

**WAIVER OF NOTICE AND CONSENT
OF SPECIAL MEETING OF THE TOWN BOARD OF PUBLIC HEARING**

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 2:00 p.m. on the 14th day of December, 2004 and do consent to the holding of such meeting for the purpose of:

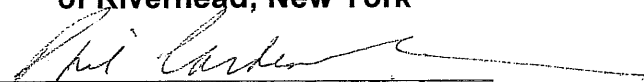
SPECIAL BOARD MEETING RESOLUTIONS

- #1134 **Accepts Resignation of Lieutenant (Patrick R. Mulcahy)**
- #1135 **Approves Stipulation of Settlement**
- #1136 **Appoints Architectural Firm**
- #1137 **Authorizes Town Clerk to Post and Publish Public Notice For
Public Hearing Regarding A Local Law to Amend Chapter 13
(Conservation Advisory Council) of the Riverhead Town Code**
- #1138 **Approves Request for Leave of Absence (Joseph Slavonik)**
- #1139 **Releases Irrevocable Letters of Credit Mivila of New York, Inc.**
- #1140 **Adopts A Local Law Repealing Certain Sections of Chapter 108
Entitled, "Zoning" of the Riverhead Town Code
(Business A,Business B,Business C,Business D,Business G,Defense
Institutional**
- #1141 **Authorizes Town Clerk to Publish and Post Public Notice to
Consider Supplemental generic Environmental Impact Statement
(Transfer of Development Rights)**
- #1142 **2004 Corwin Benjamin Carriage House Project Budget Adjustment**
- #1143 **Authorizes Town Clerk to Publish and Post Public Notice to Consider
a Local Law to Amend Chapter 108 Entitled, "Zoning" of the
Riverhead Town Code (Transfer of Development Rights)**
- #1144 **Determines Environmental Significance and Grants Approval of the
Comprehensive Development Plan for Former Calverton Naval Weapons
Industrial Reserve Plant (Calverton Camelot; M-GBC, LLC)**

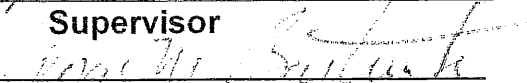
DATED:
Media Notified by Supervisor's Office

News Review, Suffolk Life, Traveler-
Watchman, Newsday, WRIV, North Fork
Independent, Newsday & Community
Journal

**Town Board Members
of Riverhead, New York**



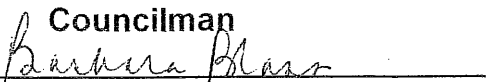
Supervisor



Councilman



Councilman



Councilwoman

Councilwoman

Minutes of a Special Meeting of the Riverhead Town Board held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, December 14, 2004, at 2:00 p.m.

Present:

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

Also Present:

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

Absent:

Rose Sanders,	Councilwoman
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Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "It's the Special Town Board meeting of December 14th. I like my job so well, I wanted to do a Town Board meeting on my birthday."

Councilwoman Blass: "Happy Birthday."

Supervisor Cardinale: "You know, it's the kind of thing that gives me great pleasure, Town Board meetings."

But we're here actually for a Town Board meeting in between- out of the 21st, just to clear up some routine matters that needed to be done and also to put some public hearing notices in the paper. So let's- if we could begin, Barbara, by calling #1134 and thereafter."

Resolution #1134

Councilwoman Blass: "This resolution accepts the resignation of police lieutenant Patrick Mulcahy. So moved."

Supervisor Cardinale: "Second please. George, I think it's you."

Councilman Bartunek: "I'll second that."

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

The Vote: "Bartunek, yes; Blass."

Councilwoman Blass: "Yes. I'd really like to thank Lt. Mulcahy. I'm accepting his resignation with regret. We're certainly going to miss him. He was a very dedicated officer for the Town of Riverhead. Wish him well, however."

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

Councilman Densieski: "Yeah. I agree with what Barbara said and I wish him well in the DA's office. Best of luck, Pat. I'll vote yes."

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

Supervisor Cardinale: "Yes. I just had lunch, about 10 minutes ago with police officer-- or Lt. Mulcahy. As a member of the Labor Management Committee I knew him vaguely because I too often don't get to those meetings, but he seems very happy in his new position as chief of -- as detective investigator with the District Attorney's office and the County's gain is our loss. And I vote yes to accept, with regret, his resignation."

