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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at the Senior Center, 60 Shade Tree Lane, Aquebogue, New York on Tuesday, May 20, 2008 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "Okay. I'd like to begin the May 20th meeting of the town board with the Pledge of Allegiance as usual so Vince is going to lead us."

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

Supervisor Cardinale: "We are out of our usual quarters tonight because of the tax assessment hearings, the small claims adjustments to taxes so if anybody wants to run down to the town hall and make a pitch, feel free but we will be here for the next hour or two."

The first thing we need to do is approve the minutes of the May 6th and the April 22nd board meetings. Could somebody move them, please?"

Councilman Dunleavy: "I move the May 6th and April 22nd board meetings. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Okay, would you give us the Reports, Applications and Correspondence and we'll get to the public hearings, Barbara?"

REPORTS:

Receiver of Taxes

Total collections to date:
\$67,283,762.65

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Building Department

Monthly report for April,
2008 - total collected:
\$102,681.00

Police Department

Monthly report for April,
2008

APPLICATIONS

Special events

East End Arts Council - June
28, 2008 - yard sale

Martha Clara Vineyards -
date change - wine tasting
May 24th and July 19th from
10:00 am to 9:00 pm

Church of the Harvest -
July 26th - community
appreciation day

Polish Town Civic Assoc. -
Polish Town fair - 8/16 & 17

Fireworks Permit
Riverhead Raceway - dates
July 5th and August 23rd

CORRESPONDENCE:

Sal Mastropolo

Regarding the Atlantis
public hearing held on
5/6/08

Conrad Dabrowski

Regarding parking district
infrastructure

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

Supervisor Cardinale: "Thank you, Barbara."

Barbara Grattan: "You're welcome."

Supervisor Cardinale: "Not that I don't appreciate the crowd
that turned out on a rainy night to a different location, but
there's also the school board vote in case you- I think they vote

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until 9:00 in case you want to get out there and you can also grieve your assessment at town hall. There's a good movie in Mattituck.

But if you persist, we should start the public hearings which were scheduled for 7:05 and it is now 7:05 despite the fact that that clock says 6:05. I wonder why the senior center is an hour behind. It may be that they're trying to stop time.

The 7:05 hearing is the first of three scheduled for 7:05, 7:10 and 7:15. The 7:05 hearing is about a proposed local law entitled wind energy systems for agricultural uses which was proposed- I saw it via Barbara. How did we get this law, Barbara?"

Councilwoman Blass: "It was distributed at work session- something that George Bartunek was working on while he was here. It went through the energy committee and the energy committee actually had some comments (inaudible)."

Supervisor Cardinale: "Okay, great. So it came through the energy committee and it's part of a plan that the board is talking about at the work session for getting a greener Riverhead to you by various initiatives which Barbara has taken the lead on.

Incidentally, does anybody have any committee reports or anything (inaudible)."

Councilman Dunleavy: "We have a STOP program coming up not this Saturday, the following Saturday. I think it's the 30th."

Supervisor Cardinale: "It is."

Councilman Dunleavy: "So we have our STOP program. If anybody has any batteries, any paints or dangerous material, they can bring it up to the landfill on that Saturday between nine and two."

Councilwoman Blass: "And electronic equipment, too."

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "That's what time- nine to three that you can drop it off there?"

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "At least nine to three at the landfill on Youngs Avenue. I think we better be a little more specific about the dangerous materials but most of the stuff that you're not supposed to throw in the garbage you can bring there. No atomic bombs, but it's really a week from Saturday."

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Public hearing opened: 7:06 p.m.

Supervisor Cardinale: "That being said, the town attorney is with us, 7:06, we will open the hearing that is scheduled for 7:05 proposing a local law of wind energy systems for agricultural uses.

Did anybody read this law and would you like to summarize it? Do you want to summarize it, Dawn?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. It was proposed out of the energy committee and we want to use a little more wind power on agricultural properties and (inaudible)."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Why don't you do that and if anyone wants to make a comment, come on up."

Dawn Thomas: "Okay. The purpose and intent of this local law is designed to promote safe, efficient and effective use of small wind energy systems (inaudible), the town board finds it appropriate to encourage development of these small wind energy systems to promote the reduction of on site consumption of (inaudible) electricity while promoting— while protecting from any adverse effects of such (inaudible)."

Supervisor Cardinale: "Very good. We want to be environment friendly.

Anyway, if anyone would like to make comments, please come up now on this hearing. If you do not, don't come up. Yeah, why don't you come up? I knew someone would be here from our energy committee."

Unidentified: "I have handouts for everybody here."

Supervisor Cardinale: "These aren't on (inaudible), are these?"

Unidentified: (Inaudible)

Supervisor Cardinale: "I know that. I saw a three hour movie in October on it."

Councilwoman Blass: "You may want to mention the seminar that's also coming up in the library. I know it's on channel 22 but if you want to give it a plug (inaudible)."

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Supervisor Cardinale: "(inaudible) for that movie."

Isidore Doroski: "Members of the town board. My name is Isidore Doroski (phonetic). I am chairman of the Riverhead town energy advisory committee.

The committee was established 18 months ago to assist in creating and implementing the town of Riverhead's clean energy action plan. The plan was adopted by the town board Resolution #283 on March 22, 2006.

Recent town board actions have demonstrated a strong commitment to energy conservation and alternative energy planning, such as:

Changing the building code to improve energy efficiency of new homes;

Becoming a signatory to the US Mayor's Climate Change Agreement;

Conducting energy audits of municipal facilities and tracking improvements;

Conducting public presentations on declining oil production known as peak oil and global climate change and I gave you all a handout here about what peak oil is. Some of you probably do not understand what it is but the handout should help you and I find the evidence irrefutable that world oil production has reached a peak and is now in decline.

As a matter of fact, right now there's about a two million dollar deficit-- two million barrels per day deficit of supply and demand and that's why the explanation of why oil hit \$129 a barrel right now.

I can elaborate on that later on if you like but I'm going to get to everything else.

We also, in addition to conducting public presentations on declining oil production and global climate change, we're going to also have another one coming up. I believe it's June 5th, Thursday, June 5th, from 7:00 to 8:30 and it's going to be with LIPA. We're inviting their energy specialist to come down and talk about energy conservation and their solar pioneer program.

If anybody is interested in solar energy, it's going to be June 5th (inaudible).

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Also, what we have also participated in is with other Long Island towns, our clean energy task force including Southold town which we work a lot with.

Now I'm going to specifically get to the code. The draft code which is the subject of this hearing, is another piece of the energy action plan designed to encourage construction of clean alternative energy sources while assisting residents particularly farmers in providing sustainable and affordable energy from the abundant wind resources that we have here on the north fork.

The clean energy advisory committee urges the town board to approve this draft code. We would also like you to consider making some modifications before finalizing this code and offer the following general comments as input to your deliberations.

1. In order to encourage more citizens to participate in wind power generation, allow wind turbines on lots of two acres or more, in any land use category, provided all other requirements are met. I believe right now it's stated as seven.

2. Confer with town, county and state agencies governing land use on preserved farmland and agricultural districts to facilitate the approval of wind turbines as allowable agricultural activity on land which has no development rights and/or land within agricultural districts.

