

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 17, 2007, at 7:00 p.m.

Present:

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

Also Present:

Barbara Grattan,
Deputy Town Clerk
Dawn Thomas, Town
Attorney

Supervisor Cardinale: "Okay. We'd like to begin the meeting. It's a few moments over. I would like to begin with the Pledge of Allegiance and I see— Vince is here, my ombudsman, would you lead us, please?"

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

Supervisor Cardinale: "Okay. Yeah, I'd like to move down to the to the depths and invite up some people we'd like to present with some recognition this evening. So let's do that.

George is going to take over to present some well deserved recognition (inaudible) neighborhood civic associations. Go ahead."

Councilman Bartunek: "The reason why these awards are being given out this evening is in recognition of some members of the (inaudible) Civic Association who have been very active in cleaning up the litter in their neighborhood.

On a daily basis, I would drive pass J.T. Blvd. on my way into Riverhead and there are days when J.T. Blvd. had a lot of litter piled alongside the street, and the next day it would all be cleaned up and everything would be placed in bags, and for years, literally, I've

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been saying I've got to find out who these people are and Larry Williams, I met with him a couple weeks ago. He said I know who these people are, I work with them, I'll give you their names. And I was finally able to contact them and ask them to come in for their recognition.

Bernadette is the head of the anti litter- the town anti litter committee and maybe you'd like to say something before we hand out the awards?"

Bernadette: (Inaudible)

This coming Saturday it is Earth Day and we have our usual and it is town approved, in the spring and fall clean up day. We do a lot of clean up. The meeting place is on Jamesport Avenue and the George M. Young Center at 9:00 a.m. to 12:00 noon. And we have- this year we have Boy Scouts and Girl Scouts (inaudible). And we will provide the bags and ultimately we thank the town board for this, the money part. (Inaudible)."

Supervisor Cardinale: "Thank you, Bernadette. Okay. We'd like the individuals (inaudible) awarded this recognition come up. Eugene Robinson and anyone who's here, Jean Hudson, come up, please. Larry and Vicky Williams, Coulia Robinson, Gwen Branch, Junius Atkins, Bernice and Roy Mack and Cheryl Atkins."

Councilman Bartunek: "Folks, come on over. Larry- Vicky, thank you very much, Larry, for giving a list of names, appreciate your efforts. Thank you very much. Ray, thank you. Roy Mack, Mrs. Mack, Bernice, is Bernice here? Okay, Bernice, good work. Thank you very much. Appreciate it you guys. Jean Hudson, Gwen, there you go. Thank you very much, Gwen, thanks for your efforts. Junius, thank you very much, appreciate your efforts. Cheryl, thank you very much, appreciate it."

Supervisor Cardinale: "Could you- all of you come on back up so we can get a picture for the paper. Think what you'll be missing if you don't stay for the meeting, Larry. Yeah, I know, that's why you leave."

And I would like to Board to shake their hands, too. Come on over. George, smile. One more time. Okay, what a mug shot. Thank you. Thank you for your work. And volunteers, too. Volunteers. Thank you.

Bernadette tells us that cleaning up litter reflects pride in your community and that's a good thing.

Okay, yeah, I'd like to begin the meeting but I would think as my Board members have reminded me, I would be remiss not to ask for a moment of silence in light of the tragedy at Virginia Tech which I

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think we've all been following for the last 24 hours. So I'd like to take ten or 15 seconds to reflect on that before we begin the meeting. Thank you.

I would like to start with the approval of the minutes of the town board meeting of April 4th and of the special board meeting of April 12th. Can we have a motion, please to accept those minutes?"

Councilman Densieski: "So moved."

Supervisor Cardinale: "Second?"

Councilman Dunleavy: "Second."

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

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

Supervisor Cardinale: "The Reports, please, Barbara."

REPORTS:

Tax Receiver
Total collections to
date:

\$56,9
67,50
2.59

Supervisor Cardinale: "And Applications, please"

APPLICATIONS:

Special Event
Jedediah Hawkins Inn on
Sept.
2nd, Sept. 13th and Sept. 22nd
for a 4:00 p.m. wedding
ceremony

Jamesport Fire Department
Annual carnival - July 10
- 14

Peconic Bay Medical
Center Garden festival -
May 10-15

Barbara Grattan: "That concludes Application."

Supervisor Cardinale: "And Correspondence, I believe you got one late Correspondence?"

Barbara Grattan: "Yes, I do, which I didn't get a chance to put it on the agenda."

It's from Sheila and Michael Muller, Attention Mr. Phil Cardinale and Town Board Members.

To whom it may concern: Due to the parking situation during the week, we respectfully request that no parking signs be erected in front of our house. The situation has become dangerous and unbearable due to the patients of Dr. Braat's office. Their patients have been parking in front of our house, blocking our driveway and our mail box making it impossible to get mail delivery.

It is a dangerous situation when exiting or entering our driveway and a great inconvenience. The cars line on Shade Tree Lane on both sides of the street and I fear it is an accident waiting to happen.

We appreciate your prompt action in this matter.

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Thank you.

Sincerely, Sheila and Michael Muller."

Supervisor Cardinale: "Okay, thanks. Would that go to Highway safety? Would you make sure that gets there?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "It has to go— I think it has to go to traffic safety."

