

5/2/2006 minutes

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, May 2, 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: "Okay, I'd like to call the May the 2<sup>nd</sup> meeting of the town board to order. Thank you all for coming and I'd like to begin with the Pledge of Allegiance if Mitch, in the front row there, if you could lead us in the pledge."

Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited led by Mitch Friedman.

Supervisor Cardinale: "I'd like to do what we do traditionally in regard to police promotions, take out of order a resolution 415 which promotes Police Officer Harry Hill to the rank of Sergeant. I'd like to take any comment from anyone that wants to make comment on that proposed action of the town board. If there is no comment, I'd like to board to consider that and then we can go down into the well of the room and congratulate what will then be Sergeant Harry Hill and have him sworn in.

So unless— is there any other comment on the proposed promotion? If not, can I ask you, Barbara, to call this #415."

Barbara Grattan: "Resolution #413, Councilman Densieski. No, wait a minute."

Supervisor Cardinale: "415."

Councilman Bartunek: "I was checking the spelling. It looked like my name."

Barbara Grattan: "415. Councilman Bartunek."

Resolution #415

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Councilman Bartunek: "Promotes Officer Harry Hill to the rank of Sergeant. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. Now if I can find my notes, here they are, let's go down and congratulate now Sergeant Harry Hill and swear him in."

So, Chief, come on up and Sergeant Hill and any members of your family that are here, come on up with him.

Captain Smith, Chief Hegermiller, now Sergeant Hill or soon to be Sergeant Hill, and two daughters. How are you? Congratulations.

I know this about Sergeant Harry Hill. You joined the police after two years with New York City police."

Sgt. Hill: "Yes."

Supervisor Cardinale: "And that was 14 years ago, September 23, 1991. He came well recommended, well trained through some years of college and some years on the New York City police force. He's worked the bike patrol, the East End Task Force, Community Relations Unit. He's also #1 on the sergeant list and I believe the unanimous recommendation of the personnel committee with Chief Hegermiller heading it to be moved to Sergeant to replace retiring officer Fredericks— Sergeant Fredericks."

So we are pleased to do that tonight and the board joins me and are very pleased to do that.

I'd like to have you sworn in, if I could. Would you raise your right hand and repeat after me."

(At this time, Supervisor Cardinale administered the oath to Sergeant Harry Hill)

Supervisor Cardinale: "It's official, congratulations. The board wanted to congratulate you. Do you want to say anything nice about him?"

Unidentified: "Harry's a great guy and we're looking forward to having (inaudible)."

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Supervisor Cardinale: "Good. We're looking forward to it, too, and I know the board wants to congratulate you and— does he get a raise at least? Good.

You have to say something fine about the chief."

Sgt. Hill: "(inaudible) A very special department. I think he does a lot to keep the crime rate down, focuses on the problem areas (inaudible)."

Supervisor Cardinale: "Well, see that, an endorsement. A mutual admiration society. Thank you. Thank you and congratulations.

Okay. Barbara, could we--let's do this. Let's approve the minutes of the town board meeting of April 18. Would somebody please offer them on the board and somebody second?"

Councilman Densieski: "So moved."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Moved and second to approve the April 18<sup>th</sup> board minutes."

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

Supervisor Cardinale: "Could you give us the Reports and the Applications?"

Barbara Grattan: "Sure."

Supervisor Cardinale: "And the Correspondence."

Barbara Grattan: "You've got it."

**REPORTS:**

Receiver of Taxes  
Total collections to  
date:  
\$49,358,233.97

Utility collections report for  
April, 2006 - total collected  
\$176,663.09

Town Clerk  
Monthly report for April

-

total collected \$10,086.40

Police Department  
Monthly report for March,  
2006

Sewer District  
Discharge monitoring  
report  
for March, 2006

Barbara Grattan: "Under Applications-- "

**APPLICATIONS:**

Site  
Plan

New  
Cingu  
lar  
Wirel  
ess  
PCS

Special events  
Larry's Lighthouse Marina

-  
June 9, 10, 11 - boat show

Riverhead Relay for Life -  
June 16 and 17 Riverhead HS  
Athletic Field

Martha Clara Vineyards - May  
20 to July 9 - various events

July 9 to Aug 31 - various

events

June 10 - wedding reception

Riverhead Elks Lodge - June 11  
barbeque with band

**CORRESPONDENCE:**

Human Service Advisor Board

Gwen Branch  
Human Service Programs

Ciarelli & Dempsey  
re 1998 Peconic LCC - the  
pending application will no  
longer include the free  
standing car wash

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

Supervisor Cardinale: "Thank you. We also have some public hearings at 7:05, 7:10, 7:15 and 7:20 but before we get into those is there anybody on the board that has an announcement they'd like to make or committee report or a note of any interest, please chime in."

Councilman Densieski: "Yeah, Phil. I'd just like to offer our condolences, the Board's condolences, to the Schmelzer family. George was an institution here at the town board meetings. He just passed on this week and I wanted to send condolences to his family."

Supervisor Cardinale: "Thank you, Ed. Yes, he did and he will be missed. I had the pleasure of speaking with his family and being able to say a few kind words at the funeral last week or this past week. George will be missed as will Bill Kasperovich who is no longer coming to the meetings because of his health and a couple of others who have passed on. Great gadflys. The next- "

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

Supervisor Cardinale: "Sure."

Councilman Dunleavy: "I just wanted to thank George Bartunek. Councilman George Bartunek had clean up day on Saturday and a lot of people showed up and we went out and they really cleaned up Riverhead, picking the papers up. So I just wanted to thank everybody that came out to help George, myself and Barbara pick those papers up and try to clean up the town a little bit. Thank you."

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Councilman Bartunek: "Thank you, John."

Supervisor Cardinale: "Yeah and- "

Councilman Bartunek: "It was too cold to go to the beach on Saturday anyway. It was a good one."

Supervisor Cardinale: "Well, thank you for- and I understand we're going to do another one in October."

Councilman Bartunek: "In October."

Supervisor Cardinale: "It's a good tradition just to get started and to continue."

Public hearing opened: 7:18 p.m.

Supervisor Cardinale: "We have a first hearing at 7:05 which is being called for the consideration of purchase of development rights of land owned by Benjamin McBurnie at the price of \$75,000 per acre."

Dawn, are you going to present the McBurnie development rights purchase? This Dawn is. I have two Dawns here. Dawn from Peconic Land Trust is going to present this."

Dawn Haight: "This property is up for consideration and it has been recommended by the Open Space Committee for the sale of development rights for \$75,000 an acre which totals \$727,500 for the development rights."

It's 9.7 acres on Middle Road. It's a lovely piece of property. You've all driven by it, I'm sure. It's just on the south side of Middle Road. This part here is a horse farm and the remainder is woodlands and county protected land right next door. It's got a little bit of wetland on the property. There's an aerial photo for you. And in context of the larger picture it- as I said it's right next to the existing county protected land and it's just up the road from one of the other- in the same watershed from one of the other parcels that the committee recently approved."

Supervisor Cardinale: "This is a purchase right under- a purchase of development rights under the open space program?"

Dawn Haight: "Indeed."

Supervisor Cardinale: "What does the- what's the retained rights?"

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Dawn Haight: "The retained rights would be for agricultural use. The committee would like to see some trails put in on this property and hopes that eventually a trail system could be developed.

Mr. McBurnie has agreed to allow parking on the property and the development of a trail."

Supervisor Cardinale: "So it actually- would it be farmed?"

Dawn Haight: "I think it may continue to have the horses on it that it has now."

Supervisor Cardinale: "The horse farm."

Dawn Haight: "Yes."

Supervisor Cardinale: "Okay."

Dawn Haight: "It's just really a paddock."

Supervisor Cardinale: "Great. Okay. Anybody in the- from the public have a question about this proposed purchase under the open space development rights purchase program? Yes, Eve, you are our chairperson, are you not?"

Eve Kaplan: "Yes. This is not a question. I'm just speaking on behalf of the committee."

Supervisor Cardinale: "Of the Open Space Committee."

Eve Kaplan: "Of the Open Space Committee. I just want to say Dawn did a great job describing the, you know, the positive qualities of this parcel. Again, it's a great vista from the road as well. It's one of the last few actively farmed parcels on Middle Road which is certainly becoming a developed area. So besides being very pretty and ecologically important, it's got a kettlepond and we're also- we have been- as we told the town board the last time we met with you, we have been in some negotiations with adjacent parcels and there's potential for a larger (inaudible) as well as, you know, preserving the watershed. So (inaudible). Thank you."

Supervisor Cardinale: "Thank you. When you- is there an attorney here that's familiar with this transaction?"

Dawn Thomas: "I'm sorry."

Supervisor Cardinale: "The McBurnie purchase. When you purchase development rights under the open space program, I know in this instance the public is going to have access apparently through these trails, what- do you know what the retained rights look like?"

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You know, the development right program for farming is easy. They retain- they give up the development rights, retain specified farm rights."

Councilman Densieski: "Yeah, this is what this is."

Supervisor Cardinale: "Well, there's a difference between the open space program and the farm- "

Councilman Densieski: "It's a farmland purchase."

Supervisor Cardinale: "No, this is not a fee purchase. This is a- but this is- nor is it under the development right program for farmland."

Councilman Densieski: "Yes, it is."

Supervisor Cardinale: "No, it isn't because it's not being farmed. It's a horse- "

Councilman Densieski: "It's a horse farm- "

Supervisor Cardinale: "It's not through farm select. It's through open space."

Councilman Densieski: "The owner is still going to own the property."

Supervisor Cardinale: "Yeah, that's right. But what I'm asking is- and I don't have to have it tonight but I do have to have it at the point we vote, is I'd like- I know what the development rights- I know what the covenant looks like when we buy development rights and the people retain farm rights.

I would like to know what the covenant looks like and if it's different when you're buying open space- when you're buying development rights in the open space program, does that still give the right of access to the public for purposes of enjoying the open space as does a fee purchase, which is what we're about to consider.

So it being 7:23 and having opened this at 7:17, I'm going to open the next hearing it now being 7:24.

Good, tell me the answer then before I open the other one."

Eve Kaplan: "I think what we talked about was when the easement will be crafted for the property it will include specific language about public access coming from a certain point. So we won't necessarily have public access over the whole area but there's a specific- "

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Supervisor Cardinale: "That's what I'm looking for and thank you for that answer, which makes this in my judgment- depending upon the access language, a particularly good purchase."

Eve Kaplan: "Right. So then the farm area, the easement is exactly the same as what the Farmland Select Committee would do. And where there's wetland, it would just say shall be preserved in perpetuity (inaudible)."

Supervisor Cardinale: "And I would assume that the access would be limited to the woodland area because they wouldn't want us tromping around their farm."

Dawn Haight: "It would go up the side of the property."

Eve Kaplan: "Right. The (inaudible)."

Supervisor Cardinale: "I see. Great."

Dawn Haight: "It would go up this side here of the property."

Public hearing closed: 7:23 p.m.

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Public hearing opened: 7:25 p.m.

Supervisor Cardinale: "Now the next one which I'm opening at 7:25 is scheduled for 7:10. It's for the consideration of the purchase of approximately six acres, 5.9, of lands owned by Alison Adams Larson for \$800,000 which is a fee purchase whereby we would be purchasing not only the development rights but all rights.

Could you give us what you'd like on that?"

Dawn Haight: "Right. It's also a beautiful property. It's surrounded on three sides by the 4-H property up on Sound Avenue. So you can see in this one here that it's one of the out parcels there that if you know when the Open Space Committee hopes to see in the future the 4-H parcel preserved, these parcels would become integral pieces of open space to contribute to a very large block of preservation in this area.

As you know, this is a recent project that was done by Suffolk County. It was the first open space preservation project that the county did and it's beautiful woodland in here, there's some fabulous trails on that property. We would like to make this really part of-

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Councilman Dunleavy: "Is this in the middle? Is there any access?"

Dawn Haight: "It is not— well, it's not landlocked. It is in the middle of the property but it has a deeded right of way. There's a road that runs right down the side of the property right here and there's a deeded right of way to that."

Supervisor Cardinale: "I have a couple questions but to just clarify what you're saying. The green area is— what is that? I can't read— "

Dawn Haight: "This is actually protected land."

Supervisor Cardinale: "Okay. And the brown area?"

Dawn Haight: "This brown area is the 4-H parcel."

Supervisor Cardinale: "Not yet protected but of interest."

Dawn Haight: "Not protected but we certainly (inaudible)."

Supervisor Cardinale: "So if in fact it is preserved we would have the adjacent piece."

Dawn Haight: "The interior pieces really. Yeah. So this is one of the two interior pieces that the open space committee think are very important."

Supervisor Cardinale: "I have a couple questions. I looked at the Gibbon Associates appraisal which is for ultimately they say that there's access in but it's undescribed. It's a roadway that— it's an easement over the property to the south."

Dawn Haight: "Right."

Supervisor Cardinale: "It also says in establishing value that it has access to the sound."

Dawn Haight: "There is deeded sound access. There is a road that runs up the property right here, runs all the way up to these little parcels down here and on this lot right here is a deeded— it's like a beach access and this property has rights over that beach access to get to that."

Supervisor Cardinale: "So there's actually a right of way from the yellow piece through the camp— and then right through those lots to the water."

Dawn Haight: "That's correct."

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Supervisor Cardinale: "To the beach."

Dawn Haight: "Yes. Well, the sound."

Councilwoman Blass: "George and I actually went through the road, drove through it and went to the access. It does indeed exist as described."

Supervisor Cardinale: "Okay."

Dawn Haight: "This property does— is somewhat restricted already that only two lots could be built on the parcel but it is a very wonderful piece of land. You can see here it's currently a horse farm. Well, from what I understand, I think that the 4-H camp leases this and keeps some horses there.

And there's the potential on this property when the 4-H property gets preserved, to do all sorts of passive active recreation for the town in this area. So I think it's a very, very fantastic piece for the town to purchase and the Open Space Committee has nothing but support.

Eve, do you want to— "

Eve Kaplan: "Sure. Again on behalf of the Riverhead Open Space Committee, I (inaudible) and you know as you know, the town board indicated the 4-H parcel is one of the top priorities for preservation and, you know, we feel that as well. It's a really unique area. It's got not only (inaudible) but actual town access.

It's obviously important for recreation for the future, it's got an active 4-H program, educating young people about farming and animals. So these— this parcel and actually the one directly to the south of it, also came up for sale at exactly the same time essentially and lucky enough after— shortly after our committee started working and started doing outreach specifically in this area to try and preserve some of these parcels.

Because if they were to be built on, you know, a number of homeowners and, again, hopefully working also with Suffolk and Nassau County to try to preserve the rest of the parcel, 4-H, and obviously, you know, the more fragmented it gets, the more difficult it would get down the line and hopefully for many years to come it will be preserved.

So this is the first one that we have gotten to an accepted offer with. We are also looking to limit some of the development in some of those little out parcels to the north because again you know

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everything just adds to the fragmentation of the area. So, and actually, so it's really a integral piece.

And Mark Terry is here to talk a little about it."

Mark Terry: "My name is Mark Terry. I'm an (inaudible)."

(Some inaudible discussion among the Board members)

Mark Terry: "For many years as I was growing up. However her death forced a sale (inaudible) to the current property owner. And I would just encourage the town board to move ahead and purchase this parcel based upon the fact that it is an out parcel in a complex of parcels that offers significant wildlife habitat as well as scenic habitat (inaudible). And a lot of opportunity exists for this entire area for the town of Riverhead. And I would just encourage that the town board move ahead and approve (inaudible)."