Barbara Grattan: "The resolution is adopted."

Resolution #1135

Councilwoman Blass: "This approves a stipulation of settlement. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1136

Councilman Bartunek: "Appoints architectural firm. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1137

Councilman Densieski: "Authorizes the Town Clerk to post and publish a public notice for a public hearing regarding a local law to amend Chapter 13 (Conservation Advisory Council) of the Riverhead Town Code. So moved."

Councilman Bartunek: "And I'll second that."

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

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

Resolution #1138

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

Councilman Densieski: "Second the motion."

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

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

Resolution #1139

Councilman Densieski: "Releases an irrevocable letter of credit for Mivila of New York, Inc."

Councilman Bartunek: "Seconded."

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

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

Councilman Densieski: "Phil, I hate to do this to you on your

Birthday, but I did soften up so your Birthday is not too bad."

Supervisor Cardinale: "Right. Thank you."

Councilman Densieski: "What this letter does is give back a letter of credit for one of the businesses. We had a \$1.5 million dollar grant from Senator LaValle to rehab-- but the rehab of the railroad spur should have been done by resolution-- I believe was done by a straw poll of the Board when I was not at work session. My fault for not being there but I still don't think that was the proper way to do it.

Riverhead town leaders, after a \$1.5 million dollar grant from Senator LaValle said no six months after the expiration date. Supposedly because we may be in jeopardy of paying about a third of that back if we can't create 135 jobs.

What kind of statement is that, that we can't make 135 jobs at a 3 million square foot industrial park? The golden goose of Riverhead or economic generator, we can't make 135 jobs. I find it hard to believe. This is no way to run a business.

This administration is successfully killing limited controlled aviation at our private use airport and now it's killing the railroad spur and more than likely in exchange for residential housing, which I do not support.

I remember the meeting when they announced the grant and everybody was there including somebody that I never agree with anything on and that's Dick Amper. And Dick Amper and I agree that railroad spur is the way to go and reduces truck traffic and pollution and a million other good things. It's good for economics.

So I'm going to have to abstain."

Supervisor Cardinale: "Okay."

The vote (Cont'd.): "And Cardinale."

Supervisor Cardinale: "This is a complicated matter which has demanded a good deal of the Board's time and- with the exception of Ed, I think we are in agreement that we think it is in the best interests of Riverhead not to proceed with the loan/grant for these reasons which were fully explored and fully explained in public at the last work session and on TV.

We would have had to pay \$150,000 in cash which we had not anticipated paying, but would have had to have paid because one company pulled out of- was out of business. We would have had to guarantee an additional \$600,000 of the \$1.5 million based upon something we have no control over, whether or not Mivila or some presently unknown company in the next several years could produce 135 new jobs directly related to and resulting from the rail spur.

We would have also been liable for cost overruns which were estimated to be between \$250 and \$500,000 so that the \$1.5 million dollar grant actually turned out to be a \$500,000 grant with 150 cash contribution required and another \$600,000 to be guaranteed by us based upon a production of jobs over which we had no control.

And, finally, cost overruns would be anticipated to be around another 250 to 500. That is why this Board determined not to move forward, but being my Birthday, I did get some good news.

I've absolutely no objection to an enhancement, an improvement of the rail spur at that location. We control the rail spur in. I'd like to have it improved and Andrea was telling me that she's had some inquiry now from the MTA that they may be interested in providing as much as \$2 million dollars without any conditions for this purpose and we're exploring that in order to make the right deal in the best interest of the Town.

So maybe there's still hope, Ed. I hope there is, and for that reason I believe we ought to give back this fellow his money, the guy that was going to contribute a little bit to this for us, Mivila, and I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1140

Councilwoman Blass: "Adopts a local law repealing certain sections of Chapter 108 entitled Zoning of the Riverhead Town Code, they be Business B, Business C, Business G, Defense Institutional district. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "I have a quick comment, Phil."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Phil, when you were a Councilman here and I was the freshman Councilman, you always voted right after me and I hated that. Now I'm the senior Board member and you still vote after me. I hate that."

I just want to say that- "

Supervisor Cardinale: "I guess you'll have to run for Supervisor which I believe you may be starting to do. But go right ahead."