Supervisor Cardinale: "Yeah. That's what we just asked, that that happen."

Councilman Dunleavy: "Put it on the agenda."

Supervisor Cardinale: "Okay. Yes? Right. We'd have to amend the code, right.

Okay, the— yeah, right. Okay, we would like to note that the public hearings are from 7:05 to 7:20. It is now 7:28 so we can begin the first of them."

Public hearing opened: 7:28 p.m.

Supervisor Cardinale: "Which is a special use permit hearing for Ottoman Enterprises and it's 7:28. I'm going to open it. Bob Kozakiewicz is the attorney for the applicant. Do you want to come up, please?"

Robert Kozakiewicz: "Good evening, Mr. Supervisor, Board Members. Bob Kozakiewicz for Ottomon Enterprises. I wish I were able to proceed forward. However, as I notified the town attorney earlier, the weekend events, the weather, played a little havoc on the sign. Unfortunately as a result I'm unable to hand up to this board an affidavit that it was posted in accordance with the code. We'll need to republish and repost.

I'm here just in case there is anybody who is here to speak either for or against the application and if they are, I'll certainly take a moment to speak to them today. But it will need to be republished and reposted."

Supervisor Cardinale: "Thank you. Okay, so we're going to, I guess, adjourn the hearing for the purpose stated so that they can repost and republish. Do you know when we're going to adjourn it to? We're going to renotice it. Okay. So that means we're going— oh, you

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know what we could do? We could put that on Thursday. Yeah, we have a special Thursday."

Robert Kozakiewicz: "I'd appreciate that."

Supervisor Cardinale: "Okay. That means it will be in next Thursday which will mean— I don't know, what is the next Thursday? Maybe we'll get it on the 1st of May, but certainly the next one."

Robert Kozakiewicz: "Thank you."

Supervisor Cardinale: "Okay. Okay, the next public hearing— I'm going to close— I'm going to keep that open, it's adjourned to a date to be set in the notice. Actually it isn't adjourned, is it? It's going to be closed and then there's going to be a new hearing."

Public hearing closed: 7:30 p.m.

Public hearing opened: 7:30 p.m.

Supervisor Cardinale: "The consideration— the 7:10, we are about to begin a hearing at 7:30 of a proposed local law to add Chapter 20 entitled Tow Trucks. I think before we commence taking any comment, that Ed Densieski had a comment he'd like to make."

Councilman Densieski: "Yeah, thank you, Phil. I did go to the Association meeting yesterday and every single tow truck company that is on the emergency list, either the owner or representative, was there and the consensus was I think almost to 100% in agreement of being opposed to the regulation as being too regulatory.

They don't feel that the— the way the tow truck list is run now there's anything wrong with it. They don't think it's broken, they certainly don't think it needs to be fixed.

The only amendment they'd like to do, and I have this as a work session item for Thursday, Mr. Supervisor, is the fact that outside tow truck companies are still allowed to come in here and take wrecks. We have no idea if these people are qualified. We don't know if they're insured. We don't know anything about them. And it's our own businesses are suffering from that. So we would like to discuss that Thursday.

But the committee, the tow truck association basically is opposed to it because they feel it's over regulatory. And that's pretty much it in a nutshell. Yeah, I agree with them."

Councilman Dunleavy: "Can I— "

Supervisor Cardinale: "Go ahead."

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Councilman Dunleavy: "I have to disagree. The reason this was brought up is because of outside tow companies coming into the town of Riverhead.

I spoke to a couple of tow truck operators today and they have two reasons why they don't like this ordinance. One, they don't want us to regulate the fees and, second, they don't like that the outside tow companies are coming into the town of Riverhead. And basically they were the only two objections that I heard today speaking to these tow truck operators.

So I don't know if they totally don't like it or some of it is— but this is why we have a public hearing tonight, to hear from them and just see what they want."

Supervisor Cardinale: "Okay, the first— did you like to comment? Please come up. That's correct. I want to point out two things, one— and then take the comments.

One, the comments of those that are impacted or regulated by ordinances is always incredibly valuable for us to have. But, two, it was my understanding that this tow truck ordinance actually was— I think yours, too, John, was being considered at the request of the tow truck industry to get a better statute so if that is not the case, that would make an impact on me. Please state your name and make a comment, please."

Joseph W. Brush, Jr.: "My name is Joseph W. Brush, Jr., owner and operator of Fanning & Brush Automotive.

I'll read this."

Supervisor Cardinale: "Please."

Councilman Dunleavy: "Joe, could you bring the mike down a little bit?"

Joseph W. Brush, Jr.: "Sure."

Councilman Dunleavy: "There you go."

Joseph W. Brush, Jr.: "I'm going to call this the end— we'd like to end this "Open Door Policy" and that's basically— the way Ed put it, that's the only item that we have a problem with. I mean the rest of the things that you're talking about, fees and so forth, we've always regulated them on our own and we basically had no problem, so, here goes.

I am hereby requesting that the Riverhead Town Board pass a binding resolution stating that no out of town tow truck owners and

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operators be allowed to respond to a motor vehicle accident in the town of Riverhead.

Motor vehicles involved in motor vehicle accidents in Riverhead town should be towed only by Riverhead town tow trucks and operators back to their respective shops. At that point, the car owner can then request their respective vehicle be towed to another location of their choice, body shop, car dealer, etc.

