anyone who wishes to give it.

At that point, we will look at what we've got, put it in the most final form we feel we can get it, and notice it for a second hearing

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in the hope that some day we'll actually finish the hearings and get the statute passed.

Okay, so with that, it's now- this opened- this hearing at I think it was 8:38. It is now 8:48. I'm going to close it subject to the 10 day written material submission."

Public hearing closed: 8:48 p.m.
Left open for 10 days for written
comments

Public hearing opened: 8:48 p.m.

Supervisor Cardinale: "And move to the final hearing of the evening which is for the consideration of a local law amending Chapter 14 of the code entitled Community Preservation Article V. That's a 7:30 hearing, now opening at 8:48.

Could you tell us what this hearing is about, Dawn?"

Dawn Thomas: "Sure. This hearing is to consider a local law that would amend Chapter 14 of the town code which is our Community Preservation Article to reconfigure the structure of the open space park preserve committee which currently consists of five members. This proposal would increase the membership to seven members appointed by the town board. Their terms are staggered for two year terms.

The composition of the board would be a little more regimented including five representatives from the community at large, and adding one representative each from the Recreation Committee and the Conservation Advisory Council."

Supervisor Cardinale: "Thank you."

Dawn Thomas: "You're welcome."

Supervisor Cardinale: "Is there any comment on this reconfiguration of the open space- "

Dawn Thomas: "Park Committee."

Supervisor Cardinale: "Park Committee which will add in effect two members to it which I think the board has discussed in work session and believes it to be a good idea.

Any comment from the public in regard to this? If- I think if not, I will note that the hearing has been open for a few minutes, there's no public comment, leave it open for five days for any written

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comment that anybody wishes to make and declare the verbal portion of it closed."

Public
hearing closed:
8:50 p.m.

Left open for written comment for
10 days

Supervisor Cardinale: "That completes our six hearings for this evening. We would like to take as we usually do at this point comment on any of the resolutions that we will be considering tonight which includes a CDA resolution and resolutions 184 through 216 of the town board.

Is there any tabled motions- tabled resolutions we're considering?"

Barbara Grattan: "Yes, Resolution #176 withdrawn- "

Supervisor Cardinale: "Tabled Resolution #176 which relates to the shared municipal services incentive grant we're seeking for coordinator to run the bus network on the east end. It has been reworded and will be passed in another form and 176 will be withdrawn. Is there anything else we're considering? That's it, the ones you see plus that withdrawal will be completed.

Any comment on any of the resolutions? Sal, and then the gentleman in the back."

Sal Mastropolo: "Sal Mastropolo, Calverton. Do you want to do the comments first or do you want to do the CDA? I know a lot of people are- it's up to you."

Supervisor Cardinale: "In regard to passing that or- "

Sal Mastropolo: "Well, yeah, discussing it."

Supervisor Cardinale: "It is open for discussion because we're opening this for discussion for all resolutions including the CDA resolution."

Sal Mastropolo: "Resolution #188."

Supervisor Cardinale: "Because you're going to go through all of them, right?"

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Sal Mastropolo: "Yes."

Supervisor Cardinale: "That's an interesting- now I understand the import of what you're saying. We may be able to- "

Sal Mastropolo: "Yeah, you may want to pass the CDA resolution and clear the room."

Supervisor Cardinale: "Why- since we have two meetings we're technically going to be having tonight- thank you, Sal."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "We're going to have two meetings tonight, the CDA for the one resolution which is of interest to the public, and then the balance. Why don't we- in order to get the room and these people home to the extent that you'd like to be there, and want to comment on the CDA, let's open the CDA resolution #2 which is in your- is available to the public for comment.

Is there anybody out there who would like to comment on CDA resolution #2 which authorizes or seeks the authorization for the Supervisor as designee to negotiate terms of agreement with Apollo Real Estate Advisors LP. Yes, sir."

Tom Longi: "Yes, sir. My name is Tom Longi. I'm from Shirley. Is this what we're referring to now, the pictures up on the board? Okay."

Supervisor Cardinale: "No."

Councilman Bartunek: "No, let's clarify that right away."

Supervisor Cardinale: "We're not referring to the pictures. What we're referring to is the resolution which in pertinent part does this: Resolved that the CDA board, that is the five of us, has determined that while the proposals submitted by each of three teams on request for proposals or for certain attributes to the town, the board has determined that the commencement of formal discussions with Apollo Real Estate Advisors LP provides the best opportunity for the town to achieve the desired redevelopment of the downtown area.

And be it further resolved, that the CDA Board hereby authorizes the chairman, myself, or his designee to commence negotiations with Apollo Real Estate Advisors LP on a proposal for a planned development to revitalize downtown Riverhead and that I report to the CDA Board within 60 days.

That's the resolution."

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Tom Longhi: "My interest was at one point the Suffolk Theater."

Supervisor Cardinale: "Yes."

Tom Longi: "Okay. A while back I was kind of (inaudible) to a phony closing on the Theater as part of getting the Calverton property. As you know, I've been in court with the town now almost four years, federal court.

I came here tonight because I know of a bunch of plans being done in this particular township that is more renovation than it is restoration. I have a feeling that the people like to keep things the way they are. Bringing big money in is not always a solution.

Secondly, I think that we should start considering evacuation, some type of reasonable evacuation plan for Suffolk County and if I'm not mistaken, the Calverton property would be perfect for that. If I could win the property in court, that's what I want to use the property for.

Right now you have 1.5 million Suffolk residents with no way to get out of Suffolk County in the event of anything greater than a force 3 hurricane."

Supervisor Cardinale: "I'm sorry, did you say your name?"

Tom Longi: "Longi. L-O-N-G-I."

Supervisor Cardinale: "Mr. Longi, we're trying to limit the comment to the CDA resolution but you can- "

Tom Longi: "It is- it's kind of pertinent to what you're doing here, okay, in general to a lot of things. Because I became involved with not only the Calverton property issue but also the Riverhead town theater and it seems like you're putting the cart before the horse in that you're trying to develop the town the best way you know how obviously but you're using a lot of outside money and a lot of outside people to do it.

I think that the people around here are interested in restoring the town not renovating the town. You know, they like things the way they are.

As far as my consideration of an evacuation plan, if I'm in court with somebody four years, it's not easy for me to come up here and speak to people I'm suing but at the same time, what are you going to tell these people some day if somebody says evacuate? Where are they going to go? You have 1.5 million Suffolk residents that could in the event of anything greater than a force 3 hurricane have nowhere to go.

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Anything that would evacuate Suffolk is going to evacuate Nassau, too, and everybody's going to be trying to get over a handful of bridges and tunnels. It's not going to happen. They're going to stuck on the Long Island expressway.

The Calverton property is perfect for it."

Supervisor Cardinale: "Thank you. Appreciate your comments."

Tom Longi: "Thank you."

Supervisor Cardinale: "Yes, any other comment? Kenny, you want to take your shot at it?"

Ken Laboner: "Good evening."

Supervisor Cardinale: "Good evening."

Ken Laboner: "Ken Laboner, Aquebogue. I'd just like to say I hope you people make their say unanimous decision for the Supervisor to go into negotiations with the Specter group because we, the people of Riverhead, through many past administrations have dragged our feet on what we, the people, feel were some very, very nice proposals. But they never came to fruition.

Get off the dime, put the green light on, step on the gas, let's go. Thank you."

Supervisor Cardinale: "Thank you. Is there any other member of the public that would like to comment on the CDA resolution? Yes, ma'am."

Mona Schwartz: "I would just like—Mona Schwartz, Riverhead. I would just like to comment (inaudible)."

Supervisor Cardinale: "You should come up because we'll need to get this on the tape."

Mona Schwartz: "I'm an old school teacher so I feel I don't need a microphone (inaudible)."

Councilman Dunleavy: "No, we need it for the tape."

Supervisor Cardinale: "Yeah, just for the tape. It helps."

Mona Schwartz: "I'd just—"

Barbara Grattan: "Please state your name, please."

Mona Schwartz: "Mona Schwartz, Riverhead."

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Barbara Grattan: "Thank you."

Mona Schwartz: "I'd just like to say that when somebody says, you know, (inaudible), especially when I ride through downtown Riverhead. It should not stay the way it is. It should not stay the way it is. You do not drive down to downtown Riverhead and say it should stay the way it is. Whether it's renovation, innovation, whatever "ation" you want to call it, we need change, we need dynamic decision making, and we don't need Riverhead to stab itself in the foot once again.

Let's get on with it, folks, and let's move."

Supervisor Cardinale: "Anybody else, yes, sir."

Edmond Stromsen: "My name is Edmon Stromsen and I am representing the Peconic Chapter of the AIA, American Institute of Architects, and we were asked to comment on the RFP's. You may be sorry.

We feel that Riverhead is doing the right thing except we think some things should be reconsidered. The most critical issue- I'm going to read this little letter I wrote and it's probably simpler if I just read it and get it over with.

It appears that the most critical issue before the council- "

Supervisor Cardinale: "I should ask a question before you do."