Councilman Densieski: "No. This is bigger than politics but I just want to say that I respectfully disagree with your assessment of that situation on the railroad spur. With that said, I'd like to move on with this resolution and vote yes."

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

Supervisor Cardinale: "Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1141

Councilman Bartunek: "Authorizes the Town Clerk to publish and post public notice to consider supplemental generic environmental impact statement transfer of development rights. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek."

Councilman Densieski: "Discussion. Is this the one that comes up on December 29th or whatever?"

Councilwoman Blass: "Yes."

Councilman Densieski: "Is this-- would that possibly be able to wait until another meeting? We had an Ag Advisory meeting last night"

and they were concerned because a lot of their membership was not going to be around between those two holidays there. Is this absolutely time sensitive?"

Supervisor Cardinale: "Just as a-- I received a letter just as I was walking in here saying the same thing from Lyle Wells saying could we continue this-- could we have this also on the January 4th which is the organizational meeting and I don't have any problem with doing that.

I'd like to leave it on the 29th and then what I would propose to do is carry it over to the 4th to give additional comment period and then give them five days or whatever days we need to have written comment. Because I certainly want the farm community's advice on this."

Councilman Densieski: "Okay. Five days after the 4th?"

Supervisor Cardinale: "What it is, is the hearing would be commenced on the 29th, we would have it carried over a continuation to January 4th to get additional oral comment which is what Lyle had requested, and then we would have an additional five days of written comment."

Councilman Densieski: "That's more than fair."

Supervisor Cardinale: "Okay? Good. Then let's do that."

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

Resolution #1142

Councilman Densieski: "Is a Town of Riverhead 2004 Corwin Benjamin carriage house project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1143

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code with respect to transfer of development rights. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Blass."

Councilwoman Blass: "Yes. And I would imagine the same caveat would apply to this as well. This is the ordinance itself."

Supervisor Cardinale: "Yes. We would do the same on this, Barbara. Right."

Councilwoman Blass: "Thank you."

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

Resolution #1144

Councilman Bartunek: "Phil, before I present this resolution, is there a possibility we could discuss this at the Thursday work session and go through these items? Do you think it's- I'm not--"

Supervisor Cardinale: "Barbara, Barbara, I'm sorry. Jill. #1144 which you were just advising needed a couple corrections. Do you- is- do we need to pass this today? George had- okay, then let's- we do need- if you can tell us why."

Councilman Bartunek: "I'd just like to- "

Supervisor Cardinale: "Oh, because you have to get it- yeah, we're trying to move the (inaudible) along and this has to be over to the- ":

Jill Lewis: (Inaudible)

Supervisor Cardinale: "Okay. Let's have that discussion right now because I had some changes that needed to be made in this as well."

Can we have discussion on this before we vote, please?

I will tell you the changes she's advised me of. On the first page, where it says subdivision sketch plan, it's preliminary instead of sketch. That's at the last sentence of the first page."

Councilwoman Blass: "Well, can I- "

Barbara Grattan: "Okay, so it's sketch?"

Councilwoman Blass: "-- well- "

Supervisor Cardinale: "Yeah. Is that accurate?"

Councilwoman Blass: "-- the Planning Board had made certain recommendations."

Supervisor Cardinale: "Yes. Go ahead."

Councilwoman Blass: "One of which was this contemplated sketch plan. The CDP as written says we should eliminate sketch plans."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "So my question to Dawn was does this supersede what this says or should this say everything that this says and her answer back to me was that what the Planning Board is advising is one thing. Those are their recommendations, but our Resolve- "

Supervisor Cardinale: "Okay."

Councilwoman Blass: "-- is really what rules here."

Supervisor Cardinale: "So sketch plan is appropriate."

Councilwoman Blass: "So they could say sketch plan there. It's not- we're not saying-- their intent- oh, if their intent was that, that's different. Was their intent also to have the document referred to the ARB, do you know?"

Rick Hanley: "Yes."

Councilwoman Blass: "Okay. Not the document, the plan."

Rick Hanley: "Contemplated site plans."

