

11/15/2005 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, November 15, 2005, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman

Also Present:

Barbara Grattan,	Town Clerk
Sean Walter, Esq.,	Town Attorney

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Thank you. Okay. I'd like to call to order the Town Board meeting of November 15th— it being a few minutes after seven. Can we start with the Pledge of Allegiance? Vince, why don't you lead us. That will give you an opportunity to talk."

Vince Tria: "Thank you."

(The Pledge of Allegiance was recited, led by Vince Tria)

Supervisor Cardinale: "Okay. We're going to go down into the room here and we have some poster awards to make with Ray, our department head in recreation and Kelly, his able assistant. So let's go down and do that."

Kelly: "Can everybody hear me? I'd like to thank you all for coming tonight. Kelly (inaudible) from the recreation department, and this is the new Superintendent of Recreation, Ray (inaudible). We're here to congratulate and award the winners of the 2005 Halloween poster contest."

Every year, the recreation department sends out letters to the local schools to the art teachers about our Halloween contest and it's for third, fourth, fifth and sixth graders and then we get the posters back and we bring them back to the recreation department and do the judging. And let me tell you, it's always very hard to pick the winners.

As you can see, the students did an outstanding job once again. The posters have been on display in the hallway since the week before

11/15/2005 minutes

Halloween and I just brought them in here now so we could send them home with the proper owners.

So what I'm going to do is call you up by name. I laid the posters out. You can stand by your poster and maybe you could all stay up here until we have all the winners up. Okay? And maybe the board members could help me hand out the trophies. They're in order first, second, third.

Okay, we have these beautiful trophies and we have something special in the envelope for you. Okay?

Okay, so we'll start with our third graders. First place went to Kylie Harris who's a student at Roanoke Avenue. Kylie, could you come on up? Are you going to get your poster and come around? Hold it up so everyone can see. Great job, Kylie. Okay. And do you want to stay up, Kylie? Why don't you stay up here until we have everybody up. That way if your mom wants to take a picture of anything, you'll be up there. All right.

Second place went to Savannah Baker from Aquebogue School. Okay. We'll put that aside for Savannah. I'll make sure she gets it.

Third place for the third grade, John Wendt from Riley Avenue School. All right. Great job.

Okay, moving onto fourth graders. First place, Natalie Massiah from Riley Avenue School. Great job.

Okay. Second place Valerie Aksianiuk. Okay, Valerie is not here. We'll hold that for her, second place. Oh, here she comes. Valerie is here. Congratulations.

Okay, third place for fourth grade, Sarah Freeborn from Roanoke Avenue School. It should be that one.

Okay. Moving onto the fifth grade, Nelson Perez from Pulaski Street School. Okay. We'll get that to Nelson.

Second place, Katherine Brophy. Okay. And Third place for fifth grade, Amber Giambone.

Okay, last but not least, six graders. First place, Caitlyn Lawler.

Okay. Second place for six grade, Precious Jefferson. Okay, we'll make sure she gets that.

And third place for the sixth grade, Jessica Townsend. Okay. We'll make sure she gets that. We're missing a couple.

11/15/2005 minutes

So if everybody could just give them one last round of applause. Congratulations guys. Okay, any last pictures, Mom and Dad?"

Supervisor Cardinale: "The cable guy asked me to let you know when this was going to be on. It's going to be on 7:00 p.m. Friday for your Moms and Dads who want to watch your kids as stars on TV. Channel 22, 7:00 p.m. Friday."

Kelly: "Okay. Thank you. Thank you very much guys. And thank you, Moms and Dads, for coming out tonight."

Supervisor Cardinale: "Thank you, Kelly and Ray."

Kelly: "Thank you."

Supervisor Cardinale: "Our town attorney is coming up. Deputy town attorney. Standing in for Dawn Thomas, Sean Walter tonight at the town attorney spot. Sitting in, I'm sorry, not standing in. Okay, now that we've— now that it's just all of you and us, the kids having departed to better opportunities, let's approve the minutes of the last town board meeting of November 2nd. Can someone offer them and someone second?"

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote on the approval of the November 2nd minutes?"

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

Supervisor Cardinale: "Okay. Can we— tell us about the Reports, please, Barbara?"

REPORTS:

Receiver of Taxes
Utility collections
report
Total collected \$402,829.94

Police Department
Monthly report for
September,
2005

Barbara Grattan: "That concludes Reports."

11/15/2005 minutes

Supervisor Cardinale: "Applications, please."

APPLICATIONS:

Parade Permit
Sunshine Acres - Dressage
horse show."

Barbara Grattan: "I don't know why it's called a parade, but, April 9th, May 7th, June 18th, July 23rd, August 20th, September 10th and October 15th. That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Daniel DiMola
Petitioning the town
board to
extend the boundaries of the
water district to cover their
property

Ciarelli & Dempsey
Petition for an extension
of
the water district for Sub-
division "Beagle Run at Fresh
Pond"

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "And that is that except for the public hearings. Public hearings are scheduled to commence at 7:05 through 7:35, so we can commence the first and for that matter the second, third and fourth, but let's try the first. 7:05 p.m."

Public Hearing opened: 7:19 p.m.

Supervisor Cardinale: "Public hearing regarding the lateral water main by the extension, I guess, of the lateral water main by the owners of Roanoke Landing Subdivision. Can we have your name, please and you're going to present."

Bob Lucas: "Good evening. My name is Bob Lucas, I'm with H2m Group. We're the engineers for Riverhead Water District."

And regarding Roanoke Landing, in July of 2004 we had done an engineer report regarding the extension for the water mains into that subdivision. The total project cost was estimated at \$222,000. Bids

11/15/2005 minutes

were received this year on that and based on the low bid amount, the approved total project cost will be exceeded.

The new revised total project cost based on the low bid was estimated at \$253,419 which is an increase of \$33,419.00.

The increase- "

Supervisor Cardinale: "Yeah, could you check to see if that mike is on?"

Bob Lucas: "I was going to say, it doesn't sound like it's on."

Supervisor Cardinale: "There's a switch. Is it on now? Let's see. Try again. No, that doesn't work. Peggy, you want to give him a hand or Rick if you're closest? Okay, speak up, we want to hear every single word."

Bob Lucas: "Can you hear me? All right. Better now. I'll go through things again."

In July of '04, H2M prepared an engineering report for the extension of the water mains into the subdivision Roanoke Landing. The project cost was estimated at that time at \$222,000. Since that time, this year we bid the project out for public bids and then based on the low bid amount, the approved total project cost was estimated at \$253,419.00 which exceeded the original budget.

And why we're here is to have the town board approve an increase of \$33,419.00. All of this amount, the entire cost of the project, would be borne by the developer."

Supervisor Cardinale: "When was the initial bid?"

Bob Lucas: "The initial bid- "

Supervisor Cardinale: "I'm sorry, the initial estimate."

Bob Lucas: "The initial estimate was \$222,000."

Supervisor Cardinale: "And when was it?"

Barbara Blass: "227."

Supervisor Cardinale: "227 or 222?"

Bob Lucas: "222."

Supervisor Cardinale: "Okay. And when was that made?"

Bob Lucas: "That was in July of '04."

11/15/2005 minutes

Supervisor Cardinale: "And in the last year and change then we've had an increase of 15%."

Bob Lucas: "Correct."

Supervisor Cardinale: "That's not a good thing."

Bob Lucas: "Yeah, 253,419."

Supervisor Cardinale: "Yeah, \$33,000 over a 222 base. So we're getting an increase— they're getting an increase of 15%. That's the bad news. The good news is we're not because we're not paying, the developer is paying."

Bob Lucas: "Correct."

Supervisor Cardinale: "Okay. Oh, okay. Barbara is indicating that the adopted resolution which she happens to have, shows a 227 original price."

Councilwoman Blass: "As the original— you have 222?"

Bob Lucas: "222 was the original estimate. The deposits, I believe, received by the town— "

Councilwoman Blass: "Was 227."

Bob Lucas: "-- was 227."

Supervisor Cardinale: "Okay, that may explain it Barbara. Is that accurate?"

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Okay. That may explain the differential. Okay. Anybody other than Mr. Lucas have a comment? Good. If not, it's 7:24. We started this at 7:19, enough of that. We'll close the hearing at this time. Thank you."

Public Hearing closed: 7:24 p.m.

Public Hearing opened: 7:24 p.m.

Supervisor Cardinale: "And move onto the second hearing in regard to— scheduled to begin at 7:10. It being 7:25, we're going to consider the purchase of development rights on 27 plus acres of agricultural lands owned by Herbert Hulse located on the northerly side of Route 25 in Riverhead."

11/15/2005 minutes

Sean Walter: "I'll just do it from here."

Supervisor Cardinale: "That will be great."

Sean Walter: "Thank you. For the record, I just want to present to the town clerk the affidavits of publishing and posting and the receipts for the certified mailings for the lands of Herbert Hulse."

As stated, the sale of development rights— actually, Barbara, one of those is for (inaudible). This is the sale of development rights to the town as depicted on the board in front of the town board. And I will say one thing, we're going to figure out how to put it— one of the constituents said we should put this up on that big screen. So for the next purchase of development rights, we will put it up on the screen because it is a little difficult to see. So I apologize.

The sale of development rights is on roughly 24.34 acres of a 26.34 acre parcel owned by Herbert Hulse. Mr. Hulse is sitting in front of the audience this morning— this evening. They're going to retain two acres along Middle Country Road that's left out to accommodate the existing residence and the accessory farm buildings.

The purchase price is \$68,000 an acre for a total of \$1,655,000. An appraisal was completed by Patrick Gibbon on July 29, 2005 and it supports the purchase price of \$68,000 per acre.

The property is described as Suffolk County Tax Map No. 0600-99-2-22 and 26. It's located on the northerly side of Middle Country Road in Calverton and it's bounded on the north by Manor Road. The bulk of it is zoned Industrial A. It's planted in corn this past growing season.

There is a little tiny sliver and I can't see it without putting my glasses on, but there's a little tiny sliver that just gets bisected by Manor Road. I believe that sliver, Bob Kozakiewicz is their attorney, so that might actually be APZ, but it's not much.

And that's it. All the information I have. Do you have any questions?"

Supervisor Cardinale: "Frontage on 25 is what amount and what amount is being retained?"

Sean Walter: "The frontage— where— the bulk of it is going to be conveyed to the town, the frontage has to be determined by a survey. I don't have— off the top of my head, I couldn't tell you what the frontage is. I'd have to actually go back and get the tax map book."

Supervisor Cardinale: "I can take a look at it."

11/15/2005 minutes

Sean Walter: "No. The bulk of it is going to the town of Riverhead but without— until we actually get the certification— the survey, we're not going to have the exact number. But I can tell you— the road frontage for this piece is 449 feet and 301 feet. So you're looking at what, six, 750 feet of road frontage."

