

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, June 20, 2006 at 2:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Meeting of the town board. I'd like to begin by the Pledge of Allegiance. Harold is going to join us, our relatively new town attorney. Harold would you lead us?"

(At this time, the Pledge of Allegiance was recited, led by Harold Stuerwald, Esq.)

Supervisor Cardinale: "Actually, Harold, it's quite appropriate that you should lead us because we want to get you before you leave in view of the fact that we're losing two town attorneys this week. We're down to you and Dawn, right? So I should begin by saying we're in search of new town-- deputy town attorneys. So, please, whoever is watching this, if you have an application-- if you'd like to be a deputy town attorney, if that's been one of your great aspirations, we need at least one and possibly two.

I'd like to-- I'd like to get a motion to approve the minutes of the June 6th regular town board meeting and the special town board meeting we had yesterday, June 19th, for the purposes of passing one resolution which was very time sensitive which was to extend the Community Preservation fund sunset date to-- what is it 20/30 from 20/20. Is that right? And the hope is that that might be passed as soon as this week in Albany and they needed it early."

Councilman Densieski: "So moved."

Supervisor Cardinale: "Okay. Second please."

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "Moved and seconded to approve the minutes of June 6th and June 19th."

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

Supervisor Cardinale: "Can we have the Reports, please, Barbara?"

REPORTS:

Receiver of Taxes	Total collections to date is \$100,619,930.34
Industrial Development Agency	Adopted budget for fiscal year 2006
	Annual report for 12/31/05
Juvenile Aid Bureau	Monthly report for May, 2006
Police Department	Monthly report for April, 2006

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Okay, thank you. Can we have Applications, please?"

APPLICATIONS:

Chapter 90	Riverhead Country Fair - Oct. 8, 2006
	Douglas Dey - July 17, 2006 - Free camp for at risk kids
	Jamesport Fire Department - July 11-15th - carnival

Church of the Harvest - Aug. 5
basketball tournament and BBQ
for residents of Millbrook
Gables

Firework's Permit

Jamesport Fire Department -
July 15, 2006

Site Plan

Budget Brokerage - southwest
corner of East Main Street and
Elton Street - interior
renovations and exterior re-
facing

Washwick Agency - north side
of Main Street- second floor
addition

Martha Clara Vineyards -
renovations

Parade Permit

Baiting Hollow Congregational
Church - church BBQ August 5
5:30 p.m. to 7:30 p.m.

Barbara Grattan: "That concludes Applications."

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

CORRESPONDENCE:

Rex Farr - Calverton Civic
Association

Re: EEDA Group Home on 94
Southfield Road

Ashley Anne Clark

Re: EEDA Group Home on 94
Southfield Road, Calverton
Letter sent to Thomas Maul,
Commission of the Office of
Mental Retardation

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. We have four public hearings
scheduled for 2:10 to 2:25 as starting times."

Public Hearing opened: 2:12 p.m.

Supervisor Cardinale: "It being 2:12 we can commence that which is scheduled for 2:10 for the consideration of a proposed local law to amend Chapter 107 entitled Freshwater Wetlands. Could you give us a little detail on that, either Dawn or George."

Councilman Bartunek: "Okay. I'll start this out. This is an addition to the Riverhead Freshwater Wetland inventory that was originally completed in 1979 and at that time or a couple years after that was completed that I actually worked on, I became aware when there was a subdivision approved or proposed on North Fork Preserve property that there were significant wetlands existing on the site that were for one reason or another not included in that original inventory.

And for quite a few years, I considered actually going back and trying to see if we could get those maps actually included in the inventory and I had the time to go with using a map that was provided by Jeff Seaman to complete that inventory.

So effectively what we're considering here is to add 17 freshwater wetlands into the Riverhead town inventory- freshwater inventory, wetland designations 64-07 through 64-20 with three additional small wetlands that were identified and verified by Jeff Seaman on June 15th and that has not yet been given numerical designations. I haven't had time to do that.

I'd also like to enter into the public record a letter from Stephen Lawrence of the DEC- Regional Manager of the DEC. This letter is dated January 2, 2002 regarding freshwater wetland boundary North Fork Preserve.

Dear Mr. Seaman: Thank you for your request to verify the accuracy of the wetland boundary on the North Fork Preserve. As you will recall, these boundaries were delineated by the Department staff along with your assistance a few years ago.

I have reviewed the survey provided and have concluded that the wetlands are a fair and accurate presentation of the freshwater resource as delineated in 1998.

Please advise the surveys to have the boundaries labeled in the following manner. Freshwater wetland boundary is delineated by Steve Lawrence in 1998. I hope this information is helpful.

Before you move forward with the mapping process, please contact me so that we can amend the regulatory maps in an efficient and timely manner.

With that- "

Supervisor Cardinale: "Thank you. Is that up on the board there?"

Councilman Bartunek: "Yes."

Supervisor Cardinale: "Relevant to this hearing?"

Councilman Bartunek: "Yes."

Supervisor Cardinale: "Okay. What is it?"

Councilman Bartunek: "It's a map of the North Fork- do you want to turn it so you can see- "

Supervisor Cardinale: "I want him to make sure that he- so essentially what we're doing here is updating a 1979 map to 2006 so that we can accomplish the coverage that you- that is important. Is that it? Okay. And that's picking up various protected- various wetlands that we wish to protect by advice from our experts.

Okay. Is there any other comment, any other- is there any other comment from the board? If there is no other comment from the board, then, Jonathan, did you have a comment?"

Jonathan Brown: "Good afternoon Supervisor Cardinale, Members of the Board. Jonathan Brown, 737 Roanoke Avenue, Riverhead, New York, representing the North Fork Preserve.

We received- to say we received somewhat of a short notice of this hearing today is an understatement. Excuse me for not being better but in the absence of the full notice, the applicant- the North Fork Preserve is somewhat unprepared to really comment on this map as we have not had an opportunity to review it and study it."

Supervisor Cardinale: "That's my intention, Jonathan, to keep this open for at least 10 days for written comment so you will be able to, you know, put anything you'd like in writing."

Jonathan Brown: "I notice that the date on the map is 2001. Is

it fair to say that the map was- that was the date that it was mapped on?"

Councilman Bartunek: "That's correct."

Jonathan Brown: "The North Fork Preserve had a pending- has a pending application for subdivision approval on these premises which I am given to understand has never been acted upon by the board."

Supervisor Cardinale: "You mean the planning board?"

Jonathan Brown: "Yes."

Supervisor Cardinale: "Why not?"

Jonathan Brown: "Well, that's in part the question here. According to the applicant, what has occurred is the subdivision map which was submitted has become the basis now for this updated freshwater wetlands map so to some extent the board has piggy backed their work on the work on the subdivision application. And the client obviously is somewhat concerned that their subdivision has never been acted upon."

Supervisor Cardinale: "I wish I could help you on the subdivision but that's the planning board. I can't imagine what would delay them five years. But I understand there was a period when we were passing the zoning code but that was accomplished and the moratorium lifted in 2004. So I can't imagine what may have occurred since '04 but I want to make sure I understand you."

You're concerned about your subdivision and where the heck is Rick Hanley? Rick, would you go talk to Jonathan and let him- what's with the subdivision? Okay, there's a subdivision that's been floating around since 2001 of the North Fork Preserve.

I know what probably delayed it 'til '04. I have no idea, nor does he, what's delaying it now. Would you explain that to him? And what was your second- "

Jonathan Brown: "I might add, Mr. Cardinale- "

Supervisor Cardinale: "Yes."

Jonathan Brown: "-- that I did not represent North Fork Preserve in that subdivision application."

Supervisor Cardinale: "Good catch. I'm glad for you."

Jonathan Brown: "But nonetheless, in all fairness, if the board is going to act on a wetlands designation, then it's well past time that they acted on- the town acted on their subdivision application.

Thank you."

Supervisor Cardinale: "Okay, good. Okay. Just for my- the point- I understand the point about the subdivision application but I want to make sure I understand the point relative to the map that we are contemplating adopting. Do you have any objection to the map?"

Jonathan Brown: "We can't determine at this point."

Supervisor Cardinale: "Can you tell if there's any (inaudible) on your property that you don't want on it? Too soon to tell. Okay. Okay. Rick, take the opportunity to check the status on the planning board's file. Yes? Rob, would you like to say something? Sure, in fact, we're going to keep it open for written comment for 10 days so I won't close it until a week from Friday."

Robert Krudop: "Aren't you supposed to notify the owners before you go adopt a map (inaudible) years ago and all of a sudden it just appears out of the blue (inaudible). And you're (inaudible) an individual piece of property without- but it's so generalized here in your papers, it wasn't even notified in the local papers and you had to find it on your website and it wasn't even- "

Supervisor Cardinale: "Actually, every hearing we have has to be noticed in the papers and the clerk- was it not in the paper? It was in the paper- in the official paper of the town. If you want to get a copy of it, it's right here."

Robert Krudop: "Was it in last week's paper, in the News Review?"

Supervisor Cardinale: "May 26th was the date. But if you need- I mean I'd be glad to give you 10 days if you need more time, let Jonathan let me know, we'll extend it. We want to get all the information we can. Thank you.

Is there any other comment in regard to the proposed mapping- update of the map? Yes, sir."

Eric Lamont: "Eric Lamont (phonetic), I'm a resident of Riverhead, specifically a resident of Northville and I've been a member of the Northville Beach Civic Association for almost 20 years and my comments do represent that Civic Association also. The president is here in the audience.

I've been asked to just give my brief summary of my credentials before I speak on these wetlands. I have a PhD in Botany. Wetlands in New York State are defined by vegetation plants, although soil and hydrology are also aspects taken into account.

I've mapped wetlands throughout western Suffolk County for the past 20 years. I've been involved in wetland restoration and management projects for federal, state, and local government agencies. I prepared wetland maps for the town of Southampton's generic environmental impact statement.

I'd like to just start by commending the board on taking action to amend the town's wetlands maps. Obviously there's a huge amount of wetlands on this property we're talking about. These wetlands specifically impact the residents of the hamlet of Northville and by identifying these wetlands, it's a first step in correcting the problems we've been having with drainage.

In my professional opinion, this map is very accurate. I'm very familiar with the subject property and I strongly encourage each board member to vote yes on accepting this map and adding it to the town's wetland maps.

Just two very brief comments. As I just alluded to there is a severe drainage problem in the Northville community and as I said identifying these wetlands is the first step that needs to be taken in order to address the drainage problems. And as I said, these wetlands in my professional opinion, are very accurate, over 90% accuracy I would say.

I'd also like to say that I know that Jeff Seaman and Steve Lawrence of the DEC were involved in the mapping of these wetlands and they both do have very high credentials and they are respected throughout Long Island and, once again, I do support the board voting yes on this map and accepting it.

Finally, my last comment is it's taken us, the Northville Beach Civic Association, a long time just to get to this point where we're at now and I'm pleased that we're here and so are other members of the

Civic Association.

The first map that was submitted for approval did not even include half of these wetlands and the Civic Association was forced to hire an attorney, Carolyn Zenk, and through those efforts we've gotten to this map. It's taken a long effort, it's been a lot of hard work.

There's a memo on file in town hall from Steve Lawrence of the DEC stating that he has verified these wetlands. We was out on the property years ago mapping these, and he verifies the authenticity of these wetlands from the field.

I just want to point out some questionable activities, potential questionable activities. The wetlands that were mapped, they were flagged in the field. Some of them never made it onto the map and initially very few of these wetlands were presented to the town. So what I'm trying to get at is this is the result of a lot of effort on a lot of individuals parts and once again the Northville Beach Civic Association strongly encourages each board member to vote yes, please, in accepting this map and adding it to the town's wetland maps.

Do you have any questions or- "

Supervisor Cardinale: "Anyone? Thank you. Appreciate your comments. Is there any other comment from anyone in regard to this matter?"

Patricia Holland: "Patricia Holland, Northville."

Supervisor Cardinale: "Hi."

Patricia Holland: "Mr. Lamont just said that there's a drainage problem. I am personally one of the people that's affected. When my house was built in 1982, it had a two car garage under the house. In 1986 when the (inaudible) wetlands decided to do their thing and the pond in the North Fork Preserve overflowed, we had three and a half feet of water in my garage basement. No longer have a garage. It has not been boarded and locked up and the basement now has an outside entrance. And now there's a sump pump outside and whenever it rains, I keep a hose out there because I don't want to have another flood. I've had three floods already from what goes on in that area where there were supposedly no wetlands, but they are.

And if you look at an aerial map, there's a "Y" that you could see in the aerial map and at the bottom of the "Y" is my driveway. So

I know that these wetlands do cause problems and I'm glad that you're taking the time to put this into the mapping and when that gentleman, Mr. Brown, was talking about the subdivision, maybe you were not involved in it at the time but there were a lot of objections that we all had to say why this should not be, blah, blah, blah. And they never answered them back. All of our objections were not answered which is why nothing's happened, which is one of the reasons why nothing has happened with that subdivision. Okay?"