Councilwoman Blass: "Referred to the- "

Rick Hanley: "(inaudible) was a suggestion by the applicant that they should not be compelled- "

Councilwoman Blass: "Right. To go to the ARB. Okay. Okay. So then if I can just try to- "

Rick Hanley: (Inaudible)

Councilwoman Blass: "So then if I can just try to- "

Rick Hanley: "I think we should amend this Whereas one, two, three, four, fifth Whereas, (inaudible) iv, should change that subdivision plat- preliminary plat."

Councilwoman Blass: "Okay. Because that was their intent. Okay. There are other things in the Planning Board's recommendations that do contradict for lack of a better word what is in here but we're saying that all of the- our Resolve conditions are going to be incorporated into this not only as referenced here but actually as, I think that language is- "

Rick Hanley: (Inaudible)

Councilwoman Blass: "-- which conditions are incorporated by reference. We should add that in the final Resolve. Otherwise this document, if it stands out there by itself, will not know that these modifications apply to it if we're never going to go back and change it."

Rick Hanley: "Okay. So are we talking about the second to the last Resolve?"

Councilwoman Blass: "That's correct. Map- last revised and modified as aforementioned and which conditions are incorporated in the CDP by reference."

Supervisor Cardinale: "Okay, Barbara. If you'll look at the last page. Jill, can you, okay, before I go that way, wait one second. At the last page, Barbara, at the second to last Resolve at the end of it, we're adding which conditions are incorporated into the CDP by reference. Okay?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "And on the first page at the first page, the word sketch plan- "

Barbara Grattan: "Yes."

Supervisor Cardinale: "-- those words at the last words on the first page should be preliminary plat."

Barbara Grattan: "Sketch plan- "

Supervisor Cardinale: "Should be deleted and preliminary plat added."

Barbara Grattan: "So you've got subdivision preliminary- you're leaving subdivision in there?"

Supervisor Cardinale: "Yes. Subdivision preliminary plat."

Barbara Grattan: "Got you."

Supervisor Cardinale: "Go ahead, George."

(Inaudible comment)

Supervisor Cardinale: "The ones you gave me? There's one more I'm going to take but I'm going to take his first."

Councilman Bartunek: "What are we doing? Why don't we have the same number of Resolve here as we do have in the proposal? Is there some reason, Phil?"

Supervisor Cardinale: "Okay, George is asking this question, on the Resolved we have- "

Councilman Bartunek: "Fourteen, fifteen. Here we have sixteen and here we don't. Is there one missing?"

Supervisor Cardinale: "We have fifteen- in the Resolve clause, Barbara, he was noting that we have fifteen roman numerals."

Councilman Bartunek: "Fifteen is missing. Fifteen is missing from the Resolve."

Supervisor Cardinale: "And we- on the- on the Resolve from- on the Whereas clause from the Planning Board, we have sixteen. Is that

deliberate or is- okay, it's deliberate. They're not identical, George."

Councilman Bartunek: "What is- "

Supervisor Cardinale: "Their Resolve and ours are different."

Councilman Bartunek: "It's the first time, I have to apologize, it's the first time that I have seen this, so- what does number sixteen in the Resolve section mean? That all proposed open space lots will be considered for (inaudible) to the DEC Town of Riverhead."

Rick Hanley: "Yes."

Councilman Bartunek: "What is that?"

Rick Hanley: "The original subdivision did not have lots for open space exclusively. There were open space areas on individual lots. The new plan from the CDP contemplate an open space lot so the Planning Board said we want those lots to be considered for conveyance to the DEC, apparently they're not interested (inaudible). An appropriate environmental (inaudible) which would be the land trust or the Nature Conservancy or to the town pursuant to 48, which is- (inaudible)."

Councilman Bartunek: "King's Drive."

Rick Hanley: "King's Drive. There's a section in our code that allows the town to accept land which is not active parkland- "

Councilman Bartunek: "Right."

Rick Hanley: "-- essentially parkland that's (inaudible)."

Councilman Bartunek: "How does that affect taxes that we could get from- "

Rick Hanley: "I don't think whether or not it's an open space lot or it's an open space area with a conservation easement on a lot affects it one way or the other because I think that if these open space areas were on a lot which also had development potential, it would be an easement on that portion of the lot, I think they would probably grieve any assessed value on that easement (inaudible)."

Supervisor Cardinale: "Because the yield is what you're

actually being taxed on and the yield would remain the same.