Supervisor Cardinale: "Right."

Sean Walter: "I would venture a guess that no more than 200 would be retained at this— based on what— retain two acres and the agricultural buildings."

Supervisor Cardinale: "Okay. Any other questions from anyone? Okay. Is there any other comment? Yes, Sal, please come up."

Sal Mastropolo: "Sal Mastropolo, Calverton. Sixty-eight is a lot more than we've been paying for land."

Supervisor Cardinale: "Wait until you see the next one."

Sal Mastropolo: "I know. I saw it already. My question is why are we buying development rights on industrial land? They can't put houses there, it's industrial. Why are we taking industrial land off the rolls and buying development rights, particularly at that price?"

Supervisor Cardinale: "See, Sal's cheap. Did you attend the work sessions?"

Sal Mastropolo: "No. But I got the— "

Supervisor Cardinale: "We discussed this at two or three work sessions at length. The initial discussion was we concluded we shouldn't be. Then we dealt with— we looked at it a little further and the conclusion was we should be for a series of reasons that were all on the work sessions. Let me see if I can remember some.

One is that if you limit your— that if you limit your purchases to farmland only in the APZ, you're not going to be able to get your required— what do they call that— the critical mass.

Another is that in some ways industrial pieces— farmland next to industrial pieces is in many ways a better match than farmland within— next to residential development. Because as we've learned, residential development and farm often have conflict.

Another reason was in addition to not getting the critical mass, we limited the APZ to a defined 5500 acres. If we limit ourselves to purchases only within that area, we are going— we're going to inevitably lose a lot of farmland because right now a lot of farmland is outside what our defined APZ is.

11/15/2005 minutes

Barbara, there were a couple of other reasons, too, that the board was presented with. I in a session with members of the farm community and Long Island Bureau. Then I brought it back to the board and the board listened and we determined to schedule this hearing even though it was industrial. There are three or four other reasons that I can't think of yet but maybe Barbara or one of the other board members can."

Sal Mastropolo: "Well, let me ask another question. Don't we have farmland outside of the APZ?"

Supervisor Cardinale: "Yes. Such as this."

Sal Mastropolo: "Yeah, but that's not farmland. That's industrial. The zoning is what counts, not what they're doing with it."

Supervisor Cardinale: "The- that's exactly the issue that we discussed whether we should purchase only on the basis of zoning or on the basis of actual use. And do we have farmland in the RA and RB-80 and 40 zones? Yes, we do. And we would purchase in those zones, too, if we could get the development rights."

The question was should we purchase in industrially zoned areas and I made the same- you're making the point I initially made and my objection was are we paying enough for it? In other words, I don't want to pay \$200,000 for farmland in industrial areas. If we're getting it a good price compared- for example, to the residential land that will follow this, then I think the board felt that it was a good idea to purchase it even in industrial areas.

But it's an important issue. We did discuss it fully in work sessions. If anybody else on the board wants to make a comment, feel free, but it's a good question, too."

Sal Mastropolo: "Well, we've taken- we've taken industrial land off the rolls, okay, particularly like on Edwards Avenue where people bought industrial land and now it's APZ. Okay. So I just don't understand, I mean if the idea of buying the development rights is to keep the number of school children and houses down, houses would never go on that land anyway. Okay. An we do want to bring industry into the town. So I don't understand why we're buying development rights on industrial property when we should be spending it on residential property."

Supervisor Cardinale: "Okay. One of the things that the rezone- that's a good question, too. One of the things the rezone did, I think it may have done it in this area, correct me, Barbara, if I am not accurate. But we actually changed some residential land to industrial and as a result, I think this may be one of the areas we

11/15/2005 minutes

did it in, because we did not want to have a build out that exceeded 40 or 42,000.

So having done that, this industrial land is going to be long in developing to be sure so if we— the board's determination was if we could get acreage that is farm acreage, farm use in industrial acreage without paying extraordinarily high prices, we would consider it.

And we're not actually buying this. We're having a hearing to consider it but I'm glad you brought the issues up because this is an important issue."

Sal Mastropolo: "Okay, thank you."

Supervisor Cardinale: "Thank you. Okay, anybody else have a comment? Yes, please come up. Yup."

Rolf Koesling: "Rolf Koesling, Wading River. First of all, when I pulled this off of the computer, all it told us was the north side of Route 25 in Riverhead at \$68,000 an acre and when you look at public hearings, they don't mention anything about money, they just mention the amount of acres which is missing on the computer."

Supervisor Cardinale: "The computer being the notice on our web site?"

Rolf Koesling: "On our web site."

Supervisor Cardinale: "Okay."

Rolf Koesling: "Correct. It don't say anything about— "

Supervisor Cardinale: "The advertising in the paper was good but it was incomplete on the web site. Okay. Well, we should correct that. The web site is not required by law but we ought to get it right if we're going to post it."

Rolf Koesling: "All right. Now the question always arises every time we buy development rights. What's the property worth after the development rights have been sold?"

Supervisor Cardinale: "Probably— what— I could guess. About 20 grand."

Rolf Koesling: "Because I read in the paper not too long ago that farmland was only going for \$4,000 an acre. Now you can't tell me a farmer is going to buy an acre of this for what did you say, \$20,000 an acre. He'll go broke. You can't get that money out of farmland."

11/15/2005 minutes

Supervisor Cardinale: "That's an interesting point, too. I don't know the economics but you may be right about that."

Rolf Koesling: "And another thing is-- "

Supervisor Cardinale: "But you know, that's what it is so the market obviously is what it bears."

Rolf Koesling: "Yeah, but it doesn't make sense because you can't get that much for farmland. Why don't we buy the whole piece of property right away?"

Sean Walter: "There's-- I don't want to say-- we don't maintain a list, Mr. Koesling, but there are-- I'm contacted almost weekly by farmers looking for farmlands to purchase-- "

Rolf Koesling: "I agree. They're looking but not at \$20,000 an acre."

Sean Walter: "Absolutely. Absolutely."

Rolf Koesling: "You're going to raise potatoes on that-- "

Sean Walter: "I don't know what they do with it--"

Rolf Koesling: "What they do after (inaudible)."

Supervisor Cardinale: "It doesn't work for potatoes, that's accurate."

Rolf Koesling: "It will always be farmland but, you know, you can do other things-- you can make a horse farm out of it, right? That comes under farmland. You can build barns on it and plenty more. You can make a pig farm out of it. Right?"

Supervisor Cardinale: "Right. Any farm, yes."

Rolf Koesling: "I just want to draw it to your attention. The only objections I say we should pay the extra money and buy the property and be finished with it. Then you know what's on it. And I'll say that continually and every time I ask a question, they say this, that and the other thing and they never come out with anything. I'd like to see what the value is."

Supervisor Cardinale: "Thank you. That's exactly what we do do incidentally in the open space program. We buy the property fee so that this piece would cost us if it was an open space piece \$88,000 or so."

Councilwoman Blass: "There's another distinction also. If we purchase it, Mr. Koesling, it would come off the tax rolls. If we

11/15/2005 minutes

purchase the development rights, it does stay on the tax rolls although the value is reduced."

Supervisor Cardinale: "So we get a little tax anyway. Any other comment? Yes, sir."

Ed Purcell: "Ed Purcell from East Main Street."

Supervisor Cardinale: "Yes, Ed."

Ed Purcell: "Actually, I think this is a probably an excellent piece to buy. As you said, it's next to industrial so you're not going to have to hear about the neighbors complaining about the dust. It is industrial but also— it's adjacent to other industrial property?"

Sean Walter: "It's surrounded by industrial property."

Ed Purcell: "It's surrounded by industrial property so that you're not going to hear about complaints about the dust which very often farmers have a problem with that. And at the price, sure if it was a high price I'd say you could do away with it, but the price seems to be good so it's an excellent idea."

Supervisor Cardinale: "Thank you, Ed. Yes, Sal."

Sal Mastropolo: "One last question. Can you tell us what the impact to the tax roll is? You said that the taxes coming off the property are going to be significantly lower?"

Supervisor Cardinale: "Yes."

Sean Walter: "It's actually going to be— "

Supervisor Cardinale: "Do you have the estimate for that, Bob?"

Robert Kozakiewicz: "There should be no impact because Mr. Hulse has had the program in the eight year commitment."

Supervisor Cardinale: "Yeah."

Robert Kozakiewicz: "As a result of his yearly renewal of the eight year commitment which is a commitment to stay in agricultural production, that land has been taxed as an agricultural level as opposed to its full potential if it could be developed under the Industrial A zoning. So the impacts would be minimal."

I offer also one other reason why it makes sense. The individual who's farming Mr. Hulse's farm is somebody who is a younger generation farmer who intends to stay in farming and cannot afford a piece of land at its full development potential.

11/15/2005 minutes

However, in the case of this— and I'm not saying he will— whether it will be sold to this particular young farmer or not, but this particular piece may be reachable, attainable and available to him at a time when he's ready to take it over and buy it and be able to afford it at its agricultural price as opposed to its full price.

One other thing that's been mentioned is the residual value after the development has been stripped. Just look at how much the lands were going for and the clamor there was at KeySpan when they were selling the agricultural land and the value was more than \$2,000 an acre, more than \$4,000 an acre. Thank you."

Supervisor Cardinale: "Yeah, that's a good point. Those were—we had to draw for them and I think the acreage price was 13 or something like that, if I recall."

Councilwoman Blass: "Just wanted to clarify my comment on the impact to the taxes. It was— I was comparing if the town purchased it fee title, the town of Riverhead would own it and it would then come off the tax rolls. That was the point I was making. Thank you."

Supervisor Cardinale: "Any other comment on this hearing? If not, it being 7:40 we'll close this hearing and move to the next hearing."

Public Hearing closed: 7:40 p.m.

Public Hearing opened: 7:40 p.m

Supervisor Cardinale: "The next hearing is scheduled to begin at 7:15 p.m. It being 8:40— 7:40, we'll open it. This is for the consideration of development rights on a 20 acre parcel of agricultural lands owned by Bruce Schroeder located on the northerly side of Peconic Bay Blvd. in Aquebogue.

You're going to present this one, Sean?"

Sean Walter: "Yes, thank you, Phil. I— just let the record reflect that I've handed the town clerk the affidavits of publishing and posting and the mailers— receipts for mailing, and the ones that actually got returned.

This is the sale of development rights on— where the town is looking to purchase approximately 20 acres of a 30.13 acre parcel owned by Bruce Schroeder; 10.13 acres is located in the northwesterly portion of his property has been excluded to accommodate the existing residence, barns and wetlands.