Supervisor Cardinale: "Thank you."

Patricia Holland: "Thank you."

Supervisor Cardinale: "Any other comment from members of the public or anyone in the room?"

Kieran Moran: "Good afternoon, Phil--"

Supervisor Cardinale: "Yes."

Kieran Moran: "-- Cardinale and the board members. My name is Kiernan Moran, that's my legal name. K-I-E-R-A-N. I'm president of the Northville Beach Civic Association and basically I did not start the presentation because Eric is well known for what he does with wetlands. I am new to the game, I only know a little bit about it.

But I do know the other side of the coin, that if we know where the wetlands are, then we can possibly take care of the drainage problems for the wetlands, whether it go down to the pond, behind Iron Pier Beach, or as it does now goes out into the Sound across properties.

I know of at least four pipes that cross over from the North Fork Preserve of which Pat is one of the individuals who is affected by it greatly. There are about 33 taxpayers' homes that are affected by the drainage coming out.

Presently, I have been working on a year now of another particular problem dealing with drainage. The ownership of these pipes is in question that drains the wetlands. Some of the water backed up behind it is great. Slowly but surely I'm able to get to the source and right now it looks like public works-- Suffolk County Public Works is going to take ownership of these pipes and then rectify part of the problem that exists.

Again, I would like to thank the board for considering this, actually going out and spending a lot of time and energy on the part of George to identify all the wetlands behind there.

And in reference to why the application didn't go forth, there are seven points that were raised by the Northville Beach Civic Association back at the time the subdivision was presented. These seven points were to be answered. As far as I know and the recollection of the data that I have read so far and I haven't finished,, Brad supplied me with a wealth of information. It's taking me a long time to get through it. These seven points have to be addressed before any move forward.

Again, once again, I thank the board very much and I hope all of you vote positive on this particular plan of the wetlands.

Any questions?"

Supervisor Cardinale: "Thank you, Kieran. Anybody have a question of- on behalf of the Association? Okay, thank you. Any other comment? Brad."

Brad Berthold: "My name is Brad Berthold. I used to live on the north border of the preserve and we have an easement from the town of Riverhead that allows a pipe to drain Sound Shore Road where a culvert was installed and run off from the preserve through several properties to the Long Island Sound.

The impetus for this was this was originally part of a map that was submitted with a site plan- I mean a subdivision application, I think 2001, before the planning board when Mrs. Blass was Chairperson.

It caused great consternation in the community, especially the map showing the wetlands because they were seen as being severely under mapped. I'm not a wetlands expert like Eric Lamont. I studied the prescriptive plan- definition that defined wetlands, but we were very concerned- let me see if I can show this to you so you can see it. Can you see the map?

Okay, my house is here. On the original map there were two run off stream beds, this one and this one, that run through this pipe that the town has the easement on to drain to Long Island Sound. This comes from a wetland and this was shown without this wetland, that's just a point. So we all played in these; these were owned by the Tuttle (phonetic) brothers family since the early 1600's.

This whole system is described as a drainage system on the applicant's map and it's part of what was called Long Swamp that was described back in the original Aquebogue when (inaudible). So we all played in these areas and this is actually usually a pool of surface water. It's just a vernal wetland that comes and goes with the rainstorms and things.

Why was it shown on the map as just originating-- a point in space that originates from this giant wetland that's not shown? These other new ones that have been added on here apparently were flagged by Jeff Seaman and for some reason got on the map so (inaudible) by George Bartunek I guess and Mrs. Blass, they're now adding, restoring the rest of the wetlands that were looked at by the DEC and were looked at by Jeff Seaman and in the initial application were not shown. That's what we're interested in today.

I want to reiterate what Kerry Moran said. I think Mrs. Blass can verify. What happened is they have a new lawyer apparently talking about the subdivision application. There was an extensive SEQRA hearing on for two days. I think it was quite extensive. We had tremendous voluminous testimony from everybody in the community, with photographs, maps, written testimony, all really about the whole environmental impact possibilities. But large parts were concentrated on the wetlands and the drainage.

There's a glacial moraine that runs across the property like this-- the southern half runs to the Sound-- it runs to the Bay, and it runs to the sump-- where we could (inaudible) a very strange-- either it's a private sump, and it was leased by several farmers whose property drains across. The north half of this drains to the Sound and that's the problems that we're experiencing with the four pipes that run off to the (inaudible).

But we're very happy that in particular Mr. Bartunek has seen fit to correct the map. And I'd say the reason that the applicants are concerned whether the subdivision application is still active or not, is since then we passed the master plan and zone regulation changes and the setback requirements from the wetlands to 150 feet.

But my understanding is and maybe Mrs. Blass can back this up, the applicants seem to be complaining over the last few years that their application was never acted upon by the town. What actually happened was they had an involved SEQRA hearing with voluminous testimony which is on file in the planning department, all these things that were discussed at length at that time and were based on a

57 lot subdivision. At the last minute, the applicants decided they were going to go with a 93 lot clustered subdivision as the alternative so we all said, well, all this information is moot now because that was all based on the supposed effects of a 53- 57 lot subdivision. If you're going to turn it into a 90 lot subdivision, you're going to have to start over.

Well, the planning board decided in their wisdom that they would allow the applicant to do a supplemental environmental impact statement and posed seven questions for more information from the applicants about, I think, wetlands, soils, salamanders, things that were questioned in the original application. And to my knowledge, the applicants never responded to those seven questions and that's why it's in limbo now. So that's the reason.

But I would like to thank the board and say we know these are here, I'm not a wetlands delineator. But I played in this as a child before the North Fork Preserve was ever there because we were friends with the farmers who farmed this land or couldn't farm this land because of the wetlands.

The farmers who owned this particular plot here were pitied by the other local farmers because much of this because of these wetlands couldn't be farmed so they lost a lot of their farm potential.

But anyway, I'd like to thank the board and say we know these are here. I'd like to ask the board to please adopt this map as proposed here.

I wanted to ask Mr. Bartunek. Are you going to number these other wetlands- are these going to be on this map?"

Councilman Bartunek: "Yes."

Brad Berthold: "Thank you very much."

Supervisor Cardinale: "Thank you. Thank you, Brad. Any other comment? Yes, please come up."

Nancy Gray: "My name is Nancy Gray. I live on Sound Shore Road. I live on the south side of Sound Shore Road and the property is bordered by North Fork Preserve on the west and the south side.

My property- what I would just like to share- Brad is my cousin so we played together in those ponds when we were kids."

Brad Berthold: (Inaudible comment)

Nancy Gray: "Anyway what I would like to share are pictures that I took of the creek that initially came from nowhere. Now there is a wetlands map there. I still think it's bigger than what's on there but I would like to share these pictures. Some I took last week and some were a couple years ago showing- and you can have these. But this was the original- the creek that just started here and this is my property and the creek- one comes from this side and one comes from this side. Now they have (inaudible) the wetlands here but prior there was none. And this shows- this is just it rained last week and then it shows (inaudible)."

Supervisor Cardinale: "Thank you."

Councilman Bartunek: "If you have any pictures of you and your cousin after playing in the ponds, I would really like to see those."

Supervisor Cardinale: "We'll give these to Barbara and let her read them into the hearing."

Councilwoman Blass: "Could I just make a comment that maybe can be verified by Rick. I'm not sure, it was quite some time ago. But I think the status of the application was that we never concluded SEQRA. I don't believe we ever adopted a final impact statement and it was particularly important to determine the extent of the wetlands because an initial yield map had not been submitted or determined to be valid and we needed the extent of the wetland in order to determine yield."

The applicant had come in with a voluntary reduction in the number of units that were allowed by zoning and in spite of that we gave- issued a positive declaration, put them into an impact statement situation, and I don't believe the planning board at the time ever adopted a final impact statement because we never had the additional information that was requested in order to make it complete.

And subsequent to that, I believe it was stuck in the moratorium and now the zoning is changed and the rest is- "

Supervisor Cardinale: "Thank you. Okay. Any comment from any other member of the public who would like to comment? Please come up."

Noell Gail: "Good afternoon. My name is Noell Gail and I own the property at 738 Sound Shore Road. I am- well, my husband and I

are the third house in line from one of the drainage ditches off the North Fork Preserve. We bought the house in 1999 from my mother-in-law who over the course of 20 years prior to that had had to have her driveway rebuilt due to extensive flooding from that particular drain.

We would really appreciate if you would all really take under consideration this extensive wetland and do the right thing for the Northville Beach area.

Thank you very much."

Supervisor Cardinale: "Thank you. Okay. Any other comment? As I indicated earlier, I'm going to leave this open for 10 days to Friday, I guess that's the 30th, yeah, 30th, for any written comment anyone wishes to present and drop off at the clerk's or sent to the clerk. It being 2:39, I'll declare the verbal portion of the testimony concluded."

Public Hearing closed: 3:29 p.m.
Left open for 10 days for written
testimony

Supervisor Cardinale: "And move to the hearing that is set for 2:15. But before I do that, I had neglected to indicate- before I open the second hearing, were there any committee reports? Did you have one, Ed?"

Councilman Densieski: "Just an update, Phil. That this Saturday is the STOP day at the landfill on Sound Avenue. Any pollutants or hazardous chemicals and materials you might have can be taken up to the landfill this Saturday from eight to three o'clock. That's it."

Public hearing opened: 2:15 p.m.

Supervisor Cardinale: "Thank you. Okay. The second hearing is scheduled for 2:15 for consideration of the repeal of current version of the Chapter 86 dealing with rental units in order to adopt a new Chapter 86 regarding rental units and the required licensing thereof."

Councilman Densieski: "Phil, I'd like to make a quick comment on that if I could."

Supervisor Cardinale: "Yes."

Councilman Densieski: "About 10 or 12 years ago, believe it or not Riverhead was a pioneer in the rental law. They adopted one of the first and it was a good one for the time. But since then, there's been litigation, the housing situations, the rental situations have changed and it's time to change the law with it. I think we've got a good start here. I want to thank everybody that helped with it and are here at the public hearing here today if it needs to be tweaked at all, and we will if it needs to be done."

But this is just part of a bigger plan which is support from the town and the proper personnel. With this document I think we can make a difference in safe housing in the town of Riverhead."

Supervisor Cardinale: "Okay. And I have-- we have in the room Harold Steuerwald-- did I get that right-- who is our new town attorney, actually our only deputy town attorney at the moment. Who is familiar with this and has helped the committee put it together. So if there's any question, he might be able to help us."

Any comment from the public? Yes, please come up. Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Just some comments on the way it's written. You-- in a lot of the areas, you address the legal owner and if it's not the legal owner, then it's a rental unit. And I think legal owner should be expanded to include legal owner or immediate family. Okay?"

You have a situation where somebody owns the house and his mother lives there and he lives someplace else. The way this is written, that constitutes a rental unit."

Councilman Densieski: "No, no. That's addressed."

Sal Mastropolo: "What?"

Councilman Densieski: "I don't think you're right on that one, Sal."

Supervisor Cardinale: "Okay. Let me just take that question. I'll ask Harold to respond. Go ahead."

Harold Steuerwald: "If I understand it correctly, you're stating that if a person owns it who doesn't live in the actual house,

a family members lives in it."

Sal Mastropolo: "Right."

Harold Steuerwald: "Under the code, he would have to get a rental permit but wouldn't have to pay a fee."

Sal Mastropolo: "Well, that's what I just said. It says that you need a rental permit."

Harold Steuerwald: "The way it's written now, you do."

Sal Mastropolo: "Thank you."

Harold Steuerwald: "But you do not have to pay a fee."

Sal Mastropolo: "I understand that. That's not the point I made."

Supervisor Cardinale: "What are you suggesting?"

Councilman Densieski: "I'm sorry, Sal. I misunderstood you."

Supervisor Cardinale: "What are you suggesting we should- "

Sal Mastropolo: "What I'm saying is that where you say legal owner, it should be expanded to say legal owner or immediate family. Okay? And not just make it that if the legal owner doesn't live there, it automatically requires a rental permit."

Supervisor Cardinale: "Okay. We did consider that issue but go ahead."

Harold Steuerwald: "The purpose that was addressed (inaudible)."

Councilman Blass: "Harold, could you just go to the microphone because you are probably not going to get into the CD."

Barbara Grattan: "We need to get it on tape."

Councilwoman Blass: "I'm sorry to interrupt you."

Harold Steuerwald: "The reason that change was put into the law- "

Supervisor Cardinale: "You've got to go talk- "

Harold Steuerwald: "A lot of times you'll have a person's been issued a ticket for not having a rental permit. The way the law was originally written there was an exception if there was an immediate family member. That means the onus was put on the town of Riverhead to prove that. A lot of times you're not going to be able to prove that person's related. That made it harder for the code enforcement officer to actually issue the ticket and to have a successful prosecution because there's not a lot of records that will prove especially when it's more than just a son or a daughter of a family member. So that's why the exception was put in. You need a rental permit but there's no fee involved."