Edmond Stromsen: "Yes."

Supervisor Cardinale: "I understand Peconic Chapter is a chapter that is just forming and is not official yet."

Edmond Stromsen: "It's formed, it's official, we are on the books and we are part of the national- "

Supervisor Cardinale: "The reason- I know that your letter has some criticism of this- of the group that we're considering this evening."

Edmond Stromsen: "Yes."

Supervisor Cardinale: "We also received a letter- I say this-- from the American Institute of Architects Long Island Chapter- "

Edmond Stromsen: "Yes."

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Supervisor Cardinale: "-- which takes a reverse position from yours. So before you state yours publicly, I just want to make sure that-- "

Edmond Stromsen: "No. We're just representing our own chapter."

Supervisor Cardinale: "Okay."

Edmond Stromsen: "Each chapter is independent."

Supervisor Cardinale: "The Long Island chapter-- "

Edmond Stromsen: "And we are at war with that chapter."

Supervisor Cardinale: "All of Long Island you are at war with. Okay, all right. Fair warning."

Edmond Stromsen: "Anyway, we're not at war with you."

Supervisor Cardinale: "Okay."

Edmond Stromsen: "We're not at war with Riverhead. What we're thinking of is in the long haul some things have to be thought about and I think this is a good time to think about some of them."

It would appear that the most critical issue before the board of Riverhead at the moment is the contemplated we call it a give away of the waterfront parking lot by the town of Riverhead.

This would be quote a give away unquote to any developer, it doesn't matter who it is, because however high the price may be, this will be the loss of land that is essentially priceless. This is the single most precious parcel of land in Riverhead.

Now, we're not arguing against development, we're arguing at this point against giving away this very precious piece of land. It would be far better to preserve this 30,000 square feet now being used for parking in order to allow for further development of the public park along the waterfront.

The waterfront is in essence the Central Park quote unquote of Riverhead. It is the one and only substantial park for the village and is the heart and soul of Riverhead and it is critical to its identity. You should be very careful with that identity.

There is no lack of property that awaits development in downtown and in the village in general. There's no lack, we all know that. It is critical that the village take the initiative, as it is at this

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point, and to initiate the development of an urban design into which development can fit gracefully.

It needs to set the form and the rules for future development into which small and large enterprises can develop. The public realm is the responsibility of the government and the board, the council, and needs to work with professional planners and designers not attached to developers in order to have— I have one fan— in order to have a framework which will help the council. I call it the council. I guess it's probably a board, to monitor continuously the public and private development of Riverhead.

This is a responsibility that cannot be given away kind of wholesale.

To reiterate, we urge Riverhead to step back from a land give away that would strike a serious blow to the future of Riverhead as a gracious and viable community.

And we have said a number of other things that we have sent to the board which I don't know if they're that relevant. What's really important is that I think at this point that we think very seriously about that one parcel. The rest of the development is going to come and Riverhead will probably be the better for it.

So, thank you."

Supervisor Cardinale: "Thank you. Barbara, if you could also submit that for the record from the American Institute of Architects Long Island Chapter which was submitted today and could you maybe read that into the record and then would you come up, please. Our former BID president would like to make a comment. Barbara, just before he does that, could you read that in?"

Barbara Grattan: "Sure. Supervisor Phil Cardinale: In reviewing the short listed master plans presented for the redevelopment and revitalization of Riverhead, the Long Island Chapter of the American Institute of Architects, AIA, strongly supports the Apollo Real Estate Spector Group master plan.

This concept for development has been sensitively approached, striving to achieve the proper blend of a working, thriving town and a vital visitor's destination. It embraces the character of the North Fork and the east end of Long Island encouraging Riverhead to become the Gateway to the East End.

We appreciate that it is a phased plan, a process that will partner developer and architect with the town government of Riverhead and its citizens so they may review major steps together as the process evolves.

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Infrastructure, in the form of roadways and parking, so vital to the success of this development, are appropriately addressed. The plan illustrates that, hand in hand, will steps be taken to adopt the concepts that will revitalize the waterfront and create a new downtown area that will embrace housing, retail, office, village government and recreational facilities.

With nearly 65% of the new development areas designated as parkland, green areas and plazas to stimulate pedestrian interaction, the Apollo Spector Group team is fully conscious of turning asphalt back into green and creating areas where residents and visitors can enjoy their surroundings.

With architecture designed in context with the community, and the preservation of historical elements, the downtown revitalization of Riverhead, acted upon properly, can be the undertaking that will inspire the towns of Long Island to move forward with their development plans in a positive way.

The Long Island Chapter of the AIA looks forward to the successful passage of Phase I of this development and the inspiration it will provide to our region.

Sincerely, John Notaro."

Supervisor Cardinale: "Thank you. Would you please comment?"

Richard Cox: "Good evening. My name is Richard Cox, building owner in the heart of this project. My concern, well, first of all, I'd like to start by saying I think this project is great. It's the most exciting thing that's come down on Main Street since I've been in town.

I do have a concern with the Phase I, II and III though. My concern is that it's backwards. Phase I should be on the north side of Main Street; Phase II should be on the south side; and Phase III should be the river. To me, being a developer myself, what's to stop if they do Phase I with getting this prime property, the heartbeat of our town, the riverfront where our country fair, blues festival, car shows, boat shows, everything that we do in this town is in that parking lot on the river.

So my thought it what's to stop them from building Phase I and then saying we no longer have the funding or we're no longer interested in this project and they have the prime property of Riverhead. I believe it should be Phase I is on the south side of the road; Phase II is Main Street; Phase III is the river.

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And I do have a lot of concerns from people that do own buildings next to mine since it is the heart of the project, what's it going to do to their business. Is it going to disrupt their business. We have new people that just bought stores in the area. Is it going to disrupt their business?

And that's it for me."

Supervisor Cardinale: "Thank you. I want to point out something that I meant to point out earlier. The negotiation which I'm asking the board to authorize involves only stage- only Phase I of this project, \$120,000,000 project which involves the Suffolk Theater east to East Avenue, the potential for a three tiered atrium parking in the back, and on the south side, a 30,000 square foot footprint, not the whole parking lot, and a park- and the park associated with it and the public space associated with this is 65% of the 12 acres in Phase I.

There is no commitment asked or given at the outset of this negotiation for continuation of phasing. The- this phase would be standing on its own and then the town would make a determination at a later date whether to move on.

The reason I say that, in the Newsday which gave us a lot of good press, they did not make clearly that point, that Phase I is what we are considering in negotiation for. We're taking this in short steps.

Richard Mack I see is here from- and incidentally the Spector Group is the architect and is not the developer. The ones with the money are Apollo Investors, Real Estate Investors. Spector is retained as architect by them today and may not be tomorrow if they don't do a good job.

Mr. Mack is out here at some personal inconvenience because his wife I am told is eight and a half months pregnant, so he's waiting for a phone call. But I also believe- is Shelley Gordon here? Shelley is here and Richard is here and it's my understanding Richard maybe you could comment on this, that the only private property involved in this particular phase is the property from the theater east to East Avenue and that is owned by Riverhead Enterprises and the North Fork Bank. And that is the only private property involved so everybody else can relax and lighten up. And I believe that property is under contract as of today.

Richard, can you comment on that?"

Richard Mack: "Sure."

Supervisor Cardinale: "Why don't you come up for a moment? And Shelley is here too, you know, to confirm- right."

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Richard Mack: "I have to say that she's only eight months pregnant so it's not quite so bad and she's been late the previous two times so I think I'm in good shape. Sorry? Richard Mack, sorry.

So let me just comment on a few things. It is true that we have a contact signed with Mr. Gordon and we hope to be able to close on the purchase of the property within 20 days. It is also true that our Phase I does not contemplate any other private property but I do want to emphasize that we also believe that the riverfront is something that needs to remain special and our proposal is to keep it green and to keep it park-like. But it's also important to incentivize us to want to be here and to create the type of scale that will change Riverhead and to be able to have enough size to incentivize us to come here and begin a project to create a force of change, we try to come with a plan that could be the largest in scope in Phase I without requiring any other private property.

So we had to consider a number of factors. Green space was one of them; private property rights was another, and being able to have scale enough to make a difference, I think was the final objective of our plan in the first phase.

Did I answer everyone's- the questions?"

Supervisor Cardinale: "Yes. Thank you. I want to make one other point before calling up Shelley if he would like to make comment.

If you look at the language of our resolution and in order to (inaudible) support of this board, it is clearly worded. We are more than adopting a plan. We're adopting a planner here in the sense that we are trying to select an entity to begin negotiations with that we feel will most likely result in success and that among things discussed once negotiations begin assuming they begin, will be the fine points of this plan.

I'll make some remarks at the point of the vote but they will relate to every one of these three applicants who were the finalists have said things like that they- they're not- they're proposing not imposing; that they are revitalizing, not creating; that they will make Riverhead the way this board and this public wants it to be downtown, so that we're- I'm looking in this offer of vote here, I'm looking to determine who is the best entity most likely to answer these needs, not necessarily adopting full scale and willy-nilly the plan on the table. That's part of that negotiation.