11/15/2005 minutes

The purchase price is \$92,000 an acre. An appraisal was completed by Patrick Gibbon & Associates on August 8, 2005 and it supports this \$92,000 an acre.

The property description is 0600-86-2-lot 8.2. It's located on the northerly and easterly side of Peconic Bay Blvd. It is split zoned Residential B-40 and Residential B-80. The property has supported the cultivation of Christmas trees and a variety of vegetable crops and there's an arc, Phil, I hope you're not going to ask me to calculate the arc, but there is substantial road frontage.

And if I could just go to the map, this entire parcel here including this road frontage here is going to be conveyed to the township if the town board should undertake to buy it, and this will be retained (inaudible)."

Supervisor Cardinale: "The- could you tell me where's Peconic Bay Blvd. on that map?"

Sean Walter: "This is Peconic Bay Blvd."

Supervisor Cardinale: "And does that- does that go to another road? What's behind it?"

Councilman Densieski: "The Long Island Railroad."

Supervisor Cardinale: "Is that the Long Island Railroad right of way? Okay. And I see that it's a curve on Peconic Bay Blvd. Is that what you're showing me?"

Sean Walter: "Right."

Supervisor Cardinale: "Could you tell me the 10 acres- there's a split zone here? Can you tell me the acreage that's retained, what's the zone?"

Sean Walter: "The acreage that's retained is RB-80."

Supervisor Cardinale: "It's 80, yeah."

Sean Walter: "It's 80."

Supervisor Cardinale: "Now what portion is 40 of the 20 acres that we're- we're considering purchasing?"

Sean Walter: "I don't know how far it goes up but I don't know- "

Supervisor Cardinale: "500 feet?"

Sean Walter: "500 feet along Peconic Bay Blvd."

11/15/2005 minutes

Supervisor Cardinale: "And what's the- I've got to have to do this- approximate length of the- "

Sean Walter: "I can- well, Barbara's got the tax map, but I can show- "

Supervisor Cardinale: "I really want to know the acreage that's in RB-40."

Sean Walter: "That I couldn't calculate off the top of my head but I can assure you that you've got 100- I don't know the arc, but you've got 143 feet, 905 feet and 386 feet along Peconic Bay Blvd. I can show you the tax map. You've got 143 feet here, 905 if I'm reading that correctly, and 186 coming along here."

Supervisor Cardinale: "So that would be a total of about- of about 1400 and change. And it goes back to produce- it goes back 500 feet."

Sean Walter: "I'm just not certain because- I'm going to hazard a guess that most of this farm is the RB-80, the RB-40, excuse me."

Supervisor Cardinale: "I bring that up because one of the explanations for the high appraisal on the piece is the split zone."

Sean Walter: "Correct."

Supervisor Cardinale: "That the RB-40 is more valuable than the RB-80 that we are usually looking at on residential pieces.

Okay. Any questions or comment?"

Sean Walter: "I'm sorry, I should point out that there is protected property surrounding this- "

Supervisor Cardinale: "All the green?"

Sean Walter: "- this is protected, this is probably as part of the subdivision, but the farms over here and on the top- Long Island Railroad are protected properties."

Supervisor Cardinale: "Any comment other than what was heard from Sean in regard to this hearing regarding a proposed possible purchase of 20 acres, retention of 10, 20 acres would be for \$92,000 an acre for the development rights. Sal."

Sal Mastropolo: "Sal Mastroplo, Calverton. Is that land buildable or is there wetlands there. There seems to be a lot of water around it."

11/15/2005 minutes

Sean Walter: "The wetlands is- this land is not wet. This is buildable. There is some wetlands in the area we believe probably more down towards here in the area we're not purchasing."

Sal Mastropolo: "Okay. So we're not buying wetlands?"

Sean Walter: "No."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Okay. This was also discussed at some length at work session before scheduling the hearing relative to whether we were going to try to time the market and the board decided that if we were that good, we wouldn't be board members, we would be real estate speculators. The market is the market. That is the appraisal that we received from a reputable appraiser."

Any other questions or comments? Yes, sir."

Tom Rushin: "My name is Tom Rushin, my property abuts this parcel. I'm new to this. What exactly is RB-80? What could you do with it now and if the development rights were purchased, what could be done with it then?"

Supervisor Cardinale: "RB-80 is non--two acre zoning and RB-40 is one acre zoning. So the piece would be of less value (inaudible) we could get it less expensively if it were all RB-40. It is not. That's one of the reasons--that and its location in a nice neighborhood are the two reasons that come to the forefront as to why this is \$90,000 and we are spending a lot more money on this piece than a lot of other pieces we have purchased. But- single family-residential- R-40 means one home on one acre; R-80 means one home on two acres."

Tom Rushin: "Okay. Should the development rights be sold to Mr. Schroeher, what could be done with that land?"

Supervisor Cardinale: "Well, Mr. Schroeher is not- we are not selling the development rights to Mr. Schroeher. He's selling them to us."

Tom Rushin: "Okay."

Supervisor Cardinale: "So what could be done on the land is simply farming."

Tom Rushin: "That's it?"

Supervisor Cardinale: "As defined under the state law. Yes. That's all."

11/15/2005 minutes

Tom Rushin: "Thank you."

Supervisor Cardinale: "All right. Okay. Any other question or comment? If not, we'll close this hearing at 8- I'm sorry, 7:46."

Public Hearing closed: 7:46 p.m.

Public Hearing opened: 7:46 p.m.

Supervisor Cardinale: "And move onto the next hearing which is scheduled to begin at 7:20, which is a consideration of a special permit petition of Jamesport Realty LLC to allow a converted and renovated residence as a country inn on property located at 400 South Jamesport Avenue, otherwise known as the Hallock- is that it- Hawkins, I've got the wrong name but the right idea, Hawkins House. Thank you. Charles, you're going to present this?"

Charles Cuddy: "Yes. Charles Cuddy for the applicant. Jeff Hallock is here with me and (inaudible) because this is the magnificent house that Jeff really rebuilt. I think most of you know where it is but in any event this is in the RLC or the Rural Corridor District. It's about 850 feet south of the Main Road on Jamesport Avenue the east side. It consists of about 2.9 acres and we're here because the rural corridor district requires a special permit. If you're within a one-quarter mile you can have a special permit; if you're within a one-quarter mile of a VC or Village Center District.

I'm going to at the end of the hearing hand up a map that will show you that we're within actually five to 600 feet which is a lot less than a quarter of a mile. So as far as that requirement goes, we meet it completely.

But I want to maybe dispel some concerns that have been brought up from time to time. There is going to be no on street parking at this site. I know that has been a concern of some of the Jamesport residents because of the designer show house. That was a single event. This is going to have a five bedroom site as it's now proposed. It's going to have a 30 seat restaurant. There will be more than adequate parking on this nearly three acre site for those two matters.

So, again, I say there's no on street parking. We don't propose it, we don't anticipate it. It's not going to happen.

The restaurant, I had previously said to this board, is 30 seats. That's what we're allowed, that's what we're asking for. We had originally sought 60 seats. We did that because the health department had indicated that we should show the maximum that we think we could

11/15/2005 minutes

ever have at this site which is not what we're asking for now, would perhaps be 10 bedrooms, but we're asking for five bedrooms in a house that's built that everybody has seen.

I think that this site meets all of the requirements for the special permit. It's sufficient in size. Its location is not near any church or school or theater. It's a considerable distance from a place of public assembly. It is sufficient in a sense that it's not near an intersection of a street. The two areas that you'll come out-go in and out of have been there, they're existing, and they'll be used by those who are coming- those patrons who are coming to the site.

The parking is more than ample. We only need 15 spaces in accordance with the code, one for three seats in the restaurant; one per bedroom, we have five bedrooms. We're going to have perhaps six or eight employees but even there our plan shows more than 25 spaces parking.

We have buffers. Those that have been there have seen the screening, the landscaping. The sewage system has been approved by the health department. We have adequate storm water runoff. There is not going to be any requirement for additional services from the municipality and I think you'll agree that it's not going to generate a lot of noise or irritants or hazardous substances.

The Planning Board has approved this. They recommended approval to this board and I believe it meets all of the requirements for the special permit.

If there are any specific questions you'd like to ask me or Jeff, we're both here."

Supervisor Cardinale: "Barbara, I think you may have some questions."

Councilwoman Blass: "Mr. Cuddy, to your knowledge to you have to seek any variances from the zoning board of appeals?"

Charles Cuddy: "No."

Councilwoman Blass: "No. Okay."

Supervisor Cardinale: "Do the- what were the ones that we were concerned about? Two story- "

Councilwoman Blass: "There was a definition issue."

Supervisor Cardinale: "Can you address that?"

Charles Cuddy: "It says two stories and we recognize that. Of course, this house happens to be three stories plus a widow's peak at

11/15/2005 minutes

the top. We're not going to use the third story at this point. If we did, the only use that Mr. Hallock foresees at this time is perhaps a sitting room there but we recognize that we're limited to two story use and that's what we would propose to do at this point."

Supervisor Cardinale: "Is there any other- I thought there was one other thing that was a concern in the definition. I didn't- you looked at it, I know."

Councilwoman Blass: "That all of these- or all of the rooms would have to be in a single building."

Charles Cuddy: "That's what it is right now."

Councilwoman Blass: "Do you anticipate coming back at a future date for additional rooms?"

Charles Cuddy: "Yes."

Councilwoman Blass: "And they would be in a separate structure at that time?"

Charles Cuddy: "They probably would be. We would have to then address that question, yes, I understand that."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "And the existence- as long as you're not using as a country inn the more than two floors that satisfies I guess in the opinion of you and just make sure in the opinion of our town attorney who is assiduously writing away, the requirement that it be two floors or no more than two floors, because you're only going to use the first two floors."

Charles Cuddy: "Going to use the first two floors."

Supervisor Cardinale: "Okay. I think those were the two questions that we had discussed earlier this afternoon."

Charles Cuddy: "Yes."

Councilman Bartunek: "How is the barn going to be used?"

Charles Cuddy: "At this point, it's probably going to be storage. At one point in time we thought and we probably will add onto that maybe to perhaps connect it somehow to the building. You were asking how we would build additional rooms, that's what we probably would do. At this point I think it's just basically for storage."

11/15/2005 minutes

Supervisor Cardinale: "Where's the- I just- I know we'll see the site plan, but the parking you mentioned of 25, where would you put that?"

Charles Cuddy: "The parking is mostly to the rear of the site. Some of it is to the rear and west. I believe there are 10 spaces actually to the south as you get past the building and go towards the so called barn area. There are spaces in back of the barn as well. And all the spaces together are more than 40 that we put on there."

Supervisor Cardinale: "Okay. Thank you."

Councilwoman Blass: "Do you anticipate having special events at the site?"