Councilman Densieski: "Yes. It puts the onus on them to prove it, not the town."

Sal Mastropolo: "Okay. There's a section, Section 86-5 application for a rental occupancy permit, #2, proof of residency of each owner. What constitutes proof of residency?"

Harold Steuerwald: "It could be a license, it could be a motor vehicle registration, it could be the tax bill. It's not going to be any one particular document. There are presumptions in the law, registrations for voting, things of that nature."

Sal Mastropolo: "Okay. And residency can be anyplace, right?"

Harold Steuerwald: "Yeah, it could be."

Sal Mastropolo: "I mean it doesn't have to be Suffolk County or the town of Riverhead?"

Harold Steuerwald: "No."

Sal Mastropolo: "86-5B, a new application for a rental occupancy permit shall be filed whenever a dwelling unit or portion thereof has become vacant and the owner intends to permit a new tenant or other person to take up residence. I think that's unreasonable.

I mean we're telling the town who lives in the dwelling now. Okay. Do you really want a new application or do you just want us to tell you if one tenant moves out and another moves in?"

Harold Steuerwald: "No. If you're going to have new tenants

move in, we want a new application under that section but no additional fee."

Councilman Densieski: "Yeah, there's no fee."

Sal Mastropolo: "Okay."

Harold Steuerwald: "The reason being is that now we have different people living in it who we have no record of. We have complaints by previous owners who we are prosecuting who said my tenant moved out, I don't know who moved in and that tenant sublet people. So it works out a tighter rein on our records to see who's actually in the house."

Sal Mastropolo: "Okay. The only problem is that later on in here where you ask for an application, you also have expanded the requirements of the application to include surveys, drawings, etc. Do you want all of that over again? I mean that seems like an awful pain in the ass to the residents. Okay. I can see come in and telling you look I have Joe Schmo move out, John Smith is moving in effective such and such a date. But to redo the entire application with all of the attachments seems ridiculous."

Harold Steuerwald: "If everything has remained unchanged, he should have copies of his previous application. So how is that (inaudible)."

Sal Mastropolo: "If I have copies, you have copies."

Harold Steuerwald: "Correct."

Sal Mastropolo: "You have them attached to my old permit so why not just tell you the new tenant?"

Harold Steuerwald: "Well, because we want to verify that everything has remained unchanged."

Sal Mastropolo: "Well, I think you're over killing this thing. 86-7 Compliance Required Section B. Prior to the issuance of any rental occupancy permit or renewal thereof which we do every two years, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or a code enforcement official that the property which is the subject of the application is in compliance with all of the provisions of the code of the town of Riverhead, the laws and sanitary and housing regulations

6/20/2006minutes

of the County of Suffolk and the laws of the State of New York. Again, I think this is overkill on a renewal. I mean we do renewals every two years. We're required to get all of that stuff just for a renewal?"

Harold Steuerwald: "Correct."

Sal Mastropolo: "A tenant hasn't changed. Okay? We've given you either-- we've either had the inspector come in and check out the place or now from what I understand, you can just do a certification-- you can, what is it, an affidavit. We now sign an affidavit that nothing is illegal, okay."

Harold Steuerwald: "We've had several cases that were brought this year under the old code where the houses had changed and where they were not up to code and based on that written affidavit of the owner that said nothing's changed, it was incorrect. When we brought the case to court and we had an inspection we saw there was no (inaudible). And this was more for the safety of the people that are living there as well as for the benefit of the owner of the house to make sure everything is in compliance."

Sal Mastropolo: "Well then let me ask a question. Is it sufficient to say that if I'm up for renewal, okay, I call code enforcement and ask them to come in and do an inspection?"

Harold Steuerwald: "Correct."

Sal Mastropolo: "They come on site, they do an inspection, and that's enough. I don't need any certification from--"

Harold Steuerwald: "It's your choice what you'd rather have."

Sal Mastropolo: "Okay. The other comment was the (inaudible) dwelling unit is rented again, it says owner there and I still think (inaudible) immediate family."

One other question. If you transfer a piece of property between your immediate family, do you still have to go through all of the rental permits again?"

Harold Steuerwald: "If things have changed, yes, because the owner has changed now."

Sal Mastropolo: "Even if it's immediate family?"

Harold Steuerwald: "Correct."

Sal Mastropolo: "Okay, thank you."

Supervisor Cardinale: "Thank you. Is there any other comment concerning this? Yes, sir. Yes, please come up."

Chris McCarthy: "Hello. Chris McCarthy, Riverhead. Diane Kaczorowski (phonetic), Riverhead."

Before you- I commend you guys on adopting this code, I really do. I appreciate the efforts that you're trying to do for us and the town. Before you go forth and adopt this new one though, I just ask you to consider a couple things, think about maybe clarify for us.

On Section 86-55 with the floor plan. Phil, I talked to you personally about that."

Supervisor Cardinale: "Yes."

Chris McCarthy: "I would suggest possibly that at the time of the inspection, that part of the inspector/code enforcement agent's checklist that he can quickly sketch a floor plan of the building at that time to prevent another undue burden on us."

On 86-58, 9 and 10 regards to the recent deeds and tax bills, the CO and the surveys, I think that's a duplication of what the town already has in its possession and if we recently closed on a building and want to rent it immediately without renovating it, the only thing that we have are the closing papers to do that. So we may not necessarily have the recent deeds, tax bills or the COs transferred at the time of the sale."

Kathy Kaczorowski: "And that has happened to us with a recent purchase. We came to apply for a rental and I had to run all over the place looking for- having the town look for deeds that have not come through yet from Suffolk County. And we didn't have a tax bill because we didn't own the house in March so we can't give you something that's not given to us."

Harold Steuerwald: "Well, wouldn't you have a copy- even if it's not the original but a copy of the deed from the closing?"

Kathy Kaczorowski: "We didn't have it. They didn't- for some reason they didn't put it in the- "

Chris McCarthy: "We would have the closing papers themselves."

Harold Steuerwald: "Apparently at closing though, you would get a copy, a photocopy of the deed, and the original would come in six to eight weeks."

Kathy Kaczorowski: "Six to eight weeks. If you want to flip it over, you don't have it."

Harold Steuerwald: "Right, but we wouldn't have— the town doesn't get it until after that from the county so generally at the closing all copies of all documents are given to the seller and the purchaser, in particular the deed."

Kathy Kaczorowski: "Well, you just said, six to eight weeks."

Harold Steuerwald: "No. You would get a copy. Not the original."

Kathy Kaczorowski: "Well, we didn't get it. Ours came in the mail about two months later."

Harold Steuerwald: "The original. But you'll be given from the title company who sits there and does the closing, a copy of the deed."

Kathy Kaczorowski: "The code enforcement didn't want that."

Harold Steuerwald: "Okay."

Chris McCarthy: "On Section 86-5-13B. There was the previous gentleman that the new application should be changed just to basically include the tenant name changes that the building is approved for a certain number of occupants and that number has not changed but the tenants have. It's our responsibility to make sure the town is aware of who is occupying that building. So as far as tenant name changes would be fine but to go through the whole process of submitting new applications for a tenant change I think is redundant."

85-5-13E- "

Kathy Kaczorowski: (Inaudible)

Chris McCarthy: "With the agricultural worker housing exemption for permits. I don't think that that should be included with this. I

think that will leave opportunities for unsafe dwellings and warehousing the workers and proliferate what you're trying to prevent within the town. I also think that- "

Councilman Densieski: "The ag worker housing is a separate section that addresses those things and it's also regulated by Health Department. Maybe Harold feels different. We don't think that it will interfere with this code at all."

Harold Steuerwald: "No. Not- "

Kathy Kaczorowski: "Then why is it included?"

Chris McCarthy: "Why is it in this section at all?"

Kathy Kaczorowski: "Why is it included in this section at all?"

Harold Steuerwald: "It's from the original- that was from the original section. There are some portions that have been left in place."

Kathy Kaczorowski: "Okay. The town will give you a booklet, a pamphlet of certain rules, regulations and stuff for the tenants and for the owners to go by."

Chris McCarthy: "Our rights and obligations as owners and tenants' rights and obligations which we have never been able to get from the town."

Kathy Kaczorowski: "We have never been able to get it. Code enforcement tells you to go to a library, look it up yourself. If you're going to put it in here, it should be freely be handed to you."

Councilman Densieski: "Makes sense."

Chris McCarthy: "Okay. 86-6C, fees for non-profits. I don't think they should be waived. If we have to pay them, you know, you include everybody or you exclude everybody."

Kathy Kaczorowski: "Also the fees. When you say \$250.00 for the fee, is that for the two years or is that per year? You don't say on here- "

Councilman Densieski: "It's two years. It'S every two years."

Kathy Kaczorowski: "Okay. Because it's not said on this. It just says 150. So (inaudible) clarify that."

Chris McCarthy: "And 86-6E, on the seasonal rental times. Would that include year around rentals also would be subject to additional fee? Because a year round rental is occupied during those times also."

Harold Steuerwald: "No. That's- those are different. Those are more for the summer rentals."

Chris McCarthy: "Okay. Because it does not state that."

Harold Steuerwald: "Well, no, it's stating for the summer months for that (inaudible) period. So if you're going all year, then you're going to need a full rental."

Kathy Kaczorowski: "Okay. So long as we don't have to do it."

Councilman Bartunek: "What section is that?"

Chris McCarthy: "86-7B."

Councilman Densieski: "86-7."

Chris McCarthy: "The fees that the town is going to mandate upon the homeowners for the architectural engineer's papers saying that the dwelling is up to snuff, up to code, is again I think an undue burden putting on the homeowners. I think that that is the purpose of the code enforcement inspection when we call for it to be done."

Harold Steuerwald: "It's an alternative. Some people do not want to let the town in so it's not saying you have to have both. It's saying- if you don't want code enforcement, you get your own engineer."

Chris McCarthy: "But it doesn't stipulate that we have a choice."

Harold Steuerwald: "No. It says or."

Chris McCarthy: "Or. All right."

Harold Steuerwald: "It's not requiring to get all of them."

It's giving you a choice. If you want code, code will come. If you don't want code, then you have to get at your own cost an engineer or architect to go inside your home and provide that in compliance."

Kathy Kaczorowski: "But isn't that the purpose for the code enforcement to go in--"

Chris McCarthy: "It's the purpose for the inspection."

Harold Steuerwald: "To address the laws. The way the courts rule, if we forced you to submit to an inspection, did not give you a choice, we violate the court's (inaudible), because we force you to allow us to go into your home. Now this is saying if you do not want to allow the town in to inspect, you have the alternative to get your own architect or engineer. This addresses the court cases that have challenged the rental permit laws."

Councilman Densieski: "The reason why it's an architect or engineer is because they have a stamp, you know, they have a license at stake, they have to, you know, verify the facts."

Chris McCarthy: "They have to sign off on it. But if the town-- if we're not going to let the town in to inspect the premises, the town should not give me a permit--"

Harold Steuerwald: "You won't get one unless you get an architect or engineer. It's your choice though to choose which one you would like to inspect."

Chris McCarthy: "86-11. It has-- I believe that has to do with the authorization and consents for inspecting the dwelling. There's no definition of what constitutes an emergency in this or anywhere within the town code."

Harold Steuerwald: "That's more done basically by case law in an emergency. Or the town gets complaints from a tenant to come in and inspect, they have in the law the right to let code or the police into the property because they intent. Now if there's an emergency and they do not wish to allow code or somebody else in, under this code section, underneath the ones dealing with search warrants the town would have to make application for a search warrant. (Inaudible)."

Chris McCarthy: "Okay. It-- yeah, but there's no definition of what an emergency-- "

Harold Steuerwald: "An emergency is defined by case law (inaudible)."

Chris McCarthy: "An emergency (inaudible) very subjective in nature."

Kathy Kaczorowski: "But- the way the paragraph reads, it says for an inspection that you can go in without authorization for an emergency."

Harold Steuerwald: "In an emergency, under the laws of the State of New York and that has to do with case law, you don't need a search warrant, you just go in. It will be up to a judge then to determine whether or not that was in fact an emergency."

Chris McCarthy: "Can you define for us what an emergency might constitute?"

Harold Steuerwald: "No, I can't give you a definition. It's going to be on every specific fact and circumstance. If I give you an emergency right now, you're going to say, well, you said it was an emergency you (inaudible)."

Chris McCarthy: "I would like to eliminate the subjective- "

Harold Steuerwald: "Go to the law library and look up emergency and there's hundreds of cases on it. It's not done on any particular one thing."

Kathy Kaczorowski: "86-9B, you have 60 days to ask for an application. If you're fixing a house and you don't know if you're selling it or renting it, you want 60 days for me to ask for an application when an inspector will not inspect a house until it is done. Therefore, I have to wait 'til it's done. I now have to wait for an inspector before I can even consider renting it before you can tell me if it's rentable. I know it's rentable but it seems that why, if you put a 60 day thing on it, and I'm fixing my house, why cannot an inspector come and look at it so I can line up a tenant so I don't lose that time and wait for the town."