Would you come forward, Shelley?"

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Shelley Gordon: "Hi, my name is Shelley Gordon and it's true that I have a vested interest in seeing the Apollo proposal go forward but in the last three years, more than half of the retail establishments that are rented from us have gone out of business. And although we tried desperately to keep people like Fauna and Only For You and the Party Parade and more than 50% of others that have rented, they just said that they can't make it in downtown Riverhead because of all the competition on 58.

I think if we give the Apollo Group an opportunity, they're going to create an entity in itself downtown and retailers will want to come here, restaurants will want to come here, and I don't think that any of the other property owners should fear the Apollo Group. They're intelligent, they're fair, and they're reasonable and I think that we should trust them and certainly I feel fortunate that they came to one of our properties first but I can see a real renaissance in downtown Riverhead if we just give them the opportunity to get started.

I certainly didn't think that the full fledged proposal warranted our approval but certainly the Phase I makes an awful lot of sense and everyone really is going to applaud the town board. It's not Phil Cardinale that's going to get the applause for getting this passed, I think the entire town board will be really commended if they go forward with this proposal.

I thank you for your time."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Yes, Marty."

Marty Sendlewski: "Good evening, Martin Sendlewski. I'm an architect. I happen to be a property owner downtown also.

First off, I think that what's got to happen here is everybody has got to keep in mind what's happening tonight and basically this is just a resolution for a next step."

Supervisor Cardinale: "That's correct."

Martin Sendlewski: "Okay. It's really- I think that what's going to happen as a result of this is there is a due diligence period that will take place after this so, you know, this is just a first step resolution. A lot more is going to have to be examined and reviewed.

With that being said, I think a couple of things have to happen both on the town's part as well as the developers for this to go forward are: Number one, and you've seen a lot of discussion about

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this tonight, the scope has to be very clearly defined what Phase I is, you know, what does it entail?

Some of the renderings that are up there for Phase I include some properties that are private that may not be negotiated for now on the south side of the street, namely the piece next to the East End Arts Council."

Supervisor Cardinale: "Yeah."

Michael Sendlewski: "And that's fine. I think the plan could be adjusted without that piece or with it, either way. But the scope has to be clearly defined so that everybody understands what's going on. That's also going to help the town, not only the town board but the town residents, understand and the developer understand what is the, you know, what is the deal breaker point. If people say that the property and the building on the south side of Main Street is too much and they pull that, is that the deal breaker. So it's very important to set that scope up and understand clearly on behalf of the developer as well as the town. Just have everybody understand what it is. Whether or not it goes through or not, is going to be determined during this due diligence period. But at least let's establish the scope.

In doing that, what the developer will have to do as a due diligence period is right now the project is very good. Originally when the first project came about, one of the quotes that I said early on was you might as well design it for the moon because you have about as much chance of getting it done there as you do downtown. That comment was based on the overall scheme of things where all of Main Street was being knocked down, all these things were going on.

And I still feel like that quote is true. I don't think that the ultimate project may happen. But this project is very real. This is a very real project and it's very doable. And it certainly has a potential to be very good for the town of Riverhead.

I think what the developer needs to do now is come back with more detailed plans showing circulation, showing things like the parking garage, what the (inaudible) is going to look like, what the elevations are going to look like. All of those next step important things I'm assuming are going to be done during this next due diligence period in terms of some design work— preliminary design work, layout, circulation, etc. I don't know if that's a safe thing to say but I would assume you would want that during this next 60 days.

With that— in addition to that, I think that when you go through the process of the 60 days, the thing the developer is going to have to do is make sure they have agreements with all of the private

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property owners involved. Right now I believe there's Shelley Gordon's piece, I believe North Fork Bank's piece looks like it's incorporated into it.

I did make them aware of the fact that on the original RFP that was put out by the town, a piece that I own in the back of the parking lot was shown as public property so that's another piece that has to be taken into account, it's just a small piece. It's not a big deal. I've already told them that I'd rather participate than stand in the way.

In either case, I think that once they come back with real plans, real elevations, a real defined scope, the town will be able to discuss this better at additional hearings and possibly public hearings. If it does get to that point and then you get to the point where you make an agreement with this group and you enter into some type of agreement to actually start the project, I think the next burden after that, the first burden is going to fall on the developer, the next burden after that is going to fall on the town.

If the town goes through the process it goes through now to get projects approved and things done in this town, you're really going to scare away even the biggest developer. I've got projects where I want to, you know- or I have an owner who wants to renovate the ugliest building downtown and make it look historic and I've been waiting for a building permit for five months.

Those things cannot happen. I'm hoping that when you get to this point, you make an agreement, that the town figures out a way to streamline the process. I don't even think that this process should include the ARB or the historic district at this point. Let the process go through.

I'm at the point where I think the developer should sit down with planning, possibly a commission or some type of a council that's established to review this and I think they should be able to self-certify their design when it gets done instead of going through that whole process prior to resolution.

A lot of the places that they do build, including in New York City, a lot of, you know, big towns, cities, allow developers to self-certify. I mean they have the best engineers and the best architects in the world. If you go through with it, streamline the process. I'm not saying to make it a yes or a no now, that you'll evaluate that in the next 60 days, but if it is yes, if it's yes, please streamline it and consider during the 60 day period how the town's going to react if you do accept it so that you can help these people get it done.

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But I don't think that decision is being made tonight, that will be made in a couple of months. But if you do make it, please streamline it."

Supervisor Cardinale: "Thank you, Marty. Larry."

Tim Griffing: "Tim Griffing, Riverhead. Marty said it a lot more eloquently than I could but I came up here to say to try to strip back some of the bureaucratic lag. I have two projects that were done in this town. It took between 18 and 24 months to put a shovel in the ground after the parcel was purchased and the permits were filed to do what two people I'm referring to have tried to do.

You are speaking to a parent that's been out to Greenport to the ice rink four times in the last two weeks with a car load of young girls, my wife and I and we spent money at Preston's, we spent money at the book store. So I appreciate you incorporating recreation into this. I just don't want to see you— if they start to research how long it takes to get some of these projects into fruition and become a reality, you've got to add people to the building department. You've got to streamline your process. Everything takes too, too long, way too long. It's got to be addressed ahead of time. Thank you."

Supervisor Cardinale: "Any other comment from the public? Larry?"

Larry Oxman: "Good evening. Larry Oxman. As you know, I'm a commercial broker with offices on Main Street, East End Commercial Real Estate.

This is a process that started a very long time ago. I've been in town with regard to real estate for I think 12 or 13 years. I see in the audience the original BID president, Barry Barth. The original studies that the town did was looking for a developer just as we have here tonight. The (inaudible) study spoke about having retail, new retail along the waterfront, just as the developer is proposing tonight.

I believe that Rick Hanley also did a subsequent study confirming the same type of development. So in a nutshell I would implore you to continue with this process. This is the right type of a developer. They have the strength, they obviously have built the right type of a team.

I'm glad, Phil, you spoke a little bit about the project because I think there has been a lot of confusion over— from the original RFP's which were quite large in scope and now we seem to be going into a tiered process.

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Speaking to the architect, it seems that they're addressing parking issues which is very important since the utilization of the waterfront will obviously take some parking away but it seems that they have a very good plan.

The gentleman from Apollo spoke about incentives. I'm an absolute firm believer that if you don't offer incentives of some nature, no one's going to come here. There has to be an incentive for a developer. I hope that you in negotiating with the developer keep that always in mind.

And I'm also glad to hear that the word eminent domain has seemed to have been extinguished so that you're not- all negotiations with private parties would be up to them. I applaud Riverhead Enterprises for making their property available and being able to get into contract on a key piece. Having a multiplex downtown is something that's been close to my heart for a very, very long time. I proposed it again about 10 or so years ago. I think it's excellent.

So stay the course, make it happen."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Tim."

Tim Yousik: "Tim Yousik, also a former BID president. Not to repeat what's already been said but get it done, streamline it as quick as you can. We've all been waiting for something like this for years.

I have one small concern that I'm sure will be addressed and that is the height of the building on the riverfront blocking the view from the stores. If they're going to be staying but I'm sure that with the architects negotiating, you can work on that.

The only other thing that I would like to comment on is if you are selling off some of this parking. I know you're replacing some of it with the parking- tiered parking garages which is the way to go. But there are other parts of the parking district as you all of you well know that are in trouble now. We don't have enough parking. I'd really like to make sure that that money gets used since the business community are the only ones that have paid into the parking district, I'd like to see that money go back in the parking district to be used to correct other parking problems.

Because when you're taking up parking on the riverfront, you're going to feel it. We already have problems on West Main Street. Let's spend that money because it's ours, the parking district, to

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correct some of these problems. Let's move this project forward. It's great."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. If there's-- there's another comment in the front, please come up."

John Gorman: "My name is John Gorman (phonetic). I'm a resident of Riverhead, I live in Wading River and I also own a business on downtown. I own a building.