I have another question. In regard to- the way this is set up is, of course, one of the key Whereas clause recites the recommendations of the Planning Board and then the key Resolve clause recites the- that the Town Board makes the following findings and requires the following conditions.

Now, number eight on the Planning Board's recommended resolution is all roadways within the subdivision shall be offered for dedication to the Town of Riverhead subsequent to all improvements being made to the satisfaction of the Riverhead Planning Board and the Superintendent of Highways."

Rick Hanley: "That's a change from the original. Because the original (inaudible) these roads to remain private. I think we have a problem with one of these (inaudible)."

Supervisor Cardinale: "Well, number eight is the recommendation of the Planning Board that all roadways shall be offered for dedication. Okay. Subsequent to their improvement. Look at number five on our Resolution, we conclude or we conditionalize the approval by saying the applicant has requested that all roadways and drainage improvements remain in private ownership."

Rick Hanley: "That should come out."

Supervisor Cardinale: "Okay. So if we delete five which is what you're telling me to do- "

Rick Hanley: "Yes."

Supervisor Cardinale: "-- tell me where it says that as a condition of this- we're insisting that the roads be private."

Rick Hanley: "If you look at Roman numeral VI of your Resolve- "

Supervisor Cardinale: "Yeah. It says the sections of concrete road surfaces that characterizes damage-- doesn't help me out here."

Rick Hanley: "The Town Board's findings and conditions- I'm sorry, XI- "

Supervisor Cardinale: "Okay. On XI, that all roadways shall be

offered for dedication. Fine. Then I'm happy as long as we're stating that."

Rick Hanley: "Right."

Supervisor Cardinale: "But you're saying that V should be deleted?"

Rick Hanley: "Yes."

Supervisor Cardinale: "All right, V, Barbara, on the second to last page, under the Resolve clause, Roman numeral V should be deleted."

Barbara Grattan: "That the applicant has requested that all roadways- "

Supervisor Cardinale: "Yeah. He may have done so, but that's not one of our Resolves. We are determining that these be public roads."

Barbara Grattan: "Yes. Okay."

Supervisor Cardinale: "Any other changes that we need to address? Any other discussion? "

Councilwoman Blass: "I just have- I have one more."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "On Roman numeral V of, let's see, the Planning Board's- "

Supervisor Cardinale: "Recommendation."

Councilwoman Blass: "-- recommendations, agreement between Calverton Camelot and the Town of Riverhead be reached in order to allow existing drainage network to function regardless of the property ownership and that necessary drainage easements are secured. CDP said you'll- they will deal with it upon the development of each individual lot in the site plan and the Planning Board said no, we'd rather make sure that it functions regardless of who owns the lot and--"

Rick Hanley: "-- the fact that there are town owned drainage facilities that are on our property which is in the PRP district on

the other side of the runway."

Councilwoman Blass: "Okay."

Rick Hanley: "Which connect into these private drainage appurtenances."

Councilwoman Blass: "Okay. Right."

Rick Hanley: "So there's going to be an agreement that's going to be reached, I think it's already been done, that will allow our water to go onto his drainage facilities."

Councilwoman Blass: "Okay."

Rick Hanley: "That's what that means."

Councilwoman Blass: "Okay. Thank you."

Supervisor Cardinale: "Any other inquiry or amendment? All right, then if there is not, let me just repeat, make sure you got it, Barbara."

The resolution that we're about to pass should include the following. At the first page, at the final two words, sketch plan is removed; preliminary plat is added. On the second page, there are no changes. On the third page, number V, Roman numeral V in the first-in the Resolve clause is deleted. And on the final page, at the second to last Resolve clause and after the word at its conclusion, is added which conditions are incorporated into the CDP by reference. Okay?

With those changes, could somebody offer it?"

Councilman Bartunek: "Determines- I'll- "

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Determines environmental significance and grants approval of the comprehensive development plan for former Calverton Naval Weapons Industrial Reserve Plant, Calverton Camelot M-GBC, LLC. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Is there any other Resolutions for us today?"

Councilman Densieski: "Motion to adjourn."

Supervisor Cardinale: "If not, motion to adjourn. Second?"

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "And we are adjourned. Thank you."

Meeting adjourned: 2:28 p.m.

Barbara Stanton
Town Clerk