Because the town- I have to tell you, we have not had good luck with the code enforcement for our tenant, for our tenant houses, and we have waited over six months for some of them to be looked at because maybe the changed the law or whatever. So I think with part of this stuff, you're asking the code- you're putting more baggage on

the code enforcement, you know, officers and this is the landlords for some of this stuff. I don't think you should have to wait- I don't think I should have to- say 60 days, I don't know when my expiration date is for my tenant houses."

Councilman Dunleavy: "Well, you should."

Harold Steuerwald: "Under this section you will."

Kathy Kaczorowski: "Well, you should. I should. Well, that would be fine if town code tells me when my house was inspected."

Harold Steuerwald: "No. But when you get- under this new code section, under the procedure that's going to be put in place, your permit will say when it expires. It will say right on it."

Kathy Kaczorowski: "Okay. I've got two things here that say these are my applications- these are not applications."

Harold Steuerwald: "This is not the new one. The new one has not been put in place. That's why we're having the public hearing."

Kathy Kaczorowski: "Okay. Because these are not correct with the expiration dates."

Chris McCarthy: "Okay. Now Section 86-17 to put an onus of responsibility on a third party who has no vested interest property, that being a real estate broker or agent being responsible for permits being in place, I think- yeah, that's not their job. It's up to the owner or the landlord to make sure that all the permits are in place. It's not up to a third party who is brokering or being an agent."

Harold Steuerwald: "It isn't now but this is what the law proposes."

Chris McCarthy: "Well, that's why I have an objection to that law. I don't think that a third party who is not tied to that property at all should be held responsible for permits or application."

Harold Steuerwald: "A broker already has a responsibility as a real estate office- under their license, they're not supposed to offer a premises that doesn't have all the proper permits in place. That's the requirement when they hold a license under the State of New York. Now this is putting the requirement on the laws of the town of

Riverhead that's their responsibility. That's what it's doing."

Kathy Kaczorowski: "Well, how are they going to know, just playing the devil's advocate, I could go in there and tell them that I have- that my house is totally legal when I talk to them, and yet I haven't gotten it inspected. How are they going to know?"

Harold Steuerwald: "Ask for your permit."

Kathy Kaczorowski: "Okay."

Chris McCarthy: "Section 86-18.11. Perhaps some of the wording can be changed because it reads one or more of the following fixtures to include what you would consider to be in a kitchen. I think maybe it should be to try to offset multi-unit dwellings, two complete kitchens as opposed to the one or more individual fixtures. Because by that, that could be interpreted if you have two refrigerators in two different rooms in the house by that literal interpretation, you could be held in violation."

Harold Steuerwald: "No. What this code section is, and this is- a lot of these sections set forth under 86-18, the Suffolk County legislature put upon the towns a request that they replace laws in regards to housing, they're also dealing with the housing crisis.

A lot of these are actually language that was passed by the legislature whereby the towns pass this type of code section, they would receive- be eligible for certain funding. This section just makes a presumption, whereby if certain presumptions are in place, it's going to be easier for the town to prove a violation.

As set forth at the end of this code section, it is a rebuttal presumption. So by if a person is issued tickets that yes I have two refrigerators but I don't have two families because one is in the garage because it's the second refrigerator and you don't have enough room, that would rebut the presumption that it's a legal two family house. These are just presumptions to aid and assist code enforcement in the prosecution and enforcement of this code section."

Chris McCarthy: "Well, I just have a big problem with presumptions.

The 86-19.1, basically break it down to a layman's interpretation is that the owner cannot have more than one residence within a town because everything else that he has shall be deemed by presumption to

be a rental."

Harold Steuerwald: "Correct."

Chris McCarthy: "I can have two houses and not rent one."

Harold Steuerwald: "You can have 10 houses but there's going to be the presumption that you can only reside in one and that the other nine are being rented. If we have the information to show through inspections, post office records, LIPA records, telephone records, the cars there, run the license plates, there's going to be the presumption that other people are living there and the house is rented. Otherwise somebody will circumvent the law by saying I live in all 10 houses."

Chris McCarthy: "Is that rebuttable also?"

Harold Steuerwald: "Is that rebuttable? Sure."

Chris McCarthy: "Okay. 86-19.4, I think should be dismissed as hearsay because that's what it is."

Harold Steuerwald: "Well, if it's testimony, it's not hearsay."

Kathy Kaczorowski: (Inaudible)

Chris McCarthy: "Under oath."

Harold Steuerwald: "If it's in court, it's testimony. Hearsay would be if somebody that so and so told me. Then under the law, it wouldn't be allowed."

Kathy Kaczorowski: "Are you going to go by what someone says? If someone tells the code officer that so and so is living there just because they've had a bone to pick with somebody and they didn't get along with their neighbor or something, are you going to act on that? That would be to me, that's hearsay."

Harold Steuerwald: "It's always hearsay between— the town works— generate on complaints. We get a written complaint by somebody saying somebody violated the law. Code still has to do their job and actually go out there and do an inspection. It doesn't end by somebody just calling up and saying there's a violation."

Councilman Dunleavy: "And it does say there's common knowledge

in the neighborhood. So that means that they would have to do an investigation with other neighbors to find out that if it's common knowledge in that neighborhood."

Councilman Densieski: "They also have to fill out a complaint form. They're not just going to be able to drop a gun."

Kathy Kaczorowski: "That's my point."

Councilman Densieski: "It's not going to be hearsay."

Chris McCarthy: "The penalties that are written in here. As far as the jail time goes, is this or has this been clarified as-- is this a criminal offense to be in violation or is this a civil offense?"

Harold Steuerwald: "All town code violations are basically (inaudible) criminal in that you are in Justice Court and proceed under the Criminal Procedure of the State of New York. Certain sections of the code especially when you deal with violations of the New York State building code are misdemeanors, unclassified misdemeanors. Most code sections in this town and other towns even for a violation you can still have criminal (inaudible)."

Chris McCarthy: "Okay. So they would be classified as misdemeanors?"

Harold Steuerwald: "No. It's classified as a violation especially when you're talking 15 days jail and that's pursuant to what's written in the New York State Criminal Procedure Law."

Chris McCarthy: "Okay. Thank you."

Kathy Kaczorowski: "Okay, thank you."

Chris McCarthy: "I appreciate what you're trying to do for our town (inaudible)-- very much for enforcement of some kind of rigorous schedule for this stuff. We want to be responsible landlords to a responsible town board but we would ask you not to put overdue burdens upon the individual landlords who are trying to do the right thing. Thank you very much."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment from a

6/20/2006minutes

member of the public present today? If- yes, sir, come up."

Joel (inaudible): "My name is Joel (inaudible) and I reside at 423 Hamilton Avenue. And about two and a half years ago, this corporation bought this house, this two family house alongside of me and converted it into units and about I don't know how many people live in that house now, probably about 14, 16 or 20. I couldn't actually tell you. And it's about 20 feet- their driveway is about 20 feet from my bedroom and it's- they play loud music. I called the police numerous times, many times, and I went to code enforcement and they wrote violations and everything.

To live in a house, I fix my house up and everything and I went to the landlord and I tried to explain to her and she said she'll talk to them and she says that they're young people. She puts that in there, young people. So if they're young people, they can do whatever they want because they're young. Eleven o'clock at night, one o'clock at night, two o'clock, three o'clock in the morning, loud music, sit in their cars and just blast away. I can't even open my window up. It's horrible.

Two thousand and five was so hot, you couldn't even open a window up. They just blast the music late. I mean it gets to be so I've got to move. I just fixed my house up so I've got to move because they moved in there. And she don't even do nothing.

I talk to her and that's it. So I mean one time I went over there and talked, it's all Spanish. I mean I don't have nothing against Spanish, against anybody. One time I went over there, I explained to them. I said I respect you, you respect me, and she was standing there, it's like talking to the wall. I mean how am I supposed to live over there? I mean it's impossible. It's impossible.

They've got no mufflers on their cars. They come by and just sit there. I mean it's- "

Supervisor Cardinale: "Well, that's one of the reasons that Harold and other- and Eddie and John and others have worked on this, the board in general, because we want to- we want to have some better accountability for people to be, you know, to have a penalty for that kind of behavior, that overcrowding and those activities. And this is really why we're having this hearing to try to do better."

Joel: "Why can't they- excuse me, why can't they fine her every

time the police come, fine her one hundred bucks, hit her in her pocketbook. Maybe she'll do something about it. The police— let her pay for the gas for the police cars that come over there. I called the police three times one time.

The first incident only happened like Holy Saturday on Easter, I want to go to church at 6:00. Three or four o'clock in the morning, they're out there blabbering away. So I opened the window and said I'm calling the police. They said go ahead and call. There's nothing to it. So I called them and there was nothing. No sleep at all."

Supervisor Cardinale: "Did the police take action?"

Joel: "The police come, they run in the house and shut the lights off and then they go and then they come back out again. I'm tired of calling the police. They've got other emergencies, you know, besides coming over— I mean, you know, something like that. The police have got their hands full instead of calling them up two or three times."

Supervisor Cardinale: "Have you spoken to code enforcement?"

Joel: "Yes. I went to code enforcement. They went over there. I guess she went up on certain violations, I guess she had, they told me. I don't know how many violations she got. But it's under 427 Incorporated. She don't even use her name on the house. I don't know how many houses she owns all over the place. I don't have nothing against the people. But this— I get fed up after a while. I've got to tell somebody."

Supervisor Cardinale: "I appreciate what you're saying and I think one of the things that's comforting about the present proposed bill, is the penalties make it clear that the town means business. The initial fine is not less— see, once you go to court, unless we do it this way, not less than, the court can impose its judgment. But our fines are going to be not less than \$250 nor more than \$1,000 and 15 days for a first offense. Not less than \$1,000 nor more than \$3,000 or 15 days for a second offense. And not more than \$2,000 nor more than \$5,000 or 15 days in jail for the third offense. So the people that are habitual offenders should get the message."

Joel: "Well, it would be very good. I'll tell you that. Thank you very much."

Supervisor Cardinale: "Thank you. Any other comment from the

public? Yes, ma'am."

Joanna Lane: "Good afternoon. My name is Joanna Lane and I'm a licensed real estate broker representing Property Angels in Cutchogue. I'm engaged in listing and managing short term vacation rental property on the north fork, the whole of the north fork. As such, our business is one of many adversely affected by the proposed new law for rental dwelling units in the town of Riverhead.

The proposed new law is an over broad and overbearing regulatory measure that will harm every homeowner in the town of Riverhead who may wish to offset their expenses by renting to transient visitors who come to the north fork from time to time throughout the year.

The new law does not give adequate consideration to the way seasonal and/or short term vacation rentals are operating in today's market. Owners have the right to offer their homes to the vacation rental market at any time of year.

Whatever you're trying to achieve, you're using a shotgun approach— a shotgun blast approach to remove something that needs a surgeon's scalpel. No distinction has been made in the law between a property offered for rent as a seasonal vacation rental home and any other kind of rental, save with respect to the amount of fees to be paid, Paragraph 86-6 Clause E. In all other respects, vacation rental properties will be treated in exactly the same way as a year round or month to month rental.

Since seasonal and vacation rentals operate in a completely different way from a year round or month to month rental, and those methods and trends have not been acknowledged at all in the new law, then it's fairly safe to assume that it will be impossible for anyone to offer their property for use as a vacation rental and not be in violation of the new law. In effect, the new law kills this sector of the market and there will be few if any vacation rentals available in the town of Riverhead.

When visitors are unable to find suitable accommodation they go elsewhere and, therefore, in turn, every small business on the east end that derives income from tourists and visitors will be adversely affected because there are going to be fewer visitors to the area.

We believe that housing located in the town of Riverhead will appear significantly less attractive if owners are denied the reasonable means to rent their property to visitors. In this respect,

6/20/2006minutes

the new law may harm the market value of homes in Riverhead when we compare them to other surrounding areas, which do not have onerous rental laws.

In addition, the rental dwelling law as applied to vacation rentals conflicts with current efforts by the East End Arts Council, The Long Island Wine Council, the Arts & Business Council of New York State and Suffolk County Legislature, which work hard to draw visitors to the area during the shoulder season and the low season, in particular the Long Island Wine and Cultural Winterfest which took place during the short month of February, 2006 and is being repeated for 2007. Fifty thousand dollars was raised to promote the Winter Festival from these sources, which generated \$250,000 from visitors. That's nearly \$9,000 a day of additional business income.

Your proposal completely ignores the tangible evidence of change in the way the local businesses are being supported throughout the year by visitors and tourists and in increasingly diverse and imaginative ways. You are dismissing the seasonal and vacation rental market as somewhat inconsequential to the local economy, rather you have assumed a static marketplace for the foreseeable future. In fact, weekly rentals are the fastest growing sector of the rental market, which has seen dramatic changes over the last three years. Currently, there are some 500 homes on the east end of the island available for visitors to rent on a weekly basis and that's only what is being offered by owner and doesn't include real estate brokers, so the true numbers are much higher.