I'm just a little concerned. I think the plans are fantastic. I've been down here for 12 years and talking about trolley cars coming downtown. We never really saw it even materialize.

I think the plans are great but I start to get a little concerned when I look at some of the drawings and as a business owner I haven't been brought into the loop at all as far as the plans and my building has changed and I don't know what that means. You know, the word eminent domain being used, I'm hoping it truly is being put to the side and that the partnership that the town-- and the paper referenced the partnership being with the developer, the partnership should really be with the business owners, the landowners downtown and I think that the project can work as long as you keep the business owners and the building owners informed on what's going on.

I don't own 10 pieces so I may not have access to information another building owner has but I would just implore you to set up a meeting with the building owners where you bring us into the loop at some point and let us know what is going on."

Supervisor Cardinale: "Thank you. Again, I reiterate that the centerfold in the Newsday today was misleading. They showed the initial project, not the Phase I project which we're looking to negotiate or to receive authorization to negotiate.

There will be no-- in the Phase I project and we're not sure we're going anywhere but to Phase I, and we're not even sure we're going to Phase I, in that project there will be no need for any other private property other than the property between the theater east to East Avenue. And that is under the control presently of Apollo. So you can relax.

Is there any other comment? If there isn't, I would ask that the clerk, could you read this resolution because I want everyone to consider what we are saying as opposed to what perhaps it is said that we are saying in this resolution. And it's short. It's four Whereas clauses and two Resolve which I read earlier. So if you could read the resolution before we consider it. And let me close the meeting for a moment of the town board."

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Meeting adjourned: 9:29 p.m.

Town Board meeting reconvened

Supervisor Cardinale: "Okay, this is the resumption of the March— whatever date we're at here, 7th meeting, and Sal is going to help us out with some of the proofreading we should have done but were too busy to do. Go ahead."

Sal Mastropolo: "Resolution #188. Item D."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You say permanent greenhouses but you make no mention about temporary greenhouses and the plastic greenhouses. Is that the same fee for them, too? For example, there's somebody on Sound Avenue and Hulse Landing Road that's putting up about 120,000 square feet of plastic greenhouses, all the hoops are up."

Supervisor Cardinale: "That's a good question. We say permanent greenhouses and farm buildings at this price. I don't know that the temporaries — "

Sal Mastropolo: "It used to be in there."

Councilman Bartunek: "There is a differentiation between the temporary and the permanent. Yes, that's correct, Sal, and the temporary greenhouses are less— "

Sal Mastropolo: "What's the fee for them? You've left them out. They used to be B under 3."

Councilman Bartunek: "I have to go back— I have the code. Honestly, I don't remember, but I know it's taken care of. I'm pretty sure."

Sal Mastropolo: "Not in here it isn't."

Supervisor Cardinale: "Well, that's a good point. We are going to adopt and if it is not in, we believe that the reason they crossed it out and did not replace it is because it's in another section. He's going to check but thank you."

Sal Mastropolo: "Okay. Item E— "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "#2, this section is to be applied retroactively as of July 1, 2005. I think that's a mistake. You're

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going to set a bad precedent, okay. Two things. One is how did you pick the date? Why not July 1, 2004; why not January 1, 2006? You just stuck a date.

The other thing is what happens if you start getting requests for retroactive refunds of agricultural building permits? Okay. One person got up and complained about putting up solar panels on the roofs and now we're doing retroactive. We're going to give back money which has already been put on the books."

Supervisor Cardinale: "More significantly, and I don't know that was intended, we're doing the retroactive in regard to both the agricultural buildings and the solar. I thought it was just the solar we wanted to do it with."

Sal Mastropolo: "You did. It's only under Section E. It's not under Section D. Oh, no, I'm sorry, I missed it. It's also #4. Why are you doing retroactive? You're going to have a stream of people standing in line looking for money back."

Supervisor Cardinale: "Okay, I can give you, I think, an answer which is surprising at this time of night. One, we are crossing out at your suggestion the D reference D-4. We didn't intend that. On the other one, we did check and there was only-- we wanted to capture the lady two months ago, we did not want to capture the lady two years ago so July '05 allows us to capture that one person that put in a solar system and got charged a thousand bucks instead of a hundred. So we wanted to capture that one. But you're right, I'm giving back nine hundred dollars. That pains me deeply, trust me."

Sal Mastropolo: "No, no. But I think it's going to set a bad precedent because if somebody else comes forward and says well you did it retroactive for that-- "

Supervisor Cardinale: "And more importantly, a good point, cogitate on that folks and see if it-- how you feel. I know Barbara, whose idea this was and it's a good one, to do our part to encourage solar, feels that at least that one person should be-- and I don't have a great objection to it, but maybe others do. But I understand your point."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "190. There's no mention of a permit fee. There's a permit required but there's no mention in there about a fee."

Supervisor Cardinale: "On 190?"

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Sal Mastropolo: "Yeah. That's the alarm systems. Chapter 45."

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I think this is the penalty section."

Supervisor Cardinale: "There is another section of the code that addresses what you're looking for. Is that what we're saying? Yes. And this— this is a technical— we're having a public notice hearing because we want to make a word change so we can actually collect these fines. Is this part of that program? Okay, we're not collecting— when there are numerous alarms— "

Sal Mastropolo: "I know what you're doing."

Supervisor Cardinale: "You know what we're trying to do?"

Sal Mastropolo: "Yeah, you're getting a lot of false alarms and the police are going there and we're not getting anything, so we're saying to the people from now on, after the second one, you're going to pay anytime the cop goes for a false alarm."

Supervisor Cardinale: "You actually read these."

Sal Mastropolo: "Of course I do. Resolution #195."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Article 3 - hours of work. I don't know Mr. Caffrey, okay. My only concern is how and why do we discriminate one worker from another. He's required to work 40 hours per week yet people in town hall only work 35 hours a week. How do we determine?"

Councilman Bartunek: "We need to review this— "

Sal Mastropolo: "I mean that's one issue."

Councilman Bartunek: "We didn't review this at the work session."

Sal Mastropolo: "Okay. That's one issue. The next issue is even a little bit better. If you have somebody working 35 hours a week, do you pay them overtime for the 36th hour?"

Supervisor Cardinale: "First of all, I'm very delighted somebody is willing to work 40 hours instead of 35. He is getting— he is a manager. He is a deputy so he's not part of the CSEA, that's why we're doing this. George has had concern which I want to address as to whether we should pass this tonight or look at it closely. You

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authorize me to sign. The only change from the last contract is an increase by 4% which we've given to all our department heads. It should be identical to the last contract except for that.

And one of the terms, if you look at one of the terms of our contract, it says that if we don't negotiate, you know next year contract, the old one keeps in effect. So what they were giving him was 4%."

Sal Mastropolo: "Okay. You're missing my concern though."

Supervisor Cardinale: "We gave the department heads 4% because we gave ourselves 4%."

Sal Mastropolo: "Phil, you're missing my concern though."

Supervisor Cardinale: "Yes, go ahead."

Sal Mastropolo: "My concern is one of inequity or discrimination. Okay."

Supervisor Cardinale: "That he works longer than the other guys?"

Sal Mastropolo: "Yes. You have different managers working for the town with different set hours. You require 35 hours of some people and you require 40 of another. Now I'm not saying which one I support, okay. I support the 40 hours."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Okay. I'm just saying how could you differentiate between two managers in the same town, require one to work 35 and one to work 40? It should be consistent."

Supervisor Cardinale: "That's a good point."

Sal Mastropolo: "Okay?"

Dawn Thomas: "Minimum of 35, no maximum--"

Supervisor Cardinale: "But he has a minimum 40 here."

Sal Mastropolo: "That's my point."

Supervisor Cardinale: "His point is that it's fine letting him work more than the other guys because he's getting more money but why would you let some department heads work 35 and some 40. Maybe because the other guys negotiated it and then we have that provision that once they get it, they can't lose it. But I understand."

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You want to put it over and we'll discuss it? It's okay with me if we table that for discussion."

Sal Mastropolo: "And that begs one other question which I'll mention and you may want to look into it when you are looking into this."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "In town hall you have people that work 35 hours a week."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Do you pay overtime for the 36th hour if they're a non-manager, they're an hourly employee?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Because I think by law, okay- "

Supervisor Cardinale: "We have to."

Sal Mastropolo: "No. It's more than eight hours in a day or 40 hours in a week requires overtime. So hours 36 to 40 you should not be paying overtime. You should be paying straight time."

Supervisor Cardinale: "I wish Jack was here. Could you make a note of that, Peg, to make sure that we check and make sure we're doing it right because it costs us money if we're not."

Sal Mastropolo: "That's right."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Okay. Resolution 198, nothing against Scott. We just hired Loschiavo (phonetic)."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Okay. She's going to be doing the work to prosecute code violations."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Why don't we have her doing this stuff instead of paying \$125 an hour to him. And the other thing is there's no max hours in here, okay, and what's in the budget for this? Okay."

