

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, November 18, 2008 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "Okay, we're ready to go. This is the November 18th town board meeting and we're going to begin with the Pledge of Allegiance as we always and Mitch is going to lead us."

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

Supervisor Cardinale: "We're going to come down and give some awards to these young people."

Okay, Kelly, I know you're going to lead us here. I know we're honoring today the town board and the town the 2008 Halloween poster contest winners. And I also know that the reason I asked why didn't we do this the last--the second meeting in October, and they told me-- or the first meeting in November, and they told me because it was an afternoon and the kids had to go to school.

So we're doing it now for that reason. We do know Halloween was a little past. So, Kelly, I'm going to give you this mike and I'm going to ask you to do the honors and I'll reserve my activities to shaking hands and smiling knowingly.

Here you go."

Kelly: "Thank you, and thank you everyone for coming out tonight. It's quite cold. I think it's the coldest night yet."

And as the Supervisor was say saying, the posters, Halloween was a while ago but I think it's great that the posters had plenty of time to be on display. They were here since Halloween week,

since right before Halloween they were hanging up on that wall for the whole month so it was nice for them to get recognition.

And I have to say the Halloween poster contest every year at the recreation department is one of the highlights. Everybody loves to judge and it's always very hard because we have a lot of talented artists in Riverhead.

But let's get started with handing out our awards for this year. When you come up, you can get your trophy and then maybe what you can do winners, is you can stand behind your poster just in case mom or dad or whoever is with you tonight would like to take a picture and you can all get a little bit of time to hold up your poster and display it."

Supervisor Cardinale: "Third grade, fourth grade and fifth. Do you have a list?"

Kelly: "Yes."

Supervisor Cardinale: "You read them off and I'll hand out the (inaudible)."

Kelly: "Okay. We're going to start with the third graders. First place Ashley Connaghan who's a student at Riley Avenue. Ashley. I think— right down the first one over there should be yours.

Okay, second place for third grade Kelly McCabe. Great job, Kelly. Everyone wants to shake your hand.

Okay, third place Marissa Diveris.

Kelly and Marisa are also students at Riley Avenue. Great job.

Okay, moving onto fourth grade, fourth grade first place, Brielle Borges from Riley Avenue. Good job, Brielle.

Okay, second place in the fourth grade, Aubrey Cuccio, also from Riley Avenue. Good job.

Okay, third place in the fourth grade, Laura Blomberg from St. Isidore's. Good job.

Okay, now we're moving on. We did fifth and sixth combined this year and first place goes to Michaela Surrey from St. Isidore's School. Is Michaela here? Okay we'll make sure that Michaela gets that.

Second place Emily Auciello from St. Isidore's. Good job.

Okay, and third place Sandra Ibrahim from St. Isidore's. Good job, Sandra.

Okay, everyone, let's give them a nice round of applause as well as the art teachers. I see the art teacher from Riley is here. Thank you. And thank you to the town board."

(Inaudible comment)

Supervisor Cardinale: "You did good. Very well done. If you would like to come back here and work here rearranging the furniture, we'd love to have you. Okay. We have a number of announcements and various other things that I've lost but-- yeah, I need one of those.

Okay, then I will begin by asking for approval of the minutes of the November 5th town board meeting."

Councilman Dunleavy: "I move the November 5th meeting minutes to be approved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded to approve the minutes of the November 5th meeting. May we have a vote?"

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

Supervisor Cardinale: "Okay, and I'd like-- that's probably where I left it, thank you. I knew I left it someplace. Okay, I'd like the town clerk now, Diane, would you read the Correspondence received during the week, two weeks between the last meeting."

Diane Wilhelm: "Is it on? Can you hear me? Okay."

CORRESPONDENCE:

Martin Sendlewski re extension of site plan approval for Viva L'Arte

Peter Danowski, Esq. Re petition for lateral water main extension, subdivision for Joan Caffrey

John Ciarelli of re FOIL application
Ciarelli & Dempsey

Jacalyn R. Fleming of
Munley, Meade, Nielsen & Re

re benefits of special
permit application for
Beacon Wireless Mgmt LLC
at Little Flower, Wading
River

Sandy Davis

Re supporting Beacon Wire-
less at Little Flower,
Wading River

Vincent Cannuscio, CEO
Beacon Wireless Mgmt.

re benefit and need for
monopole at Little Flower,
Wading River

Kenneth & Patricia Grant
Sarah Karlson

re opposition to Beacon
Wireless monopole at Little
Flower, Wading River

21 letters

Re Beacon Wireless Mgmt.
monopole at Little Flower -
request to review for
creation of master plan
study

8 checks in the amount of
\$60.00 each

re to be applied to 2009
Budget in support of
retaining the positions of
Public Safety Dispatchers

5 letters

re supporting the retention
of Public Safety Dispatcher

Douglas Bassemir
of Aquebogue

re opposition to YMCA on
Tuthills Lane, Aquebogue

Supervisor Cardinale: "Reports, please."

REPORTS:

Police Department

October, 2008 monthly report

Supervisor Cardinale: "And community, public hearing
notices."

Diane Wilhelm: "Just one from Manorville Fire District -
their 2009 budget summary."

And the reminders, the next regularly scheduled town board
meeting is Tuesday, December 2nd, at 2:00 p.m. here, town hall. And
as usual, you can view our agendas, resolutions, minutes and
upcoming meetings at the website, Riverheadli.com."

Supervisor Cardinale: "Great. We have some committee reports or announcements?"

Councilwoman Blass: "I have one, Mr. Supervisor, and this is from our sea clam consultant who has reported that we had the 25th annual or consecutive year of successful hard clam rafting program in the waters of East Creek and this program produced about 145,000 adolescent seed clams. The survival rate was 80% which was below normal as was the growth rate and this was attributed to a poor algae condition in the quality of the water at East Creek.

Nevertheless, we were able to plant about 70,000 seed clams near the S. Jamesport town beach area and 70,000 seed clams along the southern banks of East Creek and Aeros Oyster Company was gracious and donated approximately 10,000, 10 millimeter scallop clams or scallop seeds which were placed in the S. Jamesport Miamogue Lagoon area.

So that is the report from the (inaudible)."

Supervisor Cardinale: "Any other announcements or committee reports? If not, we have two public hearings to commence 7:20, one at 7:25.

It being 7:24, we can open the 7:20 hearing."

Public hearing opened: 7:24 p.m.

Supervisor Cardinale: "Which is for consideration of a local law to amend Chapter 108-16 entitled zoning Article V Residence B-80 zoning use district of the Riverhead town code.

And it seeks to add an additional use for professional offices of attorneys, architects, medical doctors, or dentists provided that the subject real property conforms to the following conditions: the property is improved with a single family residence at the time of the adoption of the local law. The professional office shall be within the building footprint of the existing family residence, and the property has frontage along NYS Route 25 between Route 25 and the town boundary with the town of Southold.

The second hearing which I'll open shortly is the same language which would be applied to the agricultural protection zoning use district in that area.

And for the first hearing, do we have any comment?"

Jody Giglio: "Mr. Supervisor and the town board. My name is

Jody Giglio and I'm the president of the Riverhead Business Alliance. And we have some concerns (inaudible).

Jody Giglio, the Riverhead Business Alliance. We feel that the proposed legislation is not in keeping with the master plan.

Adding these uses in this area, may detract from existing vacant offices and commercial areas in town. This represents the town micro-managing the zoning code to limited specific areas and, therefore, results in spot zoning, a limited specific area within an established zone.

What will prevent property owners in other RB-80 zones from requesting inclusion? There are areas in Wading River on 25A and in other areas in Jamesport where this could apply.

Allowing only current existing residences to be included seems prejudicial. If an owner builds a house next year and wants to convert it to an office in the future, they would not be allowed to. However, their neighbor whose structure existing previously, is permitted this use.

This results in an unfair devaluation of vacant property and increased valuation of existing properties in the same zone.

Will the Assessor's office lower the assessed tax rate of vacant properties in these area?"

Supervisor Cardinale: "Thank you. We did this in the Rural Corridor. Did we not?"

Councilman Dunleavy: "Yes."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Where were you then?"

Jody Giglio: "Doesn't the Rural Corridor cover these offices by special permit? Why is there the need to include it in the RB-80 and the EPZ?"

Supervisor Cardinale: "I guess my point is I'm a little surprised that you are opposed and I'm intrigued and listening carefully and I appreciate your points, some of which are well taken.

But what I was pointing out is that we had had a request from the residents at a work session sometime ago to consider a office

use which is not- which was not available for the rural corridor between 105 and the town line which is limited zoning as you know.

We heard it and we passed it as to the Rural Corridor zoning along that strip. Then we got a request that wasn't the intention to permit that additional use, you know, the additional use of existing residences as professional offices within the conditions, intention from 105 to the town line, regardless of whether it was rural corridor zone, APZ zone or RB-80.

And the board really hadn't thought too carefully about it but it was generally the intention to allow it available on that corridor so this finished the job that was started without objection at the rural corridor zoning, but if, you know, I appreciate the fact that you actually read our statutes, which is good, and give us some comment on it but I'm surprised that the Business Alliance would be against it because it adds a business use. But- "

Jody Giglio: "Well, the fact that it would detract- "

Supervisor Cardinale: "Yeah, I understand it's good reasons."

Jody Giglio: "-- from vacant buildings in other areas of the town is a concern and also the safety issues and increased traffic along Route 25, whether or not an environmental impact study was done or any type of traffic study if all of these dwellings were to convert over to businesses or professional offices."

Supervisor Cardinale: "That's a very good question and I think we asked that, did we not, of our planning director. Are you here planning director? I would like to get that answered because that is a helpful suggestion from Jody."

Did- do we know how many existing residences we are impacted- that are possible for this conversion?"

Rick Hanley: "We did an inventory of the existing buildings within 105- from 105 to the town line and I believe that the legislative intent is to allow this by special permit which would require that any applicant would have to demonstrate that there was appropriate access to the site and there wasn't loading on the public highway, which is a state highway."

Supervisor Cardinale: "Right. But her question is- her concern as I glean it is by permitting professional offices in this area, you diminish the value of professional offices elsewhere and she wants to know and so do I how many."

Rick Hanley: "No. We— well we have numbers but we didn't study— we didn't the (inaudible) on the conversion of existing marginal residential uses to business uses as compared to other vacant business uses in the community. No, that was not done."

Supervisor Cardinale: "Yeah, maybe just count the houses."

Rick Hanley: "Well, we did that. But I think what she's saying is that there's some issue that by allowing for this use, that somehow we're diminishing values of commercial properties in the community. And we did not do that worth."

Supervisor Cardinale: "But we did do a count."

Rick Hanley: "Yes."

Supervisor Cardinale: "What's the count, do you remember?"

Rick Hanley: "Yes. It's in the office somewhere. I have to get it."