This would be more in keeping with the historical use of windmills on farms and the fact that wind turbines are agricultural equipment or machinery rather than simple agricultural structures.

3. Riverhead is taking an important step to encourage its citizens to install renewable energy systems and thereby helping our community to meet the challenges of future energy shortages. In addition to passing the code itself, the board should consider lowering the permit fee of \$250, as a further incentive.

4. We also urge the board to give future consideration to providing incentives to the development of commercial scale renewable energy systems, such as large wind turbines, within the town boundaries.

Now I'm going to introduce one of our also committee member. This is Roy Rakobitsch. Roy has been involved with the Southold town, they call it their ultimate energy committee and he helped draft the code that they have now.

He also is extremely familiar with Southampton town's code which is very (inaudible). Now, Roy has— he is a very talented individual. He has been involved with wind energy and alternate energy for 15 years. He actually built his own wind turbine and Roy

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is extremely familiar. He puts them up all the time and (inaudible)."

Councilman Buckley: "I'm sorry, sir. Excuse me, sir. You mentioned Southampton's code. What was the comment on Southampton's code?"

Isidore Dorowski: "The code itself is fairly liberal compared to the existing one (inaudible)."

At this time, I'm going to introduce Roy Rakobitsch. He's going to give a little talk on wind energy."

Roy Rakobitsch: "(inaudible). My name is Roy Rakobitsch. I sit on the Riverhead energy wind committee (inaudible).

And what I'm basically trying to say is that this code shouldn't be put forward the way it is. When we drafted this for Southold, which I also (inaudible). I personally am from Southampton town. But I (inaudible).

I'm asking the town board to really to delve into the code which in Southold's case was mainly put together for agricultural uses. It is kind of limited. I don't think it should be signed and put forth right away. This type of thing usually takes a while to work out the bugs and mold it around what a particular town needs. Because some towns have different needs than others.

So basically what I'm asking is just either through work sessions or through or work through the committee, to just go through this piece by piece, kind of just pull out the things that aren't pertinent and other things that, you know, as things progress, questions will arise. And I basically (inaudible) and guide (inaudible)."

Supervisor Cardinale: "Is there anybody else who would like to make a comment on this proposed ordinance? Yes, please come up."

Dave MacNee: "Basically, by the way, the plan is flawed. You have farmers that operate with five acres. They're cut flower people and they do, you know, all different types of flowers and stuff like that. They work on five acres. (Inaudible) with the seven acre thing and I think he touched (inaudible). I forget his name.

But I think he touched on it when he talked about it earlier it shouldn't be seven acres. Seven acres is way too much.

And, secondly, 15 years ago, I tried to put a windmill up on my place. The town gave me a whole bunch of hard times especially since at the time I think it was the county who was giving a tax

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break to people who put in solar panels and windmills. So I didn't get it and I didn't care because I was going to get out of here anyhow but here I am.

Anyhow, what happens is you know people can't even live anymore. I got 200 gallons of fuel, so it was \$740, okay. So what happens is if you decide that you're going to make it hard for everybody putting these things in, and, you know, I mean tax breaks, forget it. This governor isn't going to be giving any more tax breaks, that's for sure. Any more, anyhow.

You should be feeling what the people are feeling right now with this fuel thing. People can't live anymore. (Inaudible).

I had my electrician over today and put in- I already had my wire in for 15 years ago and he checked the wire, dug down and checked the wire, the wire is fine. He went in the house and he checked that. And he said I had to put a different wire in going through the cement blocks, the guy didn't do it right.

So, but now, I called the town today. I've already talked to LILCO and they said before you do anything, go to your town. So I don't know if he meant that Riverhead is tough to do anything with or that I just should, you know, make sure that all my apples are where they should be. You know.

So, anyhow, what happens with it is that people could even put two in, you know, if they had enough acres. Now I have 4.8 acres, okay, and I'm all set up to put mine in. And I looked at- I was farm A, okay, then they changed it again, now I'm residential.

So, you know, there's a lot of different problems with this thing, you know. Now residential use- it said in the paper anyhow that residential is kind of open. You know, you can do what you want with residential. Well, I haven't found that at all. I hope it's a fact because I'm ready to put mine in, you know.

And, so, I just want to tell you that if you're going to let this thing work, give the people a chance. Even if this guy is as good as they say he is, he could make little things to go on people's houses, put 4 by 4's down through the structure and they could have them right on the house, you know, and two windmills.

It's not going to produce what a big windmill would produce, but there's a lot of things that can be done, you know. Boy, them Arabs are laughing at us, that's for sure.

I want you to keep it in mind to keep it easy, keep it sensible, and maybe the people can do something with this thing. Fifteen years ago, they killed it. They absolutely killed it. So that's all I have to say."

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Supervisor Cardinale: "Thank you. Yes, sir. Come up."

Roy Rakobitsch: "That was the whole reason for going back and looking at the lot sizes, making it friendlier for the people to do this but at the same time have well performance systems very safely installed and definitely looking out for the safety of the individual involved in the surrounding lots."

We felt that as long as things were installed in a safe manner in accordance with all (inaudible) and you know building laws, that it could be made to be safe, efficient and encourage (inaudible), as long as all the other requirements were met."

Supervisor Cardinale: "Thank you. Please."

Councilwoman Blass: "One of the things that I found surprising but I know the committee is aware of, is that the county does not allow for the installation of windmills on land from which the development rights have been purchased or sold, which in some respects doesn't seem to make sense."

And one of the things that I think that maybe we should be considering is asking that Ag & Markets consider windmills equipment as opposed to structures similarly to how they view greenhouses. They consider greenhouses as farm equipment, in which case that would make sense, I would think, and it would certainly not deter someone from selling the development rights and it would not put those that have already sold development rights at an unfair- or at a disadvantage so that's something from a lobbying standpoint that we're going to try to see if we can make some headway on. I thought that was important to mention."

Supervisor Cardinale: "Thank you. Yes."

Councilman Buckley: "It's probably more a question, I don't know if Mr. Doroski you can answer it. Because if this, the draft that we have in front of us, it indicates that the windmills are going to be used primarily for agricultural purposes."

Isidore Doroski: (Inaudible)

Councilman Buckley: "If someone has- like this gentleman has four acres residential property, he should be permitted- "

Supervisor Cardinale: "How big are these windmills?"

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "Right. But how far up do they go?"

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Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "Typically 120 feet."

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "What's the lowest they could be?"

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "What do we do in the law as far as height restrictions on structures?"

Councilman Dunleavy: "The maximum is 120."

Supervisor Cardinale: "But we have them in-- we're going to put them in zones that the height restriction is 35 feet, isn't it? So how do you-- don't you have to change-- how do you get around ZBA variances? Won't you have to go to the ZBA to get variances on all these?"

Councilwoman Blass: "I would think that something like this would be-- "

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "Where's my town attorney? Do you-- are you okay with that? Okay, we're going to take a look at that. So they go from 50 to 120 feet. You are suggesting they be on two acre parcels and more, whether they're residential or farm.