It is the responsibility of the Riverhead Police Department and the responsibility of Riverhead town to safeguard our roads. It is the police department's obligation to have the road cleared as soon as possible after a motor vehicle accident. Obviously our Riverhead tow truck operators have the best possible response time to any motor vehicle accident in town.

It only makes common sense to have only Riverhead tow trucks clear the road, remove the disabled vehicle, thus minimizing delays and road tie ups.

As I stated before this town board at a meeting approximately nine months ago, our adjoining towns of Southold and Southampton do not allow outside towing vendors to remove vehicles from their roads after a motor vehicle accident.

For the safety of our residents, our policemen, car owners, and our tow truck operators, it is imperative that a binding resolution stating that outside tow truck operators cannot remove a vehicle from a motor vehicle accident in Riverhead.

Other area towns back their tow truck operators - we are Riverhead businesses, we live here, we shop here, we pay taxes here and we expect the Riverhead town board to back us in this endeavor.

As things presently stand, the unjust practice of Riverhead town is hurting the Riverhead tow truck operators and seriously hurting their livelihood.

I am sure, after careful consideration, the need for this important binding resolution will be abundantly clear to all of you.

I am asking that this resolution be passed without delay.

Barbara, I have copies here to hand out."

Councilman Dunleavy: "Thank you, Joe."

Supervisor Cardinale: "Yeah, I would like to get a clarification, Mr. Brush. Could you answer a question?"

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I get what- I understand that you support the concept of restriction on outside tow trucks coming in and delaying us and not being under any particular restrict- we don't know where they're coming from of what they're doing. But I am more intrigued by- what we're having a hearing on is this extended piece of legislation. How many pieces is it, John?"

Councilman Dunleavy: "Sixteen."

Supervisor Cardinale: "Sixteen. Do you- would you just to pass that as it is written or do you- or you only interested in having us pass something to address the issue you just mentioned?"

Joseph W. Brush, Jr.: "Are you speaking about the draft resolution that John passed around? No, that's taboo, that's out."

Supervisor Cardinale: "Oh, you're not supporting that but you are supporting- "

Joe W. Brush, Jr.: "I am not supporting that whatsoever."

Supervisor Cardinale: "So if I was making a scorecard, you say that you do not want us to pass what we're having a public hearing on. You want us to redraft, only addressing that one issue?"

Joe W. Brush, Jr.: "Phil, it's like this. No one ever called us, the operators, to get together and sit down at a meeting and I think John should have got us all together to sit down with you or the town board and let us tell you our side of the story. That never happened."

Supervisor Cardinale: "Okay."

Joe W. Brush, Jr.: "And that's why we're at this impasse right now."

Supervisor Cardinale: "Very good. Thank you. I just wanted to make sure I understood you."

Okay, any other comment, we'd like to take. Yes, please come up. Yes, please state your name and make your comment."

Trisha Burton: "Yes. My name is Trisha Burton. Down, yes. My name is Trisha Burton. And I work with Jet Towing. I have been working on this for a very, very long time. I have given copies of Brookhaven town ordinances, Suffolk County Police Department ordinances, and none of those areas allow us, any Riverhead town towers, to come into their town and we're not allowed to pick up any wrecks, customer request or anything."

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We have gone— and all of us basically in this room that have responded to Brookhaven town accidents, have been told to remove our chains and straps from the accidents and to leave. We've been told that by Suffolk County Police Department.

I have copies of the Brookhaven town ordinance that clearly says that unless you are a Brookhaven town tower, you are not permitted in their town. They're backed by the police department.

Now they also have an ordinance like Mr. Dunleavy has drawn up, and it does have, you know, that you have to have a shop in that town and you have to have a 24 hour manned shop with tow trucks. The reason for that is because people come from other towns, they rent storage in someone's back yard in some other business, put a sign up, but they're still responding from Ronkonkoma or Huntington and what they'll do is they'll tell the police they'll be there in 30 minutes and then it's 60 minutes, it's an hour and a half.

It has happened to us on overturned tractor trailers at the end of the expressway where we were called by Riverhead town, we stood by and the company was coming from Lidenhurst. They told Riverhead police 30 minutes. We stood by one hour and twenty minutes for them to respond, where Riverhead police had to keep that road closed for that additional time while we stood by there.

Now we have numerous heavy duty trucks and we did not get that job. As a matter of fact, the last three heavy duty jobs, we have not gotten out of the town of Riverhead. They've all been taken care of by out of town towers who are not paying the taxes.

Recently, two months ago, there was a stolen Kenworth on River Road. I stood by listening to the scanner and on a stolen truck we were called by Riverhead police. Who's the closest Kenworth dealer? We told them who it is, what the phone number is. We stood by for the impound. It came over the radio, we don't have anything big enough to tow this truck. You know, we pay taxes.

We employ seven Riverhead town residents that pay taxes that vote in this town and I think that Riverhead town business should be kept in Riverhead town. I know that's your motto. Keep the money in the town. Well, that's what we're asking. We're asking that you keep our Riverhead tower money in Riverhead town."

Supervisor Cardinale: "Thank you. And one other clarification. You've read— you've looked at the proposed statute or ordinance?"

Trisha Burton: "Yes."

Supervisor Cardinale: "Do you— there are a number of things that are addressed in that and— "

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Trisha Burton: "There are- that's correct."