Supervisor Cardinale: "How far off of the road is the parcel?"

Dawn Haight: "Mark, you can probably tell better than I can but a few hundred feet."

Supervisor Cardinale: "A few hundred feet."

Mark Terry: "You really can't see it from the road (inaudible)."

(Some inaudible discussion among the Board members)

Mark Terry: "It's just very unique in that it offers a great habitat."

Supervisor Cardinale: "But the distance between— is that Sound Avenue?"

Dawn Haight: "Sound Avenue."

Supervisor Cardinale: "Sound Avenue and the yellow parcel there is just a few hundred feet."

Dawn Haight: "Yeah."

Mark Terry: "I would say 400."

Supervisor Cardinale: "A quarter a mile being— a quarter mile is actually a thousand feet. Close."

Councilman Bartunek: "I'd say maybe a tenth of a mile. Something like that."

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Mark Terry: "I would say a thousand feet."

Supervisor Cardinale: "So 500 to 1,000 feet. Okay. I just wanted to make sure that if we hiked in I could make it. Thank you."

Eve Kaplan: "(inaudible). I mean if you look at the yellow parcel all the way to the left, you may remember that is now the golf course which was formerly known as (inaudible). This (inaudible) property which is now preserved."

Supervisor Cardinale: "Oh yeah."

Eve Kaplan: "The (inaudible) properties are obviously adjacent and contain much the same similar habitat (inaudible). So if you were somebody who saw that was an important piece, these are also important pieces now (inaudible)."

(Some inaudible discussion among the Board members)

Eve Kaplan: (Inaudible)

Supervisor Cardinale: "Thank you. Any other comment, please come up. Sal, how are you?"

Sal Mastropolo: "Sal Mastropolo, Calverton. If the town purchases it, are we going to continue to lease the property to the 4-H Club?"

Supervisor Cardinale: "I don't- that's an interesting question. Are we going to continue to lease it? I would prefer to use it frankly, but what's the plan from the Open Space Committee? They have a thought on that? What is your recommendation, if any?"

Eve Kaplan: "We haven't discussed it. I guess if the town board was interested in changing the situation we would have to talk about it and come up with a plan (inaudible)."

Supervisor Cardinale: "I'm paying \$800,000 for this piece. I don't even want to ask what the rent is but I'm sure it doesn't give me a financial return worth pursuing so I'd just as soon use it by getting the public on it as with the other pieces."

Eve Kaplan: (Inaudible)

Supervisor Cardinale: "This is definitely not a good investment from a financial return perspective, Sal. What is the lease, breakdown, tell me. Do you know what the lease amount is?"

Eve Kaplan: "No."

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Supervisor Cardinale: "Bet you it's not much."

Councilman Bartunek: "I'll bet you."

Supervisor Cardinale: "Okay. Thank you. Okay."

Councilman Dunleavy: "And I just asked Barbara and you can drive from Sound Avenue right to the sound on that right of way."

Councilwoman Blass: "Well, you can drive and then walk. You get real close. You have to walk a little bit. Yeah."

Dawn Haight: "You can drive. The road goes up and it cuts through this property up here and comes and ends about there. But these are all privately held parcels so you can get real close. Like I say, the sound access is on this sort of backwards L shaped piece right here so that's where the deeded access is. You'd be able to drive up sort of- and park somewhere."

Supervisor Cardinale: "Any other comment? Okay."

Linda Dietrich: "Hi, Linda Dietrich, the attorney for Alison Adams Larson, the (inaudible)."

Supervisor Cardinale: "No money. It's our kind of investment, Sal."

Sal Mastropolo: "Sorry, I didn't hear it."

Supervisor Cardinale: "Our record is intact. The town of Riverhead has never made a dime in real estate and they'll continue to do that. In fact, I think the best estimate was the one we made when we bought- what was it- was it the old Rimlands building and we bought it for \$160 and not only did we not get return on it but we had to finally pay for the tear down, about- we were faced with a \$200,000 expense. We could actually lose more than 100% on an investment if we worked at it.

So this is not for investment, this is for the future."

Mark Terry: "What I'd just like to point out is that the investment is a part of a larger plan if you actually acquire- if the 4-H camp is acquired for public usage. It (inaudible) and prevents fragmentation (inaudible). If you have houses between the camp it's not going to be as purchasable for passive recreation uses as opposed to- they'll have conflicts and things like that."

Supervisor Cardinale: "The piece in front of it, that would be the piece to the south, is that- do you know the plans on that piece?"

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Mark Terry: "That's currently up for sale."

Supervisor Cardinale: "Oh yeah. We are contemplating an offer on that. Good. That's great. Any other comments or questions for the public?"

Councilwoman Blass: "Just a comment that the partnership we spoke about earlier that Eve alluded to, County of Nassau, County of Suffolk also includes the State of New York. It's on their list and they have expressed some significant interest as well. So it will be quite a partnership."

Supervisor Cardinale: "Linda represents— Linda Dietrich represents the seller and I have a question. Normally we would consider this and then vote on it two weeks from now. Is there any reason we are in a rush to consider this this evening? Because I note that they gave me an accepted offer of real property for a contemplated add on to the calendar. Somebody explain to me why I want to do that. Here you go."

Linda Dietrich: "The agreement with the town was that the resolution was going to be presented tonight. (Inaudible)"

Dawn Haight: "We had another offer (inaudible)."

Supervisor Cardinale: "Okay."

Councilman Bartunek: "Can we have a little discussion on this then?"

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Under the circumstances I think it's unfortunate that we have to consider this for a vote tonight. One of the things, I had a conversation with Dawn and Barbara, were the possibility of purchasing this and then reselling it for farm use.

In other words, what we're really doing is we're buying it for fee simple and then we're effectively selling it back only for use as farmland so effectively what we're doing is we're purchasing development rights. It's going to be used as farmland. I think we'd probably recover something like \$120,000, would be about right, for farmland right now and it would get back on the tax rolls.

So that's— I would lend my support to it if we could consider doing something like that. But this is something that should have really been discussed at the Open Space Committee level. I wasn't going to discuss it on the board level tonight but unfortunately this is a decision that is kind of being thrown on us."

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Supervisor Cardinale: "Well, actually, it's not on the agenda but I believe that there had been requests for preparation of a resolution for purchase. But if you want- if there's- the board normally would consider it at a work session in between."

Councilman Bartunek: "Yes."

Supervisor Cardinale: "So what I'm asking is- "

Councilman Bartunek: "Would it be critical, Linda, if this didn't- if this wasn't voted on tonight? It mean it couldn't wait two weeks if they know that we're really interested."

Linda Dietrich: "It was actually our understanding that the resolution was going to be presented tonight. We didn't find out until about 4:20 this afternoon that it wasn't going to be presented tonight so actually I'm a little disappointed that it wasn't."

Councilman Bartunek: "I didn't find out until about 6:30 that it was, so- "

Linda Dietrich: "Like I said it comes down to time and money. There are other offers on the table as well."

Councilman Dunleavy: "George, we can use this property where if we just buy the rights and sell it back as farmland, we won't be able to use the property for recreation or anything that we want to use it for."

Supervisor Cardinale: "We could do anything we want with the property after we buy it. So our only decision in front of us today is- and this is fee, fee title. We are buying this entire property. We can do anything we want with it except develop it."

Councilman Bartunek: "I understand that. I understand."

Councilman Dunleavy: "Yeah, but George's concern was he wanted to sell the farm rights to somebody so they can farm on it and we'd just have the development rights again. Where I think the open space would be better because we can use it instead of just having the development rights."

Supervisor Cardinale: "Yeah, I understand that. But this- the only question before us tonight is (1) have a hearing publicly to determine what we're basing the purchase price on which incidentally is the appraisal which is 840. Although- the second thing is- the second thing, if we buy it, we can determine later what we're going to do with it. My proposal would be the same as yours, we use it as open space. But you had a point, Mark."

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Mark Terry: "My last point is that- I agree with you, Phil, the use plan can be determined at a later date as far as the big picture of the entire property as it is (inaudible) 4-H use."

My family may want to get into farming. We may have an interest in working (inaudible)."

Councilman Bartunek: "I guess if I can make a further comment, Phil. If this resolution didn't lock us into keeping it as open space, that would be fine."

Supervisor Cardinale: "Okay."

Councilman Bartunek: "If we're saying here that we could purchase the property and then we could decide later that we would keep it as open space."

Supervisor Cardinale: "Yeah. The only- that's what I'm saying. That this is simply saying we're authorizing me to execute a contract to purchase at the \$800,000 price. That's the only thing this resolution is doing. It isn't determining anything else."

Councilwoman Blass: "In that sense it would be no different than the hearing we had on the prior parcel where we considered the same thing. We're purchasing with open space funds and there was an intent to have a portion of that farmed as well. So it would be in the language of the deed that went along with the residual use."

Supervisor Cardinale: "Yeah. Except that in this case, we're buying the full use, the full title, and, therefore, we can do anything- we can move forward with the full title. In the other case, we just had the development rights with access over a specified portion of it."

But, yeah, if you're concerned about reuse plans, you don't have to worry about it because all we're doing is authorizing the purchase. But what I'm interested in making certain of and somebody is going to have to make the motion and second it. If you want to consider it tonight it would have to come off the floor because it's not on the agenda."

Councilman Dunleavy: "I believe it should come off the floor and we should- "

Supervisor Cardinale: "Then you make the motion."

Councilman Dunleavy: "I'll make the motion."

Supervisor Cardinale: "Barbara will second it."

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Councilwoman Blass: "I'll second it."

Councilman Dunleavy: "Okay."

Supervisor Cardinale: "And we'll see what the votes bring if that— unless, George, you want to say something further. Might as well talk about it now because we're going to eventually talk about it."

Councilman Bartunek: "I guess, Phil, that giving the nature of the surrounding property, it is an important purchase."

Supervisor Cardinale: "Okay. And that's really all we're determining."

Councilman Bartunek: "I'm just kind of concerned that we're getting down to the wire on the funds that are going to be available for farmland preservation as well as open space. That's— I mean that's all of our concerns."

Supervisor Cardinale: "Oh, yeah."

Councilman Dunleavy: "Oh, yeah. I agree with you."

Councilman Bartunek: "Given the surrounding property— "

Councilman Dunleavy: "We haven't really bought any open space. We're preserving the farms but I think the town has to— and I committed to buying open space to save land from developers. That's all I'm saying."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "When we had that recent recap of funds that we were allotting to the various efforts, this one was considered as part of the open space. So we sort of accounted for it already in that discussion."

Councilman Bartunek: "And like I said, that given the nature of the surrounding property, it is— it's critical. It's like Mr. Terry said, it's kind of critical to preserve this and make sure it doesn't fragment the 4-H property."

Supervisor Cardinale: "Great. And we can consider— other than the resolution of purchase, we can consider the other aspects of this once we are in title."

Okay. Anybody else have a comment on this? If not, I'd like to close it at 7:45."

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Barbara Grattan: (Inaudible)

Supervisor Cardinale: "No, no. We're going to vote later. But we're going to close it, the hearing, which we are in the midst of and determine it to be concluded and ask that we- I'm not going to ask at all."

Public hearing closed: 7:45 p.m.

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Public hearing opened: 7:45 p.m.

Supervisor Cardinale: "I'm just going to call the next hearing which is for 7:15. It now being 7:45, this will consider the special permit application of the Culinary Art Institute LLC on Main Street. And I know that there's someone here to present that, so fire away. I am so pleased that we're actually using our high tech equipment tonight. It's tickles my heart. Now unfortunately the next presentation is not aware of our high tech, is going to use a board. Oh, you're using that, too. Yeah. Who knows how to access it? Anybody here? Okay. That's a perfectly terrible place.

Why don't you bring it up here because the guy on TV there can't see it. He needs to see it. So if you bring it into the well here and stick it there, the only people that can't see it is us and what do we need to see it for? This is a public hearing. Now Pete Danowski can see it. Possibly. If his eyes worked he can see it. Ah, you're so considerate. Thank you. Okay, fire away.

On special permit-- this is special permit? Do we have to swear people in on this one? I keep forgetting. Oh, yeah, do we have to swear people in, Dawn?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "We didn't-- for about 20 years we forgot that, didn't we at one point?"

Dawn Thomas: "Not me."

Supervisor Cardinale: "Not you personally, but didn't we learn in the Talmage application that for 20 years we were having special permits without swearing people in?"

Dawn Thomas: (Inaudible).

Councilman Densieski: "The Riverhead Center, wasn't it?"

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Supervisor Cardinale: "The Riverhead Center application."

Dawn Thomas: "Yeah. One of those."

Supervisor Cardinale: "So now we do it. Religiously, we swear people in. Because that's what the code says."

Dawn Thomas: "Mr. Germano, would you raise your right hand and swear? Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?"

Guy Germano: "I do."

Supervisor Cardinale: "Okay, fire away."

Guy Germano: "I'm Guy Germano, (inaudible) Veterans Memorial Highway for the applicant."

Supervisor Cardinale: "Flip that little knob on the side probably. It would be a big improvement."

Guy Germano: "Is it on now?"

Supervisor Cardinale: "There you go."

Guy Germano: "Guy Germano in case you didn't hear that."

Supervisor Cardinale: "Is it off now please? No, I'm kidding. They said they couldn't hear you. They didn't want to hear you."

Guy Germano: "Okay, all right."

Supervisor Cardinale: "Go ahead."

Guy Germano: "This application is made pursuant to Riverhead town code Section 108-69 building area and setback for a special permit within the Riverhead public parking district #1 to permit a building lot area equal to 90% of the total lot area in order to construct a 28,583 square foot culinary art center for Suffolk County Community College with a first floor footprint of 18,770 square feet, with a lot area of 20,853 square feet, for a total lot occupancy of 90%. The code permits 80% lot occupancy without a special permit.

In 1998 this permit was approved for an urban renewal project pursuant to Article 15A of the General Municipal Law under the terms of the acquisition and disposition agreement among Swezeys, the town of Riverhead and the town of Riverhead Community Development Agency.

The Swezey plan for the facility proposed the construction of a first floor footprint of 18,770 precisely the same footprint we're

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proposing today. Again, out of a total lot area of 23,853 with a lot occupancy of 80%.

At the time of the execution of the agreement, a lot occupancy of 80% was permitted as of right, with up to 100% permitted in the Riverhead public parking district by special permit from the town board. And that's true today. You can go up to 100% with a special permit.

In furtherance of the 1998 agreement, Swezey's removed the existing blighted buildings located on the premises, the old Rimland building, remediated various environmental conditions and materials and brought in clean fill to level the site.

The original combined lot occupancy of the previously existing blighted buildings totaled approximately 90% or more of the lot occupancy of the subject lot.

Swezey's incurred an expense of approximately \$400,000 in order to remove the buildings, remediate the environmental conditions located on the site and other items.

In May, 2004, Long Island Properties Corp. the predecessor to Culinary Arts Riverhead LLC the applicant here entered into a contract with Swezey's to purchase the premises for the purpose of constructing the Suffolk County Community College Culinary Arts Center on the site. That transaction was subject to the settlement of a dispute between Swezey's and the town of Riverhead over the town's reversionary interest in the premises and the designation of Culinary Arts Riverhead LLC as a qualified and eligible sponsor for the purchase of the former Swezey premises and the development of a new project to construct the Culinary Arts Center.

Upon consideration of the petition of the Culinary Arts Riverhead LLC the town board as the board of Riverhead Community Development Agency designated Culinary Arts Riverhead LLC a qualified and eligible sponsor for the development of the premises by resolution dated November 1, 2005.