Supervisor Cardinale: "Okay, because I'd be curious, if you could get it now or well, just let me know the number."

Rick Hanley: "Before we legislate, I'll do that."

Supervisor Cardinale: "That's the question. How many potential uses are on that corridor? If it's 42, I don't think she's that worried, but if it's 422 she might— "

Rick Hanley: "Very good. We have that. Yup."

Supervisor Cardinale: "Thank you."

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

Rick Hanley: "Yes."

Councilman Dunleavy: "These professional offices, most of them will be open Monday through Friday and not Saturday and Sunday where the traffic is on Route 25 heavily. Am I correct?"

Rick Hanley: "I would agree with that and I would also suggest that any special permit would have to demonstrate to the State of New York that any motor vehicle movements would be appropriate in terms of the times of day and the level of the curb cut and the level of signalization on each parcel."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "So if you get me that figure or get it to Jody and then me. Yes?"

Jody Giglio: "We appreciate-- the Riverhead Business Alliance appreciates what the board is doing by acknowledging that professional offices-- that corridor along Route 25 might be a desirable place for a professional office. We appreciate that."

It's just the way that we're going about it in that it appears to be spot zoning and the part that there are vacant parcels that are situated in between these dwellings that are not offered the same benefit as the existing houses and that's all. We'd just like the board to consider that."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "I think one of the reasons that it was done that way was because the intent was to refurbish the existing under-utilized and dilapidated structures to give them a use they were not being sold as residences and it was a way to maintain the character of some of these nice older homes to offer a reuse and that was how it was presented to us and it seemed as though it had merit and we decided to put it out for a hearing."

Jody Giglio: "That's great. If the board would just consider some of the Riverhead Business Alliance-- "

Councilman Dunleavy: "Jody, if you go look on First Street, those houses on First Street that are now law offices, how they are fixed up and they kept their heritage, that's what we were looking at."

Twenty-five, from 105 to Southold, they have some beautiful old houses which are not kept up and if a law firm or a doctor got those, he would fix it up, keep the heritage, and make it look like it should look."

Jody Giglio: "I agree. I just feel that the vacant parcels that are situated in between these homes that you're discussing, should also be given the right of appearing before the board for a special permit and perhaps they could build something that would be as aesthetically pleasing as the renovated homes."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. We have-- any further comment on this, please come up."

Martin Sendlewski: "Good evening. Martin Sendlewski, also with the Riverhead Business Alliance.

One of the points that I think is being missed here, is I don't think that when business people look at you including these uses in that corridor, that they're necessarily opposed to it. That's really not the case.

The issue that we have is the procedure the town continues to use in legislative zoning that really doesn't make sense. If you want to do this here, change the zoning of the property, we had the same condition in the RLC zone with the Janus property. The Janus property in between S. Jamesport Avenue and another road.

Because of the zoning you wanted to have everything RLC and you didn't want to have I think CR which is what they were previously. Even though it didn't fit, you said well, we'll make it RLC but we'll give you additional uses in your RLC corridor there.

And that doesn't really make sense. That's not the way the zoning map and the zoning book should be utilized. If you're going to have different properties when you adopt a master plan, they should reflect the zoning and the use should reflect what's going on.

Their property should have been and maybe that strip should have been different zoning. I think a lot of people agree to that.

What you should maybe consider here is if you want these uses to be included, then why don't you rezone them along that corridor as RLC instead of spot zoning RB-80 in this area to have this use, then maybe the RB-80 doesn't fit. Maybe it should all be RLC so that you don't have this deal where some RB-80 gets it and some don't.

That's- I don't think that's a good way to use the zoning legislative code. I think it should be very clear and it just seems to be not as clear a way as you could do it. That's all."

Supervisor Cardinale: "Well, one of the reasons you do it-- first of all we are doing a zone change. We are changing the zoning code for-- in this instance RB-80 and in the next that we're about to address is the APZ by adding a specific use which is conditioned.

I presume this has passed the muster of our legal staff so it's legal to do it this way. We're saying the use is permitted throughout that zone so long as you meet three conditions and the three conditions are pretty clear.

It's already improved with a residence, single family; that they will not expand the footprint; and that it has to be between Route 105 and the town line.

I would like to just make certain that that approach which he has question about is proper, legally proper. I think policy-wise it works. The question is, is it permissible?"

Martin Sendlewski: "It seems that a lot of times a lot of these things get thrown to the code about special things here and special things there when you could just clear it up by conforming the zone in that area to the other zone that you want it to comply with."

Supervisor Cardinale: "Well, one thing you couldn't do. You couldn't make those 80 and APZ areas that have residences on them, you couldn't just pop a rural corridor zone on it and say okay that's rural corridor. Because that would be like a textbook case of spot zoning.

But her point is well taken. It's kind of a method by which you can accomplish the same result which you're asking is that a good result. And I'd like to know if we can do it this way."

Martin Sendlewski: "Then I think the only other point would be if that's the case, and that's fine, you know, we just bring it up as a point of reference.

But if that's the case, then we still don't see the difference between a vacant parcel and a constructed parcel. That's all."

Supervisor Cardinale: "Well, I can tell you the thinking. The thinking was we were concerned about something else she said that we didn't want to have a whole slew of offices, we didn't want new offices. We just wanted to assist in the refurbishment of the homes.

So we-- but if we put it on the whole strip, you know, we just added it as a use, the number of points to which-- which could develop in this fashion we thought excessive when we did that inventory, but you bring some good issues up.

I just want to make sure that this has been done before and it's proper if we chose to do it."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Right. Okay. Because it's throughout all of a class of- okay. I understand."

Jody Giglio: "I would just like to reiterate the importance of the board protecting the value of the vacant properties along this corridor because those vacant properties wouldn't be given the same consideration of the existing houses and if someone decided to build on a vacant piece of property and they had an office on one side and an office on the other and they couldn't be an office and just a dwelling along this corridor- "

Supervisor Cardinale: "That's an interesting point. Yeah."

Jody Giglio: "-- so it's really not a fair way to go about it and by doing this you're opening up the door for other areas along corridors that would ask for the same consideration."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. Any other comment on this particular change?"

We have a second hearing. I'll close this hearing, it being 7:38."

Public hearing closed: 7:38 p.m.
Left open for 10 days for written
comment to November 28, 2008 at
4:30 p.m.

Public hearing opened: 7:38 p.m.

Supervisor Cardinale: "And open the hearing scheduled for 7:25. That hearing is the identical language applied to the APZ zone in the same area between Route- 105 and- on Route 25 between 105 and the Laurel line.

The conditions again would be that we're considering allowing professional offices, very restricted incidentally, for attorneys, architects, doctors or dentists, provided the property is improved with a single family residence already at the time of this local law.

The professional office shall be within the building footprint

and the property has frontage on 25.

Would anyone like to make any further comment as it relates to the APZ or read your comments in earlier to this hearing?"

Jody Giglio: "Yes. I would just ask the board if they could please take the minutes from the last public hearing and add them to this hearing so that they can be part of the record for this hearing as well."

Supervisor Cardinale: "Would you do that, please, the same hearing minutes should be reflecting and anything else that's added now."

Judy Giglio: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment anybody wishes to add? If you do, please come forward. If you don't, I'm going to leave both hearings open for- 'til Friday, a week, which would be I guess the 28th, Friday, the 28th at 4:30 p.m.

And if there's any comment written you want to make, drop it at the clerk's office by that time and we'll consider this thereafter, after the 28th."

Public hearing closed: 7:40 p.m.
Left open for 10 days for written
comment to November 28, 2008 at
4:30 p.m.

Supervisor Cardinale: "That is the conclusion of the two hearings scheduled. We have 37 I think resolutions. If anyone would like to make a comment on any of those resolutions, please come up."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes, Sal."

Sal Mastropolo: "Resolution 25."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "It talks to the Community Development Agency."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "But in the first now therefore be it resolved, it says that the Riverhead town board hereby authorizes selection of HDR.

Shouldn't it say the CDA hereby authorizes as well as the whereas before that?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The town of Riverhead- it should either say the Town of Riverhead slash CDA or take out town of Riverhead and just say CDA."

Supervisor Cardinale: "Yeah. Why don't we just say Riverhead town CDA-- change the word board to CDA in the now therefore be it resolved clause. And there was another place you said?"

Sal Mastropolo: "Yeah. The whereas right before that."

Supervisor Cardinale: "And town of Riverhead right before should read town of Riverhead CDA."

Sal Mastropolo: "995."

Supervisor Cardinale: "995. Yes."

Sal Mastropolo: "The be it further resolved, to forward a copy of this resolution, not the resolution."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "And while we're on that subject, there are several resolutions in here that talk about forwarding a copy of the resolution and then there's others that say forward a certified copy. Is it-- was it-- is it the town's intent to now have certified copies as well as copies?"

Supervisor Cardinale: "Yeah. Would you-- certainly we want only copies sent, not certified copies. And would you make that change in all resolutions, please? Thanks"

Sal Mastropolo: "998."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Forward a copy of, not the resolution."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "1004."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Do you really mean to underline all of the intersections on the public notice?"

Supervisor Cardinale: "That's a good question. What do you think, Dawn? Do you have any-- "

Dawn Thomas: (Inaudible comment)

Sal Mastropolo: "Well, I looked at the list, okay, underline means it's new but a lot of those intersections that you have there already have lights, like Hulse Landing in front of the Wading River firehouse."

Supervisor Cardinale: "I understand what you're saying. On this one, were you going to look at this, John, with the committee?"

Councilman Dunleavy: "I did look at it. I'm going to table it."

Supervisor Cardinale: "All right. We're going to table it for that reason-- two reasons now, verify how we want the-- to verify the publish and posting text and also to-- there maybe some here that shouldn't be."

Councilman Dunleavy: "There are some that should be there and some that aren't there."

Sal Mastropolo: "That's my point. It looks like somebody just inadvertently underscored everything and I know that there are existing lights there. Like Harrison Avenue and 58, that light exists already."

Supervisor Cardinale: "We'll table that."

Councilman Dunleavy: "We're going to table that."

Sal Mastropolo: "Okay."

(Inaudible comment)

Councilwoman Blass: "I think it said repeal of this one to be

replaced with this one, the way I look at it."

Councilman Dunleavy: "We're going to table it."

Sal Mastropolo: "1008."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "1008 makes no mention of maximum cost of the contract or the agreement, maximum hours or an end date for completion. And I think there should be something in there that says, you know, this agreement is for no more than x amount of dollars with a targeted end date of a certain date.

I mean the way this is written, it can go on forever."

Supervisor Cardinale: "Yes. And I did pick that up myself. Three weeks- four weeks, \$14,000 was the amendment."

Sal Mastropolo: "Four weeks and 14,000."

Supervisor Cardinale: "\$14,000, yeah, which is 140 times 100 hours we anticipate. I asked to be notified when that occurred. Since it's an hourly contract, if she's not working any faster than that, we can stop her or move her fast."