Supervisor Cardinale: "And do you support it as written or do you want- "

Trisha Burton: "No. It would have to be changed. It would definitely have to be changed."

Supervisor Cardinale: "Okay. Thank you."

Trisha Burton: "Thank you."

Councilman Dunleavy: "Can you clarify- how many areas do you want changed?"

Trisha Burton: "Well, the pricing- the pricing. All of it, a lot of it, yeah. If you sat down with us, if you came to one of our meetings, we would be able to tell you. We've been very fair. There's not a tower in this town that's out of line with the prices. We all stick together and we all are the same price. You don't get complaints about our towing prices. None of us. As a matter of fact, at 4:00 in the morning when you call us, we're all there. So, you know, we ask that you work with us."

Supervisor Cardinale: "Okay. Thank you very much. Any other comment? Okay, we have another comment coming up. It's not uncommon and I think it's a good practice that after we have an initial public hearing often as for example with the runway rules and regulations which we're going to pass tonight, we go back and we work them again and we speak with those affected and speak with experts in the field and we improve it and we have a second public hearing and then we take action. And that may happen here."

Would you please comment."

James Burton: "My name is James Burton. I'm the owner operator of Jet Towing. I'd just like to say, you know, I think it's a good idea to have an ordinance but it needs to be fine tuned. Pricing- somebody can't regulate our prices if they don't know what it costs to do business. Some of my equipment is over \$150,000 per truck. And I'm watching overturned trucks, truck accidents just being towed out left and right. I'm not even getting a chance."

But basically by letting other towers come in here, they're going to put us out of business between the price of equipment, insurance, fuel, a man to operate a truck, it's very expensive. I've been trained, experienced. This has to be resolved somehow. It really does.

And I'm not voting for the resolution as it stands. We'll have to sit down and figure out something a little bit better, fine tune it maybe."

Councilwoman Blass: "I have a question maybe for the town attorney. You know how we adopt a list of say consultants from which we choose at the beginning of the year. Is it possible for us to adopt a list of tow truck operators within the town of Riverhead and use that as a rotation list for the police department, the way we adopt another- "

Councilman Densieski: "He police department does have a list."

Councilwoman Blass: "So- "

James Burton: "We already have a police list."

Councilwoman Blass: "For purposes of- "

(Some inaudible discussion)

Supervisor Cardinale: "I would suggest in view of this colloquy which I've heard before, that after this hearing tonight, that John, yourself and the members of the regulated industry and the town attorney, Jean Marie Prudenti, sit down and mesh the desires- the requirements of law of which there are several, and the requests of the industry and the public safety considerations if any, and just get a revised statute in front of us for a second public hearing so that we can get passed something. Because I've heard from three or four people and everybody is saying that we want a statute, but we want it amended before it's passed. So we've got to get some input on that."

James Burton: "Well, what we're looking for is we're really just looking to keep the out of town towers from coming and taking money from out pocket left and right. That's what we're looking for."

Supervisor Cardinale: "But I- "

James Burton: "That's what we actually want."

Supervisor Cardinale: "Right."

James Burton: "We want a fair turn on the list without seeing a truck from Yaphank or Rocky Point come in here and just taking our money away."

Supervisor Cardinale: "Understood."

James Burton: "You know, and that's, you know, it's common sense. You stand there and watch the stuff that goes on. This is

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what goes on. We hear it, we see it all day long. And I'm personally the man that's in a heavy duty truck that goes to Brookhaven town, I get called by my customers, I go there, pull up there, and I'll have a police officer stand there, telling me you can't take this, you're not on the Brookhaven town list. I don't- when I don't have that benefit of when I have an overturned truck here, of somebody saying, no, you can't do it, you're not on this list. I stand there and look like a dope because I can't tow the truck (inaudible) owner's request. We'll wait the half hour, forty-five minutes.

If anybody has any idea what it takes to sit there on the side of the road with a heavy duty truck while I'm losing other work, waiting there, and I get no help from anybody at all. And it's not against anybody's laws because Brookhaven town has it.

Supervisor Cardinale: "This ordinance would address that issue."

Councilman Dunleavy: "Yes."

James Burton: "Not unless that ordinance said no out of town towers."

Supervisor Cardinale: "Does this ordinance address the issue?"

James Burton: "No, no."

Supervisor Cardinale: "So this ordinance doesn't do what you want to be done and does a lot of things you don't want to get done?"

Councilman Dunleavy: "In the ordinance- "

James Burton: "Mr. Dunleavy has a copy of- we gave him a page of the Brookhaven town exactly what it says. They're protected. They're tow companies in Brookhaven town and Suffolk County as a whole are protected. They are protected by their ordinance."

Supervisor Cardinale: "Why don't we just copy Brookhaven's ordinance and be done."

Councilman Dunleavy: "Phil, the problem is the town attorney's office has - went over this and there's some legal restraints that we can't do that. We tried to by having a holding yard, that they have to have a hold yard in the town of Riverhead and that was a way, you know, we could do the legal restraints. But that doesn't satisfy Jim either."

James Burton: "No. Because it doesn't work. What good is it to have a hold yard where some man can come out here from another town and rent a piece of dirt from somebody, throw his shingle out front,

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okay, I'm in the tow business out here. Meanwhile his truck is registered in Syosset or wherever and he just comes out here and grabs the tow and makes all his money.