Do they have a fall zone? So if you put up 120, you put one in your-- you've got to be 120 feet away from your neighbor or your own house? Plus 10 feet in case it gets (inaudible). Okay. Rick."

Rick Hanley: "We have supplementary height regulations in the ordinance for church spires and belfries."

Supervisor Cardinale: "So this would be considered like--"

Rick Hanley: "You could add it to-- "

Supervisor Cardinale: "You'd have to add it though wouldn't you, to the zoning?"

Rick Hanley: "Yes."

Supervisor Cardinale: "Otherwise you would have to go-- "

Rick Hanley: "To the supplementary height regulations."

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Supervisor Cardinale: "To the ZBA, I think, and nobody wants to go to the ZBA for every one of these."

(Inaudible comment)

Supervisor Cardinale: "Yeah. I would-- what-- I would like to underline what Barbara said earlier. We have had a number of inquiries at EPCAL and other spots for big, you know, 400 feet high things and they just-- unless you do them on land that has--that has been preserved, you know, that the developments rights have been sold off of, they can't pay for the land they put them on or the leases that they put them on."

So if you really wanted to get good wind energy, you've got to put them on land that has been stripped of development rights because you can't afford to buy the land and put a windmill on it. I don't even know if you can afford to buy the farm rights around here, put a windmill on it and make any money.

Anybody know? Okay, anybody to comment?"

Dave MacNee: "The two windmills that we have here, one of them is (inaudible). He's on Osborne Avenue. I should remember that, I lived at the end of Osborne. Thirty five feet high, pumps-- every time there's a breath of wind, it's not a big one like LILCO, okay, but 35 feet high and it produces every time there's wind, a 10 mile per hour wind, produces. Okay."

Now, the LILCO one over on (inaudible) property, that one is probably, tops, it looks to me like 40 feet. I don't think this, two, 300 feet thing, that's crazy, you know. I won't even have it there, you know, if it was that big. I don't think you need it.

I think there's so much wind coming off, (inaudible), and it's a constant thing, it's constant. I walk out in the middle of the winter, I'm lucky any hay gets to the horses because it blows right out of your hand. You know?

So, I'm not talking about-- I don't think he was talking about any more than 40 feet and that-- the ones I've seen, except for LILCO, and they've been having a lot of trouble with theirs because I talked to the guy from LILCO, and he said that-- I said, gee, why the two other windmills are working like crazy and that windmill is standing still. He said, well, they had a lot of problems with it so I hope they don't think it's a flawed study on how much wind they really use because I've only seen it work probably half the time."

Supervisor Cardinale: "Thank you. Come up to the-- yeah."

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Roy Rakobitsch: "Good thing you brought up Richie (inaudible) machine. I think that's about an 85 foot tower and the one on (inaudible) farm is about 100 foot tower. So that's a very similar height and the machines need to be in a very clean non-turbulent wind zone to produce optimum (inaudible)."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Now are you, excuse me, are you measuring the tower from the bottom to the top of the tower or to the top of the windmill?"

Roy Rakobitsch: "The- the code is very clear, it measure from grade to the top of the tower. The turbine blades could, therefore, be slightly higher than that as it spins. The (inaudible) turbine is a 50 kilowatt machine, much larger than what people would normally put on a small farm. That's a commercial (inaudible).

The (inaudible) is a 10 kilowatt machine which is about a 23 foot blade (inaudible), relatively small. We're not talking 400 feet.

Thanks."

Supervisor Cardinale: "From the tower to the tip of the blade, what's typical?"

Roy Rakobitsch: "Maybe 130--135- "

Supervisor Cardinale: "And- the tower would be- how much would the tip of the blade be above the tip of the tower?"

Roy Rakobitsch: "That- see that all depends on the size of the machine. Typically for small wind applications, you wouldn't see anything larger than maybe 20k, 20,000 watts and a 20k machine would be roughly 16, 17, maybe 18 foot blade. So no more than 20 feet above (inaudible)."

Supervisor Cardinale: "Thank you."

Roy Rakobitsch: "At a maximum."

Supervisor Cardinale: "I understand."

Frank McVeigh: "What about giving all the residents an opportunity? You know, maybe an acre or plus, an opportunity to have wind generation?"

Supervisor Cardinale: "Thank you."

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Peter Danowski: "I was very interested- Pete Danowski, about Barbara's comment, because I do think that it's a critical issue. If you look at the farmland and you look at the current LIPA transmission line, it cuts our farmland.

Talk about what's happening in Southampton, it's unfortunate, it's not happening in Riverhead, but we're going to have those towers there so there's a visual blight of transmission lines already there.

I'm just very curious whether the county and the county and town contracts when they reference possible funding from other agencies, whether it be the federal or the state government. Whether the Ag & Markets definition making windmills personalty under the Ag & Markets law would be enough, that all those agencies will say, we give up. You're absolutely right, personalty, and you're allowed to do windmills in the ag preserved area.

It's very important. I think it's a beginning point. You have to start (inaudible). Certainly for the homeowners, it's a benefit and I'm supportive of it.

I also had an interesting question today, just interestingly enough, about solar panels. Although most of this conversation has been about wind turbines, I raise the question of solar panels as an ultimate source and someone was raising the question that someone approached them, wanted to put some solar panels on ag preserved land, can they do it?

I think we have to look at both of those as alternates and take a serious look at it. I don't know if you want to restrict the number of panels or not because if they're saving electricity and happen to be a farmer and producing excess electricity for the benefit of someone else, it seems like a good idea. Although I recognize the visual blight question.

So, I'm supportive of the idea of accomplishing this. I think it should affect everyone and I think it should be allowed on ag preserved land and I think there should be a quick answer from the ag preservation people and those agencies that deal with that on yes if it's absolutely not allowed or can be allowed in some (inaudible)."

Supervisor Cardinale: "Thank you. Okay, if there's no other question- there is a comment."

Rita Cohen: "I am Rita Cohen (phonetic), resident of Riverhead. And I always have something to say when there's a good cause and this is absolutely a good cause.

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I do want to say that I am really very proud of my town government in the area of grabbing the bull by the horns when it came to crime and the gangs in the town of Riverhead. And certainly that is really shining out on Long Island and people are talking about it and just to mention there's (inaudible) is going to be inducted into the council of unity tomorrow induction dinner.

I'd like to feel and say the same thing about this (inaudible) for the environment and in my heart I feel that you all really want it to happen. I would say- I just got involved with the renewable energy committee and I think that beginning with the homeowner, there should be special exception depending on the conditions of their one acre. It could be a special exception.

We're all opting for starting with a two acre for residents and homeowners and continue on in the future possibly for- to open it up for commercial use for energy for the town.

I just recently went to a lecture at the Brookhaven National Lab, (inaudible) was there and they were already talking about the national grand plan for solar energy where they would use a significant part of the desert in the southwest and put up huge solar panels. Somehow, I'm futuristic, but I can see that happening with windmills on the east end. So we could always keep that open.

But I think the homeowners here on the east end are definitely interested in starting with- possibly with special exception with one acre, then two acres, and not to restrict it to just agriculture. It should be residential, agriculture and commercial because if a light industrial park moves out there, it certainly can use the energy efficiency and (inaudible)."