Sal Mastropolo: "Okay. 1010."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "First correct the spelling of engineering in the title."

Supervisor Cardinale: "Right. You got that? Thank you."

Sal Mastropolo: "Next comment is the resolution is dated this year but the attachment is dated in 2004. Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "And furthermore, the attachment was never dated when it was signed. So I'm just wondering, I mean, also what's the total cost of the agreement? Is it 55k or is it 67k?"

Supervisor Cardinale: "This is a completed- I'm told that this is a housekeeping thing because- and it is 2004. The agreement was- the contract was authorized but never signed. Is that what happened? And the work was done. So we're now ratifying the fact that I signed it."

Sal Mastropolo: "Well, if it's housekeeping, then I suggest you include in the resolution the total cost. Because looking at the paperwork, it's questionable as to whether it's 55,000 or 67,000 because there's a handwritten note on the letter that says requested change order to additional 12,000.

So if you're going to clean up, let's do a complete clean up and put the total cost in the resolution."

Supervisor Cardinale: "So 29,000 is- I see 29; I see 26- "

Sal Mastropolo: "Yeah."

Supervisor Cardinale: "-- and you want to know what the 12 is. Correct?"

Sal Mastropolo: "Well, I think if you're going to clean it up, you should include in the resolution what the total cost of the entire agreement was."

Supervisor Cardinale: "Okay, thank you. If Testa were here, I'd ask him."

Councilwoman Blass: "Chris may know."

(Inaudible comment)

Supervisor Cardinale: "So we need an executed copy to get paid back whatever we paid. Do you happen to know if this contract was 26, 29 and 12 or just 26 and 29?"

(Inaudible comment)

Supervisor Cardinale: "Okay. But in either event (inaudible). And we're seeking to get this as a document in place so my concern, I guess, is when we send it in, if we're seeking 29, 26 and 12 reimbursement, we better make clear there's another document that would be the change order we have to attach."

(Inaudible comment)

Supervisor Cardinale: "Okay. So you're using checks. Thank you."

So we've already signed this anyway so it doesn't make a lot of difference, it's a ratification. But I would like to know what the number was so that I can at least tell Sal as a member of the public."

Councilman Dunleavy: "We're just trying to get some money back that we already spent."

Supervisor Cardinale: "Right. But- "

Sal Mastropolo: "I guess my point is if you're going to use the resolution as backup information to submit the grant, the resolution should state how much you spent on it so that way they have a complete packet and they don't turn around and ask the same question I am."

Supervisor Cardinale: "If you- the contract does say the amount? It says 26 and 29. Okay. So the contract amount is 26 and 29. If there was an extension that is alluded to with that note, she'd have to include that extension document and the check for 12,000. Okay?"

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "1023."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "That's the resolution subject to permissive referendum on the sale of town property."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's no mention of the sale price of the property. Shouldn't that be in the public notice?"

Supervisor Cardinale: "They're not- this is a parcel upon which- that the town got for taxes and built a house on and the resolution authorizes the sale of the parcel in connection with workforce housing.

Yeah, we have a contract on these, do we not, Chris?"

(Inaudible comment)

Supervisor Cardinale: "So why is this particular one necessary to pass a resolution authorizing the sale?"

(Inaudible comment)

Supervisor Cardinale: "We're doing them one at a time on the closings?"

Dawn Thomas: "I don't think so. I think maybe this one was an oversight."

Sal Mastropolo: "Well, I guess- "

Dawn Thomas: (Inaudible comment)

Sal Mastropolo: "Okay. I guess the question I have is, okay, you may be selling the house for 167 but I have no way of knowing what it cost to build the house or better yet, okay, well then how much did the town sell the property to the builder for so that he can sell it for workforce housing or are we giving this property away? That's my question."

Councilman Dunleavy: "Chris can answer that."

Chris Kempner: "As far as the (inaudible) are concerned, they're given to us with restrictions for (inaudible) and then we work in conjunction with a not for profit housing agency to transfer the property and then some of the costs of the actual construction is subsidized and (inaudible)."

Sal Mastropolo: "Okay. Does the restriction also state that the town must give the property away free?"

Chris Kempner: "If we are transferring the property based on this formula (inaudible)."

Dawn Thomas: "That's part of our grant. That's part of the town's contribution towards the affordability of the house."

Sal Mastropolo: "Is the free property?"

Dawn Thomas: "Correct."

Sal Mastropolo: "Okay. Thank you."

Dawn Thomas: "You're welcome."

Supervisor Cardinale: "Thank you, Sal. Any other comment on the resolutions? If there is, please come forth. If there is not, we will consider them and then take general comment."

Why don't we begin with adjourning the town board meeting and opening the meeting of the CDA?"

Meeting adjourned

Meeting reconvened

Supervisor Cardinale: "Thank you. I'm going to reopen the town board meeting and ask that Diane, our town clerk, call the resolutions 994 through 1031."

Resolution #994

Councilwoman Blass: "This is a budget adoption in connection with Mastro Realty. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #995

Councilman Dunleavy: "Appoints a call in bus driver to the Riverhead recreation department, as amended. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #996

Councilman Buckley: "Appoints temporary clerks to the tax receiver's office. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #997

Councilman Wooten: "Authorizes the supervisor to release petty cash monies to the receiver of taxes. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #998

Councilwoman Blass: "Ratifies the appointment of a call in recreation aide to the Riverhead recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #999

Councilman Dunleavy: "Appoints registrar in the town attorney's office. So moved. Town Clerk's office, excuse me."

Councilman Buckley: "Seconded."

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

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

Resolution #1000

Councilman Buckley: "Appoints a marriage officer. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1001

Councilman Wooten: "Setting the terms and conditions of employment of Daniel P. McCormick, deputy town attorney. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1002

Councilwoman Blass: "Authorize the execution and submission of grant application to Suffolk County for fiscal year 2009 community development block grant funds. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1003

Councilman Dunleavy: "Authorizes extension of time to remit real property taxes for senior citizens receiving enhanced Star pursuant to Section 425 of the RPTL. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #1004

Councilman Buckley: "Motion to table."

Councilman Wooten: "Second."

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

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

Resolution #1005

Councilman Wooten: "Adopts a local law amending Chapter 44 entitled agricultural lands preservation of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1006

Councilwoman Blass: "Adopts a local law amending Chapter 18 entitled Code of Ethics of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Just- real quick. I'm not sure if it makes a difference or not but in B-2, if we're referring specifically to newly elected officials, should we say 30 days after taking office instead of 30 days after appointment?"

Well, because the appointment- we're crossing out the appointees that we're saying that it's no longer applicable to them. I don't know if it matters."

Councilman Dunleavy: "No. It can't be 30 days after- "

Councilwoman Blass: "Thirty days after taking office. But it's not after appointment."

Supervisor Cardinale: "You want to take a look at that? Since it relates only to elected officials, it's probably right. And it does make sense because you don't appoint elected officials. That's correct."

Councilwoman Blass: "So we would say after taking office?"

Supervisor Cardinale: "Yeah. That's I think the intent. After being sworn into office. Thirty days after being sworn into office they have to file."

All right. With that amendment, can we have a second?"

Councilman Dunleavy: "Second."

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

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

Resolution #1007

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

Councilman Buckley: "Seconded."

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

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

Resolution #1008

Councilman Buckley: "Ratifies approval and authority to enter into agreement with the Galamery Company, Inc. So moved."

Councilman Wooten: "Seconded."

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

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

Councilman Dunleavy: "Yes. As amended."

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

Resolution #1009

Councilman Wooten: "Authorizes publication of notice to amend CDBG program. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1010

Councilwoman Blass: "Ratifies the supervisor's execution of professional engineering services agreement. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1011

Councilman Dunleavy: "Authorizes release of developer money Sunken Pond Estates Section 1. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #1012

Councilman Buckley: "Authorizes release of developer money Deep Hole Road. So moved."

Councilman Wooten: "Seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "The math doesn't add up on this one."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "They're a couple hundred dollars off."

Councilwoman Blass: "If you add the two, it's not the total. I don't know which one is right or wrong."

Supervisor Cardinale: "All right. Then we better hold it

until- yeah, until they figure out how to add.

Thank you for picking that up.

Okay, so we'd have passed it and have to amend it. So let's give it back to them and tell them to figure out what they're trying to do."

Councilwoman Blass: "Okay. So you want to withdraw?"

Supervisor Cardinale: "Motion to table. Because then we'll just amend it and pass it when we know what the numbers are.

Okay, can I have a motion to table that for consideration of the arithmetic here."

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

Councilman Wooten: "I'll second."

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

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

Resolution #1013

Councilman Wooten: "Authorizes release of developer money Hubbard Estates. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1014

Councilwoman Blass: "Authorizes the release of developer money for the Meadows at Aquebogue. So moved."

Councilman Dunleavy: "And seconded."

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

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

yes; Cardinale, yes. The resolution is adopted."

Resolution #1015

Councilman Dunleavy: "Authorize the release of developer money for Stoll Associates, Herricks Lane. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #1016

Councilman Buckley: "Authorizes release of developer money for Mid Road Properties Section 1. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #1017

Councilman Wooten: "Oh this one authorizes the release of developer money for Mid Road Properties Section 2. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1018

Councilwoman Blass: "Authorizes the release of developer money for Birchwood at Wading River Section 3 & 4. So moved."

Councilman Dunleavy: "And seconded."

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

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

yes; Cardinale, yes. The resolution is adopted."

Resolution #1019

Councilman Dunleavy: "Authorizes town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-3 Stop and Yield Intersections, Railroad Crossings, Parking Fields. So moved."

Councilman Buckley: "Seconded."

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

The Vote: "Wooten."

Councilman Wooten: "This is for the public hearing, yes."

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

Resolution #1020

Councilwoman Buckley: "Install water mains and appurtenances Baiting Hollow Club subdivision Riverhead water district. So moved."

Councilman Wooten: "Second."

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

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

Resolution #1021

Councilman Wooten: "Authorizes H2M group to proceed with schematic design services for the Osborne Avenue ambulance facility and addition and alteration to Manor Lane ambulance substation. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Dunleavy: "I'm going to vote no."

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

Resolution #1022

Councilwoman Blass: "Authorizes the supervisor to execute a grant agreement with New York State Housing Trust Fund Corporation for funds to support emergency home repairs for the elderly. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1023

Councilman Dunleavy: "A resolution subject to permissive referendum authorizing the sale of a town of Riverhead parcel in connection with workforce housing. And this is Woodcrest Avenue. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #1024

Councilman Buckley: "Grants special use the Washwick Agency expansion of a non-conforming use. So moved."

Councilman Wooten: "I'll second."

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

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

Councilwoman Blass: "Yes. I think we have to add the word permit. We do special use permits in the heading."