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Supervisor Cardinale: "The reason that Tina isn't doing this is because she does not have the familiarity or expertise. We thought it was good at a hundred and a quarter because most of our lawyers get one sixty five, but there should be— I thought there was in his letter— I have his letter— "

Councilman Dunleavy: "It's attached to the resolution."

Supervisor Cardinale: "Yeah there is a max, 25, because he put that in his letter, right?"

Sal Mastropolo: "It's not in the resolution though."

Dawn Thomas: "Well, that's not— it references in the (inaudible) retainer agreement, it's in the retainer agreement."

Supervisor Cardinale: "Okay. It is in the retainer agreement but thank you for reminding us we need one."

Sal Mastropolo: "Okay. Resolution 200. You are doing an internet posting for an assistant town engineer."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I thought Dave Carrick was the assistant town engineer."

Supervisor Cardinale: "He is."

Councilman Densieski: "Military leave."

Supervisor Cardinale: "He's on military leave for seven months and there's a suspicion that they may make it so attractive that he never will come back home."

Sal Mastropolo: "So what happens if you hire somebody and he comes back?"

Supervisor Cardinale: "Have you looked at our engineer department? We need another."

Councilman Dunleavy: "We need another engineer."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "I take it it's in the budget then."

Supervisor Cardinale: "We could use him. I hope he does come back."

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Sal Mastropolo: "Okay. 202."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's a little confusion in here. If you look at the first Now Therefore Be It Resolved- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The fifth line down, it says the proposed purchase of development rights to be posted. There's no mention of purchasing development rights. The resolution talks about considering the purchase of a parcel located in the town of Riverhead. So I thought when I started reading it that it was an outright purchase of the land. But yet in the first Now Therefore it talks about proposed purchase of development rights. Which is it? An outright purchase?"

Supervisor Cardinale: "An outright purchase. You see it's so rare that we actually purchase a piece of open space."

Sal Mastropolo: "Well, then you want to change that line."

Supervisor Cardinale: "I think this is the first one."

Councilman Densieski: "Let's not get into that again."

Supervisor Cardinale: "Yeah, right."

Sal Mastropolo: "Well take out- nix that line."

Supervisor Cardinale: "Yeah, this is- we'll fix that."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "It is a purchase of open space. Let's send out the parade."

Sal Mastropolo: "Resolution 209."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Now Therefore Be It Resolved- "

Supervisor Cardinale: "209. Yeah. We're going to table that."

Sal Mastropolo: "Okay. When you table it and you go to work on it, fix the words and the numbers. They don't match. Okay. Okay.

Resolution 210."

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "Just a minor thing. You're changing- you're going to now have a Hill Street East. Wouldn't it be nice to send a copy to all of the property owners on Hill Street East so that they know that now- "

Supervisor Cardinale: "How many are there, Peg?"

Sal Mastropolo: "There's probably around 40."

Supervisor Cardinale: "It would be nice. It's a nice gesture. Maybe the assessor could do it. They'll know when the sign goes up."

Sal Mastropolo: "Well my concern is- "

Supervisor Cardinale: "They're the ones that requested it."

Sal Mastropolo: "-- if they don't tell all their friends and the mail now starts going to Hill Street rather than Hill Street East because they don't change their address- "

Supervisor Cardinale: "Would this be favorably received, this letter? They wanted the confusion- "

(Some inaudible comment from the audience)

Supervisor Cardinale: "And it didn't get done, so now this administration is answering their every need. Would see if the assessor would send out a letter to each of the 40?"

(Some inaudible comment from the audience)

Supervisor Cardinale: "The post office will handle notification. Okay. We'll make sure that it gets notified."

Sal Mastropolo: "213."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Just a question. How was the purchaser determined? Was it determined by a lottery system?"

Supervisor Cardinale: "Yes. That- yeah, we asked that question, Eddie particularly was interested. It was the number one person on (inaudible), and it's a Riverhead resident and they've been renting for 19 years."

Sal Mastropolo: "But was there a lottery?"

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Supervisor Cardinale: "Yeah."

Sal Mastropolo: "In other words were 50 people put into a drum and somebody's name was picked out?"

Supervisor Cardinale: "There was not— there was not a lottery but there was a list and because there's only one house, they chose the first person on the list."

Sal Mastropolo: "Okay. All right. Just so there is a rationale as to how the person was— "

Supervisor Cardinale: "Yes. There was a rationale."

Sal Mastropolo: "215."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The second Whereas— "

Councilman Bartunek: "Sal, did you get 209?"

Sal Mastropolo: "Yeah, I just left 209."

Councilman Bartunek: "Did you pick up the mistake on it? You didn't pick that up?"

Councilman Dunleavy: "He didn't pick that up."

Councilman Bartunek: "Oh, Sal, you are slipping. I challenge you to find it there, Sal."

Sal Mastropolo: "Okay, I'll have to go back and look. 215."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The second Whereas, right after the comma makes no sense. The present of the property. Something's missing or there's a wrong word in there."

Supervisor Cardinale: "The present use."

Sal Mastropolo: "Oh."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Yeah, and I have a question on this, too. With excavations, okay, and sand mining, the town gets two dollars a yard for the soil that's excavated and goes off the property."

Supervisor Cardinale: "Right."

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Sal Mastropolo: "Are we getting two dollars a yard from them seeing as how they're taking the sand and putting it into concrete and selling the concrete. In essence they're taking the sand or the gravel off the property."

Supervisor Cardinale: "Barbara is well ahead of you. She's- not only are we not getting it but she's very upset that the language of the current statute although it was intended to address that issue does not so we're doing it over. It does not currently address this issue of pre-existing non-conforming- yeah- "

Dawn Thomas: "It's specific to the type of activity and mining as an as of right use is not included. So it would be an- "

Supervisor Cardinale: "Because- and I guess we didn't do it is because we don't permit mining, but there are pre-existing ones."

Dawn Thomas: "Right. We are trying to address- remove (inaudible) mining at the golf courses, specifically. These were not even on the radar screen at this point because they were getting mining permits to remove the sand to create the ponds and they were exempt under the way our code read because we exempted anyone- when we removed that exemption we didn't quite- "

Councilwoman Blass: "Address those mining operations."

Supervisor Cardinale: "We're going to correct the language but on a happier note we also screwed up by making the fee annual. So if it's an annual fee, man, we've got to collect it every year. That is obviously a typo but we also say we're collecting it annually."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "You can- people should be paying attention to these public hearings like you do because how can we pass that if the fee was going to be an annual fee?"

Sal Mastropolo: "216. Is the Peconic Baykeeper a profit or a non-profit?"

Supervisor Cardinale: "It's a- the Peconic Baykeeper is funded through a, I think- "

Sal Mastropolo: "I mean he gets a salary."

Supervisor Cardinale: "Yeah, he gets a salary funded by a not for profit charitable contributions. But he can spend the money any way he wants. It's a real salary."

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Sal Mastropolo: "I just— the reason I asked the question was because we waived any license fee."

Supervisor Cardinale: "Yeah, because— the theory being he wasn't going to pay it anyway. The not for profit that runs the baykeeper thing would have to pay \$2,000, so \$3,000 to dock the boat and we're helping him out here. Nobody else docks their boat there anyway."

Sal Mastropolo: "Okay. 218. What's the projected cost of that change and is it budgeted?"

Supervisor Cardinale: "213?"

Sal Mastropolo: "218."

Supervisor Cardinale: "218."

Councilman Dunleavy: No, there's no cost. It's in the budget. We're just changing what they can choose. It's in the budget."

Sal Mastropolo: "Wait, is that (inaudible). Is that an (inaudible)."

Councilman Dunleavy: "There's no additional cost. It's in the budget. All we're doing is giving him the opportunity to choose something else where that money will go."

Sal Mastropolo: "And that's not going to cost the town anything?"

Councilman Dunleavy: "No."

Supervisor Cardinale: "No. Because what it is— what he's saying is correct believe it or not, not only believe it or not but correct because each of the town board members gets as a fringe benefit a certain sum of money which you could— which is like three or four thousand, which you could— they used to buy life insurance with it. But now they don't care, the town, they're going to pay it anyway. You could put it in an annuity or you could put it as deferred compensation so that you don't pay the tax until the other end. But it's the same amount that's going to be contributed. It's not increased."

Sal Mastropolo: "219."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "First of all thank you. It took two years, but thank you. I had it on my list of subjects to discuss after the resolutions."

Supervisor Cardinale: "Which one is 219?"

Sal Mastropolo: "219 is the franchise fee from Cablevision."

Supervisor Cardinale: "Good. I think we should do it."

Sal Mastropolo: "What's the start date, number one. I don't, you know- "

Supervisor Cardinale: "Immediately."

Sal Mastropolo: "Good."

Supervisor Cardinale: "I need the money."

Sal Mastropolo: "Now I can start working on you reviewing the contract the next time it comes up for an increase."

Supervisor Cardinale: "Well, you know, in fairness to Bob although I wasn't enamored by the contract, he did reserve that right in the contract."