It is a common misconception that seasonal rentals on the east end happen only between the months of May and September and that tenants purchase a lease of one month or more commencing Memorial Day, terminating by Labor Day. Not true. In our experience that sector of the market is diminishing as people take fewer and shorter vacations, whereas increasing numbers of visitors to the east end are seeking and finding single family homes to rent on a weekly or a bi-weekly basis.

Families with children typically look for a whole house rental, not a B&B and weekly vacation rentals in the area are fulfilling this and many other needs. Tenants come from far and wide, not only from out of State, also internationally. School vacations in Europe do not coincide with New York State. We receive inquiries on a daily basis throughout the year and have successfully leased property for one or two weeks over the Christmas and New Year holiday period, as well as Easter, Columbus Day and at other times that are not even marked by traditional or religious holidays. We see an increasing number of

international visitors to the area attracted by the fallen dollar and cheap airfares. The new Long Island Viticultural designation has raised the profile of Long Island Wine on the international stage, attracting groups of adults sharing wine tasting tours and cultural events. All these factors combine to increase the number of visitors year round.

In order to avoid immediate and catastrophic damage to this growing sector of the rental market, properties that qualify as a vacation rental home need to be exempted from the new law.

Whilst we are not meaning to suggest that some form of regulation might not be a good idea for short term vacation rentals at some point in the future, we believe the new town code as a whole is inappropriate for this particular sector of the rental market and if implemented as is, in effect, would devastate our ability to find accommodations for visitors in Riverhead.

Should you agree to the exemption, qualifying criteria would need clarification and further discussion with interested parties. To kick start that process, our suggestion is this:

Exemption: Properties offered for rent on a weekly basis whether by owner or through a real estate broker for lease term of no less than seven days and no more than 120 days at any time of year and where all utilities remain the responsibility of the owner, including but not limited to electric, gas, water and telephone service.

Specific clauses in the new- proposed new law that are not appropriate for seasonal and vacation rentals include the following non-exhaustive list in no particular order and some of these have been addressed by other speakers. And I'll just sort of briefly run through them and hand you a copy of this for further review.

86-3 Definitions - we must be careful that definitions relating to family adhere to New York State and Federal laws.

86-5 Applying for the Permit Clause F - the names of each person that is or will be occupying the premises intended for rental occupancy. Potentially that means 52 permits over the course of the year for each property that is offered on a weekly lease basis. Disclosure of the tenant's personal identity. We must be careful to uphold our duty of confidentiality.

86-8 Review of the permit application - it is not uncommon to

accommodate tenants within a week of their first inquiry. Some leases are executed within 24 hours. What if that happens over a weekend? Is the code enforcement officer going to be available 24/7 on an automated hotline? I don't think so.

86-11 Authorization for inspection - is already covered.

Presumptive evidence of violations is 86-18. Clauses 8 and 10. Locked areas of the home. It's very common for owners to deny access to certain areas of their home when offered as a vacation rental. Areas such as attic, garage, basement and a bedroom or living room used to store personal possessions the owners don't wish to share. Also cupboards, tools and collectibles.

Implementation - 86-24. Some tenants rent a vacation home as much as a year in advance. Some make decisions at the last minute and move in within a week. On average, we rent a property 140 days in advance. It's unrealistic to expect some owners not to be obligated already under enforceable leases that have already been executed for 2007. Implementing the new law with immediate effect will place those owners in a position of hardship which is not of their own creation.

Rather than taking up any more of your time in addressing these and other problematic issues in detail at this time, we would be willing to meet with any member of the board at a mutually convenient time to offer our expertise in this one particular area.

In conclusion, one size does not fit all.

Thank you for your time and attention to this matter."

Councilman Dunleavy: "Thank you. Can you get us a copy of that?"

Joanna Lane: "Sure."

Supervisor Cardinale: "Any other comment from the public? Yes."

Jim Flood: "Jim Flood, Aquebogue. I can't believe I forgot my glasses so I'm going to go off the cuff. Oh, thanks."

Councilman Densieski: "Mine might fit you a little better, Jim."

Councilman Dunleavy: "I need mine so I can't give you mine."

Jim Flood: "Thank you."

Councilman Densieski: "Anybody got a camera?"

Jim Flood: "I'd like to personally thank Ed and John for sponsoring this new rental law initiative. Years ago we had the opportunity to do something with this but in the end the rental law was flawed, insufficient personnel were assigned and fees were watered down to the point that the law was ineffective at best.

We now have a new opportunity to start over and replace the old ordinance with one that is legally bulletproof, properly funded and adequately staffed. This does not have to get done immediately. It needs to get done correctly and completely.

I understand that we are contemplating hiring an expert to run the rental inspection unit. We must listen to him or her and be willing to make adjustments in the budget in order to accommodate unexpected expense due to unanticipated volume.

Substandard and unsafe housing is a blight on the community that adversely affects us on multiple levels; schools, hospital emergency rooms and police and social services. By aggressively addressing this problem once and for all we may just make Riverhead the destination spot we envision.

This will not happen as long as West Main Street, the main road entering our community, is peppered with seedy motels that house year round residents and school age children and a hooker population that outnumbers the police on patrol at times. West Main Street was the scene of a horrific rental house fire that claimed lives and brought the first rental law into existence. Now we need a new robust rental law.

The cost of this law must be completely borne by the business people who chose the rental business as their business of choice. There are many good landlords who keep their houses in good condition with real lawns and neatly painted and kept exteriors. They were the first to sign up their units under the old rental law and opened their houses freely to the initial inspection process and played by the rules.

These people will not be hurt by the new regulations and

inspections. The problem is the unscrupulous landlords who pack their single family units with multiple families or create boarding houses in single family residential neighborhoods. They must be brought into compliance or get out of the business.

I looked at the new rental law and agree that it is a good start. I suggest some additions and changes.

Fees must reflect the full cost of the inspection unit. I believe that the fee schedule should be at least doubled. The last time we had— when we initially adopted the first law, everybody squawked and they cut it in half and they pretty much gutted what we could have done with that first law. It went from— I remember that they absolutely cut it by 50% and it was almost doomed from the start.

This is a profitable business for these landlords. And what could happen if it became unprofitable? Why they just might sell to someone who wants to move a single family into a single family dwelling. Fines should be steep. First time offenders may be afforded some consideration but second time violators should get slammed with fines reflecting the true time it takes to create a case erring the on safe side.

Advertising in newspapers and other media should be restricted to registered housing with a full description of the rental unit and their current license numbers. Fines should be at least \$1,000 at the get go and acknowledgment that this practice must be adhered to should be part of the licensing process and signed off by the owner of the property and the rental agent.

So if you rent— if you decide to put a dwelling— a rental dwelling in the newspaper, it should be— you should have a rental license number along with that rental offering. That's the only way we're going to know.

Last week or a couple weeks ago, I was driving my daughter back from a test or to a test at 8:00 in the morning on a Saturday, and I got behind— I was actually coming from the other side of the river, and I got behind a pick up truck towing a very, very large landscaper kind of trailer. In that trailer was packed to overflowing household garbage. It was the most incredible sight I had ever seen.

I followed it down because I'm pretty much a curious guy, down Riverside Drive and then it came over to Main Street and then it made a right, right into Bagshaw Rental realty office which is right across

6/20/2006minutes

the street. That Bagshaw Rental realty office where he deposited household garbage in two 20 yard- two 10 yard dumpsters in the back.

Now that may be legal or illegal but it certainly is- it just reflects the attitude that Bagshaw Realty has with this town and its inconsiderate way that they handle their rental units. They're getting garbage from the other side and bringing it over here to our side.

Now, of course, their side where they pack people in places on the other side of the river still affects us because they pack their houses with kids that go to our school. I mean it's just amazing. And I'd certainly like them to look into requiring businesses to only have a dumpster to reflect the amount of garbage that is generated on the site of that business.

Now you have a real estate office and you have a rental office and you have a lawyer's office. I don't see how you could get more than five yards worth of garbage out of that type of business in one day. And I'd certainly like to police to see if they can enforce some other things. Because I don't understand- I don't believe that these people have a garbage business. They're not in the carting business. They're probably hired probably by, you know, they're probably hired by the rental agency to go pick up the garbage on the south side and bring it to the north side. It's just another kick in the ass for the people who live in Riverhead. It drives me crazy. And I think it's disgusting and that was done by Bagshaw Realty Rental."

Supervisor Cardinale: "Thank you for your comments."

Jim Flood: "I'm not finished."

Supervisor Cardinale: "Oh. Well, then go on with your comments, please."

Jim Flood: "Thank you very much, Phil. I appreciate that. I'll try not to stretch Barbara's glasses out any more."

When we identify- this is a question for the new town attorney, and I appreciate the fact that we've hired somebody that's ready to do business in this new rental law because this new rental law and the way we treat the rental business in Riverhead, may just turn- help us turn the corner with rental housing in Riverhead.

And you know what? You have to look at the fact that these

people are running a business in Riverhead and they should take care of their houses that fits this business and we should charge them as if it's a business and we should make sure that the houses are up to snuff and not have soccer fields in the front that are just torn up pieces of lawn with 19 cars in the front.

We have a house right here across the tracks, where they paved over 95% of the front lawn and they have, you know, 8, 10, 12 cars parked in that driveway everyday. It's just amazing. My sister-in-law is adversely affected because there's a house on Meetinghouse Creek Lane that has three, four, five families living in a place that used to have one family. You see three pregnant ladies with, you know 19 munchkins standing out front waiting for the school bus every single day out there and it's a single family dwelling. It used to be a single family dwelling and this is a question- if the town attorney, I'm sorry, what is your first name? Harold. Harold, if a house was a single family dwelling all its life and now you have three families living in there, is that an illegal house?"

Harold Steuerwald: "If you're saying three families, yes."

Jim Flood: "Oh, sure. You have three pregnant ladies at least, you know, you have one happy guy or- you know. It's just amazing."

Another question I have is are we- when we identify the renters in this- for each dwelling, are we- what kind of identification are we asking? Is this- and is everybody going to sign a lease? Every person that rents a house, are they going to be on the lease in that rental dwelling?"

Harold Steuerwald: "We're not addressing the lease, we're just making the person who owns the house and is renting it, the landlord, state in the application who's going to be the tenant."

Councilman Dunleavy: "They all have to be on the application."

Jim Flood: "Oh, so there is no lease then. You're not stipulating whether there's a lease. Are we going to ask- if we're identifying the people that are going to be occupying that dwelling, are we going to ask them if they're legal residents of the United States of America?"

Harold Steuerwald: "Not at the present time. No."

Jim Flood: "Well, would you consider something like that."

Councilman Densieski: "You don't have to be a legal resident to rent a house. I understand what you're saying."

Jim Flood: "I'm saying that, you know, if- this is one place where we can identify the people that are here legally or illegally."

Councilman Dunleavy: "No, no. We're not Immigration so all we're doing is controlling the safety of our rental houses in the town of Riverhead. If they're overcrowded, that's what we want to know about. If they're not safe inside, that's what we want to know about. So anybody can live there but we just want to make sure that they live there safe and not overcrowded."

Jim Flood: "I think we're missing an opportunity there but, you know, I think it might stretch it a bit."

This- there's a bunch- I've been after landlords for a very long time. It's always just driven me crazy how people can just suck the life out of Riverhead and overburden our resources police-wise, hospital-wise, school-wise by just cramming too many people in a house.

I understand that it was fast and loose in years past and they- let's say a person has a house and it's- look at the poor guy on Hamilton Avenue here. There you go. I mean, shoo, I mean how many years does he have?"

Councilman Dunleavy: "I wouldn't say that."

Jim Flood: "I mean hopefully he has (inaudible) years. But what's the quality of his life going to be when he has 17 Spanish people living next door to you? I'm sorry, it just drives me crazy. Are we- if there are 17 unrelated Spanish people living in one house, is that illegal? That's what I need to- or can they rent out bedrooms to four people at a clip?"

Councilman Densieski: "The law does not break down Spanish, Polish, Italian."

Jim Flood: "Well, whatever. I don't mean- if you have 17 people living in a house, what's the presumption that they're- is that one family? How do we presume that?"

Harold Steuerwald: "It goes by the square footage on the New York State building code."

Jim Flood: "Okay, so- "

Harold Steuerwald: "It would be measured and that determines how many- "

Jim Flood: "Let's say it's a 2,000 square foot house. How many family people can you cram in that thing?"

Harold Steuerwald: "It doesn't go just by 2,000 square foot in the house. It goes by what's habitable space. New York State building code breaks down that you don't count kitchens, closets, bathrooms when you compute it. It's a formula. So you just telling me 2,000, I can't tell you."

Jim Flood: "Okay."

Harold Steuerwald: "That's why there's an inspection by code enforcement or by an architect or engineer saying what is the house. Does it comply with the occupancy limits of the New York State building code."

Jim Flood: "Okay. And you guys are going to go after that. You're going to be aggressive."