Supervisor Cardinale: "In the heading, it should read special use permit."

Councilwoman Blass: "Yes."

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

Resolution #1025

Councilman Wooten: "Authorizes the town to post and publish the attached notice to bidders for HVAC improvement project at the senior citizen center. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1026

Councilwoman Blass: "Grants special use permit of Peconic Propane expansion of a non-conforming use. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1027

Councilman Dunleavy: "Grants special use permit petition of Sid Harvey Industries wholesale business. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #1029

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 772 Raynor Avenue, Riverhead, New York. So moved."

Councilman Buckley: "Seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes, please."

Councilwoman Blass: "Only that I know we had a resolution that was supposed to be in- I'm questioning the numbering. Should we leave Resolution 1028 out? Or should we- "

Supervisor Cardinale: "Did we pull it?"

Councilwoman Blass: "It was pulled."

Supervisor Cardinale: "All right. Well, yeah, we might- "

Diane Wilhelm: "Do you want to re-number?"

Councilwoman Blass: "I don't-- I'm just asking."

Supervisor Cardinale: "We pulled 1028 because it's not ready because we had to do a referral."

Why don't- it's ready for passage as soon as we get the referral back. Why don't we just table 1028 and then just pick it up as soon as we get the- yeah. That would be easier and you wouldn't have to re-number- "

Diane Wilhelm: "So 1028 is tabled?"

Supervisor Cardinale: "We should make a motion to table it then."

Would somebody motion to table 1028, please?"

Councilman Dunleavy: "I make a motion to table 1028."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded to table 1028. Vote please."

What else, Marty? We learned this afternoon after we decided we wanted to address it, that the referral to Suffolk County had not been made. We notified and applicant and his counsel."

(Inaudible comment)

Supervisor Cardinale: "Yes. Yes, but we— well, no, we wish that it had been but it wasn't. We checked it.

The initial application was 2004 but did you get the explanation why it was not referred in 2004?"

(Inaudible comment)

Supervisor Cardinale: "At that time the clerk did not refer it because she wasn't— she was not operating at that early date. Refer everything so we don't have to have this problem again.

When it was resurrected in '07 after the DEC approved it, it wasn't referred then because it was resurrected by letter so the net result of it is there was no referral which we know will probably come back with a local— matter of local significance.

But you're welcome to take a look. If you can find it, we'd be glad to pass it or consider it."

(Inaudible comment)

Supervisor Cardinale: "Even assuming you're right, that it should— that would have been and is the present practice, we can't find no evidence this one was. That's our problem.

Did he check with the county? Rick, could you come up? On that matter, okay, we're going to table it but I have a special on Thursday. Would you check with the county to see if they got a referral in '04 because if they did we could consider it Thursday. We're going to do at 4:00 a special on Thursday.

Okay, so could you table it for the moment? We may be able to pass it that soon if we can get that confirmation. Or at least consider it that soon. Go ahead. Motion to table.

Moved and seconded to table. Vote."

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

Resolution #1029

Councilman Dunleavy: "Authorize legal action against the owners, tenants, occupants and mortgagee of the property located at 772 Raynor Avenue, Riverhead, New York. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #1030

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 1563 Main Road, Jamesport, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1031

Councilman Buckley: "Motion to pay bills."

Councilman Wooten: "Seconded."

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

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

Supervisor Cardinale: "Does that conclude the consideration- "

Diane Wilhelm: "That is it."

Supervisor Cardinale: "That completes the consideration of resolutions. We are ready now to take comment on any matter that anybody would like to take comment on that hopefully is within our purview.

Yes."

Henry Silverman: "Henry Silverman, Peconic Bay Blvd., Riverhead, New York.

It is now three years, 120 days since Leroy Barnes neglected to

issue us a certificate of occupancy on our new home.

At the last town board meeting, as you recall, November 5th, Mr. Cardinale you told Ann Marie Prudenti quote speak to Phil Siegel and ask him to offer to have a settlement conference within the next week. End of quote.

This didn't happen, did it? What happened was Mr. Siegel called my attorney the next day. He did not offer a settlement conference. What's going on behind closed doors here? What was your legal counsel told, to speed up the prosecution of this case? Because Mr. Siegel told our attorney that he wants to resume depositions for trial which will, once again, cost an enormous amount of money in time.

This is continued harassment and another form of retaliation against us.

During September's depositions, Mr. Siegel stopped in the middle of depositions to discuss settlement. To our dismay, this has never been mentioned again so Mr. Cardinale and board, quit saying that we are not ready to settle this.

Your legal counsel does not seem to follow through on the negotiations.

Regardless of Mr. Barnes' actions, even if you take away all the history leading up to this point, in 2005 there was a specific list of requirements to obtain a certificate of occupancy. We met all those requirements.

To our amazement, maybe you as a board never saw letter after all this time being wasted. At that point as you noticed, all these requirements were met. It was handed in July 19th of 2005. Whether it was an error, incompetence or hopefully not some other agenda, we have not yet received the certificate of occupancy.

What do you have from gaining from not letting us live in our home?

Mr. Cardinale and Board, you can stop this atrocity to my family and just move on."

Supervisor Cardinale: "Thank you."

Henry Silverman: "Thank you. Soon, please."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "The next comment, please."

Martin Sendlewski: "Good evening, Martin Sendlewski."

Councilman Dunleavy: "Turn the mike on."

Martin Sendlewski: "Martin Sendlewski, Riverhead Business Alliance."

I just wanted to give the board a courtesy and update with regard to our group.

We continue to grow and I wanted to give you some information that we have in terms of what our procedure is just to let you know."

Supervisor Cardinale: "What group is this?"

Martin Sendlewski: "The Riverhead Business Alliance. I just want to let you know that when we discuss anything at a meeting, the only people that will represent the RBA are board members. However, we do encourage all of our members to get up and talk about issues that affect them."

However, only the board would talk in an official capacity.

Also, all of those correspondence will be followed- issues or discussions will be followed up with an official correspondence to the board via the town clerk's office. So there's a very accurate record of issues that the RBA brings to the forefront of the board.

And we had a membership meeting recently and much to our surprise we thought it was going to be about a 20 minute meeting and we ended up being at the meeting for three hours for a lot of members.

Some of the things that they brought to the table and are not for discussion but just to bring to your attention, is a lot of members are wondering if there is going to be a housekeeping code revision review as there are a lot of issues in the code and they still would like to have some members that are members of the business community participate in that at no charge. So it's, you know, a good resource for the town to rely on.

One of the things a lot of businesses have asked for is a use schedule to be included in the code so that you know it's very easy if you're going to invest in Riverhead you can get the schedule and see what zones allow what you want to do. It just makes the code

easier to review.

They were also hoping for some type of a written format that could be published and utilized as a pre-submission review with the planning department on applications. This way you can sit down with the planning department, go through it and actually have the planning department list. It's not a final list and certainly, you know, there's going to be reviews and SEQRA and a lot of other stuff going on.

But at least if an applicant has a list of sort of the global things that they're going to have to address, it would be very helpful for businesses coming to Riverhead.

And one thing a number of people mentioned is they would prefer that the town consider republishing revisions prior to the adoption date. A lot of times you have— you publish if you have a public hearing, then after you adopt it, you publish what was adopted.

A lot of people had asked us to ask the board if you would consider putting that publication and the date before you're actually going to approve it because sometimes those resolutions go through and then they're published later and people did not realize that they were going to be on for that evening.

So they ask that as a courtesy.

And a number of people had mentioned that they're hoping the town in conjunction with some of the things going on with the wild and scenic rivers act, would really— they're encouraging what you're doing as far as the improvement on West Main Street as the gateway to town.

So any of these items that they've brought to us, we will relate to you in a written format just for your consideration. We'll follow up at future meetings and if we can be of any help to the board, we certainly would be happy to do so.

Thank you."

Supervisor Cardinale: "Thank you, Marty."

Councilwoman Blass: "Thanks. Actually, Marty, you could be helpful in that the community rivers hearing is being held in this room by the administrative law judge on December 10th at 6:00. So I would urge the board, your group, to come to that particular public hearing and support the amendment."

Martin Sendlewski: "Actually, I'll grab one of Jody's issues because that's on the next list, but that's something that we are going to do."

Councilwoman Blass: "Good. Okay."

Martin Sendlewski: "The RBA is going to encourage what the board is doing. Actually we had a couple of specific comments and one was to try to encourage the DEC to make the line 25- the center line of 25 to the railroad tracks and then follow the center line of the tracks to the western end of the town."

So that takes out a lot of additional properties because once you hit a railroad bed, it doesn't really make sense to have it cross. So that's just an opinion, but we'll definitely be there with some comments.

Thank you."

Councilwoman Blass: "Thanks."

Supervisor Cardinale: "Good evening."

Ed Purcell: "Good evening, Ed Purcell, East Main Street, Riverhead."

I notice you still have the zero tolerance zone signs up. Has that made a difference in the problems downtown or any perceived problems?"

Councilman Buckley: "I have some good statistics, Ed. I don't know if you want me to show them, tell you now, or if you want to see them after. But I can tell you week 1, which was back in the beginning of August, and I'm not even touching the summonses, but violent felony warrant arrest, probation warrant arrest, two other warrant arrest, one of them was a felony, and this is just for zero tolerance patrols. This is not for the- "

Ed Purcell: "No, no. I'm not talking- I understand that. Did the signs in themselves do any good not that you didn't make any- not that you made it a zero tolerance zone."

See, my concern is not the fact that you made it a zero tolerance zone, but the perception of Riverhead that it's even worse than it is with those signs up, with the specific ordinances. This fine has gone up and that one and this one and that one. It just makes it, the perception."

Supervisor Cardinale: "Are you aware of this issue, Tim?"

Councilman Buckley: "From reading it in the paper when I was in- "

Ed Purcell: "Yeah, it's the perception. It's not the fact that maybe you're being more strict with the rules and regulations in the area. That's fine. I think that's what the ex-mayor of New York City did.

But I don't think he put up signs saying watch out, this is a bad area. And that was my concern about the signs.

Has anything- another subject, I hear a lot of complaints on the radio about the parking lot, about the lighting in the parking lot, the fact that there's some lights out."

Supervisor Cardinale: "The north parking lot, the south parking lot."

Ed Purcell: "South parking lot."

Supervisor Cardinale: "That would be it. I- Vince who is on the parking district committee and the small business- what have we got? Did we fix the lights yet? That stuff we can do."

(Inaudible comment)

Supervisor Cardinale: "Well, good, because that we can do. The little stuff we can do."

Ed Purcell: "That's what I mean. That's a little- "

Councilman Dunleavy: "That was a problem. They couldn't fine where the wires are, so, you know, they're pulling the wires so we'll see what happens."

Ed Purcell: "Okay. And I know that you- there was a court case on the zone change on Sound Avenue near Roanoke."

Supervisor Cardinale: "Yes."