Sal Mastropolo: "Yes, and we let it go two years in a row."

Supervisor Cardinale: "To pick up a franchise fee."

Sal Mastropolo: "I only have one more, John."

Councilman Dunleavy: "Well, you're picking up all these errors which is good."

Sal Mastropolo: "Awards bid for Peconic Riverfront bicycle and pedestrian project addition #1."

Councilman Dunleavy: "What number is that?"

Sal Mastropolo: "222. My only question on this is how does that fit in with the Apollo project? Okay. Are we going to spend, you know, \$120 something thousand dollars and then the whole thing is going to be undone?"

Councilman Densieski: "Sal, Sal, that's the sidewalk along the side of the Salvation Army. So it won't interfere."

Councilman Dunleavy: "It's way east of Apollo."

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Sal Mastropolo: "Okay. I thought maybe it was the bicycle path along the river."

Councilman Dunleavy: "No."

Sal Mastropolo: "Okay. And last but not least 225. There was no attached retainer agreement. I don't know if that was by design but there was nothing attached. I looked for the retainer agreement to see what we were going to pay and there was nothing there so I didn't know how much we were going to pay him."

Supervisor Cardinale: "One seventy five an hour."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "This is the fellow that's going to represent our interests sparingly I hope for the Broadwater matter and in the Broadwater matter and he's also representing the county. So we're going to let the county pay most if we can."

Sal Mastropolo: "Okay, that's it. Thank you."

Supervisor Cardinale: "Thank you very much."

Councilman Dunleavy: "Thank you, Sal."

Supervisor Cardinale: "Okay, if there is no other public comment on the resolutions, I'd like to pass them or not as the case may be. Could you begin the call of these?"

Resolution #184

Councilman Densieski: "Town of Riverhead Planning Department budget adoption. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #185

Councilman Bartunek: "2005 recreation cap improvement budget adjustments. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #186

Councilwoman Blass: "Budget adjustment in connection with the Peconic Riverfront Park improvement capital project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #187

Councilman Dunleavy: "Economic Development revolving loan program. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #188

Councilman Densieski: "Adopts a local law amending Chapter 52 entitled Building Construction of the Town code. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "I have to abstain on this. However, clarification, Sal, is the provision for temporary greenhouses is in 108-64 supplemental regulations, building permit fee for up to five-- you're going to really love this, Sal, five temporary greenhouses shall be \$30.00. An additional fee of \$5.00 shall be payable for each additional greenhouse to be located on a parcel."

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

Councilwoman Blass: "Are we striking-- "

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Supervisor Cardinale: "Yes. Oh, and in regard to this-- "

Councilwoman Blass: "As amended."

Supervisor Cardinale: "As amended. Strike-- "

Councilwoman Blass: "D-4."

Supervisor Cardinale: "D-4."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "So it limits the retroactivity to the solar energy reduction."

Councilwoman Blass: "My vote is yes."

Supervisor Cardinale: "Okay, we have-- "

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

Councilwoman Blass: "My vote is yes again."

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

Resolution #189

Councilwoman Blass: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code to add-- and it should not say accessory uses up there, destination retail DRC zoning use district. So moved. We should cross out that title."

Supervisor Cardinale: "Okay. Accessory uses is crossed out."

Councilwoman Blass: "That's correct."

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

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

Resolution #190

Councilman Bartunek: "Authorizes the town clerk to post and publish public notice of public hearing to consider a proposed local law for an amendment to Chapter 45 entitled alarm systems of the Riverhead town code. So moved."

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Councilman Densieski: "Second the motion."

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

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

Resolution #191

Councilman Densieski: "Authorizes the town clerk to post and publish a public notice of public hearing to consider a proposed local law for an amendment to Chapter 64 entitled fire prevention of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #192

Councilman Dunleavy: "Ratifies the appointment of an intern to the Police Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #193

Councilwoman Blass: "Appoints a crossing guard to the police department. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #194

Councilman Bartunek: "Authorizes Tina LoSchiavo to act as special prosecutor for prosecution of violations of the code of the town of Riverhead. So moved."

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Councilman Densieski: "Second the motion."

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

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

Resolution #195

Councilman Densieski: "Do you guys want to table this?"

Supervisor Cardinale: "Do you want to consider this at the work session? Okay. The objective is simply not to change anything from last year but (inaudible) but we may not have done it so let's look at it. Do we have a motion to table?"

Councilman Densieski: "Motion to table Resolution #195. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The Resolution is tabled."

Resolution #196

Councilwoman Blass: "Approves a request for leave of absence. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #197

Councilman Dunleavy: "Authorize the retention of the law firm of Jaspan Schlesinger Hoffman, LLP as special counsel. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #198

Councilwoman Blass: "Authorizes the retention of Scott DeSimone, Esq. As special counsel in zoning code revision. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #199

Councilman Densieski: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 5 Wilson Street, Riverhead, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #200

Councilman Dunleavy: "Publication of a help wanted advertisement for assistant town engineer. So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Resolution #201"

Councilman Bartunek: "This resolution schedules a public hearing pursuant to Article 12 of the New York State Town Law to declare certain premises as not required for the purposes of the Riverhead Public Parking Improvement District No. 1 and authorizing the sale and transfer thereof to the Town of Riverhead Community Development Agency, an Urban Renewal Agency of the State of New York, pursuant to the Town of Riverhead's East Main Street Urban Renewal Plan, adopted October 19, 1993. Thank you, Andrea."

Councilman Densieski: "What did you say?"

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Councilman Bartunek: "So moved."

Councilwoman Blass: "What he said. Seconded."

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

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

Resolution #202

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider the purchase of a parcel located in the town of Riverhead purported owner to be Dr. Maurice Goldman. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #203

Councilman Dunleavy: "Authorizes publication of display ad re attendance at Suffolk County Police Academy. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #204

Councilman Bartunek: "Authorize the town clerk to publish and post a help wanted ad for auto mechanic. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #205

Councilman Densieski: "What are we doing here?"

Councilman Dunleavy: "I move to table it."

Supervisor Cardinale: "Which one is that?"

Councilman Dunleavy: "The site plan. Resolution 205."

Supervisor Cardinale: "205?"

Councilman Bartunek: "Table this for review at the work session."

Councilman Dunleavy: "And 206."

Supervisor Cardinale: "206. Move to table. I spoke with the director of planning, he was supposed to speak with everybody else but he didn't apparently not. 205 and 206 will be— motion to table."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded to table. Can we have a vote on tabling 205 and 206?"

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. Those resolutions are tabled."

Resolution #207

Councilman Dunleavy: "Classifies action and declares lead agency on change of zone for Ruth S. Worm and refers petition to the Planning Board. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #208

Councilman Bartunek: "Authorizes the release of four bonds of Sound Housing LLC. So moved."

Councilwoman Blass: "And seconded."

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

3/07/2006 minutes

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

Resolution #209

Councilwoman Blass: "Motion to table Resolution #209."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded to table 209. May we have a vote to table?"

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

Resolution #210

Councilman Densieski: "Authorizes the renaming of a town road in Wading River to Hill Street East. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #211

Councilman Dunleavy: "Approves sign permit of Designer Discount Formal Wear. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "Yes. With the last Resolve there, should we forward a copy of this to the ARB also?"

Supervisor Cardinale: "I would think that would be nice."

Councilman Densieski: (Inaudible) "Yes, George, you're right."

Councilman Bartunek: "Yes."

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

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Resolution #212

Councilman Bartunek: "Authorizes the Supervisor to execute agreement with Riverhead Business Improvement District Management Association, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #213

Councilwoman Blass: "This resolution authorizes the Supervisor to execute an agreement in connection with the sale of a house. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #214

Councilman Densieski: "Authorizes the Supervisor to execute a letter of agreement with Peconic Chapter of the American Institute of Architects. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #215

Supervisor Cardinale: "Just a moment. Peggy, could you make sure with Andrea tomorrow that the CDA resolutions on that affordable house we just passed, whether they should be CDA or town board because we just passed town board resolutions. Okay. So we may have to ratify or something. Yeah, the- okay, so it is a 72H in the town, you don't have to worry about it. Thank you."

Resolution #215

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Councilman Dunleavy: "Grants excavation permits to Suffolk Cement Products, Inc. And this is with the word we added, the present use, I mean."

Supervisor Cardinale: "Right."

Councilman Dunleavy: "The present use."

Supervisor Cardinale: "Yup, in the second Whereas. Moved, second please."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass."

Councilwoman Blass: "I'm going to abstain on this resolution. I've got some issues with the whole mining operation."

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

Resolution #216

Councilwoman Blass: "Authorizes the Supervisor to execute a license agreement with Peconic Baykeeper, Inc. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #217

Councilman Bartunek: "Approves the submission of a grant application to the New York State Housing Trust Fund Corporation. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #218

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Councilman Densieski: "Modifies town policy regarding life insurance and insurance equivalents. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #219

Councilman Dunleavy: "Exercise town option to receive franchise fees from Cablevision. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote no because I think this is an added tax that we're putting on the— anybody that uses Cablevision and our seniors and so I have to vote no for this."