We're the laughingstock out here, the towing business. We're the laughingstock. People come out, this is the promises land out here, it really is. No regulations, no nothing. They just come here, take it and go."

Councilman Dunleavy: "I agree with Phil."

James Burton: "They don't buy lunch, they don't donate to their politicians, they don't come down to the police department, sponsor a gold hole, that's all of your local businesses doing that. The local businesses are getting put out of business because these other companies are coming in here.

You don't know what kind of insurance- Eddie brought that up before. You don't know if they're insured. What kind of equipment have they got? Who's regulating them? Nobody knows. Come here and do it. What are you waiting for somebody to get killed?"

Councilman Dunleavy: "Well, this is what this ordinance was going to do was give everybody a medallion and make sure that they had insurance and they're properly trained and that they're equipped."

James Burton: "You have to be properly insured to even get tow truck plates. You can't get tow truck plates unless you are heavily insured."

Councilman Dunleavy: "Well, then Ed's argument about insurance is nil."

Councilman Densieski: "We don't know if the companies coming from outside have insurance."

James Burton: "Anybody- you can go out and get tow truck plates and get \$300,000 worth of liability. What's \$300,000 cover when one of your cables or a (inaudible) explodes and goes through somebody's windshield and kills somebody driving down the road. What's your \$300,000 worth then? What's it worth? Absolutely nothing.

So you've got some clown coming in here that doesn't have a reputation with the town. When the police department calls me, I've got a reputation. They know what I can do. I've proved myself.

Now I want the town board and the police department to get on the same page with me before I'm out of business. I won't stand and rant and rave anymore but I'm kind of excited about this.

Thank you for your time."

Carol Brush: "I'm Carol Brush, Jo's wife. My only comment was with all the red tape, the paperwork, the investigations, the legal fees, our town attorneys, we don't need all that baloney. We did not ask for this. All we would like is just a simple statement, a simple resolution. We don't need any more red tape.

The more things that you have and ordinances that you have, the more little legal loopholes that everybody has to jump through, including you people and us. And we are Riverhead taxpayers, we're paying your salary. You are working for us. You should do right by the owners of Riverhead businesses. And I feel very strongly about that because we're keeping you here and by the same token you should be helping the Riverhead business people.

Out of town towers do nothing and they hurt us. That's all I have to say."

Supervisor Cardinale: "Thank you. Any other- we would like to take any other comment that you'd like to make."

Tom Gallo: "My name is Tom Gallo. I'm co-owner of Fred G. Gallo Used Auto Parts. I agree with everybody. Certain things, if it did go in effect, would definitely have to be revised.

One issue I have is with the prices. We are doing a service for the town. How can the town regulate the price when we are doing a service for the town? There is not- there's probably not a company or outside business doing a service for the town that the prices are regulated. You know, which is a big issue.

Every accident is different. You know. John, if you get into an accident, it could be one thing. I could go to you, Eddie, get called on a list, go to an accident, it could be a total different (inaudible). I went to an accident early Sunday morning, it looked like a bomb exploded on Middle Road. How do you judge, well, gee, looking on paper, I'm going to put a no clean up fee, I'm going to do this, this and this, when every one is different, you know.

A lot of the situations and a lot of the anger that comes from a lot of tow companies is there's a lot of confusion when we're called or how about we became to being called. I think if we all sit down, the town board members, tow companies, and also get somebody from the PD because there have been problems with dispatchers calling or vice versa, whatever it may be. Get everybody there, get everybody on the same page and it's a pretty easy fix. That's pretty much it."

Councilman Dunleavy: "Thank you, Tom."

Supervisor Cardinale: "Thank you. Any other- Is there any other comment, I'd like to hear it on this hearing. If there is not, I'm going to leave it open for 10 days to allow written material to be submitted. That would mean Friday, the let's see, the 27th.

I would reiterate my suggestion that what the statute needs or the ordinance suggested needs is input from the industry regulated and that has to be filtered through the presence of the town attorney, Prudenti is working with you to get it right so we can have a subsequent hearing and do what has been requested.

I am going to close the hearing for purposes of verbal testimony at 7:52."

Public hearing closed: 7:52 p.m.
Left open for 10 days for written comment
to April 27, 2007

Public hearing opened: 7:52 p.m.

Supervisor Cardinale: "And open the third hearing scheduled for 7:15 which is for consideration of a local law to amend 108-3 definitions in the Long Island Industrial C zone- the LI Industrial C zone Uses, and I believe what this does is adds a use of motor coach terminal in the area of Edwards Avenue west side, which is defined as a use of land, building or structures upon a parcel which supply and support motor coach services to patrons which may have principal or accessory uses, structures and improvements thereon including but not limited to administrative offices, waiting rooms, restroom facilities, outdoor coach storage, parking, maintenance, repair, washing, fuel island, fuel storage facilities, parking for patrons and employees.

This is on the west side of Edwards Avenue and covers a piece of property which is a proposed Hampton Jitney site. Please, first comment."

Theodore Sklar: "Good evening, Mr. Supervisor and members of the Town Council. My name is Theodore Sklar. I'm an attorney with Esseks, Hefter and Angel, 108 East Main Street in Riverhead and we represent Hampton Jitney.