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

Councilwoman Blass: "I'm glad we generated a lot of good comments and interest tonight."

Dave MacNee: "What happens is I made a statement before and it's just like maybe Buck Rogers is going to fly down. But what happens is I don't see it as a problem. I see people with one acre as a problem because if they have to have a 35 to 65 foot, you know, and they're close to another neighbor and that thing blows over or there's a problem, you know, then you're in trouble.

But the situation, if this fellow is as good as he says he is, they could make a box or something and put it with two 4 by 4's going down and mount them right on a house. Just let them spin around right on the house and if it fell, (inaudible), then an acre would be okay to use. Otherwise, I don't see an acre. You'd have to have two acres (inaudible)."

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Supervisor Cardinale: "Yes, thank you. Yes, sir, come on up please."

Mark Terry: "Mark Terry, Baiting Hollow. I want to commend the town board. I think this is a step in the right direction to preserve our (inaudible) as far as agricultural uses go.

And as far as residential uses or applications, I think it needs to be definitely looked at for siting on scenic corridors and things like that because, you know, one acre, two acre sounds fine, however, we just need to work through- I think it's definitely doable and should be done, but I think it should be looked at as far as siting goes for those particular applications as far as residential use.

But agriculture, I think it's a great code. I just read it, and I think the town board should move ahead."

Supervisor Cardinale: "Thank you. Is- "
Isidore Doroski: (Inaudible). This hasn't been realized yet but it's very probable that by 2011 our oil will be at \$300 a barrel. United States imports more than (inaudible). It's only going to get worse. The United States reached its peak of oil production in 1970. We can never reverse that. Now apparently (inaudible).

We're going to have to make some sacrifices and I urge you all to consider this and make it as liberal as possible because we're in a really serious (inaudible)."

Supervisor Cardinale: "Anybody else? Eve, did you have a comment?"

Eve Kaplan: "Eve Kaplan, Riverhead. I also sit on the energy advisory committee and I'm not an energy expert so I'm speaking on the farm side of it.

We've been at farm conferences where they were actually auctioning off (inaudible). They had a \$50,000 windmill which was not more than 20 feet tall and it can produce significant (inaudible) of electricity. So that's the type of windmill that I could see us being interested in.

So I think that if you- when you start to look into what's really the state of the art right now, it doesn't have to be very tall and it doesn't have to be very expensive and I think, you know, I can't predict what everyone is going to be interested in but there's probably, I would guess that people who are going to be interested in this (inaudible).

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We would be interested in, you know, a smaller, not so expensive, not very visible type of windmill, which would sit perfectly within this code but which is not allowed today.

So I definitely really support this code and I also support the change that it be allowed on agricultural properties not just in the ag protection zone. For example, we are not in that zone, we are north of Sound Avenue and, that's basically it.

And I look forward to getting more feedback as things move forward. Thank you."

Supervisor Cardinale: "Thank you. Dawn, why can't you build a 35 foot windmill today any where you want in the residential zone? Because the height limit is 35 feet so if I could build a house, why can't I build a windmill?"

Dawn Thomas: (Inaudible).

Supervisor Cardinale: "See, you can go right out there now and build a windmill if you want to."

Councilwoman Blass: "I think there was an issue- "

Supervisor Cardinale: "Tell me why I can't do that."

Councilwoman Blass: "Because- I think there is an issue because Leroy Barnes said that they need a building permit and he's got no criteria and specifications on what is appropriate for a building permit."

Roy Rakobitsch: "I always advocate building permits regardless of what you build."

Councilwoman Blass: "Right."

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "Just because Leroy doesn't know how to build it, doesn't mean that we can't get a building permit issued. We- there must be- my point I guess is not only facetious but also real.

If you can do 35 feet now anywhere in the town and you're right and you're telling me you can do functional windmills at less than 35 feet- "

Roy Rakobitsch: (Inaudible comment)

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Supervisor Cardinale: "Okay, well, that's the next issue. I'm sure that was going to come up. Then what this is going to be a lot about when we discuss it in work session on Thursday and continue the discussion, is the height. I believe you told me, Barbara, that that statute calls for 120 feet— up to 120. So, you know, if I've got windmills that are 40 or 50 feet, I really don't care.

But if I have windmills that are 120 feet, then it gets a little tricky. Right now you can build a windmill regardless of what Leroy says, anywhere you want to 35 feet high. So my only concern is how much higher than that is practically necessary to get production out of this windmill. So maybe you could address that."

Roy Rakobitsch: "That's a good question. The code as it stands now with 120 foot limit to the tower height will get you into an optimum range. It's up to anybody on residential. If they want to install something below 35 feet, be my guest. I can prove with a little bit of math that that's not going to work very well."

Supervisor Cardinale: "Okay."

Roy Rakobitsch: "When we say the code is drafted to allow machines to be placed in the optimal location, the benefit— the most benefit to farmers by being able to generate the most power for their dollar invested in the system, and still have a well producing piece of equipment.

Being on a tall tower, like I said, gets the machine out of turbulent air. Turbulent air robs the machine of its power producing abilities and its longevity because it physically beats it up. Things don't last as long on a lower height. So the higher you can get it, the better."

Supervisor Cardinale: "So if you had enough— you don't have a fall zone problem, would you always recommend something in excess of a certain footage?"

Roy Rakobitsch: "If you don't have a fall zone issue?"

Supervisor Cardinale: "Yeah. You don't have a fall zone problem."

Roy Rakobitsch: "If you're well within the fall zone, I would— you try to go as high as you can go."

Supervisor Cardinale: "So the best bang for your buck would be 120?"

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Roy Rakobitsch: "Yeah, because a 35 foot height and a 100 foot height is a 65%-- 70% increase in power production. It's like night and day."

Supervisor Cardinale: "Thank you. Okay. Anybody else have a comment? Good thing you didn't buy that 15 footer."

Eve Kaplan: "Well, speaking from the other side of it, if we were to want something technically allowed in the code as I think (inaudible) pointed out, there is no, you know, except for Leroy Barnes, the reality is that you are going to go for a permit, if there aren't specifications and it's not clear, while I don't think it's prohibited, but there's no code saying exactly what's allowed, where it's allowed, what's allowed, then it's going to be a struggle. And no farm, no business person is going to really want to go through that struggle just for the sake of it."

Supervisor Cardinale: "The struggle getting a permit for a house, I can imagine for a windmill. But go ahead."

Councilwoman Blass: "But he's been in that situation. He's been approached about it and (inaudible)."

Eve Kaplan: "Right. So that's another good reason even for something that might be smaller, it might be technically allowed today under the height restrictions but, you know, it's another good reason to, you know, spell out what the town wants (inaudible)."

Supervisor Cardinale: "Thank you. Any other questions? If not, we're going to leave this open. Yes, go ahead, feel free. I'm not really that hungry. Go ahead."

Dave MacNee: "(inaudible), all right, (inaudible) is probably 85 to 90 feet high. Mr. (inaudible) is on a huge hill, okay, so you go to his house, up this hill and it's really big."