Ed Purcell: "Has anything new happened on that?"

Supervisor Cardinale: "Yes. We lost the initial go round- "

Ed Purcell: "I know you lost the initial."

Supervisor Cardinale: "-- and we have it under appeal and- "

Ed Purcell: "Time frame?"

Supervisor Cardinale: "Yeah, submitted appeal now. Is that correct, Dawn? EMB, what's the status of EMB? And how long before a decision would you guess?"

Dawn Thomas: "Well, they have not submitted their reply brief yet."

Supervisor Cardinale: "Okay. We submitted our petitioner's brief, they did not yet provide the reply. Once that is done which is- they have what, 30, 60 days now still- to submit their reply."

Dawn Thomas: "Yeah, they asked for an extension, we gave them an extension."

Supervisor Cardinale: "How long?"

Dawn Thomas: "Thirty days, I think."

Supervisor Cardinale: "Okay, so they have 30 more days to present their reply."

Ed Purcell: "Yeah, because I haven't heard anything and it's been a couple months I think."

Supervisor Cardinale: "And then in theory they're supposed to give us a decision in 60 days but we found from experience, it's more like six months."

Ed Purcell: "Yeah. And I had mentioned the last time which is a while ago, about what different areas you could put a bed and breakfast in downtown and you thought maybe that you would look into that."

Supervisor Cardinale: "I do remember and Jody spoke with me this week about a similar issue which we're going to take up at work session which is we permit bed and breakfast in R-80 but not in R-40. Why can't we have them in R-40? And you asked why can't we have them downtown."

Ed Purcell: "Yeah, because, you know, that's a positive as opposed to a negative."

Supervisor Cardinale: "Right."

Ed Purcell: "A bed and breakfast because it's like a small motel but I mean it's people only stay for a weekend."

Supervisor Cardinale: "Do we have bed and breakfast downtown?"

Councilwoman Blass: "We did DC-5, we added it recently in DC-5."

Ed Purcell: "Well, that's what I was wondering."

Councilwoman Blass: "Yeah, it was done."

Ed Purcell: "Because most likely it would be in most districts other than industrial."

Supervisor Cardinale: "It's downtown in DC-5 and at this work session on Thursday, we'll consider expanding it into another district and see what the board's response."

Ed Purcell: "Okay, thank you."

Supervisor Cardinale: "Yes."

Jody Giglio: "Good evening again. Jody Giglio president of the Riverhead Business Alliance."

I would like to commend the board and acknowledge you for hiring a new site plan examiner. We believe this will free up Karen and possibly get some more site plans approved and some more business activity throughout Riverhead.

So great job and thank you for hiring the new site plan examiner.

I'd like to ask what the status is of the restaurant definition legislation and to clear up what Marty was saying a few minutes earlier. That hearing took place on June 3rd of 2008 and nothing has happened since then as far as any public hearings or any adoption of legislation and so that's what he was talking about. If that could be re-advertised or republished prior to the actual adoption."

Supervisor Cardinale: "That we'll have to. The operating rule- I didn't understand that and maybe we can clarify. When we have a public hearing, we frequently have a second public hearing because from the first public hearing we get changes, and if they are deemed substantial which means other than a and the basically, we have to have a public hearing."

So the restaurant definitional section must have another public hearing."

Jody Giglio: "But- "

Supervisor Cardinale: "So you'll see the- but I understood from Prudenti that there had been work done between you and she and her reviewing the text for the second public hearing but I've not seen the notice yet. Can you give us some- are we- have you looked at it--"

Jody Giglio: "We met with her a few months ago and we had a few of the members from the restaurant business in town that actually sat with her as well and- "

Supervisor Cardinale: "You know, it's funny, this does bring- it just underlines what I told you that night when you- that we didn't really care. I mean it was like a definitional section, it was low priority. If we never passed it, the town would go along. So my first question is we could use the definitions we have or we could try to get them better. Do you support trying to get them better?"

Jody Giglio: "Trying to get them better."

Supervisor Cardinale: "Okay. And have you- is there a general meeting of the minds on this second hearing on what we are going to hear that would make things better and not worse?"

Jody Giglio: "Yes. The committee that was put together by the Riverhead Business Alliance met in the town attorney's office with Ann Marie Prudenti as I said a couple of months ago, and we had come to a mutual decision that would (a) protect the town; and (b) promote the businesses and the restaurants in town."

Supervisor Cardinale: "All right, good."

Jody Giglio: "And I believe Ann Marie has- "

Supervisor Cardinale: "So we'll find out. It should be put on for a public hearing and that will be at the next meeting, I hope."

Jody Giglio: "Okay. And if there isn't a substantial change from a public hearing and a resolution is tabled to adopt a certain code revision, if after a certain period of time that it's not adopted, if it's 30 days or 60 days or whichever the board would see

fit, if that could be republished so that the members who came out the first time and had concerns could come out again and address it."

Supervisor Cardinale: "Okay. One of the ways, well, yeah, I understand what you're saying, if- typically we do a hearing, then we wait a month or two to get the text which I don't remember and people read, they read the text and they say, okay, it's good, we're going to pass it. And that might be two months later.

That's the same text that we heard and that just comes up on a resolution. On the other hand, if we are going to change it, we have to go through a second hearing."

Jody Giglio: "Even if it's just a word or a- "

Supervisor Cardinale: "Even if it's- if it's any change in the statute substantively, what we could do if there's a delay of more than a few months between the initial public hearing and the adoption, we could just lay it on the table one meeting and say we're going to pass this next meeting because the text is going to be identical or virtually identical because she doesn't let us get away with anything, virtually- because any time you change anything substantively you have to have a second hearing."

Councilwoman Blass: "And it would be a lot less costly."

Supervisor Cardinale: "So we wouldn't advertise it. We might be able to work out something where we notified you that we were going to- this is the text that we are going to consider passing. So we could work something else like that.

It should be at the work session to discuss."

Dawn Thomas: (Inaudible)

Jody Giglio: "Okay, so at the work session though I thought that we were just there to listen and that it wasn't necessarily open to the public. So if we did have comments at a work session, it's something that the board was discussing, do we have- "

Supervisor Cardinale: "What I guess you're saying is we have an obligation to take comment on the text of a proposed statute. We do that. If we change it, we have to have another public hearing. If we don't change it, we could go where there's no need for any further comment.

In other words, all the comments should be in the written

format, in the verbal text of the minutes of the meeting, the text of what is said, or the written comments of what we receive. And then we look at it and then we say we want to pass this and then she says, good, you want to make any changes and we say no or we say, yeah, we'd like to change like we did tonight. We don't want to say at the time of appointment this is, but we— because it's an elected official. It really should say accurately at the time sworn in.

She's say, is that a substantive change? No. So that's the only kind of text changes that should happen between the initial hearing and the subsequent passage.

If there's anything more like that, we are going to have to go through a second hearing."

Jody Giglio: "Okay, so then it would be re-published."

Supervisor Cardinale: "That's correct."

Councilman Dunleavy: "Jody, could I ask you a question?"

Jody Giglio: "Sure."

Councilman Dunleavy: "Did you see the final draft or did your committee see the final draft of the definitions?"

Jody Giglio: "No."

Councilman Dunleavy: "I think you should look at that before—"

Supervisor Cardinale: "Yeah."

Jody Giglio: "Well, that's— thank you, we appreciate that.

Also, I was just wondering what the status was of the accessory buildings and the use definitions."

Supervisor Cardinale: "Same status. That's a little more complicated but we're going to have a second hearing."

Jody Giglio: "Okay."

Supervisor Cardinale: "Because it's clear to us that we're going to need to change the language substantively but we're awaiting a second draft from the legal department.

Have you seen— have you been involved in that discussion?"

Jody Giglio: "No, we haven't."

Supervisor Cardinale: "All right. Because we have the text of what you said that night and we agree with largely what you did say that the percentage approach is not too— not very good. So we have to figure out another approach to resolve the problem or just give up and say we can't resolve it."

And the problem as you know is typically on accessory use you say incidental to, subordinate to and in furtherance of the main use. But how— what happens if the subordinate, incidental and furtherance use becomes bigger than the principal use.

Maybe we don't address it at all or maybe we do something other than what we propose. We would like to address the issue and I think Prudenti is on that, too, right? She's supposed to be giving us some ideas for language."

Jody Giglio: "Well, if the board would see fit, the Riverhead Business Alliance has members that are very interested in this aspect of it and we would love to sit down with Ann Marie Prudenti."

Supervisor Cardinale: "You know, another thing we might try around here that we do sometimes but not always, is the model statutes, there must be a model statute somewhere out there that addresses this issue."

My concern is I think the model statute probably addressed it as vaguely as it is now. In furtherance of, subordinate to the main use is an accessory use. But that— we're trying to understand, address the problem of how do you know when an accessory use has— is no longer accessory but has become principal and hence you have just taken yourself a rezoning without any benefit of application.

I don't know that the model codes address that but if they do, we might want to look there."

Dawn Thomas: "-- do quite a bit of research and the drafts that you have are some combinations of different— "

Supervisor Cardinale: "Oh, they did look— that's how they got trouble in the first place. They took some of those drafts and took those approaches and all of them have problems."

So we're working on that. I don't— that's further away. The definition on restaurants is probably going to be advertised at the next meeting. The definition on the other will probably be a month away at least."

Jody Giglio: "Okay. I'll ask Miss Prudenti for a copy of that. And, again, thank you for hiring the new site plan- that should actually expedite applications through the empire zone and the economic development zone and thank you."

Supervisor Cardinale: "I hope it does. Thank you. Yes, come forth."

Travis Walker: "Travis Walker, high school student."

Supervisor Cardinale: "Yes."

Travis Walker: "I have a series of questions regarding the public safety dispatchers situation."

Supervisor Cardinale: "We're preferring that you make a statement rather than ask questions so that we can listen to- the purpose of this section is for the public to tell us what they think. So, tell us what you think."

Travis Walker: "I think the public safety dispatchers should maintain their jobs."

Supervisor Cardinale: "Okay, tell us why."

Travis Walker: "I'd rather ask a series of questions, please."

Supervisor Cardinale: "Well, go ahead, we'll try but we're going to limit this to five minutes."

Travis Walker: "Okay."

Supervisor Cardinale: "Go ahead."

Travis Walker: "Is it true or false that most jobs- that there are more jobs with the starting salary of \$60,000 or more when you do have a college degree than there are when you do not have a college degree?"

Supervisor Cardinale: "Is it true- I don't know but I would guess that there would be more jobs over 60 is you had a better education."

Travis Walker: "Okay. Would you think that- would you agree that the high school students right now- would you agree that the high school students now will become the town's future later in

years?"

Supervisor Cardinale: "Absolutely."

Travis Walker: "And do you agree that the town is more important than money in anybody's pocket?"

Supervisor Cardinale: "Yes."