Charles Cuddy: "Not right off hand we don't, I don't believe. We're not going to have another designer show house for a while."

Councilwoman Blass: "That was magnificent by the way. I enjoyed that very much."

Supervisor Cardinale: "Yeah, one of the- I think that doesn't directly relate to the special permit which I think we've covered the questions on. However, depending on the number of special events at that location which are not planned for because they're special, we run into the same issues as have been discussed and remain unresolved concerning the wineries and the like."

Charles Cuddy: "I understand."

Supervisor Cardinale: "You understand. The question- but it's really not relevant right now."

Charles Cuddy: "It's not planned right now."

Supervisor Cardinale: "Right. Okay. Any other questions from the board? If not, Mr. Cuddy will be available and take comment from the public and he may need to come in and answer a question here and there. So, yes, sir, come up."

Bill Burrow: "Bill Burrow from Jamesport."

Supervisor Cardinale: "Hi, Bill."

Bill Burrow: "Hi, how are you?"

Supervisor Cardinale: "Good."

Bill Burrow: "I'm very glad that you addressed the issue of parking because it has been a concern for the neighborhood. First I'd like to- as a neighbor of the Hawkins house, I would first like to congratulate the owners on their successful restoration of this historic landmark."

11/15/2005 minutes

In addition, I must say that the surrounding gardens and the outbuildings and the fountain and the ornamental gate makes this an attractive addition to our neighborhood. However, now that the designed showcase part is over, I wish to direct the Council's attention to my concern and many of my neighbors in providing adequate parking for the facility.

Once it has been designated an inn, it is my understanding that at this time the special permit would allow for a five guest room inn with six times that number for a 30 seat restaurant. Although I believe this request would have the least impact on the surrounding neighborhood, I fear that an amended application in the future which includes either a 10 or a 15 or a 20 room guest inn would dramatically increase the seating capacity of the requested restaurant and thus increase the need for an additional parking facility.

My chief concern, therefore, is no matter how many guestrooms are provided, adequate parking must be included in a site plan. I ask each of the members of this Council to give this careful attention as I as well as many of my neighbors feel that inadequate parking facilities could lead to a negative impact on the quality of life on South Jamesport Avenue.

We would hope that the owners of the Hawkins House would accept the responsibility of providing parking for all its guests, restaurant patrons, employees on site in order to maintain the residential beauty and the solitude of our street.

At this time, I'd like to thank bot the Supervisor and the Council members in advance for consideration of this important matter in our community."

Supervisor Cardinale: "Thank you. Yeah, do you want to- thank you, Sean, that's what you're here for. Bill, you want to- it says this is a special permit. I've just been reminded that we need to swear your comment in now for- yeah, nunc pro tunc, now for them. So all of what you just said, he's going to ask you to swear to."

Sean Walter: "Would you raise your right hand, sir? Do you solemnly swear to tell the truth, the whole truth- "

Supervisor Cardinale: "That's all right. I did that when I was first sworn into the council, too."

Councilwoman Blass: "That explains it."

Supervisor Cardinale: "That explains my performance- "

Sean Walter: "Raise a hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?"

11/15/2005 minutes

Bill Burrow: "I do."

Sean Walter: "Thank you. And all- that swearing goes back to what you said before, right? There you go. Thank you."

Supervisor Cardinale: "Thanks. Charles, we don't have to swear in because according to Sean he's an attorney which means either that we should trust him or he's hopeless. We don't bother to swear him in. I'm not sure which, but, yes, Bill. You want to swear him in, please?"

Sean Walter: "Do you swear to tell the truth, the whole truth so help you God?"

Bill Welsh: "I do. I'm Bill Welsh, 409 South Jamesport Avenue, Jamesport. I live across the street from the property in question. I've known Jeff for many years and he's done a fantastic job. We're all very proud of that.

I'm glad we've touched on the items that affect the community which are largely parking including the I think unresolved issue across the town of staff parking, not being addressed adequately in the code. So it was very good tonight to hear the assurances that have been made.

Also as this proceeds, hopefully, down a train of success, and other uses or expansion are contemplated all I think that the community would ask is that the bid be carefully reviewed within the appropriate town authority and looked at in terms of the overall impact on the community.

So with that in mind, that's really the points that we just wanted to leave you with now. Thank you."

Supervisor Cardinale: "Thank you, Bill. Okay, is there any other comment from any member- or any resident or otherwise present? If not, it being 8:00, we can declare this hearing closed and we'll take this under consideration."

Public Hearing closed: 8:00 p.m.

Public Hearing opened: 8:01 p.m.

Supervisor Cardinale: "And move onto the next hearing which is schedule for 7:25 and which is also a special permit petition of Mineo Shimura and Theresa Dilworth to allow the conversion of an existing two story structure to allow a bistro on property located at Main Road, Aquebogue. And, Charles, are you presenting this one?"

11/15/2005 minutes

Charles Cuddy: "Yes, I am,"

Supervisor Cardinale: "Okay, so if you would go forward now, it being 8:01."

Charles Cuddy: "We're (inaudible) restaurants tonight."

Supervisor Cardinale: "Yeah. Two restaurants, yeah."

Charles Cuddy: "Charles Cuddy on behalf of the applicants who are both here. This is a site that many of you are familiar with that's a little bit east of the Snack Bar, about a quarter of a mile. It's on the south side of the Main Road. It's across from a restaurant that was formerly known or may be known as The Corner (phonetic). At one time, I believe this site was called the Saddlery and it's a home that's located in the again Rural Corridor District which permits a bistro or a relatively small restaurant less than 50 seats to be located in that district.

The proposal by the applicants is to have a restaurant of no more than 28 seats and perhaps 26 or 24 but not more than 28. And also as an accessory to have wine tasting.

The site is a half an acre. It's a building that's been there for years, a house. They don't intend to change substantially any part—the exterior of the building and actually make very few interior changes. Their proposal is to open this restaurant on a yearly basis but Thursday thru Sunday, not Monday, Tuesday or Wednesday.

I think, again, that this is the type of application that meets all the criteria. It's not near any church or school or theater. It has an existing curb cut. It's not within an 75 feet of any street, intersection. The parking again will be off street. The parking is actually there. The site has a bluestone parking field at this point.

I think the parking is sufficient because under the code, again, it's three seats for one space. They would probably need nine or 10 parking spaces. They will probably have three or four employees. They have 15 spaces that are shown. They also have made an arrangement with the adjoining owner on the west to use his site for overflow parking so that there should be plenty of parking at this site.

They have a buffer on the one residence that's to the east of them. That's buffered by white pine. Again, the sewage system is before the health department, I believe, from Don Dennis (phonetic) who is the architect. There's no problem there, it's just a question of finishing up with the health department.

11/15/2005 minutes

Once again, there's no need for additional municipal services and the site is not going to generate any particular noise or hazards or irritants to the public.

I believe under all the circumstances that this is an appropriate use. The Planning Board has recommended it. They recommended it with a couple of caveats, one of which was that we should indicate as best we could how many cars would come per table, for getting the seat ratio. We think about one and a half cars per table which is virtually the same type of ratio that the code has in it.

Theresa Dilworth is here. She-- besides the owner of this site, she is also an owner of a vineyard. She is also a winemaker and I've asked her just briefly to address the one other question that the Planning Board brought up and that is about the wine tasting. And so if she may, I'd like her-- "

Supervisor Cardinale: "Hey, Charles, help us out here. What was the question? Because I must have read this a while ago but I don't remember."

Charles Cuddy: "The question was would we tell the board about the wine making element of this-- "

Supervisor Cardinale: "Oh, that we-- just that we-- they further define-- "

Charles Cuddy: "That's right."

Supervisor Cardinale: "-- that aspect of this use. Whether or not it was an accessory, etc. Okay. Thank you. Hi."

Theresa Dilworth: "Hi. Theresa Dilworth."

Sean Walter: "Miss Dilworth, do you solemnly swear that the testimony you about to give is the whole truth, nothing but the truth, so help you God?"

Theresa Dilworth: "Yes, I do."

Sean Walter: "Thank you."

Theresa Dilworth: "Okay, I'm Theresa Dilworth. I'm one of the co-owners of this property and I think there's been a little bit of a misunderstanding about the phrase wine tasting in terms of the use upstairs.

My-- our intention is to use the downstairs of this house which is basically the former livingroom, the former dining room, and a parlor as the restaurant as well as a kitchen and a bathroom. We would use only the downstairs as the bistro and the upstairs we did not intend to use for the bistro. Upstairs there are three bedrooms and a bathroom. The bathroom would be just for employees.

11/15/2005 minutes

There is a small bedroom upstairs which we would use as an office for the bistro. You know, we'd have a computer, file cabinets, records, you know, telephone, fax machine. There's another small bedroom that we would use as a sitting room and then there's another bedroom that I wanted to use what I called a wine tasting area.

We have, I guess— Suffolk County Health Department says we can have 28 seats but I really only wanted to have 24 seats downstairs and I wanted to use four seats upstairs for a quote wine tasting area. But it's not a wine tasting area open to the public. It is a wine tasting area related to my wine business.

As a commercial wine maker sometimes we either have to invite journalists to come and taste our wines because we want our wines to be written about in magazines and newspapers so we would sometimes invite reporters and they taste through let's say five or six wines in order to write articles about them or with my consultant wine maker and my assistant wine maker, at various times throughout the wine making process when the wines are being aged, every two or three months we need to taste the wines and they're in different barrels and we need to determine the blends and things like that. We take notes and, you know, we write instructions for the wine making.

So it's really more of a professional wine tasting room. I mean, I intend to have a dining room and some chairs but it's not set up for the public. We don't have a kitchen upstairs, we don't have a dishwasher. It's really more for, you know, like I said office use upstairs, a sitting room, an extra bathroom for the employees to change their clothes or leave their stuff, and this wine tasting area.

So I don't want people to think that it's— I do not want the bistro for the public to be upstairs at all. This would be more for private use and business use."

Supervisor Cardinale: "Since it is not open to the public, Charles, isn't this just simply an accessory use that needs no special approval and that dimension of it is only out of an abundance of caution but if it hadn't been mentioned, I think you would have come in under an accessory use as you describe it. Because I had thought it was open to the public. The moment you say it is not open to the public, I don't think we care what you do upstairs as long as it's not— as long as the public isn't doing it. Okay. Thank you.

Any other comment in regard to this special permit application? Okay, it being 8:08, I'm going to declare this hearing closed and take it under consideration with the board."

Public Hearing closed: 8:08 p.m.

11/15/2005 minutes

Supervisor Cardinale: "We have two final hearings, one at 7:30 and one at 7:35. It being 8:09, we can commence them."

Public Hearing opened: 8:09 p.m.