Number two, the LILCO one, (inaudible) is just barren. I mean, you know, I mean it's farmland but it's barren. There's no houses, there's no trees, there's no nothing. When the wind comes, maybe you'll get-- I don't know maybe he's right, you know. I haven't been, but people have told me that 35, 40 feet you can get a lot of juice out of it, you know.

What happens is, is where you put it. It's not (inaudible). He may be 35, 40 feet (inaudible), but actually he's 85 feet because he's on that big hill, no trees. There's trees around it but they're way below. And the trees actually bring the wind up higher."

Supervisor Cardinale: "(Is the (inaudible) piece backing up to our town dump there. Is that the piece you're talking about?"

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Councilman Dunleavy: "Yes, it is."

Supervisor Cardinale: "Do you know we just bought that. So now we have— is that the one we bought the development rights on?"

Dave MacNee: "No, he's further down. He's right after (inaudible)."

Councilman Dunleavy: "He's on the dog shelter side."

Supervisor Cardinale: "Yeah, that's right."

Roy Rakobitsch: (Inaudible)

Supervisor Cardinale: "Good. Okay, well, it was interesting to get the education. We'll continue the discussion Thursday at the work session and maybe we can get you down to help educate us further on this subject."

I would like to note that it is 7:45 and we are going to hold it open for comment, written, for 10 days until Friday, the 29th at 4:30 pm and close the verbal testimony at this time."

Public hearing closed: 7:45 p.m.
Left open for 10 days for written
comment to May 29, 2008 at 4:30 p.m.

Public hearing opened: 7:45 p.m.

Supervisor Cardinale: "And move to the second hearing which is scheduled for 7:10 and which will consider the special permit petition of 400 Restoration Realty to allow the use of an existing third story premises located at South Jamesport Avenue in Jamesport. It's the Hawkins House property. We have Charles Cuddy as the attorney for the applicant."

Charles Cuddy: "Good evening. Do you want to swear me in?"

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

Charles Cuddy: "Yes, I do. Good evening. Charles Cuddy for the applicant."

As probably most of you are aware, this is better known as the Jedediah Hawkins Country Inn. It's in the RLC district. It's an

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existing building. You gave site plan approval for this. You gave in February of 2006, actual special permit approval for this country inn. The zoning board of appeals then in February of 2007, granted relief so that we could have a third story in use which is what we're here for tonight, which is just a single bedroom at the site.

And that zoning board of appeals decision was continued this year so that it's still in force.

The planning board in May of 2007 granted approval and recommended approval to this board.

This site is one of the special sites in the town as everybody knows has been worked on by Mr. Hallock and others for a long time has a sprinkler system on the third floor, has a fire escape as a second exit, has received essentially site plan approval, has been endorsed by the building department as being habitable, has I think all of the elements that comply with Section 133.5 and certainly is an appropriate site for the area that it's in, parking is sufficient and that's been approved as part of the site plan.

Basically without going through all of the provisions, I would like to incorporate by reference the earlier hearing that we had which led to the special permit for the Hawkins House in 2006, February 2006.

I would also like to hand up to the board copies of those three approvals that I just mentioned.

This has been a long time coming as the chronology that I just went through indicates but I believe that in every element of the code, this complies completely. That there's nothing about this application that should prevent the board from approving it.

I have a letter from a resident who was unable to attend who asked me to place this letter before the board recommending approval. I'll also give that to you.

We have two of the owners here tonight. If there are questions, we'd be happy to answer those questions."

Supervisor Cardinale: "I have questions. First off. Why do you need a special permit?"

Charles Cuddy: "You have required that we obtain a special permit not as a result of the code, but as a result of your prior approvals."

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Supervisor Cardinale: "We conditioned- you didn't request the third floor because you weren't ready to have that room part of the Hawkins House. Is that correct?"

Charles Cuddy: "At that time, we were not able to because there was a two story limitation. The definition in the code says that a country inn is two stories. And that's the reason that we went- one of the reasons we went to the zoning board of appeals. They granted relief and said, yes, that was a habitable area."

Supervisor Cardinale: "So why did you have to come back to us?"

Charles Cuddy: "Because you conditioned in your special permit approval and your site plan approval."

Supervisor Cardinale: "So you are really looking for relief from the special condition in the original site plan approval."

Charles Cuddy: "We're asking that you amend that so that we now can have what the zoning board said we could."

Supervisor Cardinale: "Now I read somewhere in the past, the planning board's recommendation. They had some conditions."

Charles Cuddy: "Yes."

Supervisor Cardinale: "Do you object to any of the conditions?"

Charles Cuddy: "We can comply with them."

Councilwoman Blass: "Mr. Supervisor, we should also acknowledge a letter that wanted to be part of this meeting's minutes and it was something that we received via e-mail today from Nick (inaudible) and Colette (inaudible). They had asked that we acknowledge that letter as being part of the official record."

Supervisor Cardinale: "Do you have that, Barbara?"

Barbara Grattan: "No."

Supervisor Cardinale: "Okay, well, here's a copy. Did you see that letter? They're not- they were concerned about other issues at the site and in the process of indicating that, they indicated an objection to this (inaudible)."

Anybody in the public or anybody on the board like to ask a question of Mr. Cuddy? If not, we'll let him sit down for a second

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and ask the public to comment if they care to. Yes, please come up."

Mike Kajewski: "Hi."

Supervisor Cardinale: "Do we have to swear everybody in?"

Dawn Thomas: "Well, is he on behalf of the applicant?"

Supervisor Cardinale: "Only the applicant gets sworn because we don't trust him? All right, swear him in."

Dawn Thomas: "I'm sorry. Can you state your name again?"

Mike Kajewski: "Mike Kajewski."

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

Mike Kajewski: "Yes."

Supervisor Cardinale: "Go ahead."

Mike Kajewski: "I'm not sure it's testimony. I just wanted to make a couple comments."

I don't think we have a problem per se with the third floor being open at the Jedediah Hawkins House. Some of us in the neighborhood do have a problem with the way some things have gone down at the Jedediah Hawkins House.

In particular, we had some incidents last year with weddings, weddings during the week, loud music at night, the cops being called. Nothing being done about it which I guess is understandable. A lot of people when it's their wedding day are like, you know what? It's my wedding day. If you're going to give me a fine, whatever, slap me with a fine, we're already paying a fortune to hold it out here.

My question is where does the Jedediah Hawkins project stop? You know, the third floor, it's not a problem. Opening the barn out in the back might be a problem and I guess I just want to go on record that I'm down here again trying to defend my right to peace (inaudible). All right. So just keep these things in mind going forward.

Thank you."

Councilman Dunleavy: "Thank you."

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Supervisor Cardinale: "(inaudible) that we are aware of these issues. We've had a number of complaints. The legal department is discussing them with Charles Cuddy, the attorney. They have a violation issue, right?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Oh, we even have a Supreme Court action going on. So we've got everybody's attention and we're trying to resolve it in a permanent manner to the satisfaction of the neighbors without destroying the business interest of the owners. But we do have an action pending.

Okay. Anybody else want to make a comment? Yes, please."