Hampton Jitney supports this proposed amendment to the zoning district. It presents a unique opportunity to Hampton Jitney to expand and to locate part of its business in the town of Riverhead.

Jeff Lynch, the president of Hampton Jitney, is here. He'd like to offer his comments in support of the proposed amendment and answer any questions the council may have. Thank you."

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Jeff Lynch: "Good evening. I'm Jeff Lynch, president of Hampton Jitney. We are in favor of the amendment to the zoning law concerning the definition of industrial C and if passed our company would definitely seek to expand operations in the town of Riverhead.

We have recently added Riverhead and the north fork to our scheduled motorcoach service to and from New York City and we feel the town of Riverhead itself would be a great location to provide enhanced public transportation to the entire east end community.

If you have any questions concerning what we are seeking to do, I'd be happy to answer them. Thanks for your consideration."

Supervisor Cardinale: "Rick, how fortuitous for you to arrive at this moment. Our planning director. You don't have to do it now but what I'd like to see on this before we— after the public hearing, is the uses that are included in the definition of motor coach terminal, how do they compare— I think one of the oddities of this is that we're looking to place it on the west side but on the east side it would be permitted as it is now, I'd like to know if there are any uses included here that would not be permitted on the other side.

In the definition, you know, the uses, is there anything that would not be permitted right across the street because I think across the street is Industrial A and this would be Industrial C and we would be adding this use to Industrial C with a specified including but not limited to. I'd like to know if we'd be permitting anything that would not be permitted across the street. All right."

Rick Hanley: (Inaudible)

Supervisor Cardinale: "Anyone on the board have a question for the— "

Jeff Lynch: "Jeff."

Supervisor Cardinale: "-- Jeff."

Supervisor Cardinale: "If not, I'd like to thank the attorney and owner for presentation and ask if the public has any comment on this proposal. I know, Ann, we have received your letter and I know you'd like to speak so please go ahead."

Ann Miloski: "My name is Ann Miloski and I live in Calverton for the last 59 years.

At this time, I would like to voice my opposition to this amendment. I would like to suggest you give more thought to the special permitted uses in Industrial C and in particularly to the

addition of motor coach terminal. In my opinion we should study the zoning of all Industrial C in Riverhead town and see what effect it would have. Perhaps motor coach terminal should stand by itself as transportation destination in a certain area.

In any rate, I think we are moving too fast with this amendment and should do more studying. There may be a more appropriate area designated for this to work out.

And I see that they want to do it on Edwards Avenue. Well at this time, it's very dangerous on 25 and Edwards Avenue for any bus to be turning around. And not only is it Hampton Jitney going to be there but there will cars going there to park to go on the Hampton Jitney so the traffic would really be horrendous for this time on 25 and Edwards Avenue. Thank you."

Supervisor Cardinale: "Thank you. Is there any other comment that any one would like to make at this time about this proposal? If not, I'm going to note it's 8:00 and close it for verbal testimony and keep it open for written testimony through April 27th- is it the 27th- yeah, I guess it is."

Public hearing closed: 8:00 p.m.
Left open for 10 days for written
comment until April 27, 2007

Public hearing opened: 8:00 p.m.

Supervisor Cardinale: "We have a final hearing this evening which is the consideration of certain structures as Chapter 73, the Fletcher Booker Homestead on Northville Turnpike. This is actually a joint meeting of the Landmark Committee and the town board to consider a proposed designation of the Fletcher Booker Homestead.

Richard Wines, the Chair of that committee and my neighbor is here. You want to come on up? We can invite you to join us. You could sit in the witness seat and tell us what this is about because- oh yeah, in fact, why don't you sit with the mike because there isn't any mike over there."

Richard Wines: "Thank you, Phil- "

Supervisor Cardinale: "Sure."

Richard Wines: "-- and Members of the Town Board. I'm sorry to take your seat, Dawn. This is a joint hearing with the Landmarks Preservation Commission and in the back row are three other members of the Landmarks Preservation Commission, Vince (inaudible), Peter Lucas and Nancy Gilbert.

I'd just like to say briefly before we hear comments from the public that the commission is very pleased to be proposing the nomination of the Fletcher Booker homestead on Northville Turnpike. It's a town landmark.

We're a town of immigrants. Certainly immigrants came in the 17th century from England and they've been honored by all kinds of landmarks in the town. Other immigrants came in the 19th century from Ireland and from Germany and then in the early 20th century from Poland and from eastern Europe and they all have landmarks in the town.

But there's another important group of immigrants. These were children and grandchildren of slaves that came to this town in the first few decades of the 20th century. Most of them came from Virginia. In fact a remarkably large number of them came from one little area of Virginia around Cumberland County and Fletcher Booker was a leader in that group. He was one of the early migrants, he helped others come and he helped organize the First Baptist Church which is the centerpiece of the community of those migrants from Virginia. He was clearly a remarkable person. He was able to acquire property and like most of these migrants he came as a laborer but was able to acquire property and then in the height of the depression was able to acquire a farm, a failed farm I have to say and make it profitable.

And then even more remarkable he took that farm and used that to help his fellow immigrants from Virginia move up into the middle class by dividing off house lots the essential thing and this is the time when Riverhead's African American citizens found it hard to buy property and especially hard to buy property in a nice neighborhood.