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

Councilwoman Blass: "Unfortunately I'm not in a position to support this resolution either. My vote is no."

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

Councilman Densieski: "The resolution really in my opinion was not discussed at work session. I know we've discussed a franchise fee but this resolution, the first time I saw it was about 2:30, 3:00 this afternoon. I think that was one mistake we made.

And I believe that this is a tax that we don't have to impose on people. It's a pass through tax. I believe the Supervisor's office should solicit sponsors to pay for channel 22 expenses and I would support him if he does that.

For the many seniors and other people living on fixed incomes, I think that this is just another blow. So unfortunately I can't support it. I'm going to vote no."

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

Supervisor Cardinale: "I do support this, I'll take it up in- with the board at work session. Every other town in fact imposes a

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tax. What I think we are missing is that this is a user fee. It does not— it applies to all users whether they be full time residents of this town or not and people coming out here and enjoying their summer homes and watching their Cablevision pay— do not pay a fee to the town.

I would remind the board, too, which I will at the next work session, that we have some serious financial issues. So we'll discuss it a little further. And this would generate \$450,000. I certainly am not going to use \$450,000 to support channel 22, as much as I like channel 22. But we really need some income sources. So let's discuss this at the next work session.

I vote yes. It fails this evening but I have great hopes for the future."

Resolution #220

Councilman Bartunek: "Rescinds Resolution #216 of May 3, 2005, authorizing the Supervisor to execute a license agreement. So moved."

Dawn Thomas: "Resolution 216 should be changed to 421. That's the correct number."

Barbara Grattan: "Rescinds Resolution #421?"

Dawn Thomas: "421, correct. And the date is correct."

Councilwoman Blass: "With that amendment, I'll second the resolution."

Supervisor Cardinale: "Okay. As amended moved and seconded. Vote please."

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

Resolution #221

Councilwoman Blass: "This is an authorization to pay a reimbursement fee. So moved."

Councilman Densieski: "I'll second it."

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

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

Supervisor Cardinale: "Which is the— oh, you want me to vote?"

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Barbara Grattan: "221."

Supervisor Cardinale: "Authorization- I don't have that one. That's very interesting."

Councilman Bartunek: "221 is the \$300.00 for the- "

Supervisor Cardinale: "Oh yes, I remember that. Yes. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #222

Councilman Densieski: "Awards the bid for Peconic riverfront bicycle and pedestrian project - addition No. 1. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #223

Councilman Bartunek: "Supports submission of application to the New York State Department of State for shared municipal services incentive grant funding by the town of Southampton. So moved."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "This is the one that was revised?"

Councilman Dunleavy: "We have to withdraw one."

Supervisor Cardinale: "Yes, one is withdrawn and one- "

Councilman Dunleavy: "We have 176- has to be withdrawn."

Supervisor Cardinale: "Okay. Before we pass 223."

Councilman Dunleavy: "Here, George. Pass this over to George."

Supervisor Cardinale: "Yeah. This supports the submission of the grant to the tune of seventy-- . All right. Before we go to 223, can we have a motion to withdraw- tabled resolution 176."

Councilman Densieski: "So moved."

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Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "There's a motion to withdraw tabled resolution 176. Can we have a vote, please on that?"

The Vote: "Dunleavy, yes; Bartunek, no."

Supervisor Cardinale: "You don't want to withdraw it?"

Councilman Bartunek: "No. I will withdraw it. Will withdraw the resolution."

Barbara Grattan: "You are going to withdraw it. So you're a yes. Okay."

Councilman Bartunek: "Yes."

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

Supervisor Cardinale: "Okay. So we withdraw the old one. Now what I think George wants us to vote on is the new one. This so everybody understands this. The operative resolution is that the town board ratifies the submission of the application of the town of Southampton including a pro rata share of the local match for this grant, not greater than 7300.

And this grant is for the five eastern towns to do a- funding for planning and assessment activities associated with a coordinated rail and bus network on the east end. So this is for the study, the assessment study. And they're looking for the town to support their pro rata basis of which is 7,000 based on population. It is an unbudgeted item.

The town of Southampton is going to pay 17,000; East Hampton, 7700; us 7300; 900 Shelter Island; 6450 for Southold."

Councilman Densieski: "Excuse me, Mr. Supervisor, is this time sensitive?"

Supervisor Cardinale: "No. Yes?"

(Some inaudible comment)

Councilman Densieski: "Okay. And what happens if we don't vote. It is the beginning of March. What happens if we don't vote for this? They pay for it, right?"

(Some inaudible comment)

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Councilman Bartunek: "I honestly feel that if the Suffolk County Bus Authority or whoever they are that run the buses around, if there was a need for it, I would think that they would provide the service. I don't- I haven't attended any of their meetings. I have to be honest. But it just seems like it's a waste of money."

Supervisor Cardinale: "These are the guys that came in, right?"

Councilwoman Blass: "This was the five town rural transit. This is not the SEDES (phonetic) and they went through that- their research and I just wanted to make sure that we differentiated this from the SEDES program. Okay."

Councilman Bartunek: "I understand."

Supervisor Cardinale: "Okay. So we have some late night dissent."

Councilman Dunleavy: "Now these people came in and spoke?"

Supervisor Cardinale: "Yeah. There was a fellow that spoke about- "

Councilman Blass: "Maybe John wasn't here for that- "

Supervisor Cardinale: "That's the problem."

Councilman Dunleavy: "This was last year."

Supervisor Cardinale: "That was in December, I think."

Councilwoman Blass: "They were here again the other day. They made a presentation to the DOT here in this building."

Supervisor Cardinale: "The- we- I don't know where we are on this until we have further discussion. We could carry it over to Thursday or we could call a vote now. What happens if we- as he says, if they're looking for our 7700 they'll take it on March 21st as well as March 7th. What they don't want is a no and at the moment they might get one because we may only have two people- Barbara and I have discussed this."

How shall I put this? The fact that they are not SEDES and are the other group is a real plus because this other group has potential. But maybe not enough that three members of the board want to give them 7700 of unfunded money. Do you want to discuss it at the work session which will be great because I won't be there.

Chris is going to run the work session this week which I should ask you, do you want to have a work session because Chris is going to

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have to run it. Okay, I'll ask you afterwards if we're going to have one.

Okay, so we've got to get to your resolution. Do you have a life? Yeah,-- "

(Some inaudible comment)

Supervisor Cardinale: "Uh, oh, we might get a regular. God forbid. Why don't we table this thing until we have stronger feelings about it, either pro or con. So we're going to table, tell them they might have to do a pitch. Because, you know, 7700 and at least three more members of the board are not initially impressed by their good looks. All right. Vince Caldone (phonetic) sic Vince on these others. Let him do a sales job. Okay. So we're going to table which one- 223. Can we have a motion to table 223?"

Councilman Dunleavy: "George, you want to make a motion?"

Councilman Bartunek: "I'll make a motion to table Resolution #223."

Councilman Dunleavy: "And I second it."

Supervisor Cardinale: "Moved and seconded. George couldn't wait to vote against it, he was voting against the withdrawal. Moved and seconded."

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

Resolution #224

Councilman Densieski: "Extends the comment period for draft environmental impact statement - Headriver LLC for the Walmart Store. So moved."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Moved and seconded. To refresh your recollection, Barbara, you were asking about this. This was- they wanted to make certain remember you asked me, they've got to have a certain extension so they could look at the old documents that were in- downstairs."

Councilwoman Blass: "The original?"

Supervisor Cardinale: "Yes. All right."

Councilman Dunleavy: "Have you found them?"

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Dawn Thomas: "Yes. They were (inaudible)."

Barbara Grattan: "They are down in the basement."

Councilman Dunleavy: "They're back in the basement."

Dawn Thomas: (Inaudible)

Councilwoman Blass: "Good, okay. So they are now posted on the website. Wonderful. Okay."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "So can somebody move 224 for a vote?"

Barbara Grattan: "Going once, going twice."

Councilman Densieski: "Yeah. I'd like to move 224. I already moved it."

Councilman Dunleavy: "Yes. And I seconded it. We already moved and seconded it. We're waiting for- "

Barbara Grattan: "All right, we've got a vote."

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

Resolution #225

Councilman Dunleavy: "Authorize the Supervisor to execute a retainer agreement with Peter Bergen, Esq. and authorizes Peter Bergen to file a motion to intervene in the Broadwater permitting process. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #226

Councilman Dunleavy: "Authorizes letter of credit of South Bay Shorts Inc. Vertical Line Apparel, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "I'm considering a filibuster. I'll vote yes."

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

Resolution #227

Barbara Grattan: "Resolution #227 is to pay bills."

Supervisor Cardinale: "Okay, we have a motion to pay bills?"

Councilwoman Blass: "Motion to pay bills."

Supervisor Cardinale: "Second please."

Councilman Bartunek: "Second."

Supervisor Cardinale: "Moved and seconded to pay the bills. Vote please."