All right. That leads me to my last suggestion and that's the fact that we have to have this properly staffed and they have to work weekends and nights, you know. If we hire two inspectors and they work nine to five Monday thru Friday, we're not going to get anything done because we should have somebody at least on call for the weekends so that when this gentleman has a problem on Holy Saturday and he just wants to live his life in peace, something, you know, some emergency number can be called and they can document it at that time.

Because, you know, they're out working during the daytime. They don't come home until 5:00. You know. That's it."

Councilman Dunleavy: "These fellows are going to work flex hours. They're not going to be nine to five. Nine to five, you wouldn't catch nobody."

Jim Flood: "Right. Are they going to work on the weekends also? I mean I don't want them to work every weekend because I didn't want to work every weekend either but they certainly can, you know, can layover one guy one weekend another, another."

Councilman Dunleavy: "That's- no, that could be a five day. They could have Tuesday and Wednesdays off or Thursday and Friday. Yes. That's something to think about."

Jim Flood: "Now when it comes to the rental units for the rich from New York City, I don't really care about how much it costs them. Because they're getting two to five thousand dollars a week to rent a house out here and if they can't keep up with the paperwork, that is not my problem. I can't get out of my driveway- I can't get out of my house and get onto Main Road in Aquebogue from 5:00 on Saturday until 9:00 on Sunday night because of the people that come out here to, you know, to drink the wine, get back in their cars all wrecked up, and then go back home. So I really don't care about them."

And the people that have been here to spend the week, I don't care about them either because they're the ones that come here, raise hell, tear up a house and then go back. We're better off with year long residents. So if these people are getting two to five thousand dollars- a friend on mine rented a house on Peconic Bay Blvd. She spent twenty-five hundred bucks for the week, you know, it- these people are getting a ton of money.

And the people who are doing boarding houses are even doing better than that because they're getting from these poor people- they're getting \$200 a week to share a bedroom with three other people who are working in the field. They get \$800 a bedroom, times five or six, or wherever they can cram them in. So I feel no pity for the people that are sucking the life out of us in Riverhead and just causing us undue burden.

So I appreciate the new rental law initiative and I beg you to work as hard as you can to make sure that this becomes a reality and it becomes enforceable. And if you need to- if you need to raise the fees- I mean we just set fees. Did anybody sit down and say, okay, there's going to be a certain amount of rentals and there's going to be- this guy is going to cost us- I don't care what he costs us as long as he does the job. I mean, he- I need an expert to come here and fix what's broken. And so does everybody in this town of Riverhead and we need aggressive guys or girls that can go out there and do the job and know that the town is behind them.

So I need- I think the town needs to be able to spend whatever is necessary and then to pass that burden on to the people who have rental units in this town. And thank you very much."

Councilman Dunleavy: "Thank you, Jim."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "Thank you, Jim."

Jim Flood: "And thank you, Barbara."

Councilman Dunleavy: "Jim, can we have a copy of your written comment?"

Jim Flood: "Sure."

Supervisor Cardinale: "Okay. Is there any other comment from a member of the public?"

Chris McCarthy: "Chris McCarthy, Riverhead, again. I agree with a lot of what the last gentleman just said but I do have to take exemption to his statement that everything is a business for people who have rentals. All right. For us it's a vehicle for our retirement. It's not a primary source of income for us. So I think that each one of those things, if you should consider, should be handled on a case by case basis."

A thought just occurred to us that the code enforcement officials and Section 8 officials do a lot of the same work. There's a lot of redundancy between the two agencies. Is there any way that the town can work with Section 8 for the inspection purposes so that there's not duplication and wasting of man hours?"

Councilman Densieski: "My personal opinion is that if we count on the State to fix the problem, it probably won't get fixed but certainly we can look at that."

Chris McCarthy: "Okay. And regards to violations to the quality of life issues that the gentleman was referring to, if there is a violation to be had, would the town look towards the landlord or the tenant who is creating that violation for the quality of life issue for the issuance of the violation, you know, ticket."

Harold Steuerwald: "Are you saying like, for instance, the example of noise?"

Chris McCarthy: "Say that we're retiring for the evening at 11:00 at night and the tenant unknown to us has a radio blasting."

Harold Steuerwald: "No. The code enforcement should use their commonsense in that situation it to the tenant. But there might be situations dealing with the house itself where both the tenant and the owner will be given a ticket."

Chris McCarthy: "Okay. Because while we want our tenants to respect the neighborhood and its, you know, the community and their neighbors, and we hopefully expect the surrounding to respect, you know, to have some consideration for the tenants. It is very hard to legislate morality and ethics."

Councilman Dunleavy: "I think if it's an uncontrollable disorderly house where the police are there numerous times, I think then the owner should be notified and he or she take corrective action."

Chris McCarthy: "If it's within- if it's a violation of the lease, then we can take eviction proceedings. But to hold a landlord absent- or hold an absent landlord responsible for an individual tenant's actions, I hope the town's not considering doing that."

Supervisor Cardinale: "Thank you."

Chris McCarthy: "Thanks."

Supervisor Cardinale: "Any other comment from a member of the public in regard to the statute? If not, I'm going to leave- "

Councilman Densieski: "Phil."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I'm sure you're going to leave this open for probably 10 days."

Supervisor Cardinale: "Yes."

Councilman Densieski: "If it's okay with the Board, John and I and Harold and whoever else is interested will take the written comments and the comments we received here today, we had a lot of good points, and readdress it and bring it back before the board."

Supervisor Cardinale: "Very good. I appreciate that. I'm going to hold this open for 10 days, it being 3:46 now or 3:44. I'm going to hold it open for 10 days until the 30th for written comment

from anyone. Close the verbal testimony now."

Public hearing closed: 3:44 p.m.
Left open for written comment for
10 days to June 30, 2006

Supervisor Cardinale: "And move to the second hearing. Before I do that, I just want to so I don't forget, Harold, the comment on Section 8 reminded me to ask you. This rental law which requires the filing- this requires the filing if you're going to rent and tells you the nasty things that are going to happen and the presumptions that you have- when you- is this going to apply in those large operations such as John Wesley and others that are federal- across the street, 821, because there has been an ongoing debate, I think Dawn's familiar with it that when inspections have been attempted, they have said that we are- that we are what's the word I'm looking for, I should know- preempted by federal law on those federal assisted housing projects or housing communities.

Could you check into that? I'd like to know before I pass this who it's applying to. If it's applying- "

Councilman Densieski: "Yeah, I think it's one to four but I'll check on that."

Supervisor Cardinale: "Yeah, so we're not- some of our situations that are problematic and we get a lot of complaints, may not be reachable by this law and I'd like to investigate, you know, the reach of this law.

Okay, thank you.

Public hearing opened: 3:44 p.m.

Supervisor Cardinale: "We have a third hearing today that was scheduled to begin on- thank you, Harold, for your help, 2:20 p.m. for the consideration of the adoption of the maritime zoning use district. The hearing today at that time indicated a draft of the text of the maritime, the M zoning use district, as well as the map of the lands to be regulated may be inspected at the office of the Clerk. I believe this was along the Sound, correct, and Rick, you want to comment please as an introduction and then if anyone has a comment, we'll take it. Otherwise, we'll leave it open for subsequent written

comment."

Rick Hanley: "As a function of the LWRP program, the board directed me to prepare this draft zoning district. Essentially it would regulate the bottoms of the land below Long Island Sound, the north shore of Riverhead, from the tie line along the coast line essentially (inaudible) to Connecticut. That's the map portion.

The use portion essentially would allow only water dependent uses on the bottom.

There is no change— anticipated change to the zoning schedule. It's purely a use decision for these uses by special permit of the town board."

Supervisor Cardinale: "Thank you. Appreciate that quick explanation. Is there any comment from any member of the public in regard to that? If there is not, the hearing which I opened at 4:44, I'll declare closed at 4:47 for verbal testimony but ask that or indicate that it should be left open until close of business on the 30th for written comment."

Public hearing closed: 4:47 p.m.
Left open for written comment for
10 days to June 30, 2006

Public hearing opened: 4:48 p.m.

Supervisor Cardinale: "There's a final hearing scheduled for 2:25. It being 4:48, we're going to consider a local law to amend Chapter 108, Section 108-115 regarding existing structures.

This is a deletion of a section, 108-115, which had— which I assume was— I know it's deleted in full. Tell me why we're deleting it then. Who knows? The town attorney has— would you please speak for her."

Rick Hanley: "As a result of the master plan, the town board decided to replace an overlay district, professional business overlay district, on Roanoke Avenue to a mapped district. And they did that successfully. What they neglected to do was to look at the provisions in the actual text of the then professional business district which require that all existing buildings that are to be converted to

professional business require a special permit which is self-defeating in that that's a county highway, there's referrals to the planning board, referrals to the county, and it was our intent to encourage this kind of use as opposed to bureaucratically discouraging it."

Supervisor Cardinale: "I remember this. This is the one I was joking with you- "

Rick Hanley: "We joke a lot."

Supervisor Cardinale: "-- that you're alleging that your work for the week was preparing this for hearing which was to delete the whole section."

Rick Hanley: "Yes, I do remember."

Supervisor Cardinale: "-- because it's extraneous and unnecessary and it's duplicative and idiotic. So that's why we took it out because it's inconsistent with the new code."

Rick Hanley: "I think there was some minuscule changes in the purpose section as well to make it read a little bit better so it was more than just that deletion. Actually it went into the body of the text."

Supervisor Cardinale: "I see."

Rick Hanley: "Okay."

Supervisor Cardinale: "It's comforting. Is there- thank you for the explanation. Is there a comment on this?"

Robert Kozakiewicz: "I saw Rick work all week on that by the way."

Supervisor Cardinale: "That's what scares me. (Inaudible)"

Robert Kozakiewicz: "Bob Kozakiewicz, 431 Griffing Avenue. I'm here speaking for Dr. Meyerson. Dr. Meyerson has a pending site plan application as well as a special permit application and we hope that you, in fact, take up this repeal of this section as explained by Rick who was there when you had the overlay, it's now mapped."

From a zoning standpoint you've identified or legislated the uses as uses you want. It doesn't make sense to have them as a special

permit and have that hearing. From an economic standpoint, you eliminate the review that's associated with the special permit, you eliminate the costs associated with publishing the publishing the public hearings. You eliminate the stenographer's fees from listening to people talk at those public hearings. So from that standpoint, economic and fiscal sense it makes sense.

And just from a general legislative standpoint, reducing surplus and making it simpler also makes sense. So I ask you to vote for it and do the right thing. Get rid of it. Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Okay. Is there any other comment? If not, in the unlikely event somebody has a written comment, I'll open it until June 30th, 5:00 p.m., and close the verbal testimony now at 3:51."

Public hearing closed: 3:51 p.m.

Supervisor Cardinale: "We have I think about 55 resolutions to consider, 56 to be precise, plus we have four additional ones that you have, Barbara, right, that were given to you late. One is amending a previous resolution; one in regard to a figure that was- is now different. Ratifying authorization to publish and post a help wanted advertisement for a custodial worker we're looking for. Amending a resolution #556 of 2006, which noticed- which was a notice for a public hearing. And authorizing the supervisor- well, I think this actually is (inaudible) already to send a letter. Did I get the (inaudible) or am I reading from the wrong list? Yeah, I may have the wrong ones. Do you have them there? Yeah, let me give you that again because these are ones that we incorporated in. We got them in in time I think and there are four we did not get in time."

Barbara Grattan: "You have Chapter 90 Wildlife Rescue Center."

Supervisor Cardinale: "Okay. This was the Chapter 90 for the Wildlife Rescue Center which was the July 4th fireworks display from five to ten. Approving it."

Barbara Grattan: "And then we have a public notice regarding a local law to amend Chapter 108 Empire Zone."

Supervisor Cardinale: "Yeah, public notice to- required- asked for by the EDZ zone board."

Barbara Grattan: "And then we got you authorizing to execute a letter, IDA."

Supervisor Cardinale: "An IDA letter that they're authorizing me to sign regarding the hospital refinance which is going to take place within the next few days for the construction."

Barbara Grattan: "Authorizing the Supervisor to execute a one way use agreement with South Bay."

Supervisor Cardinale: "This was a runway use agreement that is- we should applaud, I think the first, that it's been requested up at EPCAL by one of the tenants."

Okay, those are the four that are added. There are another 56 that are on the calendar. If you have any comment on any of them. I know, Sal, I saw you assiduously looking at them and proofing them. Can you tell us what you have to tell us?"

Sal Mastropolo: "Resolution 581."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The sixth Whereas, the first line, there's two verbs in a row so there's something wrong. Something's missing or there's an extra word there."

Supervisor Cardinale: "581. I got- let me- "

Sal Mastropolo: "The sixth Whereas, the end of the first line ends in a- has reviewed, and the second line starts with prepared a. So there's something wrong there."

Supervisor Cardinale: "Whereas, okay, whereas the town of Riverhead has reviewed- "

Sal Mastropolo: "Has reviewed what? And prepared a report."