Peggy Staub: "Peggy Staub of Jamesport."

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

Peggy Staub: "I often make trips to places that feature quaint or historic downtown venues. Block Island, historic Melbourne in Florida, and Greenport are a few of my favorites.

As I walk through these downtown areas enjoying the variety of venues, I always envision my own little village, Jamesport. We have a Main Street corridor that has maintained its character and has great potential.

When I moved to Jamesport at the age of five, I lived in the heart of town. I remember walking to Case's deli and the butcher shop on South Jamesport Avenue. Bill the Barber gave my brother his first haircut, and I could walk to the post office to get the mail from Miss Mae.

I remember the sounds of children and the squeals generated by the swings that emanated from the Jamesport School playground. Believe it or not, traffic was heavy. I lived on the Main Road. I used to watch the cars go all day long. We had the buses, tractors, trucks and cars and my family loved living in the heart of town and we missed all the action when we moved to South Jamesport where, at one time, there were great hotels and eating and drinking establishments lining the shore.

As much as I hate to admit it, I'm old enough to remember the old Vets Home and many vacant old houses that I was convinced were haunted.

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Over the years, I've watched Jamesport grow and change, yet keep its rural character. We still have our deli, and we've seen the addition of a variety of small retail establishments on our Main Street replacing the barber shop and post office to name a few.

Most of the architecture remains the same. And throughout our village, homeowners and entrepreneurs have restored some of those old vacant homes and businesses to add to the beauty of our area.

The Bayview, the Jamesport Manor Inn and what I used to refer to as the haunted house, now the Jedediah Hawkins Inn are prime examples of projects that have added to our social and property capital.

Anyone living in the shadow of these establishments, and I do, have surely seen our property values rise as these places that were once near rubble have been restored. Through the vision of a few, Jamesport has been put on the map.

Yes, there may be more traffic. Yes, there may be more people, and, yes, there is more revenue for our economy and jobs for our residents. People, some lifelong residents and some newcomers, who invest their lives in these projects, should be supported. They are making a commitment to our town, to beautify and increase our curb appeal.

I often wonder if any of these entrepreneurs reaped the benefit of tax credits or incentives to go forward with these projects. Did any of them get courted by town officials urging them to invest in the town or Riverhead?

Did anyone seek them out to bring their businesses to our village? I don't think so. Instead, our local newspaper reported that each was caught up in the tangled mess of zoning changes, permit hassles, the NIMBYism, legal battles and politics.

Each project was held up as the planning and town boards tried to keep everyone happy and gave bits of permission as the master plan was rolled out. More often than not, one unhappy neighbor could rally a small group to speak out against these projects or lobby their neighborhood council person or supervisor to act in his/her best interest, but not necessarily in the best interest of the community.

Your job as elected officials is to consider not just what you hear from a few, but to be aware that there are many sides to an issue as I am sure you are. As a school district official, I attend my share of meetings and I am keenly aware that those who speak out at meetings may or may not reflect the beliefs and desires of any entire community.

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Hence, you need to know that there are people in the Jamesport community who have welcomed the Bayview, the Manor and the project being considered tonight, the Jedediah Hawkins Inn.

There are many of us who want to see these businesses thrive in our community. I, therefore, urge you to support the entrepreneurs who have invested their lives in this project. They pay their fair and maybe even more than fair share of taxes (as they are not adding to the school population, but providing jobs and internships for our children).

They have made a commitment to our town, to my little village. Without support and permission to carry out responsible business, they could lose the ability to realize returns on their investments. And the community will be left with beautifully restored buildings.

That's not the vision I have for Jamesport."

Supervisor Cardinale: "Any other comment?"

Margaret Buckins: "My name is Margaret Buckins (phonetic). I live at 395 South Jamesport Avenue with my husband Richard (inaudible).

We live directly across from the Hawkins- "

Dawn Thomas: "Mrs. Buckins, I'm just going to swear you in.

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

Margaret Buckins: "Yes. I was not aware of all the complaints. I spoke to Mr. Hallock and he was a little concerned because he's always been really accommodating and open and concerned about the neighbors and the community and I had no idea.

I mean, after listening to some of the comments, I feel like I need an audiologist or something because we're there, we see the weddings, we see the cars, but it's not a big deal. It's not disruptive and if it was disruptive, we would be affected more than anybody else along that street.

So I have no problems with the house next door."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

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Supervisor Cardinale: "Any other comment in regard to this application (inaudible)?"

Jeff Hallock: "Good evening. Jeff Hallock."

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

Jeff Hallock: "Yes. I would just like to address Mr. Kajewski's question about the weddings last year. Yes, we did have weddings and there was a problem with one of them. We're a fledgling business. I'll gladly admit that we made a mistake with (inaudible).

We are responsible members of the community, we're a responsible neighbor. I would ask that anybody here that has a problem with us to call me. I'm available. I'm a half mile from the house and I'm at the house every day. We don't need to waste the public's time (inaudible). Call me and I'll deal with the issue.

And as far as those weddings, we applied for permits (inaudible). Weeks before the wedding, if it was your daughter, what would you do? Some of these were planned a year ahead. (Inaudible). We try to do the right thing.

(Mr. Hallock's remarks were inaudible)."

Supervisor Cardinale: "Thank you. Any other comment? Okay. If not— one more time."

Mike Kajewski: "I'm not here to beat down the Hawkins House. I'm totally willing to come down and discuss and talk about things (inaudible).

All I want to be able to do is, you know, I want to be able to go to sleep, all right? My son wants to be able to go to sleep on a school night. I don't have a problem with the third story on the house. I just want, you know, it would be good if we could sit down and talk about it. I know if push comes to shove, like that night, it was somebody's wedding and I understand that they want to have their wedding (inaudible). So we can work this out."

Supervisor Cardinale: "Thank you."

Bill Behrle: "Bill Behrle, I come from Jamesport. (Inaudible)"

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

Bill Behrle: "I do. The question I want is that is it not true that the Jedediah Hawkins Inn is designated for a 30 seat restaurant as described by what's described in your code?"

Supervisor Cardinale: "I believe that is accurate."

Bill Behrle: "If that is true, then why are we talking about weddings (inaudible). Why are we talking about weddings if 30- I was told by one of the members of the board here, 30 meant 30, 25 inside, 5 outside or all 30 inside or you could have nobody inside and 30 outside. That's what I was told. Now there is- indeed the code says 30. I don't know why we're talking about weddings. That's my question."

Supervisor Cardinale: "Charles, or anyone else, if you'd like to take a shot, feel free."

Charles Cuddy: "We were talking about them I think only because at a point in time that there was a question about accessory use in the outside and that's what we're going through and I met at least half a dozen times with the town attorney, town building inspector, town building department to determine what could be done and what can't be done."

I have no problem with the gentleman saying it's 30. It's correct. That's what we're allowed. The question becomes can you do anything else? That hasn't been determined. It certainly is something we're going to be talking more about but as of this point in time, we cannot do that and we're not (inaudible)."

Supervisor Cardinale: "Any other comments? If not, I'm going to leave this open for written comment to 4:30 on the 29th of May and close the verbal comment at 8:05."