Travis Walker: "Okay. I just want to ask a question. How are people like me, a high school student, supposed to become the future when my mother's in danger of losing a job and in danger of losing our house or apartment and in danger of my college education?"

Supervisor Cardinale: "That's one of the reasons why we're troubled about the issue and studying it carefully and are going to one thing that is clear, if the function of dispatching is transferred to the county, the next nine dispatchers hired by the county would have to the next nine job offers made for dispatching function would have to go to those nine people. That we have been able to conclude.

Those salaries start at around \$40,000 after six months and go up to fifty something, so we hope that if this happens, each of these people would have a job within a very short period. And that's what we've been told is possible."

Travis Walker: "Thank you."

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

Erin Chester: "Erin Chester, I'm a public safety dispatcher for the town of Riverhead.

Are you aware that Suffolk County police is not hiring right now?"

Supervisor Cardinale: "I am aware that there were- I'm aware that Mr. Levy is very cheap and does not hire often. But I am also aware that three authorizations for dispatch hires for the sheriff's office were made recently and are available for hire right now, three."

Erin Chester: "There's nine of us."

Supervisor Cardinale: "Yeah, but there's going to be six more, too, because the next six are going to be you or nobody."

Erin Chester: "Okay. How- when is that going to be?"

Supervisor Cardinale: "What I was- we were all told, the town board spoke with civil service representatives last week, and they indicated that the preferred list required by law, Civil Service Law, assures that the dispatchers are placed on a preferred list and on a rule of one, you have to be offered the next--the first on that list has to be offered the first job that the county authorizes and then if there's a second job, third, fourth, fifth, six through the list."

Erin Chester: "Are you aware that there's a time out on the list of four years?"

Supervisor Cardinale: "There's a four year time out. Yes."

Erin Chester: "So if Steve Levy is in office or anybody- or his successor decides that they don't want to hire anybody- even three years down the line- three and a half years down the line, if they decide that they're not going to hire anybody, even in the Suffolk County Sheriff's Department, east end departments don't have to hire anybody, they have full staffing.

So the rest of us who have mortgages, who's going to pay them?"

Supervisor Cardinale: "There's a time out on the list, you're correct, is four years. But the- there's an attrition issue here, too.

The- even if you agree that you're not going to hire any new people, any additional slots to carry the 26,000 additional calls, people retire and I believe we asked that question, what the rate of attrition was in the dispatcher function, and it was 10%, was it, annually so if over four years they would expect to have an attrition factor of 40%. They have to hire back in some portion of that 40% and you are going to be the first nine hires, the first nine people hired by law."

Erin Chester: "This really isn't so much a question but has anybody taken into real account the personal attention that the town people get from the Riverhead dispatchers?"

Supervisor Cardinale: "Yes- "

Erin Chester: "I can guarantee that every single person that hangs up the phone with us, they actually have a better feeling come

over them that we actually want to help them rather than a dispatcher in Yaphank that answers 500 phone calls a day.

I can walk home at the end of the day and I can remember every single phone call I've taken."

Supervisor Cardinale: "We have received some letters testifying to your good performance and we are aware of that and that's what makes the problem particularly complex.

This has nothing to do with the manner in which the dispatchers do their job. They do it very, very well. It has largely to do-- and we are working still-- the board is still working with Romaine and others to try to see if we could get the funding for this function at the town level. The-- we have been told repeatedly that the town will not-- they cannot be funded for this-- they either accept the service from the county for which the county has collected taxes to receive or they stay-- they perform the service through the town and do not get the benefit of the taxes paid.

So it's a tough decision because of their position. I wish they would change their position and just send us the funding necessary to fund the dispatchers and if you could make them do that I would be delighted. But I so far haven't been able."

Erin Chester: "How much money has been spent on Henry Silverman's case in the last three years? The same phone calls that we had to answer from him on a daily basis entering and exiting his property."

Supervisor Cardinale: "Henry Silverman is quite a case. We incidentally won that case. The federal case was dismissed. But that case has resulted in-- we're insured for everything over \$100,000 of any legal bills. So not greater than that, but it's not-- we don't like litigation but I understand your analogy."

Erin Chester: "Okay. Now granted it takes a couple of years for any dispatchers to get hired off a preferred list. Is it being taken into account that we have children, we need insurance, we have mortgages?"

Supervisor Cardinale: "Yes. That's been discussed. In fact, part of what we're trying to shape as a resolution which we'll have to do by Thursday. Part of the resolution being discussed is that factor, proper transition, proper notice, opportunity to address the issue as appropriately as you can.

My hope is that if I'm Levy, I'm saying I'm not hiring anybody. But on the other hand, the practical reality of attrition, the

practical reality of picking up the function will require him to hire people and we believe that that's going to happen but, of course, we're believing isn't going to help you until it happens.

And I have used unkind language in discussing it with his deputy that he was really being unreasonably obstinate and unreasonable in stating that you're not going to need additional help, additional hires, to address attrition and to address the fact that they're picking up 30,000 more calls.

He practically said to me we're going to deal with what we have to deal with. We're not going to tell you first because if we tell you first, it would encourage you to do this and we don't want you to do this. That's essentially his position.

And, you know, why would- that's what I would- why not collect the money and not have to provide the service? That's a tremendous thing, collect the tax and not provide the service. This is a good thing for them.

Matt."

Matt Hattoff: "Matt Hattoff. I appreciate the fact that the board will take the additional two days to see that they do the ' right thing and write these dispatchers back into the budget.

I also want to remind the board that you were elected by the taxpayers to look after the best interest of the taxpayer, not the tax bill. Unfortunately as elected officials, sometimes you have to make the hard decision and add money into the budget.

And I believe this is one of those areas where you're going to have to make the hard decision as an elected official to put this money back into the budget. If you must raise the taxes, then do so because we are out for the best interest of the taxpayer, not the bill.

And I got here late. I see a few people wrote a check for \$60.00. That's what the household cost is per household to keep our dispatchers and I will be submitting my check tomorrow or the next day and I will see you on Thursday for the budget vote."

Supervisor Cardinale: "Thank you. Yeah, do we have another comment, please come up."

Deborah Buyukdeniz: "Deborah Bukyukdeniz, public safety dispatcher. I was on the phone with civil service and I was under the impression that with the preferred list, they only have to be

canvassed. They don't necessarily have to be offered the position.

They send out a letter. They don't go through the whole interview process."

Councilman Buckley: "They have to hire you."

Councilman Dunleavy: "They offer it to number one, and number one can refuse it or they have to hire number one. Then they go to number two and it's all in seniority."

Deborah Buyukdeniz: "They do have to take you in order though?"

Councilman Dunleavy: "They have to take in seniority order. No, just Suffolk County."

Deborah Buyukdeniz: "Right. So no other town can actually hire us."

Councilman Dunleavy: "Well, the other towns can hire you if you're on that list- "

Deborah Buyukdeniz: "I'm not on that list."

Councilman Dunleavy: "The town of Southold, if they want to hire you, they can hire you. But they're not required to."

Deborah Buyukdeniz: "But how can they hire me if I'm not on a list. I'm not on a list anymore because I already had a job. So I didn't feel the need to- "

Councilman Dunleavy: "They can hire you off the preferred list."

Deborah Buyukdeniz: "But another town cannot. They told me that the only town- "

Councilman Dunleavy: "It's not a requirement."

Supervisor Cardinale: "Yeah. Let me see if I can clarify this because the fellow that spoke- and incidentally, in the interest of good information, I have the name of the person that is the expert on this who spoke with us and I'd like to make it available to Matt and to you.

But this fellow said to us who is a principal analyst, whatever they call him, that the list is created specifically for- specifically for the purpose of section 70 to transform the function

between subdivisions of that state so they have to go— they have to go to this list first and he showed us the list. It would have the seniority of the nine individuals named in that order.

The county has to go there first for the Sheriff's dispatchers and the police dispatchers, three of which are presently open in the Sheriff's office and approved.

We asked the question would the towns have to go there and the answer was actually--they don't— they're not required by law to go to that list but they do go to that list because you're much more desirable because you don't have to go through the interview process.

It's like we always go to the cops that have come out of the city because they're already trained. They don't have to be interviewed once again, they don't have to go through the psychological testing. So as a matter of fact, the towns do go to that list.

We also asked the question if other east end towns moved to move forward and take the county services of dispatching, what would happen to your list? In other words, now you would be the only list. You would literally be the first nine hired.

Say in a year another town did it. They said they didn't know but they thought the list would be merged by seniority. In other words, if there were 10 dispatchers in another town that the function was transferred from, they would merge it into one list. So it's a created list.

You're not on a list now, that's right."

Deborah Buyukdeniz: "But they were telling me that it's depending on the way that you transfer the function, depending on whether or not there was actually going to be a preferred list. So there may not be a preferred list at all."

Supervisor Cardinale: "Well, that much we will commit. If we transfer the function, we will do it in a manner in which you will be on a preferred list as a matter of law.

We were walking around asking Mr. Levy to be nice and put you on a preferred list. He didn't bother to tell us what we learned from our counsel, he doesn't have a choice about it. The law requires you to be on a preferred list if we correctly transfer the function pursuant to Section 70 of the Civil Service Law.

So, that is not a matter of him being nice. It's a matter of law. You have to have this protection. You're entitled to it. You'll receive it.

We also asked because the scales- yeah- "

Councilman Dunleavy: "It's a promotion, for promotions, one to two. They can't promote until they hire a two off the list."

Supervisor Cardinale: "Right. But we also looked at the salary schedules. We learned something interesting. If you look at the county schedules, there's a significant jump from the hire salary to the next step which is six months. But even with that, the two's ran I think 40 to 60, but- so some- you would be hired-- we asked where you would be hired on that list.

Now, Mr. Levy could agree if he chose to, to hire you anywhere on that 40 to 60 commensurate with your salaries. But he hasn't done so and I said if he hasn't done so, where do they hire you? They hire you at the initial step as we understand it so that concerned us as well.

Because if you really wanted to transfer the function and do it as seamlessly as possible, you would assure the jobs to the nine people and you would assure a step entrance at the point where they were here.

We would close out your file by paying you your benefits that you are owed which we've calculated and everybody would be at least reasonably satisfied.

We don't have the county giving us those assurances but the law assures that you're entitled to the priority list, the priority offer and to a job which after six months would pay 40,000 on two's and a little more on one's."

Deborah Buyukdeniz: "Okay, but that's only with Suffolk County."

Supervisor Cardinale: "But it is also with the towns because the towns have an option to use the preferred list, not a requirement. And as a matter of course, they did, for example, with the Greenport police when this happened- "

Deborah Buyukdeniz: "But they're not mandated to use the list but they can hire off of it."

Supervisor Cardinale: "They're not mandated to use it but they do it because that list where they avoid the training and they

avoid the interviewing for psychological and other issues and they have experienced individuals that they can bring in at— right away. So they tend to do that but they don't have to do that, the towns."