Supervisor Cardinale: "I think we can commence both simultaneously. I'll open them up because they relate to the consideration of a proposed local law to amend Chapter 101 entitled Vehicles & Traffic, and then another consideration of a proposed local law to amend Chapter 101 entitled Vehicles and Traffic Article VII. Are you familiar enough with this or do you have something in front of you that you can define? I think it has to do with cul de sac and no parking on it. Could you tell us a little more about this?"

Sean Walter: "Okay. The first one is the an amendment to the definition section of cul de sac and we're going to be giving a definition and that's the vehicular turn around area of a dead end street.

And the second one, if Barbara would be so kind, since I think I handed mine to the town clerk five minutes ago with my Schroeder stuff. I did, didn't I?"

Barbara Grattan: "I don't know, did you?"

Supervisor Cardinale: "Okay. So the first one defines cul de sac and the second one does what?"

Sean Walter: "And the second one- the second one along the entire curb line of all- spelled incorrectly and so we're amending the spelling to cul de sacs."

Supervisor Cardinale: "And what does it say?"

Sean Walter: "Culs de sac. So it's spelled incorrectly in the code and we're spelling it correctly in the code."

Supervisor Cardinale: "That's it? "

Sean Walter: "That's it."

Supervisor Cardinale: "Back it up a little bit here. The definition of cul de sac- "

Sean Walter: "That's the other one."

Supervisor Cardinale: "Well, yeah, but you didn't quite get to the real point here. On the first one, definition of cul de sac is declared which we all know anyway. We didn't need them- us to tell you that.

11/15/2005 minutes

But the second one is the one that's a little controversial because it doesn't just correct the spelling of cul de sac. It says the parking of vehicles is hereby prohibited along the entire curb line. That was always the case?"

Sean Walter: "That was always the case?"

Supervisor Cardinale: "So it was always the case but we just didn't have a definition of cul de sac."

Sean Walter: "That's correct. And we didn't spell it correctly."

Supervisor Cardinale: "So we didn't have a definition and we didn't spell it correctly. Now we've got a definition if we do this and we spell it correctly. But the controversy, the little bit of it that this has inspired, I have in front of me a petition— do you have that, too?"

Sean Walter: "What?"

Supervisor Cardinale: "The petition of the Grant Drive, Aquebogue residents in opposition to the proposed local law to amend Chapter 101 by— they're really not objecting incidentally to correcting the spelling of cul de sac. What this has inspired is them to look at the code, the definition and the spelling correction, and they are protesting the prohibition of parking on cul de sacs."

And I have: We the undersigned residents of Grant Drive, Aquebogue, are opposed to the proposed local law to amend this chapter. Our subdivision contains two cul de sacs and we are— and we feel that the proposed prohibition on parking in the cul de sacs will create traffic problems on the street as well as safety issues for young children in the neighborhood.

There are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, residents many of Grant Drive, others of other areas of Aquebogue who signed this. And I did get one call as well. If you don't have it, there it is.

So is there any other comment about the definition of cul de sac, the spelling of cul de sac, or the wisdom of prohibiting parking in cul de sacs? Yes."

Nick DiPierro: "Do I have to be sworn in?"

Sean Walter: "No."

Nick DiPierro: "Okay."

11/15/2005 minutes

Supervisor Cardinale: "This is not- that's because this is not a special permit proceeding."

Nick DiPierro: "Oh, okay. Nicholas DiPierro from Wading River. Just to comment on the petition. It sort of goes along with what I have to say here about cul de sacs. Bear with me because it might take a little longer but I hope it doesn't get off the track."

But a few years back on a new road that did not have a cul de sac but was a connecting road between 25A and Long Pond Road in Wading River, the name of that road is Meadow Path off Long Pond Road, the name of the road off of 25A is Amber Lane and that's in Brookhaven town. I asked why was that road closed as a thru-way to a Brookhaven town official. They said that request came from Riverhead town. Specifically Miss Barbara Blass was instrumental in the closure of that road because a resident in that area complained that the traffic was going through and their children were playing in the street.

I brought this up at a civic meeting that this road should not be closed because it would impact traffic on Manor Road which it has substantially impacted the traffic in Manor Road. It's backed up quite a bit and it's going to get worse when that new shopping center opens up across from the post office. It's going to be a nightmare.

Now, getting to the cul de sacs. If that road can be closed which does not have a cul de sac, why can't cul de sacs that are less than a half a mile in depth or length be closed to public access, especially trucks and buses? And anyone who wants to have parking in a cul de sac, fine, let them have parking in the cul de sac, but if they have children in that cul de sac, then those children are going to have to walk to the main road because trucks and buses will not be able to go and use that cul de sac for which it is designed to be used for, as a turn around.

There are a lot of roads that have cul de sacs in Riverhead town. Some of these roads are pretty lengthy but they do not have a no outlet sign at the beginning of the road so some people drive through there who really don't belong there. They may think it leads to the beach or some other area as a thru road. But it doesn't.

These roads need signs that say no outlet like it is required of the new residences or the new developments that are going in town. If they have cul de sacs, they have the sign no outlet. So these roads that have been in Riverhead town for quite a few years, they don't have those signs. They should have those signs."

Supervisor Cardinale: "Let me just clarify- I think you made two statements. One I got that the cul de sac should have a no outlet sign which makes sense. But you also mentioned something about one-half- cul de sacs more than a half mile which would be 2500 feet or so, 2600 feet in length, should be closed to buses."

11/15/2005 minutes

Nick DiPierro: "They should be closed to the general public and perhaps there should be a sign local traffic only."

Supervisor Cardinale: "Okay."

Nick DiPierro: "If this is the situation on Grant Drive. I don't know how long Grant Drive is before you reach the cul de sac but if that petition does take effect and cars are allowed to park there— which is fine, and you know some people prefer to live on a road that has a cul de sac just like these people who moved into this new area in Wading River. A nice new area and I believe the original site plan was for these roads to be connected but because someone complained that their children played in the street, and I raised that issue and that person was at that meeting and they said that if that road ever gets opened up, there's going to be trouble. So apparently that road is closed. It's forever closed.

But as far as cul de sacs go, some people want to live on a road that has a cul de sac because of the same situation. They may want the privacy. They may not want the cars to travel down that road. So that's why I'm suggesting any road that's half a mile or less just be open to the local residents only."

Supervisor Cardinale: "A half mile or less. Okay, thank you. Appreciate that, Nick."

I want to clarify one thing and make sure I got this right, Sean. This hearing actually is doing two things. It's correcting the spelling of cul de sac and defining cul de sac. Now, in the process we've developed a discussion about the fact that for some years on our books there has been a prohibition on parking in cul de sacs which this hearing has inspired reflection on and a lot of people say that's a bad idea. You ought to let us park in cul de sacs.

Now the reason that we don't let you park in cul de sacs and haven't for a long time is because of the emergency vehicles. They're concerned that if you've got parking in the cul de sac and the emergency vehicles like the big fire trucks come in, they can't turn around. So that's the context.

I really never thought about this and with a little luck never would have but here we are.

Is there any other— "

Nick DiPierro: "I'm not finished yet."

Supervisor Cardinale: "Oh, go right ahead."

Nick DiPierro: "Another important point is any school bus that goes into a cul de sac, any school bus is not allowed to back up. If

11/15/2005 minutes

they go into a cul de sac to pick up a child and there's cars in the way, they have to back up. That is prohibited."

Supervisor Cardinale: "Right."

Nick DiPierro: "And if there is cars parked in that cul de sac, a bus should not go in that cul de sac if there are cars parked there. That's why I'm suggesting that those children, if there is parking allowed in cul de sacs, those children would have to walk to the nearest cross street to get on the bus."

Supervisor Cardinale: "Understood. Okay."

Nick DiPierro: "And as far as maneuvering around the cul de sacs with any vehicle, if there is no parking allowed, that cul de sac should be fully maneuverable, no obstacles placed in the way. If you know what I mean by obstacles--"

Supervisor Cardinale: "Yeah."

Nick DiPierro: "-- it's garbage pails, basketball hoops and that's why I say that some people prefer to live on a cul de sac because it gives them a play area. They want to play in the street, too, just like this area that was closed to local traffic. They want to play in the street, let them play in the street. If it applies for one, it should apply for another."

Supervisor Cardinale: "So on balance, is it a fair statement to say that you are in favor of prohibiting parking in cul de sacs?"

Nick DiPierro: "On balance, it would-- I would say that if a road is a half a mile or less to reach that cul de sac and if the kids want to play in that area, they can park in that area, but do not allow trucks or buses to go down that area. And on balance any other road that is longer than a half mile, parking should be prohibited."

Supervisor Cardinale: "Thank you. Okay. Any other comment on the cul de sac definition and correction? Go ahead, Larry Oxman."

Larry Oxman: "Good evening, Larry Oxman. Talking about cul de sacs since we're talking about definitions, I don't know if any of you have been attending some of the recent Planning Board hearings but there are a couple subdivisions up on Riley Avenue that have some people-- some of the neighbors-- "

Supervisor Cardinale: "I'm familiar with that issue, so is the rest of the board. Yeah."

Larry Oxman: "So I just thought to try to prevent that in the future, if it was required that a deed restriction of something stated in the deed of the individual property owner that buys on a cul de sac stating that it may be in fact a tap street in the future. I mean you

11/15/2005 minutes

can easily tell from the map— or should I say I can easily tell. But many people apparently can't and very often when the Planning Board is providing for a future access to the neighboring property, they do require a cul de sac instead of just a simple dead end. Anyhow, some type of notification so that people don't find out years later that they may have paid a premium to be on that cul de sac so their children could play and then find out that the street has opened up for the neighboring use."

Councilwoman Blass: "It's been my experience in the past that not only is it on covenant that is part of the approval of the Planning Board but it is very clearly depicted on a map that it is either a temporary cul de sac or a potential future tap street. And it's very unfortunate when homeowners buy into a subdivision that they're looking at an individual lot and very often they're not actually told or they don't see the stamped filed map that would have all sorts of notations on it such as clearing restrictions, things of that nature.

But as far as the town is concerned, I believe we go to great lengths to make sure that they are informed of what they're buying into."

Larry Oxman: "Okay. I know that sometimes in deeds when you live near an airport, there are certain things that are written right in the deed so that as you say the people may not have ever looked at the map, and kind of bought it just looking at that single property. Just a— thank you."

Supervisor Cardinale: "Thank you. Are there any other comments in regard to cul de sacs? If not, it being 8:23, we're going to declare those two final hearings to commence 7:30 and 7:35 as closed and we'll take that under consideration."

Public Hearings closed: 8:23 p.m.