The town of Riverhead's reversionary interest was settled with Swezey's pursuant to a stipulation requiring the payment by Swezey to the town of \$400,000 from the proceeds of and upon the closing of the sale of the premises to Culinary Arts Riverhead LLC. Not a bad deal for the town if you follow that."

Supervisor Cardinale: "That's true. We negotiate very strongly. Yes."

Guy Germano: "A very good deal."

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Supervisor Cardinale: "I actually wanted 900 but we took the four and change."

Guy Germano: "Between May, 2004, the date of the execution of the purchase and sale of the agreement, and April, 2005, the plans for the construction of the Culinary Arts Center were essentially finalized and the bidding and negotiating process with Suffolk County Community College. Thereafter the building plans and the lease for the premises were approved by the College Board of Trustees on June 30, 2005, and in due course approved by the Suffolk County Legislature.

A recent amendment to the Riverhead town code now permits a maximum 100% lot occupancy in the Riverhead parking district #1 with the purchase of transfer of development rights without the necessity of a special permit.

The applicant requests a special permit in order to permit a lot occupancy of 90% without the requirement for the purchase of development rights for the following reasons.

1. The original buildings located on the site occupied 90% of the premises. The project proposed for the initial development of the site by Swezey's also occupied 90% and the project negotiated and finalized with Suffolk County College also called for 90% lot occupancy. The applicant through its predecessor Swezeys expended a significant sum in the amount of approximately \$400,000 in order to prepare the site for development prior to the amendment of the code permitting a lot occupancy with a purchase of transfer of development rights.

The town of Riverhead has received a significant benefit as a result of this transaction. The applicant proposed a 28,583 square foot building with a lot occupancy of 90%. The town code will permit a building up to 83,000 square feet on the site without the requirement for a special permit or a variance. The building proposed by the applicant is far smaller than the maximum allowed as of right under the existing code.

The requested lot occupancy is similar or equal to lot occupancy of neighboring properties in the downtown district. The town board of the town of Riverhead pursuant to Section 109-69 of the town code retains the right to grant a special permit requested without the requirement for the purchase of additional transfer of development rights.

The town board is provided with additional authority to assist an urban renewal project pursuant to Article 15 of the General Municipal Law Section 503-A for the purpose of aiding an agency established pursuant to the provisions of Article 15-A of this chapter. A

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municipality may plan, replan, zone or rezone any area of the municipality or make variances to building codes or regulations and do all other things necessary or convenient to carry out the above powers and ensure the expeditious undertaking and completion of an urban renewal program or part thereof.

Finally Riverhead town code Article 62 transfer of development rights Section 108-327 designation of receiving districts, does not designate the downtown center 1- DC-1 district which this property is located in, as a receiving district for the transfer of development rights under the statute unless the applicant cannot avail itself of the transfer of development rights program.

For all of the above stated reasons, we respectfully request the board grant the request for the special permit."

Supervisor Cardinale: "Thank you."

Guy Germano: "I'm here to answer questions. You have a copy of the site plan."

Councilman Dunleavy: "Can I ask one question?"

Supervisor Cardinale: "Sure."

Councilman Dunleavy: "I have a copy of the plans here. What we're trying to do is get all the dumpsters out of the town parking lot and put on private property. You're requesting that we give you three parking stalls so you can put the dumpster in those three parking stalls and is there another way that you can take these dumpsters off of down property and put them on your property?"

Supervisor Cardinale: "Yes, Guy."

Guy Germano: "The storage is inside. We need- it's not for dumpsters. That's so we can have access for loading and unloading."

Supervisor Cardinale: "Yes. But that actually can be- so, what you're saying is the dumpsters are inside the building but you still need an easement which you have to negotiate with the town."

Councilman Dunleavy: "For three parking stalls."

Guy Germano: "Well, I'm not sure how many- I mean we're showing that- that's part of the site plan process, I believe."

Supervisor Cardinale: "Right. That's correct."

Guy Germano: "Yeah."

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Supervisor Cardinale: "But John is forewarning."

Guy Germano: "Yes. Well it's good to be forewarned. We can work on it early."

Supervisor Cardinale: "We're very sensitive about parking and the value of it. The- I get the whole drift of what you were discussing about the special permit and the development rights. How many- the additional 10% gives you how much more square footage? Have you calculated that?"

Guy Germano: "Eighteen hundred. Well, a little less than 1800 square feet."

Supervisor Cardinale: "So you'd have to get like one development right which you prefer not to buy."

Guy Germano: "I think we'd have to get more than one."

Supervisor Cardinale: "1.-- yeah, 1500 for one."

Guy Germano: "Right."

Supervisor Cardinale: "So 1.2."

Guy Germano: "Right. And which under the development sending, receiving- "

Supervisor Cardinale: "I know. We weren't sure so we made it deliberately confusing. No, I'm kidding. But it is confusing and there was debate about it.

In any event, you would- the gist of it is that you would like a special permit to go to 90 and you prefer not to buy development rights."

Guy Germano: "Correct."

Supervisor Cardinale: "Preferably not even one or 1.2."

Guy Germano: "Right. We've already spent a significant sum, a million for the land as you know."

Supervisor Cardinale: "Incidentally you indicate that the building could be built out at a much- even if you just build on 80% and went up, you could build a lot more. Do you propose to covenant that you will not further develop the building?"

Guy Germano: "Is the board requesting that?"

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Supervisor Cardinale: "Well, it would really show your good faith dramatically. Really. You're never going to put residences above? Gee, everybody else in the town is."

Guy Germano: "We would covenant that we wouldn't do anything else unless we came back to the board and they had to grant permission."

Supervisor Cardinale: "Okay. Any other questions?"

Councilman Bartunek: "That would be more than- two development rights, second floor, 1800 on the first floor- "

Supervisor Cardinale: "Eighteen hundred total or 1,800 on one floor?"

Guy Germano: "No, it's just 1,800 on one floor. We don't need- it's not an FAR, it's a lot occupancy."

Supervisor Cardinale: "Yeah. It's a total of 1,800 apparently."

Guy Germano: "It's a little less."

Supervisor Cardinale: "A little less than 1,800. So it's a little less than 1.2. And that's really what I think you probably guess that we approve the use. So this is about the 10% and the absence of a development right purchase."

Go ahead, Barbara."

Councilwoman Blass: "Mr. Germano, I know you're in the parking district, but did you ever go through the exercise of actually calculating based upon the mixed uses that you have in the building what your parking demand would be?"

Guy Germano: "I have not done that, no."

Supervisor Cardinale: "This will be one of seven, as Barbara knows, projects that are pending in Riverhead, the Apollo project, Suffolk Theater project on that side of the street. The Rimland project and the Culinary Art project. On the other side of the street we've got the aquarium, the Sears location, the Swezey's location and that's seven, four and three. So we'll be addressing that at site plan time but right now we've just have the special permit."

Councilwoman Blass: "One of the things we're supposed to consider (inaudible)."

Supervisor Cardinale: "With the conditions on it."

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Councilwoman Blass: "Special permit criteria (inaudible)."

Supervisor Cardinale: "Can we talk parking in a special permit? I guess we can talk anything because we can conditionalize it."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. I have some thoughts on that, but we were discussing it this afternoon."

Any other questions from the board? If the board has no further questions, how about the public? Does anyone have a question? Yes, sal, I knew I could depend on you."

Sal Mastropolo: "I just have one comment. I understand John's concern about the three parking spaces. Okay. But if they need access to the back door for garbage, garbage is usually picked up early in the morning and those spaces are probably empty anyway. Do we have to give them up or do we just have to provide them with like an easement to their back door? Okay. I'm sure that they can get deliveries, you know, over night as well. Has anybody given any thought to that? And we'd still have the three parking spaces during the day."

Supervisor Cardinale: "Yes. That's a good idea."

Councilman Dunleavy: "Thank you, Sal."

Supervisor Cardinale: "They probably- we'll figure that when I tell them how much the easement is."

I wanted to read an announcement before- well, no, I'll do that later. Let me not put it into the hearing record. Come on up, please, Barry, if you have a comment."

Barry Barth: "My name is Barry Barth and I own Barth's Drug Store, 32 East Main Street in Riverhead which is directly east of the property."

Supervisor Cardinale: "Aren't we supposed to swear all these people in?"

Dawn Thomas: (Inaudible).

Supervisor Cardinale: "Okay, so you're not providing information. Go ahead, Barry."

Barry Barth: "I'm here on behalf of myself and the Maris (phonetic) family who owns Star Confectionary. They couldn't be here this evening. We're very excited about this project. I don't really have the experience or the expertise to comment whether this should be

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a 80% or a 90% or 100% of lot coverage but I do think it's one of the best projects to come along. I think it's architecturally sensitive to the downtown area and I think it will help all our businesses and our property values in this area.

I would like to request of the developers that a consideration be given to the people who are continuing to try to do business during construction, that the construction vehicles and all the equipment be placed in areas that don't compromise our parking and our customers being able to get to our places of business.

I also think that some consideration should be made as far as the parking for the faculty, staff and the students. They're going to be at this facility for four, five, six, eight hours a day and their parking, hopefully, will be designated into a- into maybe the back of the parking lot that would be less frequently used by our customers. Most of the customers who frequent our businesses in that area are in for a half an hour, 45 minutes or an hour, and then the spaces are turned over. So we certainly wouldn't want to lose those spaces.

Mr. Dunleavy's comment on the garbage issue is, again, should be addressed at this time because my dumper sits out on a pad in the middle of the parking lot and there's three or four other dumpers in the same area and I certainly would be agreeable to participate in the expense of the dumper if we could use the dumper associated with the college for wet and dry materials.

I think that the project is excellent. I think it will be wonderful and a very, very nice addition for our town and I think it, once again, shows the wisdom of previous town boards in spending that money and buying the Rimland building and taking it down so that our future we were able to embrace and support a project like this.

So I hope that the town board does whatever is necessary to make this happen and doesn't hold it up any longer than necessary. Thank you."

Supervisor Cardinale: "Thank you, Barry. Okay. Any other public comment in regard to this? Larry Oxman, please come forward."

Larry Oxman: "Good evening, Larry Oxman, with offices at 1 East Main Street. I, too, am very much in favor of this project. I think it will be a wonderful addition to the downtown for a multitude of reasons.

I would like to bring up another point that I had spoken about once before. This is a one and a half story building. They're basically going to occupy 90% of the ground floor. If it was a full two story building, open space would be preserved. If it was a three story building, more open space would be preserved. The town is about

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to spend \$800,000 to preserve open space off the Sound Avenue corridor. Open space downtown I think is even more precious. It's a rare commodity. This is going to be— I think people have become very used to seeing the open space that was where the former Suburban Furniture building was.

I don't want to slow the project down. I would like the Parr Organization or the actual owner to move ahead as quickly as possible but the longer that this issue remains out there, they're moving ahead with plans, they probably have full construction plans and it costs them time and money. But I just would urge the town to try and preserve as much open green space as possible downtown. And clearly here, despite the virtue that the building can be 50 feet in height and they're only building a one and a half story building, it's not being utilized properly."

Supervisor Cardinale: "Thank you. Although those comments are more appropriate for site plan, they are heartfelt I'm sure. Is my planning director in the room? Oh yeah, how are you? Where's the site plan on this? Do we have an application yet? And it's in department, being worked. Can you give us— just as long as we're intrigued by the site plan aspects of this apparently, where are we in that process?"

Rick Hanley: This hearing was prompted by a site plan application and we found out through our review that either the TDR was required or eventually a special permit."

Supervisor Cardinale: "Or a special permit. Okay."

Rick Hanley: "In terms of the parking, we had sent a letter to the applicant with respect to their environmental assessment form which was submitted which we felt was deficient in terms of a discussion of how the parking relates to this school. So they're in the process of giving us a little bit more information about that. So we can look at that with respect to both the special permit and the site plan review."

Supervisor Cardinale: "And mostly in respect to the typing of this— and for SEQRA purposes."

Rick Hanley: "We do that during the recitals of the site plan or the special permit, in this case it would be the special permit. But it was important to note that we did not understand how vehicles arrive and leave and park here. It's a unique use. We looked at the ITE and we suggested to the applicant that they give us a discussion of how many classrooms and how many cars per classroom and the duration of the stay and the peak times. So they're in the process of doing that."

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Supervisor Cardinale: "Thank you. Ron. Again, these are not directly relevant to the special permit, I'm well aware of that. But since the special permit can be conditionalized, it may be relevant. Yeah, can I- well, since you're the owner, you have to swear him in."

Dawn Thomas: "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?"

Ron Parr: "I do."

Supervisor Cardinale: "Could you talk to two issues tangential anyway to this? One is Larry's comments about why not reconfigure this building so that number one, you don't need a special permit, and number two, so that you have more office space by having two full stories. And, secondly, on the issue of parking, you know, have you- elucidate us with your thoughts, what's going to be required of this building."

Ron Parr: "First let me address Larry's comments. It would be pretty obvious that if we could have worked out 1800 less square foot on the first floor we would have done that. The requirements of the college were such that they had minimum standards for the size of these classrooms and meeting rooms and we were barely able to make that with the current footprint. So that was done out of necessity and it would be very easy for us to put that square footage upstairs, but it just didn't work."

Supervisor Cardinale: "I see. They wouldn't lease the place if you did."

Ron Parr: "That's correct. We couldn't get a workable plan. They had a minimum requirement, the number of students they had to put in each classroom. So it just didn't work."

Supervisor Cardinale: "I see."

Ron Parr: "With regard to parking, I can't address that. I just simply don't know what the college's requirements are. Although I think that was presented at previous hearings. I just don't have that information available tonight."

Supervisor Cardinale: "Okay."

Ron Parr: "I just would like to make an overall comment here and that is that we feel kind of proud and lucky that we were awarded this project. One of the reasons we were awarded it was because of our price. I could tell you had the other bidder been the only bidder, there would not have been a culinary arts school in Riverhead because the college just could not have paid that kind of money."

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So we're fighting for every nickel and dime here to make this work and we don't think we're being abusive of the land use in any way whatsoever particularly since every building on Main Street occupies 90% or more of the site.

In addition to that, there were several other unforeseen things not to mention our responsibility to remove the gazebo after we had come to the town on a number of occasions and asked that it not be rebuilt in its current location. But there have been endless other unforeseen (inaudible) here that are stretching this project to the point where we are quite seriously questioning why we're doing it.

So any consideration you can give us we would appreciate."

Supervisor Cardinale: "Okay. Thank you. Any other comment from the public? Yes, Mr. Purcell."

Ed Purcell: "As Mister- Ed Purcell, East Main Street. As Mr. Parr had mentioned that most of the buildings downtown are 90% anyway, I really think you should absolutely approve it and if something can be worked out with him with the garbage from the two adjoining buildings, that in itself would save parking space in the parking lot.

And I suspect with a reasonable accommodation, he'll- I think he would-- you could work that in so that would take parking spaces and would have more to use in the parking place back there."

Supervisor Cardinale: "Thank you, Ed."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comment by any member of the public or the board? If not, it being 8:22- I will close this hearing and thank you for your participation."

Public hearing closed: 8:12 p.m.

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Supervisor Cardinale: "And move yet on to another hearing. Thank you for the applicant."

Public hearing opened: 8:13 p.m.

Supervisor Cardinale: "We have a final hearing this evening which is scheduled for 7:20- it being 8:20 or 8:13, we will begin it. It's for the consideration of a local law to amend Chapter 108 Article I general provisions the definition of the word restaurant, to make that announcement. Oh yes, and I must read this exactly as given me before we start this hearing.