Public hearing closed: 8:05 p.m.
Left open for written comment for
10 days to May 29, 2008

Public hearing opened: 8:05 p.m.

Supervisor Cardinale: "And move to the final hearing which is the consideration of the use of premises located at Kroemer Avenue as a wholesale business use."

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(Some inaudible comment)

Councilwoman Blass: "They had the best penny candy at (inaudible), didn't they? It was the best. I remember riding my bike there for that penny candy all the time."

Supervisor Cardinale: "Okay, we are now onto the 7:15 hearing, it being 8:05. This hearing considers the use of the premises located at Kroemer Avenue as a wholesale business use. Peter (inaudible), carry on."

Peter Danowski: "My name is Pete Danowski. I appear of counsel to Robert Kozakiewicz, the attorney of record for (inaudible)."

This board has received from Mr. Kozakiewicz by way of the town clerk's office an original application filed in February of this past year. My client or Kozakiewicz's client exists on site already and I should note that the site as you know is already a completed construction site.

It has three industrial buildings on the premises pursuant to an approved site plan approved by a prior town board. And all of the buildings are built, all the interior renovations have been completed and a permit issued by the town building department.

In fact, as a permitted use, a warehouse is allowed. Fastinol (phonetic) merely seeks permission by way of special permit to have a wholesale business on the premises.

Included in your package of material Mr. Kozakiewicz supplied, was a listing of the industrial services that Fastinol supplies. I don't think I need to repeat each and every particular service they provide.

It's an existing building, already renovated, there are existing tenants. It's a 5,000 square foot lease space within this industrial building. The site plan resolutions were attached to the documentation supplied by Mr. Kozakiewicz.

You have as well the planning staff report with regard to this matter. I don't think there's anything further to say other than we'd ask for approval of the special permit and hear from the board and any members of the public."

Supervisor Cardinale: "Do you have a question, Barbara?"

Councilwoman Blass: "I do. Mr. Danowski, when Mr. Kozakiewicz sat with the town board at work session, he emphatically stated more than once that there would be no retail at the site and

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I did review the special permit application and it does indicate accessory retail. Are you willing to amend that?"

Peter Danowski: "I think it's really a question of words because I'm in agreement with what you just said Mr. Kozakiewicz said. I think we as attorneys when we deal about wholesale business, there's this word sales that comes up because obviously you sell something and obviously when we deliver a product people come and pick up a product and they have accounts and is that a sale.

We're selling to wholesale customers and yet I understand that anytime you have a wholesale business, that the code over periods of years and in permits that have been issued previously, we've always said your main use is wholesale business. (Inaudible) accessory to that can be retail but the main business has to be wholesale.

I think we as attorneys when we fill out the application, we say we apply for a wholesale business and accessory to that, we ask for retail sales but whatever Mr. Kozakiewicz agreed to certainly will be limited to whatever he said at that meeting.

And quite frankly we only sell to people who have accounts. Okay. That's what we do."

Councilwoman Blass: "And at that time we made that distinction."

Councilman Dunleavy: "That's what he said."

Peter Danowski: "And I have no quarrel with that. I think that's the reason we do it though. If I have an applicant tomorrow that comes in for a wholesale business by special permit, I think I'm almost duty bound to say even though we're a wholesale business, (inaudible) accessory to that to a limited extent is retail sale. And you may come back and have the same conversation with me at that time and ask to say not one person can come here and buy a screwdriver. That may be the case.

So I don't want to debate it. I'm in agreement."

Supervisor Cardinale: "Thank you. You know, this is the same issue we keep getting into which is that the definitions of accessory use are customarily incidental (inaudible), customarily incidental to the main use and we can make an argument that anything is customarily incidental to (inaudible). That- I think we should better define our customary uses.

Anything else, Pete, that you wanted to say?"

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Peter Danowski: "No. I was just thinking about the argument before about windmills, about whether they're customarily accessory."

Supervisor Cardinale: "Yeah, they can be customarily- "

Peter Danowski: "And I'd like to think they are."

Supervisor Cardinale: "Arguably they are because they produce energy for the main use."

Okay. Anybody want to make comment on this. If not, I'm closing this at 8:10, leave it open for written comment to May 29th at 4:30 p.m."

Public hearing closed: 8:10 p.m.
Left open for written comment for
10 days to May 29, 2008

Supervisor Cardinale: "We have one CDA resolution and about 50 town board resolutions to consider this evening. If anyone has specific comment about those resolutions, I'd like to take it now. If they do not, I'll consider the resolutions, then take general comment."

Yeah, we also are going to withdraw two tabled resolutions and I think pick up and pass another. So, Barbara, why don't you start maybe with the tabled resolution?"

Barbara Grattan: "Sure."

Supervisor Cardinale: "In fact, why don't you hold that for a second? I'll take the CDA resolution. I'll adjourn the meeting of the town board."

Meeting adjourned: 8:11 p.m.

Meeting reopened: 8:13 p.m.

Supervisor Cardinale: "Reopen the meeting and asking Barbara to tell us about the three resolutions we have on the table so we can consider them."

Barbara Grattan: "Okay. The first resolution is Resolution #356 which was tabled on March 18th. Somebody want to bring it off the table?"

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Councilman Buckley: "Motion to take Resolution 356 off the table."

Councilman Wooten: "Second."

Supervisor Cardinale: "Moved and seconded to take 356 off the table. Oh, wait a minute, yeah, we've got to take it off the table and then a motion- we can do it all at once. Take it off the table- it's been moved to take it off the table and to withdraw it."

Councilman Buckley: "I make a motion to take Resolution 356 off the table and withdraw same."

Councilman Wooten: "I'll second that one, too."

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

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

Barbara Grattan: "Okay. Also Resolution #401 which was tabled on May 6, 2008. Councilman Buckley, take it off the table, please."

Councilman Buckley: "I make a motion to take Resolution #401 off the table and withdraw same."

Councilman Wooten: "I'll second."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. That resolution is untabled and withdrawn."

Barbara Grattan: "Now, you want to do the other one (inaudible)."

Supervisor Cardinale: "Well, that one I think we're taking- motion to untable and to approve."

Barbara Grattan: "All right. Resolution #345 was tabled on April (inaudible). Councilwoman Blass."

Councilwoman Blass: "Authorizes the supervisor to execute agreement with the H2M Group. So moved."

Councilman Dunleavy: "And seconded- I second that."

Supervisor Cardinale: "Moved and seconded to take it off the table and consider it for approval."

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

Supervisor Cardinale: "Now it's Resolution #421, the first one this evening. (Inaudible)."

Resolution #421

Councilman Dunleavy: "East Creek docking facility budget adjustment. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #422

Councilman Buckley: "Just to explain this resolution. This explains the one we just tabled.

There's three fences at Stotzky Park that were slated to be re-done with vinyl fencing. The recreation advisory committee met. They advised that just two of them on fields 3 and 4 should be done. That's what's indicated in the prices.

The tennis court improvement, we've allocated the money in this resolution but we will not be doing the repairs to the tennis court until the fall."

Supervisor Cardinale: "I got a letter on that today from (inaudible) about the tennis court."