Supervisor Cardinale: "Which leaves us to consider the 28 resolutions that are before us today. If there's any comment on those resolutions, we'd like to hear that now and then we'll consider the resolutions, then we'll consider general comment. Yes."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "First of all, you have to correct the minutes of tonight's meeting. The first thing that you did tonight was you approved the minutes of the town board meeting of November 2nd. The

11/15/2005 minutes

town board meeting was on November 1st, not November 2nd. You need to correct that."

Supervisor Cardinale: "Okay. Would you note that, Barbara, that we're approving the November 1st minutes?"

Sal Mastropolo: "Next I have a question on the correspondence."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Do e-mails that go to the town board get included in the correspondence?"

Supervisor Cardinale: "Do they, Barbara?"

Barbara Grattan: "Usually they do. I do have (inaudible)."

Sal Mastropolo: "I just want to know if they do or they don't."

Barbara Grattan: "Sometimes I do and sometimes I don't, Sal, very honestly."

Sal Mastropolo: "Okay, well, we should be consistent."

Supervisor Cardinale: "All but yours, Sal."

Barbara Grattan: "I figured all the town board got it because you e-mailed it all."

Supervisor Cardinale: "Okay. Why don't we make it a policy if we can, Barbara, that we put all of the e-mails as part of correspondence unless- "

Sal Mastropolo: "If you get 50 to 100 of them, I understand not putting them. Okay."

Supervisor Cardinale: "We don't get that many. We can list them."

Sal Mastropolo: "Okay. Resolution 1074."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The last Be It Further Resolved, you want to forward a copy of it, not the actual resolution."

Supervisor Cardinale: "Okay- "

Sal Mastropolo: "And you want to include Greg Scanlon in that."

Supervisor Cardinale: "Forward copy of resolution, okay."

Sal Mastropolo: "And include Greg Scanlon."

11/15/2005 minutes

Supervisor Cardinale: "Greg Scanlon, okay, I got it. Okay."

Sal Mastropolo: "Resolution 1081."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The template that was used is a little out of date. Mr. Lull and Mr. Kozakiewicz are no longer on the vote."

Supervisor Cardinale: "Wishful thinking, huh? Bring them back."

Sal Mastropolo: "On whose part?"

Supervisor Cardinale: "Probably on the part of the community, I am sure. But we'll make sure we correct that."

Sal Mastropolo: "Resolution 1082, the third Whereas. That first line I think you're missing a word. There are currently two performance bonds."

Supervisor Cardinale: "On 1084, first line?"

Sal Mastropolo: "No. 1082."

Supervisor Cardinale: "1082."

Sal Mastropolo: "The third Whereas, the first line."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Add the words there between that and our."

Supervisor Cardinale: "Yeah, there are. Okay. After the word that is the word there. Thank you."

Sal Mastropolo: "1091."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I noticed that you have a whole list of vehicles that are on 1090."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "And on 1090 you're posting a notice of auction and 1091 you're saying discard the surplus vehicles. Was that by design or did somebody add that list of TV01 to TV 21 by mistake?"

11/15/2005 minutes

Supervisor Cardinale: "My- would you come up- because I had that same thought and I never followed it through at the work session. Jack, on the Resolution 1090 authorizes the town clerk to publish and post notice of an auction of abandoned vehicles and all other unclaimed property being held by the police department, you list vehicles starting from '79 on. Then you have another one which says behind it authorization to discard surplus vehicles. What are we doing? Some of them appear to be the same. Okay. So can you explain that to us? Are they mutually exclusive or not?"

(Some inaudible discussion)

Supervisor Cardinale: "Yeah, yeah. First- 1090 is an authorization- this is not difficult. 1090- who prepared this? Vicky Vorakis (phonetic). Where does she work, police department? Do you know anything about this, Chief? One is an authorization to publish and post notice of an auction of abandoned vehicles. Another is an authorization to discard the vehicles. What are we doing? I remember talking to Vicky about this at the work session but it was 6:30 and at that point I couldn't see straight."

Sean Walter: "Is the second resolution town vehicles and the first resolution all vehicles?"

Supervisor Cardinale: "I don't even know if they're the same vehicles frankly. I've taken his word for it. Why don't you- Chief, why don't you take a look at those? If we can't determine that intelligently we'll put them aside for this- put them- can you get a n answer? Okay, then we'll put it aside. Thank you. Before we pass it, we'll ask if he has resolved that. Thank you, Sal."

Is there any other comment on any of the 28 resolutions we're about to consider? Yes, sir."

Frank Mosca: "Good evening. Frank Mosca (phonetic) to read several comments on Resolution 1095."

Supervisor Cardinale: "Go right ahead."

Frank Mosca: "I also have a couple of ones I won't read and I'll give it to the town clerk for the record."

The first one is on behalf of the organization that I'm president of, that's RSVP, the volunteer rescue group. This is a note in support of the Riverhead town board agenda for altering and approving the handling and treatment of animals.

We at RSVP are in total support of the resolution 1095. This document brings a new day of hope for the town and its animal population. By having this resolution with policies and procedures in place and your spirit of volunteerism, community participation,

11/15/2005 minutes

monetary support and rational management of animals will become the norm.

Riverhead will take its place along with its neighboring towns as an enlightened and forward looking municipality. This action will underline the new agenda of revitalization and innovation which is part of Riverhead's future. I speak on behalf of all the members of RSVP when I recommend a swift and decisive vote for the resolution, followed by a timely enactment and follow through to enable all aspects of the resolution to be put in place.

And then on behalf of the Riverhead Kennel Club submitted on behalf of its members.

To members of the Town Board. It has come to our attention that the town of Riverhead is in the process of adopting some new policies regarding the animal shelter, the use of volunteers at the shelter, and a humane policy of euthanasia. The Riverhead Kennel Club as a member of the American Kennel Club for the last 45 years, applauds all movement toward the humane treatment of dogs and cats.

In our throw away society it is very important that a shelter be what it is defined to be, a place to provide a warm bed, healthy meal, and a kind word for those less fortunate. It should not be seen as a quick death for a pet who has outlived its welcome in its current home.

All animals, even those with the sweetest of temperaments are placed under extreme stress when torn away from the life they have known, however bad it may have been. When they arrive at a shelter their true personality may be hidden under the fear and confusion they are experiencing.

An evaluation from a recognized animal trainer, a licensed veterinarian, as well as the observations of the shelter staff would ensure a fair evaluation of the adoption potential of every animal brought in. Pets who are rescued from disaster situations would especially benefit from such a process since nothing would be known of their past. Every pet deserves a second chance.

Volunteers are a very important part of any organization. They bring with them the energy and enthusiasm to perform a task because they want to not because they are paid to. It takes time to recruit, train and organize these people but the effort is well worth it. Look at any functioning program large or small and you will see their efforts would fall short without the help of these dedicated people.

The Riverhead Kennel Club, Inc. hopes that this letter will encourage you to look at these issues with a kind an open mind.

Respectfully, Lydia Abatelli, Secretary Riverhead Kennel Club,
Submitted on behalf of its members.

11/15/2005 minutes

And the last from Maura Frankman on behalf of the Animal Advisory Board.

Dear Members of the Riverhead Town Board:

As a member of the Animal Shelter Advisory Committee, I strongly urge you to adopt the resolution presented this evening. It is in the best interests of the town and its residents to adopt a humane euthanasia policy. The reintroduction of volunteers to the shelter will benefit the town, animals, and community, by assisting in the socialization and adoption of unwanted animals, as well as in fund raising and public education.

The cooperation of town employees and volunteers in this endeavor will produce a facility that is an asset to the people of the town of Riverhead and the opportunity for many unwanted pets to be adopted, following the example of many of the surrounding municipalities.

Respectfully submitted, Maura P. Frankman

Thank you very much and I will- "

Supervisor Cardinale: "Okay. Is there any other comment in regard to the 28 resolutions we're about to consider? If not, we'd like to consider them. So, Barbara, could we begin?"

Barbara Grattan: "Community Development first."

Supervisor Cardinale: "Yes. Andrea, would you- I'm going to- at 8:33, I'm going to adjourn for the moment the town board meeting."

Meeting adjourned: 8:33 p.m.

Meeting reopened: 8:35 p.m.

Supervisor Cardinale: "And reopen the town board meeting for consideration of Resolution 1070. Barbara."

Resolution #1070

Councilwoman Blass: "Resolution 1070 authorizes the settlement of the claims of Mae's Market with respect to the condemnation of its fixture interest in 201 Railroad Street, Suffolk County Tax Map No. 0600-128-03-006, Riverhead, New York and its relocation expenses. So moved."

Councilman Densieski: "Second the motion."

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

11/15/2005 minutes

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

Resolution #1071

Councilman Densieski: "Approves a stipulation of agreement. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1072

Councilman Bartunek: "Accepts a resignation of a crossing guard. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1073

Councilwoman Sanders: "Accepts the resignation of a crossing guard. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Could we take a break at this moment? Chief, you had an explanation on Resolution 1090 and 1091."

Chief: (Inaudible comment)

Supervisor Cardinale: "Okay."

Chief: (Inaudible comment)

Supervisor Cardinale: "Okay. So we're going to- "

Councilwoman Sanders: "Pulling them? Table?"

11/15/2005 minutes

Supervisor Cardinale: "-- table these two for amendment. Okay, thank you, Chief. Go ahead."

Resolution #1074

Councilman Densieski: "Appoints a volleyball official to the Riverhead Recreation Department. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "As amended, right? We're notifying-- "

Supervisor Cardinale: "That's correct. A copy of the resolution and Greg Scanlon to get a copy of the resolution."

Councilwoman Sanders: "Yes."

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

Resolution #1075

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

Councilwoman Blass: "And seconded."

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

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

Resolution #1076

Councilwoman Blass: "Authorizes the attendance of one police officer to the Phase II recertification training course. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1077

Barbara Grattan: "Let's see what we've got here. Resolution #1077 has a change of date for the public hearing. It's going to be

11/15/2005 minutes

December 7th instead of November 30th which you should have all gotten."

Supervisor Cardinale: "Right."

Barbara Grattan: "Okay."

Supervisor Cardinale: "December 7th. Okay."

Barbara Grattan: "Councilwoman Sanders."

Councilwoman Sanders: "I'll be right with you. Accepts the draft supplemental environmental impact statement of Headriver, LLC (Wal-Mart Store) and authorizes the town clerk to publish and post public hearing notice. So moved."

Councilman Bartunek: "Seconded."

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

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

Councilwoman Blass: "Yes. I just wanted to make sure everyone understands that we're not accepting this with respect to accuracy or anything other than how it measures up to the scope of issues. Yes."

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

Supervisor Cardinale: "Yes. This is simply accepted as stated and to schedule the hearing for December 7th. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1078

Councilman Bartunek: "Approves the site plan of shops at Wading River. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "Before I vote on this were we going to include in this the donation of the right of way-- "

Councilman Densieski: "I think it was an easement, wasn't it?"