Deborah Buyukdeniz: "Okay, thank you."

Supervisor Cardinale: "Yes."

Roberta Morrisey: "Good evening, Roberta Morrisey. I just have a question about some of the things you just said and I know that when all these people go home tonight and they're going to say why didn't I think of that question."

So my question is this. You just indicated that there are three current positions that are open with the Sheriff's dispatch."

Supervisor Cardinale: "We were advised that there are three— okay, there's a lot of vacancies. The way it works with the county is interesting."

The county executive actually has executive powers, something that the supervisor does not have. They can— the legislature feels— says these are all the positions funded. Okay? And then there's a lot of vacancies. But the county executive saves money by not filling those vacancies. So there are— and when he wants to fill them he signs, there's a term for it, a budget memo flyer or something like that, and he did that for three positions in the Sheriff's office. So those three they can actually go hire. There's a lot of other vacancies."

Roberta Morrisey: "Tomorrow. Okay. So and I don't— just (inaudible)."

Supervisor Cardinale: "That's correct. The timing might be that they were hired before they came— the list was created. That's accurate."

Roberta Morrisey: "That's my question. The preferred list doesn't actually exist yet because they've not been released from the town."

Supervisor Cardinale: "That's correct."

Roberta Morrisey: "However, there are three positions open that they really can't even interview for because some are not on a list, a Civil Service existing list anymore."

Supervisor Cardinale: "Right."

Roberta Morrisey: "If they are, then, yes, they could go and interview and fortunately be hired but then we're not talking about seniority and fairness, so the three positions that are currently open and budgeted for by the county really aren't of any help to these people right now because they haven't been released from Riverhead. Is that correct?"

Supervisor Cardinale: "That's correct. But I offered it as a testament to the fact that there-- he can't-- Mr. Levy is going to say he's not going to make any-- he's not going to hire anybody. But he has to hire for attrition because otherwise he's not going to have anybody in the-- on the phone.

So what I'm saying is not that they would get those three positions but that positions will open up once the transformation of the function is accomplished. If it's accomplished in January, there would be a list in January and any flyers or approvals of hire would have to go to them first."

Roberta Morrisey: "Okay. But it really is not appropriate to say to these people right now in the event that you elect not to put them into the budget, it's not fair at this date to say there are three positions open but you really can't have them because you're going to be working here until December 31st at the end of our fiscal year. Correct?"

Supervisor Cardinale: "Correct."

Roberta Morrisey: "Okay. And I just, again, would like to say, I've said it in a letter and I've spoken here in front of microphone, on the television, if this is eventually going to happen, it needs to be done in a much better fashion than what is happening now.

This is very stressful. This is stressful not only to these people but to me as a resident and to me as a co-employee, and as an employee of this town. They need to be respected for the jobs that they've performed over the years, they need to be respected as people as their jobs what they are, and as town employees. And I would ask, again, that you bear all this in mind."

Supervisor Cardinale: "I did read your letter. It was very thoughtful. I appreciate it, the board did too. That has been a large part of the conversation among the board, is that issue you just mentioned."

Roberta Morrisey: "Okay. And also just a thought in case no one has thought of it, if any positions in the future would be

opening, if you got rid of the PSD's any positions that these people could perhaps be cross-trained in within the town, that they might be considered for. They have very capable skills. Thank you."

Supervisor Cardinale: "Thank you."

Jody Giglio: "I'm putting a different hat on now as Jody Giglio, resident of Riverhead. And I'd just like to stress the importance of public safety as I know this is a very tough issue for the board that you've had to deliberate on and to make a decision, but we are one of the few towns left that have a private public safety division with our police force and with our ambulance and our dispatchers.

I'm just curious as to whether or not anyone has actually tried to have a meeting with Mr. Levy or with Jim Morgo (phonetic) and sit down with him to discuss these issues or if a study has been done as to how many phone calls actually make it to the county dispatchers versus how many phone calls make it to the Riverhead dispatchers and what the percentage is and whether an argument can be made as to the percentage of the calls that go to the county paying that percentage in the taxes and the rest of the money coming back to Riverhead."

Supervisor Cardinale: "Yeah, that discussion has been had, it continues to be made."

Jody Giglio: "Face to face?"

Supervisor Cardinale: "And face to face. I see Morgo frequently. Levy, like Patterson, is up to his neck in budget concerns and is not being particularly helpful."

Jody Giglio: "But has a study been done as to how many calls actually come from Riverhead to the county dispatcher versus- "

Supervisor Cardinale: "Well, we know how many calls come- presently are handled by the Riverhead dispatchers which would then have to be handled by the county and they are approximately 26 or 30,000 as I recall.

The problem is that he's taken the ridiculous position that he's going to be able to do those calls and not add staff. He's also taking the further ridiculous position that despite the fact that he acknowledges an attrition rate of 10% a year, he's not going to hire anybody. Well, in that case, four years from now when the list expires, they're going to have 60% of the dispatchers doing whatever they're doing now plus 30,000 calls. That's ridiculous.

But he's not going to tell us- if he was a nice guy about this, he would try to make the transition easy for these individuals and easy for this board. It isn't happening. So that's the problem- "

Jody Giglio: "But do we know how many calls from Riverhead residents actually go to the county a year versus how many- "

Supervisor Cardinale: "No, they don't go to the county now at all. They all are handled by these dispatchers."

Jody Giglio: "So-- as the supervisor has called for press releases before in the past to reach out to the community. I mean Riverhead represents a large part of Suffolk County and I know those votes are important to Mr. Levy and so is our public safety, so is there anything that we can do over the next couple of days to try and change his mind as to the funding for- "

Supervisor Cardinale: "Yeah, you could ask him to contract with the town of Riverhead to provide- that the town of Riverhead would provide the county function of dispatching which they've collected taxes for and 911 money for. And he could simply send a check.

He could send a check but he hasn't made that offer. I have indicated in no uncertain terms that I would love to have a check and I would even negotiate the amount of the check. We know that we spend 910,000, it doesn't have to be 910, but it has to defray in substantial part our funding or a function that should be- that we already paid the county for. I'm not getting cooperation is a fair statement. So if you wanted to talk with him or bug him, you're good at that, I would suggest that it would be helpful."

Councilman Dunleavy: "And, Jody, we don't even get all the E-911 money. He only give us a fraction of what they collect in the town of Riverhead."

Jody Giglio: "Well, maybe we should be rallying outside the H. Lee Dennison building tomorrow."

Supervisor Cardinale: "Join the crowd. You're going to have a couple of Hispanics over there, you'll have a lot of budget concerned people. That's part of the problem, getting his attention."

Jody Giglio: "Thank you."

Deborah Bukender: "Have we ever found out why the town started paying that money?"

Supervisor Cardinale: "Yeah. It's part of- that's a good question, I'm glad you asked it.

It is part- it isn't paid specifically. It's part of the tax dollars that we all pay when we take our tax bill and six or eight or ten percent of it is county tax. We are paying as part of that county tax for the dispatch function which we're then paying another 900,000 for ourselves, there are other functions that we also pay for which- well, this is the largest one, but we are also- and it's the easiest to transfer. Secretarial functions, certain functions should be- we're paying county tax for and we should be receiving county services for and that has also been addressed by the board and in sequence we've asked the town attorney to look at how we can transfer those functions that we've already paid for, but they're more difficult because it's like payroll function.

You know. Well, what does that mean? That they're going to pay our- I guess they would pay our cops. That doesn't work out too well since it's our money that is paying them. So those functions also are a part of what is called the 01 budget which we pay for as part of our county tax.

Some people have asked us why don't you just not pay them and let them sue for it. I wish I could, but it's part of the taxes that we all pay because it's taken as part of the one check we write."

Councilman Dunleavy: "Maybe I can explain that a little better."

Deborah Buyukdeniz: "It's easier to transfer the lines of the town over to the county then it is to transfer for a secretarial function. Not that I want ours to go anywhere because I enjoy working with the people that I work with and everybody I feel does a great job. But I don't understand how it would be such an easy task to transfer the lives of the town over to a county position."

Supervisor Cardinale: "It's a total- I'm not saying it's easy. It's a difficult decision but it's a total function that would be transferred- a dispatch function goes to the county.

If you're saying payroll, personnel, one of the things in that was personnel. Personnel matters for our police department should be handled by the county in theory because they are getting tax dollars for it, but how do you do that? It's less- what am I going to trim- who am I transferring over because there's people that handle personnel and other responsibilities that are unrelated to

the 01 item of personnel.

We are looking at that and, yeah, we will make that same claim, that he should be— and we're hopeful that they will— that we will wind up reaching some kind of a consensus that they would simply contract back to the east end for the services of dispatching, for the services of personnel and payroll by writing a check.

I mean we can do it better, so take our money and give it back to us if you must but don't take it and not provide the service. That has fallen on deaf ears. That is probably the best solution."

Councilman Dunleavy: "But there's two divisions. There's a headquarters division and then there's the police district. The— we pay in our taxes for every operation that comes out of headquarters, okay. That's the homicide squad, the arson squad, medical detachment that goes around with the police officers to see if you're really sick, personnel, secretarial work. Anything that's in headquarters we pay in our taxes.

The district pays for your patrols, your detectives in the precincts. And the problem is they cannot separate how much they're putting to communications and how much they're putting to secretaries."

Supervisor Cardinale: "Yeah."

Councilman Dunleavy: "So that's— the other hard thing is trying to separate how much money that we are losing as far as the county is concerned. It's just one big pot that we pay for. We don't get-- half the services that we're paying for, we don't get."

Deborah Buyukdeniz: "Okay. Is there any way we can get a breakdown of how you come up with \$910,000?"

Supervisor Cardinale: "Yes. Yeah. I can tell you it was— the following breakdown and I'll ask Bill to get it to Matt.

Salaries were five and change; benefits were two and change; and the overtime was from both dispatcher overtime and police overtime stepping in for dispatchers was 160. So the salary and the benefits were 750 and the overtime was 160. That's how we got to the 910.

There was some odd— there was a lot of overtime because I think we were out— somebody pointed we were out— we had a shortage of dispatchers. So the overtime probably won't be that much next year."

Deborah Buyukdeniz: "Even when everybody shows up to work, we still have a shortage of dispatchers. Because we only have two on a squad and there should be three on a squad."

Supervisor Cardinale: "Well, we just discharged a probationary person so we are down to nine now, right? We used to have 10 and now we are down to nine so we're obviously short at this moment."

Deborah Buyukdeniz: "Right. So when you say that there's so much overtime on the dispatcher rate, is because we have such a shortage of dispatchers. So when you have a squad of two people and one person needs to take off, obviously there's going to be overtime (inaudible)."

Supervisor Cardinale: "Yeah, I understand. That's like the police. That's the same argument that I hear with the police."