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Apparently, according to my town attorney, there are people here expecting a hearing on the Reeves Park parcel owned by the water district which we are seeking to sell. We were told, we I suppose means Dawn was told, that notices were mailed indicating today's date. We were not able to determine who sent these notices- I don't understand that at all, but in case they're waiting, the hearing is next week. Okay. So the Reeves Park water district lot hearing to determine whether we can sell this either through a broker or through an auction if we don't have the hearing, or limited to an auction, this water district property is next week, not this week. So if anybody is here waiting for that hearing, two weeks from tonight. I'm sorry. It's next meeting, which is two weeks from tonight. So if anybody is here waiting for that hearing, you are invited to enjoy your dinner and whatever else you'd like to do.

Okay, that being said, I've opened the hearing on the restaurant definition. Would you tell us what we're doing with the word restaurant?"

Dawn Thomas: "Yes. We are amending the definition of restaurant to exclude the previous requirement that any form of live entertainment be by special permit of the town board. We felt it wasn't appropriate to include it in the definition and also we felt that that kind of live entertainment would be a common accessory use to a restaurant and so wouldn't- shouldn't require a special permit. So we're basically removing the special permit requirement for live entertainment in a restaurant."

Supervisor Cardinale: "Well, thank you. Making our town more business friendly and- for example, inside a restaurant knock yourself out. If you want music, have music. Outside a restaurant they would still be compelled to abide by the noise and other restriction ordinances, nuisance ordinances if they got too loud. So we figured this was an unnecessary restriction and always wanting to be on the side of freedom, we propose to do what she just said.

Any comments?"

Councilwoman Blass: "Mr. Supervisor, if you recall when we noticed this, I had made the suggestion and it was endorsed by the board that we also strike the words which prohibit informally outdoors on the premises meaning the consumption of food."

Supervisor Cardinale: "Right, I remember."

Councilwoman Blass: "In fact even Ed said that was a good idea. Remember that one, Ed?"

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Supervisor Cardinale: "Yeah, that was one of the few times that you ever agreed."

Councilwoman Blass: "Unfortunately I still believe that that's a good suggestion. However, it's not in the hearing notice."

Supervisor Cardinale: "You missed it again, Barbara. Did you- it didn't go in the notice?"

Councilman Dunleavy: "No, it's not in the letter."

Supervisor Cardinale: "It's not in the publication."

Councilman Dunleavy: "It's not on the publication."

Supervisor Cardinale: "Okay. So we're going to have a hearing."

(Some inaudible discussion)

Supervisor Cardinale: "We're getting a legal decision here whether this hearing is about only the absence of a special permit for music or also about the language informally dining outside."

Councilwoman Blass: "It currently prohibits a restaurant- "

Supervisor Cardinale: "From informal outside dining."

Councilwoman Blass: "-- from outside dining. In reviewing the definition we said that may not necessarily be something that we want to prohibit downtown. So I made the suggestion and it seemed to be endorsed by the board that we would also strike that language."

Supervisor Cardinale: "It was. But was it published that way?"

Councilwoman Blass: "It was not published that way."

Supervisor Cardinale: "If it wasn't published that way, we can only have the hearing- is that not correct, Dawn?"

Dawn Thomas: "That's correct."

Supervisor Cardinale: "-- on what was published. So we're going to have to have another hearing on- well, no? Unless it's not a substantial change in which case we'll just slide it in. So if you have any comments about- if you have any comments about the change which would do away with the special permit provision to have music in a restaurant or if you'd just like to emote and tell us what you think about not banning informal outside dining, please step right up. Yes, Peter, I knew you'd share with us."

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Peter Danowski: "Again, Pete Danowski, this is just like Ed and Barbara's kind of comment to each other or as you mentioned this may be a first but I'm agreeing with the board. I support both of the proposed amendments striking the prohibition. I do represent Richard Giardi (phonetic), whose been mentioned in a local newspaper as intending to purchase the Boardwalk Restaurant which I think may have prompted some discussion about this particular amendment.

I was concerned though about in the future if you adopt the amendment which I do support on both issues as expanded, whether the building department or anyone in the future would say when you strike a prohibition does that mean that it's permitted. And I appreciate Dawn's comments concerning the intent of this statute is to say that live music in the informal outdoor dining, we had that, will necessarily be a customary use. But it won't say that in the ordinance.

So we'll look at the legislative intent. We'll look at the minutes of the transcript of this hearing, any later hearing and any adoption. And I just need to have the total understanding by the board that when you pass this language striking the prohibition, that means it is permitted as a customary accessory use. And so it would be preferable as you do the adoption, that you somehow add that to the language of the statute or that we just preserve these minutes and the minutes of the adoption.

So at a later date if I have a client downtown that's buying a restaurant and wants to have live music, that someone won't say well, where does it say that's permitted. And that's just a question of how you word it and what you put in your adoption resolution."

Supervisor Cardinale: "Well, thank you. And I think that you, Barbara and Ed all being in agreement, is truly extraordinary."

Peter Danowski: "You know, I actually think it's more extraordinary that you and I would agree."

Supervisor Cardinale: "Yeah, which is really extraordinary. Yes, go ahead, Sal."

Sal Mastropolo: "I don't have a problem with the entertainment but I do have a problem with the informal outdoor dining. Okay, and mu problem is that when a restaurant goes for a site plan, okay, his parking lot is based on the number of seats in the restaurant and the number of square footage. Now if you approve informal outdoor dining, okay, you're basically saying, okay, every restaurant can expand but there's no expansion of the parking. Okay.

You look at some of the restaurants like Cooperidge, okay, they have that tent now that's out the side which now is like a permanent

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addition. Okay. Were they- did they have any requirement to add to their parking lot? There's people that park on the farm field next door. Okay. You look at some of the other places that have like the Lobster Roll, okay, he now has his outdoor deck is all enclosed and it's basically an expansion of his restaurant and his customers park across Sound Avenue in the field.

So you've got to look beyond just the informal dining. If you're going to take it out, then you're going to have to put something in the regulations that say, look, if you're going to have informal outside dining, then you're going to have to provide more parking, otherwise you don't have enough parking for the number of seats."

Supervisor Cardinale: "A (inaudible) point. Thank you. Okay, any further comment from anyone from the public? If not, we will take this under advisement and discuss it at the work session?"

Public hearing closed: 8:21 p.m.

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Supervisor Cardinale: "We have completed the four public hearings scheduled. We now would like to consider the resolutions but before we do, we'd like you to comment upon them if you have a comment. So, if there is any comment. Sal will have some I'm sure to help us with getting them in final form. Sal, fire away."

Sal Mastropolo: "386. Just a quick question."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "What is beach travel?"

Supervisor Cardinale: "What is- "

Sal Mastropolo: "Beach travel."

Supervisor Cardinale: "Beach travel. Oh, that's a new- that's a new budget item I'm told because it's the coordinator on the beach, you know checks the various beaches."

Sal Mastropolo: "Okay. So it's traveling from one beach to another."

Supervisor Cardinale: "It's mileage which used to be pennies and now it's big dollars."

Sal Mastropolo: "Okay. Resolution #390."

Supervisor Cardinale: "Right."

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Sal Mastropolo: "Add the town attorney to the copy list, the last Resolve."

Supervisor Cardinale: "Okay. This is a resolution. She wrote it but we'll put a copy to her, too."

Sal Mastropolo: "397. On the second page, the third Be It Further Resolved. The first time I read this, I thought the 107 may have belonged there until I read the next resolution after this and the same 107,000 is in that one. So I have a feeling that--"

Supervisor Cardinale: "It was an indicator. Right."

Sal Mastropolo: "Yeah. I have a feeling that 107 should have been changed to reflect the exact cost of the project."

Supervisor Cardinale: "This is the #397- "

Sal Mastropolo: "397, the second page, the third Be It Further Resolved on the second page. See it says the cost of the installation of the extension is 107,000, okay, but on the first page it says the maximum amount to be expended for the extension is 65,500 and key money is 27,5. So 107 doesn't relate to the 65,5 and then if you go to 398, the next resolution, you're looking at a project that's \$600,000 and it has the same 107,000 in the third Be It Further Resolved."

Supervisor Cardinale: "Gary Pendzick is here. On 397 and 398, would you check those two resolutions. We may need to make an amendment on the first- your point being that the 107- "

Sal Mastropolo: "Right. It looks like it's a bad number."

Supervisor Cardinale: "Where's the 107 on the next one?"

Sal Mastropolo: "It's on the same- it's on the exact same, second page, third Be It Further Resolved on the second page."

Supervisor Cardinale: "Yeah. That's right. That 107 has got to be wrong because he's depositing 645,000."

Sal Mastropolo: "Right."

Supervisor Cardinale: "Is the 107 on 98, should that be 645, Gary? As you are mulling over that, tell me when you know."

Sal Mastropolo: "You've got 65,5 and 27 key money and then over here you've got 107,000- "

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(Some inaudible discussion)

Supervisor Cardinale: "You know, is it- you're going to check this and get back to us? It appears to me that 107 on 98 has got to be the wrong number."

Sal Mastropolo: "It's probably wrong on- "

Supervisor Cardinale: "So you need to tell me in the next five minutes what the right number is."

Sal Mastropolo: "It's probably wrong on 397, too."

Supervisor Cardinale: "Okay? If you want that passed. Otherwise I'm going to table it."

Gary Pendzick: "I don't have those records here with me."

Supervisor Cardinale: "Well, can you read this resolution? I think in the sense of it, if the guy is depositing \$645,000 prior- covering the cost of construction, then the cost of installation of the extension is probably 645 too, wouldn't you think. In fact, I'll tell you that so I don't waste any more time on this. If you look at 97, Gary, yeah, the cost- well, no, it might not follow. So if you give me the right number, great. If you don't give me the right number, we'll just table it. Keep going, Sal."

Gary Pendzick: "I would table it until I (inaudible)."

Supervisor Cardinale: "Okay, we'll table it. Thank you."

Sal Mastropolo: "97 and 98."

Supervisor Cardinale: "Yeah, we're going to table both of them, Gary? Thank you. Clarify. Yes, go ahead."

Sal Mastropolo: "399."

Supervisor Cardinale: "399. Fire away. Oh, we're going to-- I'm going-- "

Sal Mastropolo: "Third page."

Supervisor Cardinale: "Okay. Tell me about it but I think it's going to get tabled anyway."

Sal Mastropolo: "Compensation sale of property. About the tenth line down, it says agent shall negotiate for the purchaser of the property or any portion thereof to pay the commission earned and an outside broker is involved in the transaction, then in that event

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the agent may negotiate a 3% commission that will be shared with the outside broker."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "My first comment is if the agent is negotiating for the purchaser, then it's a conflict of interest because he's our agent and he's now acting as a dual agent for the buyer and the seller."

Supervisor Cardinale: "Well, I'm not sure— that is one reason we're going to table it because I want to check the language. But he would be— this is— if we do— whoever we appoint as an agent out there, the concept would be that it would be paid the commission by the purchaser not by us as seller. But we also want to make very clear what the commission is because whoever pays the commission is always a part of the deal because it's part of the purchase price."

Sal Mastropolo: "That was the second part of my concern."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "The second part of my concern is it begs for collusion to get an extra 1% on the commission. I mean, you're a broker, you go get your friend who's a broker and now you bring him in to grab an extra 1%. Okay."

Supervisor Cardinale: "Well, it— that's an interesting point and I think it's a valid one in theory, that if you're only getting 2% if it's yourself and you bring somebody in on it you can get 3%, that's an inducement to bring somebody in and give them half a percent but I get the drift, that's why I don't want to approve it tonight and I'm going to ask the board to consider tabling it."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "To clean up the language."

Sal Mastropolo: "Resolution 400."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "This comes up every year. Shouldn't this be put out to bid? I mean— "

Supervisor Cardinale: "The— oh, yeah, tell me about the seed clam administrator, will you, Barbara? How come we don't bid this out and we give it to Lessard?"

Sal Mastropolo: "I mean he's a town employee, isn't he?"

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Supervisor Cardinale: "A Lieutenant in the police department."

Sal Mastropolo: "Those are my only comments."

Supervisor Cardinale: "Okay, thank you. Is this subject to bid or not? I don't think anybody else wants the job incidentally, to be the clam administrator."

Councilwoman Blass: "It's under the requirements for procurement."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "He may be what is called the sole source provider which is- we'll verify that, but it's a fancy word for saying nobody else wants the job."

Councilwoman Blass: "This is a bottom rack system. It's totally different. He's got a separate arrangement for his (inaudible) separate."

Supervisor Cardinale: "His (inaudible)."

Councilwoman Blass: "The town attorney is saying that it's under the amount that it requires bidding procedures."

Supervisor Cardinale: "How much is this contract for?"

Councilwoman Blass: "Four thousand dollars."

Supervisor Cardinale: "Four thousand."

Councilwoman Blass: "He's been doing it for about- prior to when- "

Supervisor Cardinale: "Prior to- "

Councilwoman Blass: "It's been going on for a while."

Supervisor Cardinale: "And he's got his (inaudible) all set."

Councilwoman Blass: "No the (inaudible) are separate. It's a different license agreement entirely."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "He pays us for that."

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Supervisor Cardinale: "And I also believe there is- but your point is an interesting one in view of his status as a town employee, not that he's going to make a fortune on this or anybody else wants to do it. But you're always thinking, Sal. It's a good thing."

Anybody else have a comment on any of the resolutions? If not, we'd like to consider them. We're going to have one for the CDA. Is Andrea Lohneiss here? Put her to work and then 50 for the town. And I can't find anything particularly significant in any of them, but we have to pass them anyway. Go ahead."

Meeting adjourned: 8:30 p.m.

Meeting reconvened: 8:31 p.m.

Supervisor Cardinale: "And I'm going to ask that we move on to the first resolution of the town board which we are reconvening the meeting for. Go ahead. 383."

Resolution #383

Councilwoman Blass: "Budget adoption in connection with the Cedar Cove water extension capital project. 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 #384

Councilman Densieski: "Demchuk Estates water extension 87 capital project budget adoption. 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."

Supervisor Cardinale: "Excuse me just a second. Do we have a class here or are these- you guys really have nothing else to do. I was going to say. They tell me there's nothing for kids to do. They come to town board meetings, I know there's nothing for kids to do."

Councilman Dunleavy: "This is Jim DeLuca's class."

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Supervisor Cardinale: "Ah, well, that's great. It's good to see you here, Jim, and your class. The reason I say that with great assurance is that when we had the Supervisor for the Day, the eight year old when I was a councilperson, the kids was very smart. He was a young guy and the kid at the end of it said I'm leaving now because I'm going home with my parents. I just want to say I now know why they call this the town bored- and then he spelled b-o-r-e-d. So I commiserate with your guys. It's probably a class requirement, right? You must come. Yeah, me, too. Carry on."

Resolution #385

Councilman Dunleavy: "Fedun Estates water extension capital project budget adoption. So moved."

Supervisor Cardinale: "Second, please. 385, Fedun Estates water budget adoption."

Councilman Bartunek: "Second."

Supervisor Cardinale: "So moved and seconded by Dunleavy and Bartunek. May we have a vote please."

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

Resolution #386

Councilman Bartunek: "Hold on. General fund budget adjustment. 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 #387

Councilwoman Blass: "Budget adjustment for the highway fund. So moved."

Councilman Densieski: "Second the motion."