Councilman Bartunek: "An easement. Is that necessary to be written in therer?"

11/15/2005 minutes

Supervisor Cardinale: "Yes. It should be part of the covenants."

Councilman Bartunek: "I didn't see it-- "

Councilman Densieski: "I think-- "

Supervisor Cardinale: "Rick, on-- "

Councilman Densieski: "I'm pretty sure we took an easement on Little Bay, correct?"

Supervisor Cardinale: "We are asking about the easement that was discussed in work session on Little Bay."

Rick Hanley: "Right. The site plan shows a 10 foot dedication, irrevocable offer of dedication to the town."

Councilman Bartunek: "So that doesn't have to be in this resolution?"

Rick Hanley: "No."

Councilman Bartunek: "Okay."

Rick Hanley: "We do it all the time."

Councilman Bartunek: "Okay."

Supervisor Cardinale: "Well, wait a second."

Rick Hanley: "It's a dedication. It's not a cross easement. It's-- "

Supervisor Cardinale: "Yeah, I understand that but if-- how come we don't want to make that of record with the covenant? Because a guy buying that property has got to know that that property has been offered to the town and the town can take that property at any time it deems fit. So if we're not putting that in covenants, we should."

Rick Hanley: "I couldn't give you a legal description of that area off the cuff, so-- "

Supervisor Cardinale: "But at least-- when this covenant is filed, in this and in very other instance when we're doing a dedication for an irrevocable offer of dedication, we should put it in here because this-- by the time we want this dedication, this guy might now own the property anymore."

Rick Hanley: "So are we thinking that we want to amend this resolution tonight with respect to the covenants specifically?"

11/15/2005 minutes

Supervisor Cardinale: "I'm thinking I would like to make certain that that irrevocable offer of dedication is in the covenant (inaudible)."

Rick Hanley: "Okay. So why don't we add one more covenant. You will see a page of covenants-- "

Supervisor Cardinale: "Yes."

Rick Hanley: "-- attached, if you could maybe come up with some language between you and Sean."

Supervisor Cardinale: "Okay. We're talking about the declaration of covenants, right?"

Rick Hanley: "Right. It should be attached."

Supervisor Cardinale: "They go through to 14."

Rick Hanley: "Right."

Supervisor Cardinale: "There should be in this and every other covenant-- every other site plan we approve which includes an irrevocable offer of dedication of property, simply the fact that-- "

Rick Hanley: "As depicted on that-- "

Supervisor Cardinale: "-- as-- that the property as attached-- described as Schedule A is hereby irrevocably offered in dedication-- an offer of dedication of the property attached as Schedule A is hereby irrevocably made."

Rick Hanley: "Okay."

Sean Walter: "And it will have to be approved in its form and content by the town attorney."

Supervisor Cardinale: "Okay. So he's going to amend it in that fashion if you would, Sean."

Sean Walter: (Inaudible)

Supervisor Cardinale: "Yeah."

Rick Hanley: "Number 15."

Supervisor Cardinale: "And then we would have to have-- well, we always have to have a Schedule A on these covenants. We never have a description-- "

Rick Hanley: "Schedule A is provided by the applicant. We don't do that."

11/15/2005 minutes

Supervisor Cardinale: "Right. So we want them to prepare a Schedule A for the dedicated portion as well as--"

Rick Hanley: "Yes, yes, yes."

Supervisor Cardinale: "All right."

Sean Walter: "So say this again. Applicant to provide- "

Supervisor Cardinale: "An offer of dedication- "

Sean Walter: "An offer- "

Supervisor Cardinale: "A 10 foot wide parcel."

Sean Walter: "-- of dedication."

Supervisor Cardinale: "As depicted on the site plan."

Sean Walter: "-- of a 10 foot wide parcel as depicted- "

Supervisor Cardinale: "On the site plan. Period."

Sean Walter: "-- on the site plan dated- "

Supervisor Cardinale: "And as more fully described as Schedule A."

Sean Walter: "Well, is described in there correct? Or are we just going to-- usually what we do is make them put it on the site plan and Rick and I go through and make sure it's correct."

Supervisor Cardinale: "Are you going to record the site plan or a description?"

Sean Walter: "We make them put it on a survey and Rick and I read the metes and bounds- "

Rick Hanley: "Right."

Supervisor Cardinale: "Yeah, but aren't you going to have to-- this is the covenant you're looking at. This is a declaration of covenants."

Sean Walter: "It is, but- "

Supervisor Cardinale: "So we're saying that they are making an offer of dedication, right, for the 10 foot wide piece as depicted in the site plan and as further described in Schedule A."

Rick Hanley: "Described in Schedule A which they would give us the legal description."

11/15/2005 minutes

Supervisor Cardinale: "Then all you've got to do is put the Schedule A attached."

Rick Hanley: "That makes sense."

Supervisor Cardinale: "Okay?"

Councilwoman Sanders: (Inaudible)

Supervisor Cardinale: "We did. In other words we're referencing the site plan but then we're also saying that they're going to have to provide a description."

(Some inaudible discussion)

Supervisor Cardinale: "As described in the site plan and as further described in Schedule A. Yeah, dated- "

Sean Walter: "So it's going to be applicant to provide the town of Riverhead an offer of dedication of a 10 foot wide parcel as depicted on the site plan dated 10/13/05 as further described on Schedule A attached hereto."

Supervisor Cardinale: "Very good. Okay. With that amendment, can we consider 1078?"

Rick, make sure we do that on all of the offers of dedication."

Councilman Bartunek: "I guess we can never have enough attorneys. I'll vote yes, Barbara, as amended."

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

Resolution #1079

Councilwoman Sanders: "Approves the site plan of Malvese Equipment Company, Inc. for a storage building. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1080

Councilman Densieski: "Approves the plan of John Grodski for agricultural worker housing permit to be issued pursuant to Section 108-64.4 of the Riverhead Zoning Ordinance. So moved."

11/15/2005 minutes

Councilwoman Blass: "And seconded."

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

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

Resolution #1081

Councilwoman Blass: "Accepts the irrevocable letter of credit from Doherty Breads LLC formerly known as- within Riverhead Commerce Park. So moved."

Councilman Densieski: "Second the motion. Vote please."

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

Resolution #1082

Councilman Densieski: "Authorizes the release of performance bonds (2) of the subdivision entitled Meadowcrest Section 2 for the park and recreation fees and road and drainage fees. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1083

Councilman Bartunek: "Reduces and extends the maintenance bond in connection with the subdivision entitled Village at Wading River, Harvest Moon Associates, LLC. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1084

Councilwoman Blass: "Approves the temporary sign permit of Barclay Ehrler. So moved."

Councilwoman Sanders: "And seconded."

11/15/2005 minutes

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

The Vote: "Bartunek."

Councilman Bartunek: "I would submit that we never really saw the sign."

Supervisor Cardinale: "You did-- some of you didn't and should have. Did you-- okay, if you grab it and make sure. It was very confusing this, during the work session. They showed us all the signs. What they were trying to say was those are the signs that share that site but she'll get you a look at that."

So why don't we put that aside for a moment, Barbara, and come back to it. He wants to just look at the temporary sign and make sure it's not real ugly."

Councilman Bartunek: "I take it personally."

Supervisor Cardinale: "He's into signs."

Resolution #1085

Councilwoman Sanders: "Authorizes extension of time to remit real property taxes for senior citizens receiving an exemption pursuant to Section 467 of the RPTL. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1086

Councilman Densieski: "Authorizes Supervisor to release petty cash monies to the Receiver of Taxes. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1087

Councilman Bartunek: "Authorizes the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to act as special

11/15/2005 minutes

counsel in the real estate transaction between the town and Kenneth I. Wilpon, as agent. So moved."

Supervisor Cardinale: "Okay. This is- a second, please."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Councilman Densieski: "I didn't vote for this because I don't believe the Wilpon deal is a good deal for Riverhead. And this is about almost \$12,000 so far in PO's, plus I don't know how much staff time. But it's not something I support. I'd like to vote no."

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

Supervisor Cardinale: "Okay. Actually this is amending the 165 per hour instead of 175 per hour as our fee to the firm. So I'm going to vote for it because it saves me 10 bucks an hour. I will vote yes."

Barbara Grattan: "The resolution is adopted."

Resolutin #1088

Councilman Densieski: "Authorize the publication of notice to amend Community Development Block Grant Program. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "I didn't understand what was going on with this. If somebody could explain this. Why are we going back to-- "

Supervisor Cardinale: "Yes. Andrea can explain it. It's actually a good explanation. Could you explain what this is about?"

Andrea Lohneiss: "We had remaining money in our 2000 CDBG grant-- "

Supervisor Cardinale: "Community Development Block Grant money."

Andrea Lohneiss: "Right. Which was specifically allocated for acquisition in Millbrook Gables. We also had a little bit in 2003 for acquisition. We used to be able to purchase property in Millbrook

11/15/2005 minutes

Gables for \$25,000. We no longer can. It's not \$150,000 for a parcel.

So we also had some money for clearance. We've assembled seven lots in Millbrook Gables. We're suggesting moving this money to the clearance line and cleaning up the seven lots and preparing them for new construction in 2006.

So to do that requires the publication of a notice, a 30 day comment period. So on December 20th, if there have been no substantial adverse comments, you'll have a resolution approving that change. And then we have a very short window of time within which we have to undertake the clearance and spend the money by the end of January."

Councilman Bartunek: "So in other words what you're saying is we had \$25,700 left over from 2000 and \$15,000 left over from 2003?"

Andrea Lohneiss: "Right."

Supervisor Cardinale: "And we're going to use that to clean up those seven sites, remove foundations, clean them up, get ready for building. Good."

Andrea Lohneiss: "Four foundations that are remaining, right. And prepare them for new construction in 2006."

Supervisor Cardinale: "Oh, yeah, and we want to give a copy to the town attorney."

Andrea Lohneiss: "Okay?"

Supervisor Cardinale: "So as indicated and as amended can we have consideration of this?"

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

Resolution #1089

Councilwoman Sanders: "Ratifies the submission of a grant application to the Suffolk County Youth Bureau. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1090 and 1091

11/15/2005 minutes

Councilwoman Blass: "Motion to table Resolutions #1090 and 1091."

Councilman Bartunek: "I'll second."

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

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

Resolution #1092

Councilman Densieski: "Authorization to republish an advertisement for the purchase of diesel fuel for use by the town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1093

Councilwoman Blass: "Awards a bid for heating fuel. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1094

Councilman Bartunek: "Awards bid for propane. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #1095

Councilman Bartunek: "Barbara, maybe before we get into that, we can go back to Resolution #1084?"