Barbara Grattan: "Who did it, George?"

Councilman Densieski: "George did it."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The bills are paid."

Supervisor Cardinale: "Okay. That completes the resolutions. Is there any comment generally? If so, we'll take it now and if not forever hold your peace. Thank you, thank you."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes, sir."

Sal Mastropolo: "The first thing is the recreation department building."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I strongly suggest that you don't spend the 250,000."

Supervisor Cardinale: "Why?"

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Sal Mastropolo: "Why? Well, first of all you have a decision pending on town hall, okay."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Why spend a quarter of a million dollars on a recreation department building when if you redo town hall you can use that money here and bring those people in here. There's economies (inaudible) if those people resided here in this building. There's no reason for them to be out there by Stotzky Park. Most of the activities go on at night when they're not in the office anyway."

Supervisor Cardinale: "It's an interesting question. I always thought it to be a value that they're at the park, but--"

Sal Mastropolo: "Why? Nothing goes on during the day."

Councilman Bartunek: "Could I- Sal."

Supervisor Cardinale: "Yeah."

Councilman Bartunek: "Sal these poor people, they've been working in this trailer, have been told this 25 years ago, Sal, honestly- "

Sal Mastropolo: "George- "

Councilman Bartunek: "-- it's time- "

Sal Mastropolo: "-- you're going to make a major decision on a renovation of town hall, okay, bring them in here with the rest of the people. Why do you have them out there by themselves anyway?"

Councilman Dunleavy: "That's the recreation area and when they have programs they have numerous people going there and it's a lot better for them to be at the recreation area so that people can go there instead of going to town hall- "

Sal Mastropolo: "Not much goes on there during the day though, John. Not much goes on during the day when they're there. Most of the stuff goes on at night. In the summertime all the recreation's at night and on weekends, okay."

You know who goes there? People that want parking permits, like myself, okay. I want a parking permit for the beach so I have to go there."

Councilman Dunleavy: "Why don't you go to a beach attendant?"

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Sal Mastropolo: "It's either the beach attendant or there, okay. But my point is if you're going to spend the money in town hall, why not bring that money into here and bring those people into here with the rest of the people in town hall. Just a suggestion."

Councilman Dunleavy: "Okay."

Sal Mastropolo: "Next item."

Councilman Dunleavy: "Thank you."

Sal Mastropolo: "Have you made a decision on the— on whether the town board or the planning board's going to do site reviews?"

Supervisor Cardinale: "We haven't formally decided but— "

Sal Mastropolo: "Okay, well— "

Supervisor Cardinale: "-- but, yes, among the board we're— "

Sal Mastropolo: "Don't tell me what you decided but let me just give you a comment. My suggestion is that if the work goes from the town board to the planning board and if an additional stipend is going to go to the planning board, then that money should come out of the town board members' salaries. You're moving the work, you should move the money with the work. Why should the town pay extra— "

Councilman Densieski: "Bad news."

Sal Mastropolo: "Why should the town pay extra because you're moving work from your desk to their desk?"

Councilman Densieski: "Because they're the planners. They're the ones with the expertise."

Sal Mastropolo: "So, fine. If you're taking the work away from you, then you should take the money away from you."

Councilman Densieski: "We're making like (inaudible) a week now, Sal."

Councilwoman Blass: "It's really not part of my job but somebody should be— "

Sal Mastropolo: "You're moving work from A to B and it's costing the town more money because you're making this decision. It's not a lot, okay, it's the principle."

Councilman Dunleavy: "Sal, this— "

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Sal Mastropolo: "We can go on. I made my statement. You don't have to defend it."

Councilman Dunleavy: "No, no. I just want to-- this is-- you pay for part time, it's a full time position. We're here every day and these work sessions are-- last six or seven hours."

Sal Mastropolo: "I know, I watch them on television. Number three. Did we do any investigation on the town justice court charging court costs on top of the fines so we can start recovering some of the costs of the justice court?"

Supervisor Cardinale: "Yeah. They absolutely do charge them. I think the question-- yeah, oh, Peg, you're still here. God bless you. Would you please do what I promised him last week. Go to-- find out from the justice court people, there's a smart clerk over there, a lot of them, find out if there's any possibility of increasing the justice court fees and making more money in the process."

Sal Mastropolo: "Has anybody bothered to call the other towns like Brookhaven to find out if they get court costs?"

Supervisor Cardinale: "Well, Brookhaven doesn't have a justice court. So we'd have to call like Southold or Southampton."

Councilman Dunleavy: "Southampton gets them."

Sal Mastropolo: "They get court costs?"

Supervisor Cardinale: "Well, we get court costs, too."

Sal Mastropolo: "No, no, you get fines."

Supervisor Cardinale: "No, we get court costs and fines."

Sal Mastropolo: "I thought-- well, the last time I asked the question, you said that the fines were determined by the State and nobody knew anything about recovering court costs."

Supervisor Cardinale: "The-- there's no question because I've been in there, I know they charge-- they charged my clients when I used to be a lawyer, court costs. The question is can we raise them. Because they only charge like fifteen, twenty bucks."

Councilman Dunleavy: "No, you can raise them. It's just they're supposed to pay for the court system."

Sal Mastropolo: "Right."

Councilman Dunleavy: "And they're not paying for it."

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Sal Mastropolo: "Right. And that was my suggestion. We should be raising them so that we don't have to pay for it."

Councilman Dunleavy: "Right."

Sal Mastropolo: "Okay. Relative to the Cablevision thing, okay, John, I know you weren't here when I presented the Cablevision fees. And I'll make it very short. Today the taxpayers bear the brunt, okay, of the Cablevision fee, not the users. By charging the fee, okay, you would get the revenue into the town and the taxpayers of the town would see their taxes go down slightly. So all the users would pay, not only— not just the taxpayers. Right now only the taxpayers in the town, okay, are paying a little extra to support Cablevision. Understand what I'm saying?"

Supervisor Cardinale: "That's a good— "

Councilman Dunleavy: "Okay, but most of the people that watch television and Cablevision are your senior citizens because they stay in the house."

Sal Mastropolo: "Yeah. And they're probably mostly taxpayers."

Councilman Dunleavy: "And they watch television. And they're taxpayers and we're going to be a cable fee on as another tax so they can stay in their house and watch television and— "

Sal Mastropolo: "But every viewer of Cablevision be them taxpayers or non-taxpayers would pay that fee so by bringing the revenue in, you could lower the tax bill— "

Councilman Dunleavy: "Oh, if they lower the tax bill, I will vote for it."

Sal Mastropolo: "That's the way I presented it the first time."

Supervisor Cardinale: "Yeah, you will, the idea— because what happens is, remember what I said at the outset, how do I get my money? I get my money from user fees which is what this is, from grants, or from tax assessment. If I got 500,000 over here from a user fee, I need 500,000 less from tax assessment."

Sal Mastropolo: "That's my point."

Supervisor Cardinale: "That's really true."

Sal Mastropolo: "So you're giving the taxpayers a break and you're getting that fee from all of the Cablevision users within the town, all of them."

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Councilman Dunleavy: "Yes, but a lot— you said the summer homes, a lot of summer homes do pay taxes here, too, so we're getting taxes from them. And a lot of people have dish and there's no user tax in dish. So I don't think the people watching Cablevision which I have a senior citizen living with me and he stays in front of the television all day long, that the senior citizens should be charged another tax."

Sal Mastropolo: "Renters don't pay taxes, John, that's the point."

Councilman Dunleavy: "Well, he's not a renter. He's a relative."

Sal Mastropolo: "I know, but all of those people that are renting in the town pay nothing, okay, only the taxpayers pay."

Supervisor Cardinale: "It really would help but we'll bring you the work session."

Sal Mastropolo: "There was a discussion in the work session about purchasing the building at the end of one of those streets, what is it, Griffing Avenue, so that you can have a better view of the river. And the number that I heard bantered around was like a million dollars."

Supervisor Cardinale: "Eight hundred thousand."

Sal Mastropolo: "Eight hundred thousand. Don't we have anything better to do with our money than buy buildings so that there would be a better view of the river?"

Supervisor Cardinale: "Well, the particular building, if you know the history of the problems on the east end— west end of Main Street, has— it has the added value of not being there at the end of the day. This building has been problematic for the town."

Sal Mastropolo: "Yeah, I know. That's where everybody hangs out."

Supervisor Cardinale: "Yeah, that's it."

Sal Mastropolo: "Okay. Did we make any decisions on recreation fees for condos and apartments?"

Supervisor Cardinale: "Yes. She's been working on it. She's got us a draft. We have been— it's right there. We are probably going to be able to consider a public hearing in regard thereto passing the 21st, March 21st."

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Councilwoman Blass: "And townhouses. We can do it for townhouses, too."

Sal Mastropolo: "We already do charge?"

Supervisor Cardinale: "We already do charge for condos but we don't create condos anymore if we're lucky."

(At this time, the CD ended)

Speakers:

Greg Fischer

Odell Evans

Meeting adjourned: 11:10 p.m.