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

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

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Resolution #388

Councilman Densieski: "Osborne Acres water extension #88 capital project budget adoption. 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 #389

Councilman Dunleavy: "Harbes Farm Riverhead East LLC capital project budget adoption. 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 #390

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes, I'd like to have some myself on this. Okay. This on 390 you wanted to discuss the language of this resolution. I see that the attorney for the applicant is out there. Did you read this resolution, Charles? Okay."

Charles Cuddy: (Inaudible)

Councilwoman Blass: "It has been changed and actually- "

Supervisor Cardinale: "That's why I'm asking. In fact I was going to ask you that. Do you have a copy? Why don't you give Charles a copy of the resolution. He can have mine if he wants. Okay."

Councilwoman Blass: "And there are actually some further amendments so- "

Supervisor Cardinale: "We had a lot of- Barbara was good enough to do a lot of work on this in order to be in a position maybe to do something tonight, but you should see it because it did have changes and you may have a comment and we can always work on it Thursday if necessary. But if you're happy, we're happy with this current language except there's one or two other issues that Barbara wanted to

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discuss. So why don't we put this aside, Barbara, the 390 and we'll pick it up at the end, so we can talk once you've read it."

Resolution #391

Councilman Dunleavy: "Approves site plan of Jamesport Realty (Captain Hawkins House) country inn. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "I just want to check to make sure that this language is correct. Yeah, they actually got this one right, on 15 and 16, right, Barbara? We got that right. Okay, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #392

Councilman Densieski: "Classifies action and declares lead agency on a special permit of New Cingular Wireless and refers petition to the Planning Board. So moved."

Supervisor Cardinale: "Moved and- "

Councilman Dunleavy: "And seconded."

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

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

Resolution #393

Councilman Dunleavy: "Classified action on special permit of Pamela Hogrefe, directs applicant to the Zoning Board of Appeals and refers petition to the Planning Board. So moved."

Councilman Bartunek: "And seconded."

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

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

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Councilwoman Blass: "Yes. Can I just make a comment that this kind of application that involves all three boards is the kind of thing that we should have internal discussion with the other boards to make sure that we're all-- "

Supervisor Cardinale: "Yeah, that occurred to me and actually the reference to the Planning Board as advisory, correct, on this?"

Councilwoman Blass: "Yes."

Supervisor Cardinale: "And the reference to the Zoning Appeal Board is because they can't go anywhere without a variance. So this person is resolved the applicant is directed to apply for a building permit at which time she won't get it, and she'll be sent to the ZBA.

In the meantime the other board is going to give us a recommendation. But you're right, this is a good example of three boards working together, hopefully, in harmony. Don't count on it. Okay."

Councilwoman Blass: "Did I vote? I'm sorry, yes."

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

Resolution #394

Councilman Bartunek: "It's accepts irrevocable letter of credit of Riverwalk RHC LLC. 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 #395

Councilwoman Blass: "Accepts cash security of Riverhead Building Supply Corp. 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."

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Resolution #396

Councilman Bartunek: "Approves the Chapter 90 application of the Riverhead Elks Lodge #2044. 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 #397 and #398 and #399

Barbara Grattan: "Resolution #397, Councilman Densieski."

Supervisor Cardinale: "397 and 398 do we have a motion to table so that the water department can figure out (inaudible)."

Councilman Densieski: "Sure. I make a motion to table Resolutions 397 and 398. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "May I add a suggestion that we also table 399 which was to correct the language that we were discussing."

Councilman Densieski: "Okay. And include 399. So moved."

Councilman Dunleavy: "And seconded, all three resolutions."

Supervisor Cardinale: "Moved to table 387, 8, 9. May we have a vote please?"

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

Resolution #400

Councilwoman Blass: "Authorizes the execution of a contract with our seed clam administrator. So moved."

Councilman Densieski: "Second the motion."

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

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

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Supervisor Cardinale: "Would you make sure we're not breaking any laws here on this \$4,000 thing."

Dawn Thomas: "Yeah, I'll check."

Supervisor Cardinale: "The \$4,000 seed clam administrator thing, you know. I don't want to go to jail over this. Go ahead."

Resolution #401

Councilman Densieski: "Authorizes the Supervisor to execute agreements in connection with the recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilwoman Blass: "Question, please."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "The services that we are contracting with talks about two different activities, (inaudible) fencing for youths and hockey clinics. I'm assuming the hockey clinics are at the skate park but where is the (inaudible) fencing taking place? Should we not indicate where these services are going to be held?"

Supervisor Cardinale: "Yes, that would be helpful. I don't even see the (inaudible) fencing. Which one is it?"

Councilman Densieski: "Ray's here."

Supervisor Cardinale: "Ray, why don't you come on up and help us out. This is-- there's two agreements. Is that correct, both dated the 13<sup>th</sup> of March."

Councilwoman Blass: "That's correct."

Supervisor Cardinale: "One is for the-- with the Long Island Tennis and Sports for fencing and one is for street hockey."

Ray: "You want to know the location?"

Supervisor Cardinale: "Yes."

Ray: "The fencing is going to be at George Young Community Center and the street hockey is going to be at the skate park."

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Councilwoman Blass: "Okay. I just think we should reference that."

Supervisor Cardinale: "Imagine if we reversed it how bad that would be. Street hockey at George Young and fencing at the skate park."

Councilwoman Blass: "I just think it would be important to indicate where they're taking place for insurance reasons."

Supervisor Cardinale: "Okay. With that addition can we add those two-- point on each of them and somebody vote."

Councilwoman Blass: "My vote was yes. I think I had a question during the vote."

Supervisor Cardinale: "Okay, vote yes."

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

Resolution #402

Councilman Dunleavy: "Authorizes the settlement of claims of the Clubhouse of Suffolk, Inc. with respect to the condemnation of its fee interest in 210 court Street, SCTM 0600-128-03-010. 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 #403

Councilman Bartunek: "Appoints temporary clerks to the Tax Receiver's office. 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 #404

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Councilman Dunleavy: "Appoints temporary student intern in the Department of Code Enforcement. 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 #405

Councilman Desieski: "Appoints a part time recreation aide for the youth sports to the Riverhead Recreation 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 #406

Councilman Bartunek: "Appoints a part time recreation aide youth sports to the Riverhead Recreation 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 #407

Councilwoman Blass: "Appoints a part time recreation aide youth sports to the Riverhead Recreation Department. 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 #408

Councilman Dunleavy: "Appoints lifeguards to the Recreation Department. 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 #409

Councilman Densieski: "Appoints beach attendants to the Recreation 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 #410

Councilman Bartunek: "Appoints a waterfront coordinator Level IX to the Riverhead Recreation 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."

Supervisor Cardinale: "I want to point out that despite us making all those appointments to jobs, there are still summer jobs out there and it's on the web site and the people who would like to apply should do it because there won't be if they wait. And that was we'll get some people in here who don't otherwise work for the town in the person of their parents. So I want to spread it around so please note the web site and make application. Go ahead. Barbara would like-- it might be higher than your present salary. I mean-- "

Councilwoman Blass: "That's why I was interested."

Supervisor Cardinale: "If you could become a waterfront coordinator, you would actually make more money than you do now."

Councilwoman Blass: "Yes, I know."

Supervisor Cardinale: "Maybe a lifeguard, too."

Councilwoman Blass: "I can do that."

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Supervisor Cardinale: "Yeah. And less stress, better tan. Fire away on 412."

Barbara Grattan: "411."

Supervisor Cardinale: "Oh, moving it along here. Okay."

Resolution #411

Councilwoman Blass: "Appoints water safety instructor to the Recreation Department. 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 #412

Councilman Dunleavy: "Accepts the retirement of a police officer. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Yeah. I'd like to thank Officer Zak for his years of service to the town. Yes."

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

Supervisor Cardinale: "And likewise, Richard Zak is retiring and we wish him well and thank him. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #413

Councilman Densieski: "Accepts the retirement of a police sergeant. So moved."

Councilwoman Blass: "And seconded."

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Supervisor Cardinale: "Is the Chief here? Moved and seconded. Vote please?"

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

Councilman Densieski: "Yeah. I would like to thank George Fredericks also. Yes."

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

Supervisor Cardinale: "Likewise and my heart does a little pitter patter every time I see this, it says accepts the retirement and the first line is Whereas the Chief of Police and then they say has received a letter of resignation. I get so concerned when I see that because if we lost the Chief, we'd be losing something. Go ahead. Yes, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #414

Supervisor Cardinale: "Would you like me to be more precise? Yes. Yes."

Councilwoman Blass: "Accepts the retirement of a police detective. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. I just wanted to comment that this makes our police department three members shorter and the need for us to hire police officers is getting at a dire need so the town board should look into hiring police officers this year. So moved. Yes."

Supervisor Cardinale: "Yes."

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

Councilman Densieski: "Yes. I'd like to thank Mike Reed for his years of service also. Yes."

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

Supervisor Cardinale: "And similarly-- how come all these police officers are retiring, Chief? And we are in fact, are we not,

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we do have a number of police officers we're going to be replacing. In fact, we wanted to add two to the force and we've lost several to retirement and one to transfer. So we're-- we are doing that just as John said. We are-- we've got to pick them up off the list and then we've got to do the interviews and get them into the academy. Right. We're moving along. September.

It is difficult because John as you well know being an ex-police officer, even if you make a commitment to hire these people, then you've got to wait six months before they can do anything for you, you know, through the academy."

Councilman Dunleavy: "Yes. Unless they transfer from another department."

Supervisor Cardinale: "Can we get some transfers? Good. I'm pleased to hear it. In fact, the gentleman that became Sergeant was transferred from the city department. Right. Okay, I vote-- do I have to vote?"

Barbara Grattan: "Yes, you do."

Supervisor Cardinale: "I vote yes then."

Barbara Grattan: "The resolution is adopted. 416 we did."

Resolution #416

Councilwoman Blass: "Accepts the retirement of Carolyn Hogan in the Sanitation Department. So moved."

Councilman Dunleavy: "And seconded. She's a long time employee and I'd like to wish her a lot of luck."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. I'm going to miss Carolyn. She was always a wonderful person to work with in the Sanitation Department."

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

Councilwoman Blass: "Yes. And I hope she enjoys her retirement."

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

Councilman Densieski: "Yeah, I agree, yes."

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

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Supervisor Cardinale: "; Cardinale, yes. Thank you, Carolyn. We have to now- we have to replace her, right?"

Councilwoman Blass: "We did already."

Supervisor Cardinale: "We did already? Who did we hire?"

Councilwoman Blass: "Lisa."

Supervisor Cardinale: "Oh, we moved somebody inside. Okay."

Councilwoman Blass: "While she was out ill we did that."

Supervisor Cardinale: "All right. Thank you, Carolyn for your hard work and good luck."

Barbara Grattan: "The resolution is adopted."

Resolution #417

Councilman Dunleavy: "Accepts the resignation of auto equipment operator. 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."

Supervisor Cardinale: "I wonder if it's something I've done or said. It seems like the whole place is retiring. Yes. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #418

Councilman Densieski: "Authorizes attendance of two police officers to the New York Statewide Tracs Steering Committee. 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."

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Resolution #419

Councilman Bartunek: "Authorization to publish and post a help wanted advertisement for the position of traffic signal maintenance supervisor. 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 #420

Councilwoman Blass: "I just realized something, that prior resolution, we had a correction in the date for the help wanted ad that went from May 4<sup>th</sup> to May 11<sup>th</sup>."

Barbara Grattan: "What page? (Inaudible)."

Councilwoman Blass: "Yes, it was, but I'm noticing now the help wanted ad says that the applications are due back by the next day. I don't think we would normally do that."

Supervisor Cardinale: "May 19<sup>th</sup>?"

Councilwoman Blass: "I have May 12<sup>th</sup>."

Supervisor Cardinale: "Oh, they changed it."

Councilwoman Blass: "Okay I only have a half of a correction. So that's why. Okay, sorry about that. Thank you."

Barbara Grattan: "Okay, so we are on 420. Yes."

Councilwoman Blass: "Yes, I'm sorry. Authorization to publish and post a help wanted ad for position of Maintenance Mechanic II. 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 #421

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Councilman Dunleavy: "Authorize town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead purported owner, Richard and Eileen Jarzombek. So moved."

Councilman Bartunek: "421?"

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 #422

Councilwoman Blass: "Sets 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 Water District and authorizing the sale of transfer thereof. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #423

Councilman Bartunek: "Authorizes the town clerk to post and publish public notice for public hearing regarding a local law to amend Chapter 108-3 definitions word usage 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 #424

Councilman Dunleavy: "Authorizes town clerk to post and publish public notice for public hearing regarding a local law to amend Chapter 108 Article XIII Supplementary use Regulations, to add 108-64.6 Prohibited Uses of the Riverhead town code. So moved."

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Supervisor Cardinale: "Moved and— how about a second?"

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Vote please."

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

Councilman Densieski: "This is only calling for a public hearing but my opinion this is a waste of paper and a waste of time, staff. This is the epitome of all the regulations. So I have to vote no."

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

Supervisor Cardinale: "No for a public hearing?"

Councilman Densieski: "Yeah. I just think it's a waste of staff working on these regulations."

Supervisor Cardinale: "Okay. Well, I don't know but I think I'll have a public hearing and then I'll decide. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #425

Councilman Bartunek: "Authorize the publication of notice. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "One second. Oh, yeah, yes."

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

Resolution #426

Councilwoman Blass: "It's an authorization to publish an advertisement for disposal of town of Riverhead municipal solid waste. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #427

Councilman Dunleavy: "Authorize the town clerk to advertise for bids on stainless steel material spreaders with liquid calcium chloride dispensing systems. 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 #428

Councilman Densieski: "Awards a bid for dry hydrated lime which is calcium hydroxide. 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 #429

Councilman Bartunek: "Awards bid on traffic paint. 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 #430

Councilman Dunleavy: "Awards bid on traffic signs and related items. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #431

Councilman Densieski: "Awards bid on traffic line striping. 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 #432

Councilwoman Blass: "Awards bid on precast concrete drainage rings and associated items. 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 #433

Councilman Bartunek: "Awards bid for boat engines. So moved."

Councilman Dunleavy: "I'm going to second this, but we re-bid this because we didn't accept the first bid and it's costing us almost \$1,000 more because we re-bid it. I think that we should have accepted the first bid when it came in but somebody refused it so I have to vote yes on this."

Councilwoman Blass: "What's more curious is that the same person who bid the first time bid the second time."

Councilman Dunleavy: "Yes."

Councilwoman Blass: "And is getting more money about a month after they bid the first time."

Supervisor Cardinale: "They- yeah, I am- this is a curious pattern which is not the norm. We also have- and so I shall indicate what occurred."

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What occurred is that there was one bid the first time from the same bidder here and that bid- we said oh, we just don't want to take one bid. I mean what's the big deal? Two engines. We should be able to get a couple bids. So we sent it out again and the one bidder bid again but corrected what he alleged was an error of \$800 or \$900 going higher. Now somebody else did, in fact, bid lower but I was advised that the- that he bid lower for what was not a- for the wrong- he bid on a less- not a four cycle engine which is what we had specified. So he was like actually lower than- by about a thousand dollars from the first bid.

So now we're left with either we have to- so that was not a responsive bid. Is that correct, Chief? Okay. So now we can either- we have two choices. We can either re-bid this or we can accept what is the lowest responsive bid in this second bid. We cannot- I have asked whether he would voluntarily lower his bid to the initial bid price. He has declined. So the question is, do you want to re-bid it or do you want to accept what is the lowest responsive bid."

Councilman Dunleavy: "I don't think- I think if we re-bid this again, it may go up some more and the police department- it's getting boating season, and the police department needs this engine so I think that we- we're in a predicament and we have to accept this bid but I don't think this should happen anymore."