So Fletcher Booker played a very important role in helping that community which has now of course become one of the critical elements of Riverhead's middle class, Riverhead's professional class and certainly leading citizens of the town.

So I just want to say again that on the Commission we are delighted to be able to consider the designation of the Booker house as a town landmark.

Now if there are any members of the public who would like to speak, we would certainly like to hear from them."

Supervisor Cardinale: "Yes."

Bob Brown: "Good evening. Bob Brown, Riverhead. I brought this proposal to Peter Lucas a year ago and I've got to say that I was pleasantly surprised because I felt like the guy who had to drop his shoulder and run into a door to break it open and then as soon as he

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gets there, somebody opens it from the other side. Because I really came here thinking there would be a lot of opposition but I was warmed, I was thrilled the way that Peter accepted this proposal and what kicked it off was several years ago, I was watching television and there was a documentary on Riverhead.

I think it was done by Judge Stark a few years ago and there was no- absolutely no mention of the Afro-American community in that documentary. And I was thinking that, you know, with the Long Island ducks and the Long Island potatoes, I mean those things came through fruition through the backs of the migrants. And I really think that- I really thought that there should have been something positive coming out of the Afro American community that we could point to and take pride in.

And certainly Mr. Booker is one of the icons in that area. I mean he was- he broke down his property to- into lots when a lot of minorities could not even get inside a bank let alone get a loan. And I fully support this. I think this is a great idea and thank you, Richard, for your support."

Richard Wines: "Thank you, Mr. Brown, for bringing it to the Commission's attention."

Supervisor Cardinale: "Thank you."

Cynthia Richardson: "Good evening. I'm Cynthia Richardson with the Urban League of Long Island. I, too, am excited about this project. I've known Ms. Joynes since 1969- I'm getting old, and I think we did a Black History event at Riverhead library and I was impressed with all the information I gathered from people in the community.

We are a diverse community. We- all of us have so much to offer from our culture. In fact, the Riverhead Library has asked that for Thanksgiving we contribute a piece from all the races of Riverhead, to say that we are thankful for making Riverhead a successful community it is.

I support all of you and I hope this project goes through. What a history for our kids in Riverhead. I would love to see our students be brought there and educated on all the many possible things that our community can bring all the races."

Supervisor Cardinale: "Thank you."

Richard Wines: "Thank you."

Supervisor Cardinale: "Is there any other comment in regard to this? Oh, Carol Joynes whose father was Mr. Booker, right?"

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Carol Joynes: "Mr. Cardinale and Supervisor and the rest of this town board. I am pleased and honored to have the consideration made for the designation of my father's, Fletcher Booker, homestead. I forgot to mention, my name is Carol Booker Joynes and this is my brother, Raymond Booker.

There were eight of us, my father, children, five are living. My oldest sister who lives in Riverhead due to illness and aging was unable to attend this evening but my brother and I still live here and I must say it's been in the upper 80's that we have lived here, supported this town. My oldest sister was in the service and we are pleased that you are honoring us with this designation.

The only thing I'd like to state is that on the address is 1185 and not 11895 Northville Turnpike, and I thank you so much."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Richard Wines: "Thank you very much."

Supervisor Cardinale: "Okay, is there any other comment in regard to this matter? Yeah, we want to acknowledge the presence in the audience of the Commission members, Richard, so can you tell us who's here?"

Richard Wines: (Inaudible)

Supervisor Cardinale: "Well, welcome and thank you for coming. I'll take the opportunity to also point out that Bill Welch who will seen be my executive assistant on May 7th is here. Bill, say hello. And thank you for coming, getting the lay of the land.

If there's no further comment, we will close at 8:10 this hearing and give the town attorney back her seat."

Public hearing closed: 8:10 p.m.

Supervisor Cardinale: "And move to the next portion of the meeting which is public comment on the 44 resolutions we're going to consider this evening. And I would like to take Sal's comments first because he might be helpful in getting our text more correct."

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution 338, make a suggestion on that last Resolve."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "You should establish a fine schedule, okay, rather than leave it up to the discretion of the town attorney. That way nobody can- "

(At this time the CD ended)

Sal Mastropolo: "Correct the date."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "344. The first question is, is that position in the budget?"

Supervisor Cardinale: "I believe it is. They made me put it in. We've been talking about hiring this guy for the GAF system forever. I didn't think it was going to happen either but aren't we glad we put it in the budget because it actually is going to happen."

Sal Mastropolo: "Okay. The next question is, I mean, should it be the engineering department or should it be the computer services department?"

Supervisor Cardinale: "We studied that. That's a good question. I think Barbara was working on this. We decided that he works best out of engineering which is not far from- it's right down- it's right in the same building."

Sal Mastropolo: "Okay, last question. Is it a technical position or is it a management position? Supervisor to me (inaudible) management. I mean you already have an engineering supervisor and you have a computer supervisor."

Supervisor Cardinale: "We got- I'll let Barbara take that if you'd like, but we got it through the civil service so I guess they believe it's the correct title. We had a lot of discussion on this title but- "

Councilwoman Blass: "We had two titles available to us, coordinator or supervisor. Those were the two that were available (inaudible) on the supervisor's list."

Sal Mastropolo: "Let me ask it a different way. Are you going to expect him to supervise the situation or are you going to expect him to understand the technical aspects of it and get the job done?"