Supervisor Cardinale: "The application."

(Some inaudible discussion)

Supervisor Cardinale: "Okay. The town of Riverhead planning staff has reviewed the application and prepared a report on the application. Okay, thank you. What else have you got?"

Sal Mastropolo: "582. The third Whereas."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Just add the word by- approved by the three town board members."

Supervisor Cardinale: "Where a sketch has been approved by- after the word approved, the word by. Thank you."

Sal Mastropolo: "584. Should we be putting the receipt numbers in when you- "

Supervisor Cardinale: "Yeah, that would be a good practice."

Sal Mastropolo: "I think we did them in the past but I noticed in this batch there were no receipt numbers when you were receiving money for like the 5%."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "I think there were two of them. This one and the one before it."

Supervisor Cardinale: "583 and 4 the receipt numbers. When we're accepting cash security."

Sal Mastropolo: "Right."

Supervisor Cardinale: "And when we're- "

Sal Mastropolo: "There were no receipt numbers in any of these."

Supervisor Cardinale: "Irrevocable letter of credit. Okay. When- Peg, in the future would you make sure we have the receipt numbers. It will help us to track them. Thank you."

Sal Mastropolo: "586. The first Resolve, just take out the word the."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "And 587, the same thing. The first Resolve."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "597, the notice of adoption, the definitions, as used in this section the following terms shall have the meaning. Add the word have."

Barbara Grattan: "597."

Supervisor Cardinale: "597."

Sal Mastropolo: "597, the notice of adoption. Definitions. On the first line, add the word have between shall and the. See it, Barbara?"

Supervisor Cardinale: "Notice of adoption. Yeah, what was- "

Barbara Grattan: "Definitions?"

Supervisor Cardinale: "Under A, (inaudible), that one. Signs. Okay, the first page after the resolution itself. Definitions, as used in this section, the following items shall have, after the word shall, the word have is left out."

Sal Mastropolo: "600."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The second Whereas, change the word and to a."

Supervisor Cardinale: "Second Whereas, the word and to a."

Sal Mastropolo: "Completed and filed a long form."

Supervisor Cardinale: "You got that?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay. There's a whole bunch of Chapter 90 applications in here."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I mean there must be eight or ten of them."

Supervisor Cardinale: "Yeah, it's a busy season. Right."

Sal Mastropolo: "And on every one of these somebody is making money. Okay? But yet the town is waiving the fees."

Supervisor Cardinale: "Well, that's because they're all- "

Sal Mastropolo: "And I think the town really needs to step up and start charging fees even for non-profits. Okay? Because the non-profit- behind the non-profit people are making money. Okay? And we're providing all kinds of services, okay. And every time we turn down the fee, the taxpayers of the town of Riverhead are funding, okay, those services. And I think you really need to look at it."

Supervisor Cardinale: "What we really need to do-- actually we did look at it. What we have to do is amend the statute or ordinance more precisely, which specifically delineates the entities we can exempt from these fees or which are exempt and it says firematic, not-for-profit. But we were doing it inconsistently and I insisted in '04 that we do it consistently.

What you're challenging is the policy of doing it all."

Sal Mastropolo: "Yes."

Supervisor Cardinale: "Which we could have a discussion on maybe at a work session."

Sal Mastropolo: "Well I wish you would because, you know, they charge for beer, they charge admission, they charge for the rides, okay. If it's a church, they charge for the booths. Okay. If it's a craft fair, okay. So behind the scenes profit is being made but yet the town of Riverhead is waiving the fee."

Supervisor Cardinale: "That's a good point. That's an interesting- maybe that's an approach incidentally that we could use. We've been struggling with- the fee is pennies, but we've been struggling with the support services that the town gives to these events."

Sal Mastropolo: "That's what got me thinking about it because I

noticed that you're authorizing overtime."

Supervisor Cardinale: "Charge them a fee because apparently we're not about to pull all the support services. And incidentally none of the communities out here, none of the fire- the police departments charge back the services. None of the- so if we give services for example to the Blues Festival, we're going to give engineering services- buildings and grounds services, sanitation services, police services and code services which will total \$30,000 or more.

I have suggested maybe we ought to look at that but it's very difficult because none of the surrounding communities charge it back. So maybe we could just charge the fee and then consider the services as part of the joy of being a citizen but at this point we waive the minimal fee, I think it's \$200 plus we give them the services."

Sal Mastropolo: "Right."

Supervisor Cardinale: "I get you."

Sal Mastropolo: "610."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "This was funny. You wrote this resolution to fix something that got posted wrong but the resolution has the wrong date in it. One, two, three, Now Therefore Be It Resolved, okay, to reflect the correct public hearing date of June 18th. The correct public hearing date is July 18th, which this was written to correct."

Supervisor Cardinale: "Which one is this?"

Sal Mastropolo: "610."

Supervisor Cardinale: "Oh, that's great. So our correction- "

Sal Mastropolo: "Now Therefore Be It Resolved, hereby amends Resolution 556 dated June 6 to reflect a correct public hearing date of July 18."

Supervisor Cardinale: "Wait a minute. Unfortunately somebody did catch that because I have July 18- the correct public hearing date is what, July 18.

Sal Mastropolo: "July 18."

Supervisor Cardinale: "Oh, the next one is bad, okay. That's pretty funny. The correction is incorrect."

Sal Mastropolo: "Right."

Supervisor Cardinale: "Okay, good."

Sal Mastropolo: "618 appears to be a dup of 617."

Supervisor Cardinale: "I don't think- let me just check it. I don't think it is."

Councilwoman Blass: "They're two different sections."

Supervisor Cardinale: "That's what I thought. But it's not duplicative. Two different sections."

Sal Mastropolo: "That's it."

Supervisor Cardinale: "Thank you very much, Sal. Okay, we have reviewed the- we've had one comment. Any other comment in regard to this- yes, Angela, please come up."

Angela DeVito: "Angela DeVito, South Jamesport. My questions are on Resolutions #576 and 577 which deal with budget adjustments for the Peconic riverfront park improvement."

Supervisor Cardinale: "Yes, yes."

Angela DeVito: "My understanding was that this project was a bid that was- there was a set amount of money that could be utilized. And I think this is the second time an adjustment to their budget, increased monies, has appeared as a town resolution."

Supervisor Cardinale: "Right."

Angela DeVito: "And my concern is that when we awarded the bid, the contractor who received that bid said they would do all of this work for it was a little bit over \$2,000,000 I believe."

Supervisor Cardinale: "Yeah."

Angela DeVito: "Was the final bid there. And why are we now

having to make- this here totals to a little bit over \$138,000 worth."

Supervisor Cardinale: "I asked the same. What we're actually doing is we're taking the full contingency plus \$8,000 and I asked the very same question. I have a very complete three page letter plus a spreadsheet from Christine Fenton who is the engineer on the project. But I'll summarize it.

It's extra work. We got, among other things, we're putting in irrigation when we hadn't contemplated it initially and we- because we're using- we got donations of sod, we intended to seed. But the- I guess the easiest way to do it is to just get you a copy of the letter and the spreadsheet. It shows that we're actually adding, not paying more for what we had been entitled to."

Angela DeVito: "These are increased costs that we've- "

Supervisor Cardinale: "That's correct. Requested additions to the contract."

Angela DeVito: "We requested additions. With regard to the other work being completed on this project, the overruns for the completion date of the project- "

Supervisor Cardinale: "Yes."

Angela DeVito: "It was originally projected for the weekend of Memorial Day- "

Supervisor Cardinale: "Right."

Angela DeVito: "-- and we're now well into June. Is it just this additional work that's causing the over runs or are there within that contract, were we also able to fine the contractor for not coming in on time?"

Supervisor Cardinale: "I- we were not as far as I understand it able to do that because of the weather related delays. We're having a dispute that they allege, they are going to finish I think by the 23rd or- yeah, 23rd was supposed to be the last dar.

Weather related delays but even more important than even the weather related delays, they had another- oh, Cablevision. Cablevision delayed them on what was in effect an illegal easement wire so we're trying to get that money back from Cablevision. That

will amount to about eleven or twelve thousand dollars.

But they— our engineers have advised us that they're not— they are not over time at this point even though as you said it's about a month over in fact but as in every contract they have an ability to extend for good cause shown. And the two causes that come to mind were weather, rain and also the cable delay as occasioned by they couldn't work because they wouldn't move the cable out of their way. Finally they moved it out of their way and we're now getting that back from Cablevision."

Angela DeVito: "So the delays that the weather caused were over and above what originally they would estimate in their timetable."

Supervisor Cardinale: "Yeah."

Angela DeVito: "Because all good contractors put in--"

Supervisor Cardinale: "That's correct. But if-- "

Angela DeVito: "This is over and above."

Supervisor Cardinale: "Yes. And I'll get you the letter, but, yeah, because we rely upon our engineer who will come in and tell us that we're entitled to the hit, you know the hit because they're late. We're entitled to hit them up for a penalty and they have indicated we are not. I've asked them specifically about that. But it's a good question."

Angela DeVito: "Thank you."

Supervisor Cardinale: "Thank you. Okay, any other questions in regards to these resolutions? If not, let's consider the resolutions starting with 570."

Resolution #570

Councilman Densieski: "Town of Riverhead Community Development Bloc Grant consortium 2006 budget adoption. So moved."

Councilman Bartunek: "Seconded."

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

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

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

Resolution #571

Councilman Bartunek: "Budget adjustment general fund control of dogs. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #572

Councilman Dunleavy: "Fire protection and code enforcement division budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #573

Councilwoman Blass: "Budget adjustment in the general fund for the police department JAB and youth programs. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #574

Councilman Densieski: "Sewer district budget adjustment. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #575

Councilman Bartunek: "Sewer district budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

Councilman Bartunek: "This- wasn't it adoption or adjustment?"

Supervisor Cardinale: "It should be a budget adjustment. Thank you. Okay, let's amend that to read budget adjustment."

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

Resolution #576

Councilman Dunleavy: "Peconic Riverfront park improvement project budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #577

Councilwoman Blass: "Peconic Riverfront park improvement project budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #578

Councilman Densieski: "Authorizes the establishment of bank account for Main Street program. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "Yeah. I wish we had an attorney here. I have an (inaudible) for the program. I don't need if I have to disclose it or abstain."

Supervisor Cardinale: "Did you get it?"

Councilman Densieski: "No, not yet. I don't know if I-- abstain."

Supervisor Cardinale: "Yeah, okay."

Councilman Densieski: "Thank you."

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

Resolution #579

Councilman Bartunek: "Approves the site plan of Omnipoint Facilities Network 2 LLC. So moved."

Councilman Dunleavy: "So moved."

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

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

Resolution #580

Councilman Dunleavy: "Approves site plan of East Main Street Ventures, Inc. So moved."

Councilwoman Blass: "And seconded with a correction. On the covenants, #13-- #s 13 and 14 are the same. We should just delete #14 and renumber #15 as 14."

Supervisor Cardinale: "Okay. Delete 14 and renumber 15, 14."

Councilwoman Blass: "And seconded."

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

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

Resolution #581

Councilwoman Blass: "Approves the special permit application of the Culinary Arts Riverhead LLC. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes, Barbara, there's a comment on the last Resolve-- the Resolve and we want to forward that to the developer Parr."

Barbara Grattan: "Okay."

Councilman Bartunek: "Yes."

Supervisor Cardinale: "Okay. The question, Barbara, was that the Resolve to send it-- copies-- we're sending it to the Planning Department, the Town Attorney, the Building Department. How about the applicant and Suffolk Community College? Okay. Okay, with those two additions, we've got-- "

Councilwoman Blass: "Yes."

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

Resolution #582

Councilman Densieski: "Approves the sign permit of Bubba Lu's Ice Cream So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #583

Councilman Bartunek: "Accepts cash security of Hristina Mantzopoulos (Hellas East Management LLC). So moved. How did I do on that one?"

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Excellent."

Councilman Densieski: "You did good."

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

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

Resolution #584

Councilman Dunleavy: "Accepts irrevocable letter of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Later Day Saints, a Utah Corporation Sole. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Yeah, I saw this and I-- well, we're getting actually, the irrevocable letter of credit if you look at the Whereas is being issued by the-- comfortingly, by the Zion Bank of Los Angeles, California. So it's a bank letter of credit. I-- You're asking for a vote?"

Barbara Grattan: "Right."

Supervisor Cardinale: "Okay. Who are you waiting on? Go ahead."

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

Resolution #585, #586, #587, #588, #589, #590

Councilwoman Blass: "If there's no objection, Mr. Supervisor, Resolutions 585 through 590 all appoint individuals to the recreation program. So I'd like to take them all."

Supervisor Cardinale: "Okay, great. Yes, please."

Councilwoman Blass: "Appoints various aides and lifeguards to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #591

Councilman Bartimel: "Unfortunately accepts the resignation of Deputy Town Attorney Mary Hartill. So moved."