Supervisor Cardinale: "How would you do it differently?"

Councilman Dunleavy: "Well, the first bid, I did some investigation, and it was a fair and honest bid. And I think if you get one bid and it's a fair and honest bid, then you should accept that bid, if you do a little investigation and I called two other boat companies up and they told me that that was a very good price that we were getting on that first bid. And I can see it was because he raised it on the second bid. And I think you have to do a little investigation when you get these bids in to see if they're proper and honest."

Supervisor Cardinale: "Well, but we all voted to re-bid it because we don't want to accept a single bid. So would you suggest that all of us should not have voted for a re-bid when we have one bid? That would be a change in policy."

Councilman Dunleavy: "I tried to find out why we were re-bidding this item and nobody would tell me why we were re-bidding it except that someone did not like the bid that came in."

Supervisor Cardinale: "But you voted for the re-bid."

Councilman Dunleavy: "Me and Barbara spoke about this."

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Supervisor Cardinale: "That's my point. You voted with the rest of us for the re-bid because there was only one bid and you don't want to take only a single bid. In fact, John pointed that out to us on the \$25 million dollar Grimes contract recently which was bid in '03 or '02, '03. You never want to take a one bid item if you can avoid it. And on a \$33 million dollar purchase- \$33,000 purchase, I think we need to have at least two bids.

Furthermore, I don't think we need to have two engines if you want to be right down to the- so I will not say any more about my two engine purchase for the police department, but you are going to vote yes, anyway, right, John, for this bid because (inaudible)."

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "And what are you going to do?"

Councilwoman Blass: "Well, I would like to add one comment because you skipped one step in the rendition of history here. When the second bid came back we had been officially notified by the clerk's office that there was only one bid and it was not this individual, it was someone else. There was only one bid on the official notice that came back to the clerk. And then someone said, oh, no, there's another one. We found it."

Supervisor Cardinale: "But there were actually two bids, correct, Barbara?"

Barbara Grattan: "There were actually two bids."

Supervisor Cardinale: "But only one was responsive and that was this one. The other one was on the wrong thing. Okay. So that's true and ultimately not relevant but true. Okay, so who voted so far?"

Councilman Bartunek: "John."

Barbara Grattan: "John."

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

Councilman Densieski: "Yeah, I just wanted to disclose that I winter stored my boat there. I checked with the town attorney's office and they said I did not have a conflict. But I just wanted to disclose that. But I vote yes."

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

Supervisor Cardinale: "I will abstain and the reason for my abstention is I don't think we should have two engines on the board

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and I certainly don't think we should keep replacing them every five years. That being said, I abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #434

Councilman Dunleavy: "Establishes location for Farmer's Market for the 2006 season. 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. That resolution is adopted."

Resolution #435

Councilman Densieski: "Supports the submission of a regional fire act grant by the Wading River Fire District. So moved."

Councilwoman Blass: "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 #436

Councilwoman Blass: "Ratifies the submission of a grant application to the State of New York Unified Court System. 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. That resolution is adopted."

Resolution #437

Barbara Grattan: "Resolution #437 to pay bills."

Councilman Dunleavy: "So moved."

Councilman Bartunek: "And seconded."

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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: "You want to pull up again the one that we put aside, 390. Can you come to the microphone, please, Mr. Cuddy. Do you have any- Rick, come back little Sheba. Hey, see, he heard me. The power, the power."

Charles Cuddy: "Yeah, if I may, I think there are two matters that should be corrected. On the second page, #1, under resolution, it should be 120. Right. That was just the math."

Supervisor Cardinale: "120 what?"

Councilwoman Blass: "In #1- "

Charles Cuddy: "#1, it should say instead of 116, it should say 120. The total is 176, so- "

Supervisor Cardinale: "Okay. Yeah, I got that. And how about the 117?"

Charles Cuddy: "Well, that works out because that's what you did, you moved one out- "

Councilwoman Blass: "It shifted."

Charles Cuddy: "It was 116 before, not it's 117. I understand that. That's fine."

The other question is at the very last page, #16, the typical condominium map gets filed at the very end. It doesn't get completed. And that's why it said CO instead of building permit. And that's the way condominiums are done. In other words the site plan is approved, the building permits are issued, and then the condominium map comes at the end. And that's why it said CO as opposed to building permit. It's just the process that you go through. And I think the town planner will confirm that."

Supervisor Cardinale: "Rick, what say you to-- the sentence presently reads, no building permit shall issue prior to the approval of condominium map pursuant to the New York law. Should that read no certificate of occupancy shall issue prior to the approval of the condominium map?"

Rick Hanley: "The Planning Board has a responsibility to approve a condominium map post the site plan approval and the nuances

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of condominium development I think is proper what Mr. Cuddy just said."

Supervisor Cardinale: "Because you like him or because you— "

Rick Hanley: "No. Because he's right."

Supervisor Cardinale: "You know this to be a fact."

Dawn Thomas: "So you would issue building permits prior— just subsequent to the site plan but before the condominium map is approved?"

Rick Hanley: "Yes. We've done that in the past."

Supervisor Cardinale: "Well that doesn't necessarily mean it's correct."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Okay. She wants to verify with Dick Ehlers, take your pick, because if we pass it and we do it wrong, we're going to have to correct it. Certificate of occupancy is what you believe it is. She wants to verify with Ehlers, who's not present."

Rick Hanley: "Very good."

Supervisor Cardinale: "Okay. Thank you, Rick. I have a— I have another question on this. It says here that 15 of the development rights shall be transferred from Suffolk County tax map. The only problem is they don't have 15, they have 14 and change."

Rick Hanley: "14.96 we round up."

Supervisor Cardinale: "Oh, when did we start doing that?"

Rick Hanley: "We— that's from the— "

Supervisor Cardinale: "It's 14.96?"

Charles Cuddy: "Yes. 18.7 acres times 80%. They didn't give one— "

Supervisor Cardinale: "So that's 14.96. So everybody willing to— the other question. Okay, what the heck."

Rick Hanley: "We round up on the hundredths of a right."

Supervisor Cardinale: "This is an odd situation of these development rights. Are we going to count these in the 500?"

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Rick Hanley: "I'm counting them in the 500. They are residential rights."

Councilwoman Blass: "We should probably reflect that. Every time we do that we should- "

Rick Hanley: "We had the discussion today and I think the proper place for the notation is on the condominium map."

Councilwoman Blass: "I think we should actually put it in the resolution as well. Don't you think?"

Supervisor Cardinale: "Fire away. Put it in the resolution."

Rick Hanley: "Sure."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "And- "

Supervisor Cardinale: "14.96 just sliding by."

Rick Hanley: "We're rounding up the hundredths."

Supervisor Cardinale: "But we're going to put in that these count against the 500 cap but the Planning Board is permitting these older rights to be part of the new program."

Rick Hanley: "That's correct. Right."

Supervisor Cardinale: "And we're not going to challenge that despite the fact that I really think the ZBA should of had that call. But we've talked about that, no real problem, no harm."

Rick Hanley: "We just don't want to deal with hundredths of a development right."

Supervisor Cardinale: "Thank you for giving away my money. Just toss it away. If it was anything more than .0- what is it .960, it would be .004 hundredths of a percent."

Rick Hanley: "We can do the math."

Supervisor Cardinale: "Yeah. If it was four thousandths, is what it is, I would- of 1%, I would be concerned. It was more than that."

Councilwoman Blass: "And I just wanted to acknowledge that the building department administrator and the chairman of the planning board each had concerns that they had indicated to me or issues that

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they wanted to be further pursued but they did not get incorporated into this map at this time. So- "

Councilman Dunleavy: "Could I ask you just one question, Rick? Is the community center going to be large enough to the build out of the total number of units or is he only going to build one large enough for the first 15 units?"

Rick Hanley: "The center is part of the phase I, the community center is part of phase I. It's to support the entire project. So all amenities, pools, roadways, community center. Barbara made a reference to the mail pavilion, all of that will support the entire build out of the project."

Councilman Dunleavy: "Okay, thank you."

Supervisor Cardinale: "And, of course, we have another look at it when we do the- we're only approving 56 units here for which he's already got the rights. He's got to go get the rights, come back and get approvals on that and we could assess when we look at the site plan that question. But they say that- you say you're planning for success in obtaining the development rights and all the approvals necessary for the balance."

Charles Cuddy: "That's correct."

Supervisor Cardinale: "Many a slip between cup and lip however."

Charles Cuddy: "We think it will be done."

Supervisor Cardinale: "Okay. Good. I'm glad you're optimistic. Any other changes? How about the notation on the condo map? Did you want to do something on that?"

Dawn Thomas: "We did that."

Supervisor Cardinale: "We did that."

Dawn Thomas: "And then I can work with Barbara tomorrow on the --"

Supervisor Cardinale: "And you got your- "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "She wants to add it into the resolution."

Councilwoman Blass: "I just think we should acknowledge the fact otherwise- "

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Supervisor Cardinale: "And you want to add it right now onto this before we pass it, so why don't we just indicate, after we say that this is- that we're accepting the part 15 of the development rights transfer from Suffolk County pursuant to such and such, which shall be considered- which shall count toward- which shall count towards the 500 residential- "

Dawn Thomas: (Inaudible comment)

Charles Cuddy: "Suppose you said which will be credited against the 500 residential units."

Supervisor Cardinale: "Yeah, not bad. We're not going to credit you. It actually has nothing to do with you as you know. It has to do with whether these rights- actually we're doing pretty good. We're getting 18 acres for the price of 15 rights. These rights will be counted against the residential cap which- hey, Rick, where are you?"

How many- I know we did 11, we're doing 15. How many residential did we do so far? Do you know?"

Rick Hanley: "Yes. We used 11 out at Mountain Brook Homes."

Supervisor Cardinale: "Yeah, I know that. And these 15."

Rick Hanley: "And these 15. The planning Board has approved a plat for Harriman Estates on Hubbard Avenue which is importing 43. That's what we've got to date. But those numbers are speculative to a certain extent because we're not counting the use of the right until the land that is sending the right has been encumbered by the ag easement. So the 43 rights at Hubbard has not been encumbered yet."

Supervisor Cardinale: "So 11 of 15 have."

Rick Hanley: "11 of 15. Right."

Supervisor Cardinale: "Okay."

Rick Hanley: "But that's- the 43 is worth coming."

Supervisor Cardinale: "So you're adding a clause- "

(At this time, the CD was changed)

Supervisor Cardinale: "I presume you're talking about when the decision in 2002 was made by a previous administration I quickly point out to reclaim and cap, was there a survey done"

Hal Lindstrom: "Was there a survey done, a town survey."

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Supervisor Cardinale: "I can safely say no."

Hal Lindstrom: "I mean if you're spending \$42 million dollars of the public's money, I think you would want some kind of input from the public. No? Am I wrong?"

Supervisor Cardinale: "Actually, there were a number of public hearings but more importantly remember when they wanted to spend \$4 million dollars when I was a Councilperson and I didn't on the theater? You have to within 30 days do a permissive referendum- you have to challenge by that vote, when they voted to proceed- "

Hal Lindstrom: "Right."

Supervisor Cardinale: "-- within 30 days by a petition and then you're entitled to a vote, but that never happened because I guess at the time it seemed like a good idea not only to the then board but to the public."

Councilwoman Blass: "No, actually it didn't happen because it was pursuant to a court ordered stipulation and it can't have a permissive referendum."

Supervisor Cardinale: "Yeah, this is true. I forgot that. Normally that would be true, but since this was a court order you couldn't bring a permissive referendum."

But to answer your question, no, there was to my knowledge and Barbara who was here, no survey."

Hal Lindstrom: "There was no survey done."

Supervisor Cardinale: "Yes."

Hal Lindstrom: "Okay. Number 2, was there a time line for payment when this reclamation project was going along? In other words, the money should have ended when the project ended, I would think. If you were building a house and, you know, you're paying the contractor to do the job you give them a third when a third is done, half when half is done, three-quarters when three-quarters is done, and the final amount when the project is finished."

Supervisor Cardinale: "I can help you with that, yes. Number one, this was not a- this was not a set price contract that was signed in '02 and '03. It was a requirements contract that they would excavate at a certain sum, what was required to excavate, that's pick it up. They would sort it into categories of refuse and they would dispose of it on the basis of so much per yard of whatever category it was. So much to excavate, so much to sort, so much to dispose of."

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So the- you didn't- when you went into it, that board did not know exactly what the price was going to be. They just knew that they were going to be charged so much for excavation, so much for sorting and so much for disposing of it.

For example, if it was recyclable, it would be less. You might even get some money. If it was residual refuse it would be \$\$84 a yard is it, or a thousand yards, whatever- to move. So it wasn't the same as the \$250,000 contract to build that house and as a result it is an analogous.

On the other hand, the point you're making is a valid one and if you want to know how valid, look at John Stefans recent article last week that the pick up, that the refuse out, was not proportional to the money necessary- that was available, okay, that \$27 million dollars- "

Hal Lindstrom: "Right."

Supervisor Cardinale: "-- wasn't made until about three-quarters of the way through and we've had lengthy discussions with outside consultant who was supposed to be watching that, an inside engineer was supposed to be watching that, the budget officer was writing the checks, the committee- the operating committee at the landfill that met every two weeks, the solid waste committee, the members of the town board and the supervisor, all of whom might have picked it up earlier but didn't and the most culpable is the outside engineer."

Hal Lindstrom: "Right. Again- "

Councilwoman Blass: "Could I just answer that a second?"

Hal Lidnstrom: "-- again, why- where- "

Councilwoman Blass: "May I just answer that one point if I could?"

It is my understanding pursuant to a letter that I received today, a copy of which was sent to Mr. Dave Cullen as the special projects coordinator, January 7<sup>th</sup> of 2005, that I was- saw for the first time this evening, that the town or at least your special coordinator knew of the financial situation in January 7<sup>th</sup> of 2005."

Supervisor Cardinale: "I don't- I don't know what you're (inaudible) because you hadn't previously."

Councilwoman Blass: "I wasn't planning on doing it in this forum- "

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Supervisor Cardinale: "Okay."

Councilwoman Blass: "-- because it was handed to me by our town engineer right before the meeting but as long as it was on point it was the appropriate time to bring it up."

Supervisor Cardinale: "This indicates the average monthly cost-- "

Councilwoman Blass: "The amount of money that was projected to complete the project back in 2005 and it was already a flag and we did not know about it until a couple of weeks ago."

Hal Lindstrom: "I have another question."

Councilwoman Blass: "Well, I think maybe we need to digest this a little bit."

Supervisor Cardinale: "This is a letter that-- "

Councilwoman Blass: "And I have a copy for each of the members of the board."

Supervisor Cardinale: "This is a letter that is-- that has gone from Young & Young to Dave Cullen, my special projects coordinator. We have completed-- and I have never seen this."

Councilwoman Blass: "I hadn't either and I haven't actually finished it. I do know that it has a spreadsheet that lists each and every recoverable and the amount of money paid to date, the amount of money projected to complete the project. Had we known then what we know or had we known that then, I think we would have been addressing this a heck of a lot sooner."

Supervisor Cardinale: "Well, I think what-- I'm just looking at it. It says-- it's a very short letter. It says pursuant to your recent request-- to your request, we have completed a detailed cost analysis of the estimated construction costs associated with completion of the above referenced project. These costs projections are based on an evaluation of the cost of work completed during-- an evaluation of the cost of work completed during the first 21 months of the project and estimates of the remaining work expected to be completed during the remaining 27 months. It was a 48 month project.