11/15/2005 minutes

Supervisor Cardinale: "Yeah, 1084, we can consider that. George had an opportunity to see the coming soon retail space sign, that is a temporary sign and with that, can we have a vote?"

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

Resolution #1095

Councilwoman Sanders: "There were two modifications, amendments to this resolution. One was the application itself, the volunteer application, was removing the assignment or the description of the office assistant and the volunteer agreement included yet another term that further described the supervision of the volunteers. So if we could include those. I think we all got copies."

Barbara Grattan: "I don't have a copy."

Councilwoman Sanders: "I'll give you mine."

Barbara Grattan: "Thanks."

Councilwoman Sanders: "You're welcome. So with those amendments."

Councilman Densieski: "I'd like to offer another amendment if I could. The title is (inaudible) animal control forms. I think it should also say and sets policy of the town board. I think that should be included in the title. Because I think it's more than just the forms."

Supervisor Cardinale: "Okay. Is that a motion to consider that addition? Anybody have any problem with it? Okay. Then let's just add it."

Barbara Grattan: "And sets policy of the town board."

Supervisor Cardinale: "Yeah, that's the caption."

Councilwoman Sanders: "Adopts the Riverhead animal control forms and sets policy of the Riverhead town board. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "I strongly support the humane treatment of animals. I thank all the volunteers of Riverhead town, but there are some policy decisions in here that I don't agree with and most of

11/15/2005 minutes

the forms are fine. And I think another major problem is that all these issues have not been budgeted for. I think that should be reviewed before adopting this, but with that said, I'll vote no."

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

Supervisor Cardinale: "Okay. I-- first of all, I applaud the efforts of Rose and Barbara and George who worked very hard on this and also the volunteers that worked with them. I respect and concur generally with the objective of the policy and with the improvement of a situation which clearly needs some improvement. However, I'm going to abstain on this vote for the following reasons.

I had asked for certain information that I have still not satisfied myself with receipt of and I think certain issues are unresolved. Legal liability will probably always remain unresolved but it still is and its impact in this policy.

The budgetary impact is unclear. The litigation impact with the CSCA and I spoke to Mr. Hatoff just yesterday, is of concern to me and mostly of concern, I talked about George with this earlier today, the conflict potential of imposing this policy upon current staff without sufficient time to acclimate them to the realities without an umpire in place to make certain that these conflicts are resolved on site.

So for that reason, I wish this experiment well. I applaud the fact that it is an experiment. It's noted that these new policies and procedures will be evaluated at the conclusion of three months but I stand aside and abstain at this time, wishing good luck but not convinced that this is not making an imperfect situation even more imperfect. So I abstain."

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

Resolution #1096

Barbara Grattan: "Resolution #1096 to pay bills."

Supervisor Cardinale: "Motion to pay bills, second please."

Councilman Densieski: "Second."

Supervisor Cardinale: "Moved and seconded. May we have a vote to pay bills?"

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

Supervisor Cardinale: "Okay. That I think completes the motions before us. And that means that we can take general comment. Unless you had a comment."

Councilwoman Blass: "I just wanted to make an announcement-- "

11/15/2005 minutes

Supervisor Cardinale: "Oh, yes, Barbara has an announcement that I should have asked about when we opened."

Councilwoman Blass: "I just wanted to let the public know that the New York State Open Space Conservation Plan, the draft for 2005 will be the subject of a public hearing December 1st. There are two sessions from 2:30 to 4:00 in the afternoon and from 7 until 9 in the evening at the DEC offices in Stony Brook.

The plan can be reviewed on line at the DEC website www.dec.state.ny.us but if anyone has an interest in borrowing my hard copy they can. All of Riverhead's priority projects have been included in the draft so if anyone has some time that day it would be great to go in that day and offer your support for the plan. Thank you."

Supervisor Cardinale: "Thank you, Barbara. Okay, we are prepared to take general comment on anything within our purview. If there is any general comment, please come up. Yes. Nick, why not? Come up and then whoever wishes to follow, please come up. Yes, Nick."

Nick DiPierro: "Nick DiPierro from Wading River. When a school budget goes up for a vote and it's defeated the first time, it goes back up again for the second time. The state of New York prohibits it from going back up for a vote for a third time.

We've had two referendums so far as far as extending the term of office for supervisor and town clerk and the highway department. The first time they were lumped together, this time they were separate. Okay. It went down to defeat both times. I would think that this would be a sign that the public has spoken two times, too bad that the town clerk didn't pass because I believe that would have been good thing to pass a four year term.

But I would like to suggest instead of extending any more terms for any position now that it failed two times, to limit the term of supervisor to three consecutive two year terms, for a total of six years. The danger of anyone serving longer than six years in that capacity is you may get stressed out, you may get ulcers, you may get heart problems or any other thing to bring on a lawsuit against the town which we had previously. So we're just looking out for your health by limiting- "

Supervisor Cardinale: "I appreciate that."

Nick DiPierro: "-- by limiting the supervisor's term for six years. Three two years terms. If you're doing any- any supervisor, whether it's you or any other one that preceded you or come after you, is doing a good enough job, fine job, they will be reelected and they

11/15/2005 minutes

can serve six years. We don't want anybody to turn into a professional politician. We want people who serve for the good of the public and after six years I think any supervisor will feel relieved not to serve in that capacity anymore."

Supervisor Cardinale: "Right. Thank you. You make an eloquent argument for term limits. I would like anyone else that has a comment to please come up."

Bohdan Lazoryk: "Good evening. I am Bohdan Lazoryk and I am appearing tonight on the issue of great importance to all residents of the town of Riverhead.

Several weeks ago as part of a routine candidate interview, Councilman Ed Densieski revealed the fact of his business partnership with a confessed felon. When challenged, Mr. Densieski defended his partnership, pointing to good deeds performed by this confessed felon and claiming this man's actions only resulted in a Class E felony.

Up until this evening, Mr. Densieski has not announced the steps he has taken to divest himself of this relationship. He has stated he will transfer responsibility for his actions to the Town Ethics Board, knowing full well the limitations of their jurisdiction, hiding within the gaps of this new code.

It isn't just the fact of his questionable business partnership, but more importantly the question of his understanding the responsibilities of an elected official. He has let us all down with this show of poor judgment, he has shamed the town with this show of poor judgment. Ed Densieski has broken his oath of office and the bond of trust between him and the town's residents. He has shown he is unfit to be seated as a Councilman because he simply does not understand the complexities of what is right and what is wrong for a public official. He has failed to grasp the fact that as a public official he cannot give any impression whatsoever of acting improperly and this applies 24 hours a day, 365 days a year.

I find myself compelled to ask Ed Densieski to make the right choice for Riverhead. And that choice is nothing less than immediate resignation from his position on the town council. The citizens of Riverhead do not want to become the island's second Crookhaven.

Thank you."

Councilman Densieski: "I just need to respond."

Supervisor Cardinale: "Yes, please do."

Councilman Densieski: "I've always served this town honorably and I will reevaluate my business partnership and I will go before the Ethics Board. I have always served this town honorably. I have given my heart and soul to this town and I think you're way off base, sir."

11/15/2005 minutes

Supervisor Cardinale: "Thank you. Any further comment. Sal?"

Sal Mastropolo: "Two questions. One is has anything been done or is anything being done to rectify the parking problems at the Wading River Creek?"

Supervisor Cardinale: "At the boat ramp itself?"

Sal Mastropolo: "Well, the parking lot- "

Supervisor Cardinale: "Yes, yeah."

Sal Mastropolo: "-- being under water and the fact that all those stones are in the middle so that when the water comes up you can't maneuver a car there and the fact that the barricade blocks the front- "

Supervisor Cardinale: "Yes. We're aware of the problem. We've discussed it in work session. We have estimates of what should be done to raise the level of the- and I think we have a handle on it. The estimate was, you know, it was money but it was not such would dissuade us from correcting the situation.

If you really want to know the details on it, Kenny Testa has got the estimate and I can put you in touch with the town engineer. But we anticipate correcting that situation before the spring."

Sal Mastropolo: "Okay. Are we going to recapture the land to the east of the telephone pole where we used to be able to park or are we going to limit the parking just for the area that we have now?"

Supervisor Cardinale: "To the east- "

Sal Mastropolo: "You used to wrap right around the pole so you can pull in and pull out."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "We literally lost probably 35% of the parking."

Supervisor Cardinale: "That's an interesting point. Sean's opinion- if we owned the property, I would certainly want to do that. But his recollection is- he may be wrong, but he lives in Wading River- that we didn't actually own that property, we just used that property. If that is the case, that makes it problematic. I'll look into it but the parking is not adequate at this time and we need to work on it. He's going to take a look to see if that is accurate that we do not own the adjacent property. But we are going to correct the parking which is underwater at times which is ridiculous."

11/15/2005 minutes

Sal Mastropolo: "I'd like to make a suggestion. I don't know what the town code is relative to oil tanks on farmland for their diesel motors that run their pumps, okay, but I think the town code—the town needs a town code that says you need to have a secondary device underneath the tank to catch spills, okay. I walk farm roads and when it rains, you cannot walk past some of these diesel tanks and I think it's because of overflow and the diesel is sitting in the ground and once it rains, it brings the diesel up."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay? I don't know if it's a town issue or a DEC issue but the town code should be modified to say, hey, if you're going to put a diesel— an oil tank out in the field, you need a catch basin underneath so if there's an overflow— if there's an overfill situation, it catches the excess."

Supervisor Cardinale: "That's a good suggestion, that and we have three areas that were good suggestions tonight which I've noted, which are the diesel fuel issue you just mentioned because that is a problem and I've seen it out there. The other one is the parking for staff. Apparently we don't consider that in our code which we should and the other one was special events. There's no limitation on special events of any sort of number or otherwise and that poses a problem in certain instances. We'll consider those three things at a work session."

Sal Mastropolo: "Okay, thank you."

Supervisor Cardinale: "Thank you."

Sean Walter: "Phil, the county of Suffolk owns the property next to our property. It was my recollection in speaking with Jill Lewis when she was working on the design, that the county of Suffolk did not want us building on their property nor traversing it any further. That's why it was built the way it was built. We could ask the county of Suffolk to, you know, through 72-H to dedicate the property to us."

Supervisor Cardinale: "I think it's worth it. It's certainly worth a formal request because Steve and I are very friendly. Maybe he'll do something for the town. So I'll ask— that's another thing we'll look into."

Peggy, let me give you these notes because I'll lose them and we can make sure they get on our work session.

Any other comment from the public? Welcome John Dunlevy who will be on this board on January 1st. Nice to see you, John.

11/15/2005 minutes

If there's no further comment, let's- the meeting is now adjourned. It's 9:06.

Thank you very much."

Meeting adjourned: 9:06 p.m.