Deborah Buyukdeniz: "Right. Where with us, you only have nine. With the police officers you have 80. You have 80 people that can do a swap or cover a tour or something like that. It's a little different when you only have nine people working."

Supervisor Cardinale: "Yeah, that's what happened. The FMLA was unusual last year. Right."

I know that we'll be discussing this tomorrow, one on one, and then we'll be discussing it as a board so— on Thursday. And I'm scheduling the— what is it, 4:00 will be a special meeting of the town board in which— Thursday— in which we— we can't do it any later than that, formalize the budget in regard to any other issues, this and any other issue."

Deborah Buyukdeniz: "Okay, now, isn't— we're so concerned about the taxpayers' money, how come the taxpayers aren't the ones that are voting on this? How come they don't have a right to vote whether to keep us or not to keep us? They're the ones whose lives are at stake. They're the ones who are paying the money. And they've been paying the money since 1995."

Supervisor Cardinale: "The— simply put because it's not an item that requires a referendum. There's a lot of decisions this board makes that impacts the lives of the public which doesn't go to referendum. This is one of them, that doesn't require a referendum."

That's why we are still looking for statistics that would— that are not present, that would establish whether the service that we

are contemplating transferring is being better performed and even if it- let's assume it was, okay.

Let's assume we could verify that the- as anecdotally you have argued that you perform the service better although there's no statistics, you still have to- you still as a board have to come to the- okay, these- there is better competency in this local dispatch by a 2% factor.

Are we prepared to pay an additional- continue to pay an additional 100% for that improved performance? That's another decision the board would have to make and we can't even get there because we can't get a statistical base as to whether the performance of the nine dispatchers we have is in fact statistically better than the county and, in fact, part of our town is already serviced by the county and if they're as bad as someone suggests- "

Deborah Buyukdeniz: "Only for the ambulance."

Supervisor Cardinale: "-- yeah, I believe it is the ambulance."

Deborah Buyukdeniz: "For Wading River, they have the ambulance."

Supervisor Cardinale: "Wading River ambulance is serviced by the county now and if they're that bad, we ought to worry about the people in Wading River being serviced by them because they're already serviced by them."

Deborah Buyukdeniz: "But you don't understand. Riverhead district- a Riverhead district- "

Councilman Dunleavy: "I understand what he's talking about."

Deborah Buyukdeniz: "A Riverhead dispatcher is sending a police officer there way before that ambulance is even being sent out. So by chances Suffolk County police, you go through the operator, then you go through the dispatcher, then you go through the ambulance. We already have an officer on the road heading to that call before the ambulance is even half way done with their call."

Supervisor Cardinale: "But again the separation of the function, there's two questions. The separation of the function doesn't necessarily mean it lengthens it. And the second thing is everybody has to answer these phones by law within 10 seconds."

But even assuming your argument is correct that you're better, and even if we could calculate exactly how much better, there's still an issue that even if you're two percent more efficient, do we spend 100% more to accomplish a 2% efficiency?

On that theory I know there are people that would come in here and do a better job if I paid them a better salary but if I get 2% more efficiency for 100% more payment, that's another whole issue. Is that justified?

The best way this solution can be had is if the county agreed you're doing a good job, you're doing it as well as we could if not better, why don't we just allow you to do the function and rebate to you a certain sum.

That has been consistently rejected that notion. And, frankly, I don't blame them because they're trying to play chicken right now. They're saying we'll make it as uncomfortable as possible for them to transfer the function and they won't do it. That's the county's position because they don't want it. They'd rather take the money and not perform the function."

Councilwoman Blass: "What I was going to suggest, Mr. Supervisor, is that perhaps at your next East End Supervisors and Mayors meeting, you should talk about it collectively. If all of the other east end towns are in this situation, maybe there's an opportunity to legally get them to give an option, you know. Either we'll take your money and take the service or we'll give you the money and you'll keep it. Maybe they won't listen to Riverhead but maybe they'll listen to Riverhead, East Hampton, Southampton and Southold and all the villages."

Supervisor Cardinale: "I certainly think it's worth a try and we have begun that discussion. However, you will recall that the sales tax situation where we are clearly not receiving a proportional amount of sales tax for the police, for the sales tax devoted to the police function."

We made the case and we made it consistently and we've made it together and we have not been able to still get our full fare. We've moved it up a little bit but I'll take any aspect of success. If we get some success, it's better than no success."

Deborah Buyukdeniz: "And I have another question."

Supervisor Cardinale: "Yes."

Deborah Buyukdeniz: "Because apparently we have a problem"

with the revenue coming in. We perform a lot of functions that most other departments charge for. We do fingerprinting, we do background checks, we send a police officer to the same alarm that's going off three, four, five times a week, sometimes three, four, five times a night, depending on where it is. I don't understand why we're not charging for this as a town."

Councilman Dunleavy: "We were supposed to start charging for that function two years ago and I don't know whatever happened but we had a discussion, the alarms and we were going to start— after the third alarm, we were going to start charging for response time. And I don't know what happened to that."

Supervisor Cardinale: "We are— recently this morning I discussed this with Bill Welsh, my deputy. We— the— and you're going to see legislation— you need to change the language in the legislation to— because the town clerk's office is presently doing it. The manner in which it could be done is through the police department but you need \$8,000 worth of software to do it. It strikes me that I'm recommending it because you'll probably get it back in fees."

There is another negative to this. If you do start charging for the third alarms, the business people and the residences, hold on to your phone, because when they start getting those charges, when they're annoyed enough that their damned alarm that they spent a lot of money on is malfunctioning, they're not going to be happy."

Deborah Buyukdeniz: "But that shouldn't be our fault. We're sending a police officer— "

Supervisor Cardinale: "And I agree with you. But the point is— "

Deborah Buyukdeniz: "-- to an alarm that could be something going off— when you have a shooting going on or a robbery in progress and we're wasting an officer on an alarm."

Supervisor Cardinale: "I agree with you and I think it has reached the point where it wastes too much time and we're going to have to come down on it."

But the reason that the clerk is supposed to do it, the clerk can't do it unless she gets the information from the police. The police aren't doing it because they don't have the software so my recommendation is to spend the 8,000, give the whole function to the police department and let them do it.

The only thing the clerk will do is she will register

residential fire and burglary alarms and charge a \$50.00 fee and the fire marshal will do the fire alarms for the commercial stuff and it's a 250 fee. That was what we discussed this morning and that would be a revenue source. So you're right."

Councilman Dunleavy: "And I think we should charge for fingerprinting because our detectives have to do it. They're high priced people and they do at least one, two, three a day fingerprinting. So I think we should charge for fingerprinting."

Supervisor Cardinale: "Why do we not charge for fingerprinting? I mean not if you're a criminal. But if you come in and want to get my fingerprints because I want to get a job. Courtesy. Giving away public money again, huh? Very courteous of you chief."

Councilman Wooten: "Only for residents though. You have to be a resident."

Supervisor Cardinale: "You want to be courteous, give your salary away."

Councilman Wooten: "You have to be a Riverhead resident."

Supervisor Cardinale: "It's the largest in town."

Councilman Wooten: "We don't do it for outside people. You have to live in Riverhead."

Councilman Buckley: "I want to- back to the alarms because that was something- "

Deborah Buyukdeniz: "It's now you have to be a Riverhead resident or work in Riverhead. It's not even Riverhead town resident or- "

Councilman Buckley: "Back to the alarms. It was stated that the third alarm you'll be charged and someone- you can understand maybe a business getting upset with that. But we did a study back in 2000 and there was I remember one particular business whose alarm went off 80 times, 80 times in a year.

Maybe three times, maybe we could revisit it, maybe make it five times a year. But certainly 80 times a year without any fear of getting charged, you're really being rewarded for having a faulty alarm system because if it goes off three times a night, you know that the police are going to come three times a night and check your business and-- "

Deborah Buyukdeniz: "Right. And half the times you never have a rep that's going to respond to show you the courtesy. So I mean for us to respond up there, especially at Tanger because

there's so many businesses there, but we visit-- we might as well have a copy stationed up at Tanger because we're up there constantly doing alarms."

Councilwoman Blass: "I can't imagine the psychological effect on an officer though really knowing that this is just that same business that keeps going off but then that one time that you might let your guard down could be the, you know, I mean psychologically I'm sure it has some sort of an effect."

Supervisor Cardinale: "Yeah, that's an interesting point. I'm glad to hear the discussion and see the support because I asked Bill Welsh to work with the town attorney's office to get the text of change and to get an authorization resolution for this \$8,000 software. Maybe we can do it and maybe we don't have to talk about it anymore, so thank you for bring it up.

I'm sure that you're a real-- and I would be if I were you. Your focus is what are we going to do? What is our decision going to be? We'll let you know as soon as we know. But we'll be talking tomorrow, we'll be talking Thursday and I'll see you on Thursday at 4:00."

Deborah Buyudkeniz: "Okay, thank you."

Supervisor Cardinale: "Thank you. Is there any other comment? Matt."

Matt Hattoff: "One question, Phil. If the county takes over the dispatching, that's just emergency 911 they take over?"

Supervisor Cardinale: "They would take over all of the police dispatching that these nine are doing. Yes."

Matt Hattoff: "All right. What about all the other work that they do? Who does that?"

Supervisor Cardinale: "The other work that they do presently would be assumed by the desk officer. That's the position that the chief has told us that he has told us that it's possible. I trust he is right."

Matt Hattoff: "Okay."

Supervisor Cardinale: "I thank you."

(Inaudible comment)

Supervisor Cardinale: "Okay. If there is no further comment, I will see you, oh, one other comment. Please."

Melissa Breitenbach: "I'm going to be quick. Melissa Brfeitenbach, PSD, two years. I ask as a resident and not just an employee that you guys consider the fact that this decision seems like it's being very haste fully made.

You're making a major gigantic decision when you don't have stats, you're not sure about what you can do legally. We haven't met with everybody. We haven't done this, we haven't done that. We should look into this.

In two days we're going to know. I mean this seems like it's just so quick. I mean this is a life or death situation that you guys are making with maybe not as much in depth, you know, research as you could be doing.

I mean even if you looked into it in the future. Don't you think that this is something that deserves extensive investigation, extensive, for all possibilities other than getting rid of nine people's jobs and potentially putting people's lives in danger in Riverhead.

I mean don't you think it deserves that much?"

Supervisor Cardinale: "That's been part of the discussion over the last week is that issue. So, yeah, I do agree with what you just said and so does several other members of the board."

Melissa Breitenbach: "Okay."

Councilman Dunleavy: "That's why we're waiting until Thursday to talk about it and try to get something together that we can all agree on."

Supervisor Cardinale: "Thank you. All right. We'll see you on Thursday at nine- I think we're starting the work session at

10:00, 10 to 12 is the open session. One to four is the executive session.

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Thank you."

Meeting adjourned: 9:15 p.m.