The estimated construction costs to complete the project are as follows: January 1, 2005 to December 31, 2005, the average monthly cost times number of months, is \$7,440,000. Now this was written in January of '05 so they are projecting costs at the average of 620. January 1, 2006, they're projecting costs at the-- at 580 for the year of 2006. They relate to costs of '05 and '06. And in '07, an

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additional \$883,000 for a total construction cost of \$15,000,000 during the '05, '06 and '07 period.

Now if that were true, I would be a very happy man."

Councilwoman Blass: "Mr. Supervisor, you're not reading it correctly because-- "

Supervisor Cardinale: "That's what I said."

Councilwoman Blass: "-- that would have already been over budget at that point."

Supervisor Cardinale: "No. It doesn't say that."

Councilwoman Blass: "Yes, it is. Sir, it is."

Supervisor Cardinale: "It says that the cost of construction from '05, '06--"

Councilwoman Blass: "From that time on-- "

Supervisor Cardinale: "Right. From '05 and '06."

Councilwoman Blass: "And how much had we spent thus far."

Supervisor Cardinale: "Well, it doesn't say."

Councilman Dunleavy: "No, it doesn't."

Supervisor Cardinale: "It doesn't."

Councilman Dunleavy: "But you would have to get the cost of how much we spent and add the \$15,000,000 on. And it will give you a projected cost."

Councilwoman Blass: "Cost to spend to date, \$17,215,000. Cost to complete was an additional 15. That would have already put us over the \$27,5."

Supervisor Cardinale: "It's \$32,000,000."

Councilwoman Blass: "No. It would have put us over the 27,5 that was allotted for phase 2. And that was the point they were making back then which I wish we had known."

Supervisor Cardinale: "Well, I think first of all, I haven't had an opportunity-- I have never seen it nor have I-- "

Councilwoman Blass: "Neither have I."

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Supervisor Cardinale: "-- nor spoken to Dave about it. It's something that apparently he asked from Young & Young which was a good thing to ask for."

Councilwoman Blass: "Actually, you directed him to do it. I recall the meeting that you said we would like to have an audit. Dave, why don't you take a look at what was happening at the landfill. And we had to actually-- "

Supervisor Cardinale: "I don't remember that Dave was-- well, I don't want to get into this discussion at this point but what this is saying which I am looking at is that the projected-- on January 7, 2005, because someone was smart enough apparently to ask for a projection of the expenditures necessary in '05, '06 and '07 through the completion of the project, that it would be an additional \$15,000,000."

Councilwoman Blass: "On top of the 17 that had been spent."

Supervisor Cardinale: "On top of the 17, I don't know that-- it doesn't say in the letter that you already spent 17 by that time."

Councilwoman Blass: "Well, it says here completed to date--"

Supervisor Cardinale: "Where is that?"

Councilwoman Blass: "Right here. Completed to date. That's the amount of monies paid to date."

Supervisor Cardinale: "Well, for-- if it's 15 and 17, that-- "

Councilwoman Blass: "That's 32."

Supervisor Cardinale: "-- would complete the project for 32."

Councilwoman Blass: "And you had budgeted 27,5 for that phase."

Supervisor Cardinale: "Yeah, exactly. So that would suggest that the information that was obtained would suggest a \$4,000,000 or \$5,000,000 more than what we had budgeted."

Councilwoman Blass: "But back in 2005, it would have been good to not only ask the question but to get the information and share the information with the people who were making the decisions."

Supervisor Cardinale: "Okay. First off, I did not-- I did not get this information-- "

Councilwoman Blass: "Neither did I."

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Supervisor Cardinale: "-- but my point is still the same. That if you had a \$27,000,000 budget to complete and your consultant, your outside consultant was telling you that you would be coming in at 30 or 32, and the only way you extrapolate that is that you'd spent 17 and you had 15 to go, I would be delighted if this were accurate. This is way off."

Councilwoman Blass: "No. Mr. Supervisor, the point is if the consultants are alerting the special projects coordinator, right, special projects- what is his title- coordinator--"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- more than a year ago that the project was going off budget at that time, what are we- "

Supervisor Cardinale: "It wasn't."

Councilwoman Blass: "-- it is, it was, that's what this is indicating. Based upon the projections, that it was going to go off budget, town, what are you going to do about it and town never knew that this was an issue at that point. Everybody keeps saying how could you never know? Well, guess what, this indicates that somebody did know."

Supervisor Cardinale: "This does indicate that Dave knew but it also indicates- "

Councilwoman Blass: "Well, isn't he responsible to share that information with you? He's directly responsible or reports to you directly. Isn't he bound to- "

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- and why didn't he? And why don't we- why didn't we know it until now."

Supervisor Cardinale: "I don't know because I've just seen this for the first time."

Councilwoman Blass: "Me, too."

Supervisor Cardinale: "But what I'm also suggesting to you is that this is an indication that the project that was a 20- almost a \$28,000,000 budgeted project was going to come in within \$4,000,000 of the budget."

Councilwoman Blass: "No."

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Supervisor Cardinale: "Yes, it is saying that because if you spent 17 and you're going to spend another 15, that is- "

Councilwoman Blass: "You're not seeing the remaining months."

Councilman Dunleavy: "I don't want to get into this discussion here other than to say that this should have been a red flag- "

Councilwoman Blass: "Yes."

Councilman Dunleavy: "-- to somebody that says we are going over budget, let's look at this project and make sure that these figures are correct."

Councilwoman Blass: "Exactly."

Councilman Dunleavy: "And let's figure this thing out back in January '05. It just should have been a red flag if you are looking at it to re-look at the project and see what is happening with this project. So you know, I don't want to get into an argument- "

Councilwoman Blass: "I don't either. I don't either."

Councilman Dunleavy: "-- but it should have been a red flag that somebody should have said, we're going over budget, let's look at this project and see if they're right on."

Hal Lindstrom: "The other question I had was when- where were the lawyers in this contract? I mean why didn't they write the contract to state the company that was- Young & Young was doing this project, right?"

Councilwoman Blass: "Which contract- "

Hal Lindstrom: "Are they contracted to do- "

Supervisor Cardinale: "No, he's talking about Frank Isler, the attorney for- "

Councilwoman Blass: "The attorney."

Hal Lindstrom: "The attorney for the town. Where were they when they wrote the contract to say not to exceed \$42,000,000? If they say \$42,000,000, it shouldn't exceed \$42,000,000. That's why we're in the predicament we're in right now because now it's like an open gate. You have, you know, just writing these millions and millions of dollars of checks and there's nothing to say that, you know, you can't spend anymore than \$42,000,000 to complete this project. Period."

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Councilwoman Blass: "Without authorizing- you're absolutely right. Otherwise forget about the contract. We cannot spend money that hasn't been authorized to spend."

Hal Lindstrom: "Right."

Councilwoman Blass: "You're right. So the contract that was drawn up by Frank Isler for Mr. Grimes was drawn up the way it was. You'd have to ask him why he didn't have a not to exceed- "

Hal Lindstrom: "Not to exceed to complete that project for \$42,000,000."

Councilwoman Blass: "I don't think- "

Hal Lindstrom: "When you have a house built you contract to have a house built for \$400,000, that builder comes in and builds that house for \$400,000. He doesn't come back to you and say, well, I'm going to charge you another \$125,000 because I figured it out wrong."

Councilwoman Blass: "The contract was structured by item, excavation and disposal. It was not a lump sum contract and you'd have to ask him why he felt that was the beneficial way and the appropriate way to go."

Hal Lindstrom: "Right. Number two- "

Councilman Bartunek: "Hal, if I could- "

Councilman Dunleavy: "There's always- go ahead."

Councilman Bartunek: "Just to make a comment, Hal. A contractor builds a house, he probably built a number of houses. He has the experience and he knows exactly what the costs are going to be for the different stages of building that house. Unfortunately nobody in New York State has ever reclaimed a landfill."

Councilwoman Blass: "That large. They've been reclaimed but not this large."

Councilman Bartunek: "It's not exactly fair to compare it to. I mean ideally, yes, it would be great if it had been done that way and it could have been done that way."

Hal Lindstrom: "Well, in theory it should work out that way."

Councilman Dunleavy: "Can I just say something? There's always overruns but what you have to do is control your overruns. And when a report comes in and says you're over budget, you better start looking

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and see where you're going over budget and where the overruns are and control them."

Hal Lindstrom: "Right. Well, the issue is that to recap that, now I read stuff in the papers would it would have cost the taxpayers maybe \$11,000,000, \$12,000,000 to cap that, right. Okay. The board went with the reclamation project to spend not 11, but \$42,000,000 of the public's money. The people's taxes went up to pay for that. Now they're coming back and saying, okay, now we want another \$25,000,000. What does the average taxpayer- what is the average taxpayer's increase going to be if it's going to be another \$25 or \$35 or \$40,000,000? What is that increase going to- how are the taxpayers going to--"

Councilman Dunleavy: "It's going to be substantial."

Hal Lindstrom: "You know, this is a big mistake."

Councilman Dunleavy: "I would have looked at this a little closer."

Hal Lindstrom: "And I think there has to be some accountability here to the public."

Councilman Dunleavy: "Well, I was just going to say, I think if you work for a municipality as you can see, no one gets- is accountable for anything. They can do anything and there's nobody that's reprimanded or nobody that doesn't get a raise that year. Everybody still gets the same raise they were going to get and I think we need accountability and I think we need accountability on everything we do here and I think we should start making people accountable for what they do and I'm firmly behind you, Hal, on that."

Hal Lindstrom: "Especially when it comes to taxes. If you ask anybody in this town the number one thing on their list of things that they have- the top issue for a lot of people in this town is taxes. A lot of people are on the fence here."

Councilman Dunleavy: "Right."

Hal Lindstrom: "They're barely making ends meet and now all of a sudden you're telling them, hey, now all of a sudden, we need \$25,000,000 more and you guys are going to pay for it, whether it's a \$500 increase, \$1,000, \$1,500. A lot of these people are going to say, hey, we just can't afford it."

Councilman Dunleavy: "No, I agree with you. I come from the public sector and if we would have made a \$2,000 mistake, we would have been accountable at the end of the year or the middle of the year. You might not be on your job after that point and so we need to

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have the town employees accountable and not say, well, we can go back to the public and we'll just raise taxes to get the rest of the money.

There are certain times when you can raise taxes, when you are doing good things for the town, and there's other times when you can't raise taxes and you just have to suck it up and say, you know, but, somebody has to say I made a mistake and I'm going to be held accountable for this. No one in this town will say that and I've been here only three months. We have to start holding people accountable. And that's for anybody, the police department, right down to the- to everybody in this town and up to the town board. We have to start holding people accountable for what they do and what we're doing to the taxpayers of the town of Riverhead."

Hal Lindstrom: "Isn't there going to be an audit to find out exactly how- where that money was spent and how it was spent?"

Supervisor Cardinale: "I know, there will- we have discussed-"

Hal Lindstrom: "That- "

Supervisor Cardinale: "-- with the press several actions, one of which will be an audit of the \$42,000,000 to make sure it was properly spent. I discussed that with the News Review today and with WRIV. We will also take appropriate action in regard to the outside engineers and in regard to anybody else who- the line of- there are two big issues here which we shouldn't lose sight of.

One is that the resolutions passed in '02 and '03 did say that a maximum amount of \$40,000,000 was going to be spent on this project. And they were based upon estimates as to the composition of what was in that landfill and its volume. And to the extent that those were incorrect, we're getting a study from the reviewing engineer as to whether reasonable standards were used to estimate composition and content, composition and volume, I'm sorry. So we'll have that by June 18<sup>th</sup>. We'll have the cost to cap, the volume that was taken out, the confirmation of that, the volume that's still in, and whether our engineers gave us- gave the then board appropriate advice.

In regard to the issue of those four questions, we'll know by June 18<sup>th</sup>. We will then have to make a determination whether to proceed to cap or whether to proceed to reclaim or there are other options, selling the property to a private enterprise and allowing a development of the property, which would entail the cleanup, completing the cleanup is one option, sale of the development rights, sale of the sand at the site which is worth several million dollars, to diminish the impact on the taxpayer.

We will do all of those things- "

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Hal Lindstrom: "In other words, you're going to try to look at everything as far as capping, continuing the-- "

Supervisor Cardinale: "That's correct."

Hal Lindstrom: "-- reclamation and which one is the least expensive."

Supervisor Cardinale: "That's correct."

Hal Lindstrom: "Is that what you are going to do?"

Supervisor Cardinale: "And we're also going to look at the revenue sources available after we make a decision whether to cap or to continue the reclamation."

The fundamental problem here is one in which-- the fundamental problem is that when they-- when the decision was made in '02 and '03, the board thought that it would be a \$40,000,000 project to empty the volume in that hole based upon what their experts told them and as it turned out, that estimate was incorrect both as to volume and composition.

How much more it's going to take to empty out that landfill it will not be known until June 18. In the interval, we will have an outside audit of the funds that were paid. We will also have-- make a determination as to whether we want to once we get this audit data and this engineering review data, whether we want to continue with reclamation or we want to cap and whether we want to continue with this engineering firm or another.

Certainly we know now that the board got information that it based its decision on in '02 and '03 which was not-- did not turn out to be accurate. And that's really the fundamental problem.

As to the delay in it being made clear that there was a problem with the amount of volume in the hole and the amount of money it was taking to come out, we found out-- clearly we found out about 20, \$22,000,000 into the \$27,000,000. Whether we-- if we had-- it would have been helpful to find that out earlier and I maintain that the obligation to do that, to make that information known to the board, was the entity that was administering the contract and doing the site administration which was out outside engineer.

The only-- I have-- the data that Barbara handed me for the first time this evening suggests that even as late as January of '05 which I never even say this, but if I saw it, it suggested to us then that this project would be off 3 or \$4,000,000. I don't recall seeing this but even if I-- and I never got it. But if I had gotten it, I would

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have been not especially concerned that we were going to be over \$3,000,000.

What I am concerned about is that when the engineers come back, I believe we will be required, if we continue the reclamation to pay a good deal more than \$3,000,000 to complete the project. So if the reclamation is 20 or 25, and the capping cost is 10, we would have to consider the differential.

But we also have to consider that if we reclaim, we will have a revenue source from the sale of the development rights from the sand that we will not have if we go the other way.

I also want to point out that we want to consider every possible option, not just reclaim or cap. We want to consider sale to a private industry, we want to consider reducing our expenditures by grants, we want to consider whether this private industry people can get tax credits that might make this site very attractive to them for redevelopment. We want to consider whether there is any recompense from our engineering firm that might be available. All of this we expect to be looking into.

It's a problem that the board is going to look at and is going to be together and is going to move through it and as John said, what we can't do is simply blame others. To the extent that people are culpable in regard to the original decision-- the original decision was based on good faith information given by an engineer. The board relied on it. They had every right to reply upon that. And that's how we got into the situation. We relied upon the engineer's indication that it would be a \$40,000,000 project based upon their borings and their surveys and their study of the site. It didn't turn out to be accurate and we are studying why that happened."

Hal Lindstrom: "And also I don't think it was ever reported to the public how much it would actually cost to cap it. I don't recall the meeting or the town board hearing that said it would cost \$11,000,000 to cap it versus \$42,000,000."

Supervisor Cardinale: "The-- there actually is a recital-- I think John would probably know better than I, I think we discussed this. There's a resolution that reflects a 20 or \$25,000,000 cap price which was what they went in with in 2002 and '03, that it was going to be a 20 or \$25,000,000 price to cap versus a \$40,000,000 price to reclaim and judging that differential, they felt it was better to reclaim because it would get rid of the garbage, not just cover it. And if you cover it, they may have problems down the line."