Councilman Dunleavy: "And seconded. And I think she did a very good job and I'm just sorry she has to resign."

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

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

Councilwoman Blass: "Yes and I spoke with Mary. This is a good thing for her so I wish her a lot of luck and thank her."

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

Councilman Densieski: "Yeah, I'd like to thank Mary for her service, too. She did a great job. Thank you. Yes."

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

Supervisor Cardinale: "I vote yes and join the board in thanking her for her three years of service to the town. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #592

Councilman Dunleavy: "Ratifies termination of Deputy Town Attorney. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Oh, the date on this I should note should read June 20th I was advised so would you please make that amendment and would you call the vote, please, Barbara."

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

Councilwoman Blass: "Yes. And I'd like to thank Tina as well for her service."

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

Councilman Densieski: "Yeah, so would I. Yes."

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

Supervisor Cardinale: "Yes. Thank you for your service."

Barbara Grattan: "The resolution is adopted."

Resolution #593

Councilwoman Blass: "Accepts the resignation of a part time recreation leader. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #594

Councilman Densieski: "Ratifies execution of engagement letter and appoints a financial consultant in the accounting department. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #595

Councilman Bartunek: "Authorizes the Supervisor to send a letter. If I could make a comment on this, Phil. Do you want to add something to this that they are going to be required to comply with not only the dumpsters but also enclosures and screen. That we want to give them a certain amount of time- "

Supervisor Cardinale: "Yeah, Peggy when we send this out, I know they're all signed but maybe we can put a little PS referencing them to the code provision that all dumpsters must be- all dumpsters must be enclosed as George is alluding to, screened and they also must be- "

Councilman Bartunek: "Well, just comply with the code."

Supervisor Cardinale: "Yeah. Just reference the code provision and copy in the letter- attach to the letter."

Barbara Grattan: "Ready for a vote?"

Supervisor Cardinale: "Yes. These shouldn't be anywhere on public property is the whole idea of the letter though. Yes, you wanted me to vote? Okay, call the vote."

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote no on this because I think we should give the people at least a little more notice than a week to remove these dumpsters. I don't know what's going to happen to the businesses down there but we had an alternative and it didn't work out. So I vote no."

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

Councilman Bartunek: "I vote yes."

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

Councilman Densieski: "Yeah, I agree with John. What we're doing is taking the dumpsters off town property which I strongly agree with but I think we should go with the parking district's plan. They've got a good plan that creates corrals, centralizes them. I think just removing the-- telling people to remove the dumpster off town property that's been there for 50 years or however long, without offering them any kind of solution isn't really the right answer.

If this works, my hat goes off to Phil because it's a very quick easy to a big problem that's been worked on for years. I just don't suspect this is the answer. I think this is just going to create a different problem. So I hope it works. I just don't believe it will but I can't support it. I'm going to vote no."

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

Supervisor Cardinale: "Okay. I'm going to vote yes, of course. I think the mistake was made which this is correcting when private carters were permitted to place private dumpsters on public property. That's wrong. It's fundamentally wrong. We cannot allow that. We are allowing it in one section of town and nowhere else.

I think this will-- I think this is a correct action. I looked at the alternatives, all of them had whole host of problems of their own including expenditures of-- including the loss of parking spaces which are precious. The expenditure of \$10,000 per corral of monies from a parking district whose function is parking not private garbage management.

I would challenge the parking district advisory committee that they are breaching their fiduciary role in advising us as the parking district when they say that we should spend parking district money to solve the private garbage management problems of businessmen who I am

sure are sufficiently ingenious as businessmen, that they talk to each other, make accommodations for shared dumpsters for those who do not have sufficient room or inclination to put it on their own property.

Daily pickup couldn't be arranged if required. Accommodations between neighboring businessmen, some of whom have the space, some who don't. All those things should happen and we have so many serious problems in this town that I don't have enough time to sleep. I cannot assume problems of the private business community. It's not fair to the people and it's not fair to the taxpayers. So I vote yes."

Councilman Densieski: "Mr. Supervisor, may I put forth for one minute, please."

Supervisor Cardinale: "Feel free."

Councilman Densieski: "Thank you. The parking district, which I'm the liaison, was charged with the task of resolving the garbage problem down there. They didn't volunteer-- they didn't ask for it. They were asked to handle it. And the corrals at a cost of about \$3,000-- "

Supervisor Cardinale: "I got an estimate of 10 in my hand. They gave it to me-- "

Councilman Densieski: "Ten was for all three, \$3,000 each."

Supervisor Cardinale: "Three thousand dollars."

Councilman Densieski: "Three thousand each which is about nine."

Councilman Bartunek: "Ten thousand each."

Supervisor Cardinale: "Ten thousand each is what I've got. Not to mention the loss of four parking spaces for each corral."

Councilman Densieski: "Right. But we have right now 50 dumpsters on stalls scattered. We would reduce them down to just several stalls. So I just wanted to make that clarification."

Supervisor Cardinale: "Okay. I understand that. But if people are trespassing on my property, I don't consider it a game that they get off."

Councilman Densieski: "I understand. But giving them no solution in 10 days is not the answer."

Supervisor Cardinale: "Incidentally, I wish we could give them more room- more time. But I've got a July 4th fireworks display, I remember this board knows about down there and I don't want the town of Riverhead to be disgraced."

Councilman Densieski: "I agree with that."

Supervisor Cardinale: "And so we really have to get it done by the 30th. Okay, I voted yes and I appreciate the support on the board."

Barbara Grattan: "The resolution is adopted."

Resolution #596

Councilman Dunleavy: "Accepts offer of sale of real property located in the town of Riverhead purported owner Carl Carter and Karen Carter. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes, I will support this with the understanding that I'm still recommending that this property be sold--resold for agricultural use. So effectively what we're doing with these two properties surrounded by the 4-H camp, hopefully, we are purchasing the development rights. I vote yes."

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

Resolution #597

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the town of Riverhead the section is 108-56, signs. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "It's a little too restrictive for me. I'm going to vote no. It's a temporary sign."

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

Resolution #598

Councilman Densieski: "Adopts a local law amending Chapter 46A entitled Architectural Review of the Riverhead Town Code. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #599

Councilman Bartunek: "Adopts a local law to repeal and replace Chapter 73 entitled Landmarks Preservation of the Riverhead Town Code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #600

Councilman Dunleavy: "Approves Chapter 90 application of Vail Leavitt Music Hall Inc., the Blues Festival. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. And I'd like to remind everyone it's July 8th and July 9th."

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

Resolution #601

Councilwoman Blass: "Approves the Chapter 90 application of Jamesport Fire Department to conduct a fireman's carnival. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilwoman Blass: "Yes. And those dates are July 11th through the 15th."

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

Resolution #602

Councilman Densieski: "Approves the Chapter 90 application of the Church of the Harvest. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #603

Councilman Bartunek: "Approves the Chapter 90 application of East End Arts Council wine press concert series. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #604

Councilman Dunleavy: "Approves the Chapter 90 application of the Polish Town Civic Association. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #605

Councilwoman Blass: "Approves the Chapter 90 application of Old Steeple Community Church. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #606

Councilman Densieski: "Approves the application for fireworks permit of Riverhead Raceway, July 1, 2006. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #607

Councilman Bartunek: "Approves the application of fireworks permit of Wildlife Rescue Center of the Hamptons, Inc. The date is going to be July 4th, downtown Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #608

Councilman Dunleavy: "Approves the application for fireworks permit of Riverhead Raceway August 27, 2006. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #609

Councilwoman Blass: "This amends town board resolution #154 of 2006. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. What's the amendment doing here?"

Supervisor Cardinale: "This is the-- this is the Grimes contract."

Councilman Bartunek: "Right."

Supervisor Cardinale: "We had passed the additional monies but we had never applied them to the contract."

Councilman Bartunek: "Okay."

Supervisor Cardinale: "That's what it does. In April, we passed."

Councilman Bartunek: "Yes, yes."

Supervisor Cardinale: "This is the one that moved it from 25 to 28, yeah, in April. Remember that extra three from the first phase. So this was moved— this was conforming the number to the subsequent bond authorization."

Councilwoman Blass: "Yes."

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

Councilman Densieski: "I wasn't there for the work session discussion so I'm going to abstain."

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

Resolution #610

Councilman Densieski: "Amends Resolution #556 of 2006 which authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Residence Districts schedule of dimensional regulations. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "And this is with the amended date of July 18th instead of June 18th."

Supervisor Cardinale: "That's correct."

Councilman Dunleavy: "Yes."

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

Resolution #611

Councilman Bartunek: "Authorize the town clerk to post and publish public notice for public hearing regarding boundary line

alteration between 201 Howell Avenue and 718 East Main Street So
moved."

Councilman Dunleavy: "And seconded."

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

Resolution #612

Councilman Dunleavy: "Authorizes the town clerk to publish and
post public notice to consider a local law to amend Chapter 108
entitled Zoning of the Riverhead town code, Destination Retail DRC
zoning use district - permitted uses. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. But the correction I realized we
made at work session wasn't incorporated into this. We have to take
out-- I'm sorry, it was."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Yes."

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

Resolution #613

Councilwoman Blass: "Authorizes the town clerk to publish and
post a public notice of public hearing to consider a local law to
amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town
code, 101-8 Weight Limits. So moved."

Councilman Densieski "Second the motion."

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

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

Councilman Densieski: "Yes to the public hearing."

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

Resolution #614

Councilman Densieski: "Authorizes the town clerk to post and publish a public notice of a public hearing to consider a local law for an amendment to the zoning map of the Riverhead town code. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #615

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-20.2 Residence A-80 (RA-80) zoning use district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #616

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law to amend Chapter 101.10 entitled Parking Prohibited and Chapter 101-18 entitled Seasonal Parking Permitted of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #617

Councilman Dunleavy: "Authorize town clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 52-18 penalties for offenses of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #618

Councilwoman Blass: "Authorizes the town clerk to post and publish a public notice for a public hearing regarding a local law to amend Chapter 108-78 Penalties for Offenses of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #619

Councilman Densieski: "Ratify authorization to publish and post a help wanted advertisement for the position of Custodial Worker I. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #620

Councilman Bartunek: "Authorizes the town clerk to post and publish public notice to bidders for the town of Riverhead annual construction contract. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #621

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to bidders for electric motor emergency repair/replacement for use by the Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #622

Councilwoman Blass: "This awards a bid for the municipal solid waste. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #623

Councilman Densieski: "Awards bid on stainless steel material spreaders with liquid calcium chloride dispensing systems. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #624

Councilman Bartunek: "Authorizes submission of application to New York State Department of Transportation for funding under the Transportation Enhancements Program. So moved."

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

Councilwoman Blass: "Oh."

Councilman: "Second. I'll second it."

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

Resolution #625

Barbara Grattan: "Resolution #625 is bills."

Councilman Bartunek: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

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

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

Resolution #626

Barbara Grattan: "Resolution #626 is approves Chapter 90 application of Wildlife Rescue Center of the Hamptons."

Councilwoman Blass: "Okay."

(Some inaudible discussion among the Board members)

Councilwoman Blass: "Approves a Chapter 90 application of Wildlife Rescue Center of the Hamptons. So moved."

Councilman: "Second."

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

Councilwoman Blass: "Chapter 90."

Councilman Bartunek: "626."

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Second."

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

Resolution #627

Barbara Grattan: "Resolution #627, Councilman Dunleavy. Which is authorizes the town clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 108 Zoning Empire Zone of the Riverhead town code."

Councilman Dunleavy: "So moved."

Councilman Densieski: "Second."

Supervisor Cardinale: "Okay. Moved and seconded. Moved, I think by John and seconded by George. Vote please."

Barbara Grattan: "George- "

Supervisor Cardinale: "Eddie, that's fine."

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

Resolution #628

Barbara Grattan: "It's going to be authorizes the Supervisor to execute a letter. Councilman Bartunek."

Councilman Bartunek: "So moved."

Councilman Dunleavy: "Seconded."

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

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

Resolution #629

Barbara Grattan: "646."

Councilwoman Blass: "629."

(Some inaudible discussion)

Barbara Grattan: "Authorizes the Supervisor to execute runway use agreement with South Bay Apparel. Councilwoman Blass."

Councilwoman Blass: "So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Okay."

Barbara Grattan: "That's it."

Supervisor Cardinale: "That concludes the resolutions before us. We'd like to take general comment from the public about anything that's within our area of authority. So if there's any such comment, we'll take it now. Angela, I think you have a comment. She's coming. So we'll take the comment of Angela."

Angela DeVito: "Angela DeVito, South Jamesport. I actually have three things. The first is that on behalf of the Jamesport/South Jamesport Civic Association, I'm here on their behalf today. We would like to know if we could work with whatever department is necessary in the town to create a memorial at the Young Community Center in Jamesport."

(At this time, the CD ended)

Speakers:

Ed Purcell - re housing at EPCAL

Sal Mastropolo - re traffic sign

Meeting adjourned: 4:50 p.m.

Barbara Stratton
Town Clerk