Councilman Buckley: "Yeah, hang in there a couple more months.

2008 Stotzky Park capital improvement project. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #423

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Councilman Wooten: "It's a budget adjustment from supplies to equipment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #424

Councilwoman Blass: "An authorization to discard fixed assets. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #425

Councilman Dunleavy: "Sets salaries for 2008 summer personnel for the recreation department. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #426

Councilman Buckley: "Appoints seasonal traffic control officers in the police department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #427

Councilman Wooten: "Appoints a recreation program planner to the recreation department. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #428

Councilwoman Blass: "Reappoints seasonal traffic control officers in the police department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #429

Councilman Dunleavy: "Appoints two on call traffic control specialists to the police department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #430

Councilman Buckley: "Appoints lifeguards to the recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #431

Councilman Wooten: "Appoints beach attendants/concession stand operators to the recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #432

Councilwoman Blass: "Appoints summer program leaders to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #433

Councilman Dunleavy: "Appoints water safety instructors to the recreation department. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #434

Councilman Buckley: "Appoints a call in recreation aide youth sports to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #435

Councilman Wooten: "Authorizes attendance of assessors as seminar. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #436

Councilwoman Blass: "Supports and endorses an application of the Riverhead Chamber of Commerce to Suffolk County for downtown revitalization grant funding. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #437

Councilman Dunleavy: "Authorizes senior citizens program director to attend New York State Association of Area Agencies on Aging Conference. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #438

Councilman Buckley: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, section 108-314 Uses - downtown center 5: residential DC-5 zoning use district. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #439

Councilman Wooten: "Authorizes the assignment of contract from New Age Builders to the Long Island Housing Partnership. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #440

Councilwoman Blass: "Supports the application to New York State Department of Environmental Conservation for tree and shrub funding. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #441

Councilman Dunleavy: "Authorizes and endorses submission of a grant application to the New York State Environmental Facilities Corporation. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #442

Councilman Buckley: "Authorizes Cashin Associates P.C. to proceed with East Creek Marina construction phase. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #443

Councilman Wooten: "Authorizes the supervisor to execute an

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agreement to permit Cheri Wirth to repair the storm water piping system and surrounding sidewalk area located at or near 60 West Main Street, Riverhead, also known as Diggers Restaurant tax map no. 0600-128-6-17; 0600-128-6-18.001 So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #444

Councilwoman Blass: "This is an order calling a public hearing in the matter of the increase and improvement of the facilities of the Riverhead Sewer District in the town of Riverhead, Suffolk County, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #445

Councilman Dunleavy: "Declares significance of action on Wading River Beach renovations. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #446

Councilman Buckley: "Authorizes the supervisor to execute an agreement with Commander Power Systems to maintain an emergency generator at police department headquarters. So moved."

Councilman Wooten: "Seconded."

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

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

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Resolution #447

Councilman Wooten: "Same stipulation except it would be an emergency generator at the ambulance company. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #448

Councilwoman Blass: "And the same agreement, this agreement is at the senior center. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #449

Councilman Dunleavy: "And the same agreement with Commander Power for the Henry Pfeiffer community center also known as the Calverton Rec Center. So moved."

Councilman Buckley: "Seconded."

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

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

Resolutions #450

Councilman Buckley: "Authorizes Dvirka and Bartilucci Consulting Engineers to proceed with preparation of the 2008 storm water management program annual report and municipal compliance certification for submittal to the New York State Department of Environmental Conservation. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #451

Councilman Wooten: "Sets sewer rent for Mill Pond Commons Riverhead Sewer District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #452

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing special use permit of Larry's Lighthouse Marina. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #453

Councilman Dunleavy: "Authorizes town clerk to publish and post notice of public hearing special use permit of Jane Wanat. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #454

Councilman Buckley: "Authorizes the supervisor to execute a license agreement with Southampton Oyster Company to allow the installation of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #455

Councilman Wooten: "Authorizes the town clerk to post and publish the attached notice to bidders for the removal and disposal on non-friable asbestos shingles at 1114 Woodcrest Avenue, Riverhead, SCTM # 0600-122-1-13. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #456

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice of a public hearing to consider a proposed local law to repeal Article XXXIII entitled Business E Highway Commercial/Service Zone and to amend Article II entitled Districts and Boundaries of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #457

Councilman Dunleavy: "Authorize the supervisor to execute retainer agreement with Napoli Bern Ripka & Associates LLP (Riverhead Water District). So moved."

Councilman Buckley: "Seconded."

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

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

Supervisor Cardinale: "Yes. Barbara, (inaudible) certified copies. They're not being certified, are they? All right, good, I'm proud of you."

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

Resolution #458

Councilman Buckley: "Authorizes Dunn Engineering Associates PC to proceed with CR 63 Peconic Avenue pedestrian crossing design. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #459

Councilman Wooten: "Authorizes Gary Jacquemin AIA to proceed with East End Arts Council schematic site planning. So moved."

Supervisor Cardinale: "Second, please."

Councilwoman: "And seconded."

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

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

Resolution #460

Councilwoman Blass: "This approves the extension of the Riverhead parking district Atlantis Holding Company LLC. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #461

Councilman Dunleavy: "Authorizes the supervisor to execute a stipulation of settlement and related documents with Waddington Realty Corp. et al. So moved."

Councilman Buckley: "And seconded."

Supervisor Cardinale: "And seconded. Vote please."

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

Resolution #462

Councilman Buckley: "Releases irrevocable letter of credit of All County Paving (drain layer). So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #463

Councilman Wooten: "Accepts 100% security of 1998 Peconic LLC (irrevocable letter of credit). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #464

Councilwoman Blass: "Accepts cash security of Verizon Wireless - Baiting Hollow. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #465

Councilman Dunleavy: "Approves Chapter 90 application of Martha Clara Vineyards, LLC. So moved."

Councilman Buckley: "And seconded."

Supervisor Cardinale: "We're still issuing these? I vote yes."

Barbara Grattan: "We haven't done that yet."

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Supervisor Cardinale: "All right."

Barbara Grattan: "Let's call the vote."

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

Resolution #466

Councilman Buckley: "Approves the Chapter 90 application of Hallockville Inc. (Kellogg-Becker wedding). So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #467

Councilman Wooten: "Approves the Chapter 90 application of Railroad Museum of Long Island (Riverhead Railroad Festival 2008). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #468

Councilwoman Blass: "This amends Resolution #254 of 2008. (Approves Chapter 90 application of East End Olds Club Car Show & Swap Meet). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #469

Councilman Dunleavy: "Awards bid for snack vendor services for Wading River Beach. So moved."

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Councilman Buckley: "And seconded."

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

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

Resolution #470

Councilman Buckley: "Awards bid for sporting goods. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #471

Councilman Wooten: "So moved to pay the bills."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Thank you. That concludes the resolutions for the evening and with a little luck, the evening, unless there is someone out there that would like to comment on any matter within our purview.

If there is, please come forward; if there is not, I bid you a fond farewell and we look forward to seeing you at 10:00 on Thursday at work session.

Thank you."

Meeting adjourned: 8:40 p.m.