Hal Lindstrom: "Well, where did they get the \$25,000,000? Because Southampton it only cost them like \$11,000,000."

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Supervisor Cardinale: "They used the DEC's figures."

Hal Lindstrom: "That was reported in the papers."

Supervisor Cardinale: "The engineering firm we hired that they-- that the then board hired, used the figures from the Department of Environmental Conservation but the high end of the figures. The figures you're talking about are the low end, so depending upon where this capping took place, it could cost between 6 or \$700,000 an acre on the high side and \$200,000 or \$150 in Southold on the low side."

If you took the high figures, you came up with 25. If you took the low figures, you came up with 12. That's how that differential exists."

Hal Lindstrom: "Okay."

Councilman Dunleavy: "And, Hal-- "

Hal Lindstrom: "Yes."

Councilman Dunleavy: "I wasn't here when this happened so I don't-- I didn't want to say too much but the reason why they're recapturing the landfill is because of the groundwater. They don't want to contaminate the groundwater. Well-- "

Hal Lindstrom: "I realize that."

Councilman Dunleavy: "-- the problem I see is that the landfill does not stop where they're going to stop reclaiming the landfill. The landfill goes out past that plus it's across the street where the dog shelter is."

Hal Lindstrom: "Right."

Councilman Dunleavy: "So those are still contaminating that water so they're only really doing half a job by reclaiming the portion that they're reclaiming."

Hal Lindstrom: "Right."

Councilman Dunleavy: "The reason we can't bury things over on the other side is because they're digging up garbage so I mean if they were going to do the job, they should have done the whole job and not half of it. I spoke to Barbara and Phil about this."

Councilwoman Blass: "We spoke about this. The DEC had certified the boundary of the landfill but, you know, if you take that point one step farther, what you're suggesting is whatever we do and

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even in terms of a cap here, we would then be obligated to cap across the street. Is that what you're saying?"

Councilman Dunleavy: "I'm just saying that if you're going to do a job back a few years ago, you should have done a complete job and reclaiming at \$80,000,000 and only do half the job is I'd say a burden to the taxpayers."

Councilwoman Blass: "We did what the DEC required us to do based upon the stipulation and based upon the footprint that they said you have to— you have to deal with this designated area and do one of two things."

Hal Lindstrom: "But they also said that there would be issues when you do reclamation, there would be issues on that."

Councilwoman Blass: "Yes, yes."

Hal Lindstrom: "Right?"

Councilwoman Blass: "Yes, they did."

Hal Lindstrom: "Okay, the other thing is that, you know, when I talked to somebody that went to that dump for many years, and he told me that they dumped everything in there, from remember when they banned DDT— remember that— well they actually threw everything in there."

Councilwoman Blass: "And that's why--"

Hal Lindstrom: "Drums of that, gasoline. When they changed the oil in their cars, it went into the dumps. When they had the old batteries, it went into the dumps. So where it is now, it's pretty much settled. It's set right there. If it's in a drum, you don't want to go down there and start puncturing these containers and the stuff is leaking out all over the place."

Councilwoman Blass: "The drum is going to deteriorate."

Hal Lindstrom: "Right. But— "

Councilwoman Blass: "All that stuff that you just talked about where do you think— "

Hal Lindstrom: "What about Southampton? Once you cap it, you monitor it, you put down these probes that tell you what's going on."

Councilwoman Blass: "And that's true and I don't want to get into a debate about it but you do monitor it and guess what happens? You can only correct it after it's already in the water table, after

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it's already there. You dig a probe and you say, we now have toluene in the water system. Now you've got to trace it back to where it goes, and then what do you do?"

Hal Lindstrom: "But that's not a proven thing that it's going to go into the water. I mean--"

Councilwoman Blass: "It's happened. East Hampton has a plume, sir, and Southampton has a plume. They do. They're dealing with it."

Hal Lindstrom: "Well, why aren't they digging it up?"

Councilwoman Blass: "You have to ask them. They made a decision based upon--"

Hal Lindstrom: "I mean every other town has capped, done the capping, and we have to go and do this reclamation thing and now we're in a situation where the taxpayers are going to have the burden of maybe another 25 or \$40,000,000 extra added to their tax bills."

Councilwoman Blass: "You're right."

Supervisor Cardinale: "I think that there's two things I'd like to close this by saying. One, I think that everyone who's made a decision on this that I can see in '02 and '03 when I was not here, was making decisions in good faith in the best interests of the town in their view.

The second thing that I find disturbing is that if we were going to sacrifice to do a reclamation which is clearly, clearly the environmentally more friendly thing to do and the more expensive one, it disturbs me that the DEC is not more overtly-- they are not in particular favor of reclamation for a reason that I don't understand either, Hal.

You would think that if a community was willing to take that choice and clear out all of the poisonous things you mention from an unlined landfill to protect its water supply, that we would be the poster child for the DEC. It upsets and annoys me to the effect that they have neither made us a poster child nor have they been particularly cooperative with us.

But I think the more important point is that everyone making decisions in '02 and '03 was acting in the best interests of what they believe the town-- the town's best interest based upon the expert advice they were getting, and they were not engineers. And that everybody since that time has, including particularly Barbara has worked hard to see the project through, now we're going to have to take a reevaluation with the reviewing engineers. We're going to make a decision and we're going to do what we think is right for the town and we're going to do it the way we've done everything since I got

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here which is openly, admitting any mistakes that were made, honestly and intelligently.

And I'll take any other comments. Yes, please."

Connie Farr: "Well, this is not a comment about the landfill, so- "

Supervisor Cardinale: "Oh, praise the Lord."

Connie Farr: "-- I'll give you a break here for a while. Actually it's a comment about the animal shelter."

Supervisor Cardinale: "Oh, my other favorite subject."

Connie Farr: "But for those of you that are not positive about this, I just want you to know that I've been there since the beginning and it's been working very well. The difference in the socialization of these animals is amazing. If you could be there and see a dog when he comes in and then come back and see the same dog a week later after all of the volunteers have been there to socialize the dog, there's a great difference. In fact, the dogs- there's a very good adoption rate and there's only one dog in there when I was there Thursday. So I think that's very good and it's working out very well. So even though the two of you are very negative, you shouldn't be because it's a positive thing and it's working."

Supervisor Cardinale: "Good."

Connie Farr: "And, hopefully, we'll keep it empty. So anyway, that's all I want to say."

Supervisor Cardinale: "Great. And I commend George who's done a lot of work on this and yourself and the committee."

Connie Farr: "And John and- "

Supervisor Cardinale: "And John- "

Connie Farr: "And Barbara."

Supervisor Cardinale: "And Barbara."

Connie Farr: "-- for supporting us."

Supervisor Cardinale: "But I think as you can see, pardon me for being distracted with other things, but I have great staff here and great committee members and they're doing a great job on the dogs."

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Connie Farr: "Okay."

Supervisor Cardinale: "Thanks."

Connie Farr: "Thank you."

Sal Mastropolo: "Talk about a less controversial subject."

Supervisor Cardinale: "Sure."

Sal Mastropolo: "How about town-wide reassessment. I mean given that you just approved another 156 condominiums, okay, so you're going to make it even worse for the rest of us homeowners, okay, we should be really talking about the reassessment again."

Supervisor Cardinale: "Right. I— you know, that I support a reassessment as being in the words of the assessors, a fair thing to do. I'm hopeful that the board joins us. There are arguments on both sides. I think we may move— I would hope that we would move in that direction and I'm authorized to— Scott DeSimone spoke with us, our counsel, he has been charged with coming back to us with some proposals to speak with a firm that do these reassessments so we can get a better sense of what we're getting ourselves into."

I think it's a matter of fundamental fairness that we should do this. I am not anxious to do it because it's always controversial and more— "

Sal Mastropolo: "Yeah, but it's the right thing to do."

Supervisor Cardinale: "-- but I believe it's the right thing to do and I've said that in the past. And I think that if you just, you know, if you just calm down and try to do the right thing openly, honestly and intelligently, that message gets across."

None of us up here are perfect and none of us don't make mistakes. We all make mistakes. But we try to deal with them and I think John is correct in what he says. Pointing fingers at each other and the people from the past and the people in the future isn't going to get us any closer to a successful present."

So, yeah, I think reassessment is in the offing. I hope I get a third vote for that."

Sal Mastropolo: "I hope so, too."

Councilman Dunleavy: "Well, I'm investigating it and if you do reassessment, you have to do it every single year."

Councilwoman Blass: "That's right."

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Councilman Dunleavy: "You have to make that commitment that you're going to reassess it every single year and I spoke to some people who already did it and I've got positive feedback on it from the government side and I just have to speak to people on the other side to see how they feel about it. But, I'm a no vote and I'm investigating what I should be doing to find out what is better— best for the people of the town of Riverhead. So I'm working on it."

Sal Mastropolo: "Okay."

Councilman Dunleavy: "Okay?"

Sal Mastropolo: "Yup."

Supervisor Cardinale: "Yes, please, Ed."

Ed Purcell: "Back to the landfill, question. As I think I read in the paper that there's supposedly 30% more stuff to remove than originally had planned around."

Supervisor Cardinale: "I don't know and that's why I'm concerned. That's what we're waiting for from the reviewing engineers and that is the fundamental issue."

Ed Purcell: "And because part of it is on property that's not owned by the town."

Supervisor Cardinale: "That's been taken care of in the initial phases."

Ed Purcell: "Oh, that's already done."

Supervisor Cardinale: "That's been removed, the part that was on the other land. Yes."

Ed Purcell: "Right."

Councilwoman Blass: "That had to be removed--"

Supervisor Cardinale: "That was removed first as part of the (inaudible) projects."

Councilwoman Blass: "Because even if we had decided to cap at that point (inaudible)."

Ed Purcell: "I know that. I know that. And I know because a lot of gas stations have plumes underneath them from the additives that the federal government are now saying, you know, maybe we should go with a different additive and that's why they've gone to alcohol as

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an additive so you don't pollute the land. But a lot of gas stations have plumes underneath them and it takes years and years of pumping and filtering the water that's underneath it. So if we ended up with a plume, it would be a long term unknown cost really of how long it would take to clean up the water underneath there.

And I'm sorry I wasn't here at the beginning. I just wanted to say I'm sorry to see that George Schmelzer died."

Supervisor Cardinale: "Yeah."

Ed Purcell: "He was a close friend of my father and he was one- I guess he's the last one of the long term pain in the backsides to the town boards that started back in the '60's. And actually I think it was in the late '50's when they started giving advice to the town boards. And he'll sorely be missed."

Supervisor Cardinale: "Yes."

Ed Purcell: "Also, when you check on the landfill, as I think Hal mentioned he knew someone who used to go to the dump all the time, are you checking with long time employees that can assist in letting you know what was there and what was the composition. Because I know at different points in time, I can remember, I don't know the time frame, I don't remember, but the DEC came down and made a big stink because the town wasn't using enough sand to cover the garbage. So that would change the composition at different sections of the landfill. I remember that because I used to take a lot of- "

Supervisor Cardinale: "Yeah. There were three landfill operators there, Grodsky, (inaudible), and then Reeve."

Ed Purcell: "But there were some people that worked through numerous ones that are still around and maybe they could assist- "

Councilman Dunleavy: "I took Barbara to the house of one of the retired employees who- "

Ed Purcell: "Yeah, yeah."

Councilman Dunleavy: "-- was just a payload driver."

Ed Purcell: "That's who I'm talking about."

Councilman Dunleavy: "And the payload driver knows more what's in that dump than anybody else."

Ed Purcell: "That's right. That's essentially why--"

Councilman Dunleavy: "And he kept his own records and I suggested that maybe- to find out what's in the landfill, somebody

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back then should have went and spoke to him because he was very cooperative with us and he- "

Ed Purcell: "Oh, if it's who I think it is, he knows everything. He has a very long memory."

Councilman Dunleavy: "Yes. And he had his own notes. He knew, a dumpster came in there and he wrote the number down of that dumpster that dumped there. So he had his own records. I mean the man is great."

Ed Purcell: "Yeah. He used to get in trouble occasionally."

Councilman Dunleavy: "Yes, he did."

Ed Purcell: "Something completely different. How are things going in negotiations with Apollo primarily my concern is the building and the parking lot because according to what their proposal is, it's a three story building they want to put down there, but actually it's going to be equivalent to a four story building high above the parking lot from what they told me, because they said they were going to raise the property where the building would set what, about eight feet, so that would actually make it equivalent to about a four story building as opposed to just a three story building which would be at parking lot level."

Supervisor Cardinale: "To answer your question, we had a lengthy meeting today with counsel. The board has been involved on that issue particularly Barbara who's been helpful. In regard to that- it is going to be a building as you described so that they've- we've asked them to redesign it and they've done so with a span in the middle 75 feet in width so that you can see through to the river from Main Street."

Ed Purcell: "Yeah. But how will that affect the stores from- I want to say from Riverhead Grill to Peconic Avenue because those are the stores that really the buildings, some of them will be preserved, some of them should be preserved whether- whereas on the other side of that spot, those buildings are just dinosaurs because they're big box store buildings which is not what is really needed downtown as opposed to small shops."

Supervisor Cardinale: "Right. I- "

Ed Purcell: "That's why--"

Supervisor Cardinale: "To answer your question, progress is being made. I will give a report on the May 11<sup>th</sup> work session which is the first date after May 7<sup>th</sup> which will be the 60 day point. I would expect by that time to be able to give the town a time line of

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what needs to be done to get from here to there. There's still no assurance we're going to get there.

The first time you'll know that it looks like we're going to get there is if we can get together with a developer agreement with them and I would expect to see that within the next 30 days if it's going to happen."

Hal Lindstrom: "Right. Yeah, because that's my biggest concern is the fact that it will block the view of those buildings on that side as opposed to whatever you do on the other side is they're buildings that essentially need to either come down or be subdivided, you know, it's just, you know- "

Supervisor Cardinale: "Yeah."

Ed Purcell: "It really doesn't mean anything."

Councilman Dunleavy: "I just wanted to add something to what the Supervisor said. That opening is at where Riverhead Grill is. Where you drive into the parking lot, that opening is going to be right there to see through it. The other buildings, if you're in the other buildings you cannot see- you cannot see the river. They're all box stores that have- their backs have no windows in them so you can't see from the building or from Main Street you can't see the river."

Ed Purcell: "No, no, that isn't my point. My point is I know a number of the buildings west of there are changing the (inaudible), are putting stuff on the backside so that it will- it's going to change the view and if we don't need all that parking lot back there where I know you brought up was going to be more of a park setting back there, that that side of the parking lot would be more advantageous to have a parking setting as opposed to the easterly side. The westerly side is really where the park setting would fit in with those other buildings."

Councilman Dunleavy: "That's where it's going."

Ed Purcell: "You know what I mean?"

Councilman Dunleavy: "That's where it's going."

Ed Purcell: "As opposed to putting, as you said, a 75 foot hole in the middle of this building but you're still going to block off on the westerly side."

Councilman Dunleavy: "No. Those buildings you're talking about, the pizzeria, Tweeds, those buildings at that end will have a view of the park, a pond, and that river. That will not block those buildings."

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Ed Purcell: "Well, that's my primary concern. Plus the fact that the building is going to now be huge down there. But anyway, I thank you very much."

Supervisor Cardinale: "Thank you, Ed, for your concern. Is there any further comment? If there is not, I thank you for your attendance and see you at the work session on Thursday."

Meeting adjourned: 10:20 p.m.