Councilwoman Blass: "Both."

Sal Mastropolo: "Okay."

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Councilwoman Blass: "And part of his salary is being paid by grant I might add."

Sal Mastropolo: "354, add a date. And on the same resolution, is it the town's intention to not have any regulations at all for any farmstand that's less than 100 square feet?"

Councilman Bartunek: "Sal, what was the question?"

Supervisor Cardinale: "Less than 100. Is that acceptable regulation?"

Councilman Bartunek: "That's correct."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "So you don't care about all those small stands that are out there?"

Supervisor Cardinale: "Well, we're not concerned about- first of all this is the first in- eventually we're going to have an agratourism ordinance. But this is only addressing those farmstands in regard to ingress/egress and parking and those don't seem to have the same problem as the larger ones. You know, the small ones where you pick up the flowers and the tomatoes. We're not worried about those at the moment."

Sal Mastropolo: "Yeah, but sometimes those are the ones that have the cars out on the roadway."

Supervisor Cardinale: "Yeah, it's an argument but they excluded the 100 because they felt they were small enough that the parking- the ingress and egress were not serious problems."

Sal Mastropolo: "Okay. Resolution 357. Correct the date in the first Resolve. You probably- it probably should read April 26th issue of the News Review, not the April 12th issue."

Supervisor Cardinale: "Yes. Unless we're ratifying. No, it's April 12th because we're ratifying what was done already. We ran the ad already so that we could move it along."

Sal Mastropolo: "Okay. 365."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I really don't understand the reason for a public hearing on this. I mean all you're going to do is get all of the people from Riverside Drive out to complain about the gas station when it's not their decision as to whether it should or shouldn't be

there. It sounds to me like it should be a legal issue decided by the court or by the town as to whether they followed the rules or didn't."

Supervisor Cardinale: "I'm glad to see somebody pays attention. There is something to be said for that. However, we're in a novel area of law and we're locked in step with the county of this and the thought was from the legal department that rather err on the side of having a hearing than not having a hearing because it's unclear whether the law requires such a hearing and in this situation before you do the balancing under the Monroe case as to whether the county needed to seek the town's permissions or permits. So it's a close call but the legal department suggested we have it, that's why we're having it."

But I do agree. I'm not looking forward to that because I've heard it all- "

Sal Mastropolo: "It's going to be a late night that night."

Supervisor Cardinale: "That's why we started the litigation because we were as annoyed as they were at the situation."

Sal Mastropolo: "Okay, 378. I have an issue with no fee for this, the fee being waived for not for profit. This is a private party. It's a private affair."

Supervisor Cardinale: "Yeah, we're going to pull that one. You're absolutely right. Yeah, the wedding party is not Chapter 90 material."

Sal Mastropolo: "That's it. Thank you."

Supervisor Cardinale: "Thank you. And, okay, we have 44 resolutions we're about to consider. If there is comment from anyone in regard to any one of those resolutions, we'd like to hear it."

Tom Walsh: "How do you do? Good evening, Members of the Council, my name is Tom Walsh. I'm an attorney representing the Associated Builders and Contractors and I want to speak regarding Resolution #372."

Just to refresh your recollection, 372 is a proposed bill that would require that construction of all structures- commercial structures in excess of 100,000 square feet, that every- in order to be granted a- issued a building permit, the developer or the general contractor must certify that every contractor who will set foot on the premises during the entire course of the construction shall at the very least have access to a New York State registered apprenticeship program which this on its face sounds terrific, but in reality, it's

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extremely anti-competitive and truly will not keep the money in the town but will send the money out of the town.

I'll tell you why. Number one, there are very few, if any, contractors within the town of Riverhead who actually have an apprenticeship program. Generally speaking, the manner in which most contractors have access to an apprenticeship program, is if they sign on with the local trade union. There are to my knowledge no specific apprenticeship programs housed within the town of Riverhead.

As we know, union construction tends to be more expensive, considerably more expensive. Also, as we know, less than 20% of construction employees are members of unions and that goes for the town of Riverhead as well.

So in essence what this law would do if enacted, it would require that most of the employers if not all of the employers within the town of Riverhead in that industry, not work on those projects. This would deny jobs to local residents and it would be sending the money, you know, out of the town to quote another member of the public who spoke earlier.

Now, it's a bad idea because it is contrary to proper development, it's contrary to the commercial development of areas within the town.

There are also legal reasons why there are problems with this and I've addressed the counsel on this in the last couple of years the first time that this came up. The— to my knowledge, there's only one other town that has an ordinance like this and back in July of 2005, Mr. Cardinale, you asked me if this bill would be unlawful, why does the town of Huntington have it, how come that hasn't been challenged?

At that time, the contractor community was virtually unaware that the town of Huntington had that law, had just passed it. I can better answer that question now. What had happened in the town of Huntington is the law was passed and the developer community did not know about it. Lo and behold, shortly after you and I spoke about the subject, a developer was caught on this statute and was essentially required by the town to revamp his plans and continue building the structure using 100% union labor.

As a result, his costs escalated in the seven figures for this one structure. PS, what had happened after that, well, there hasn't been any legal challenge to it and I'll tell you why there hasn't been any legal challenge. I've been in discussion with quite a few developers and the reason is as follows: rather than fight it, they made another decision. They just don't build anything in Huntington of that size.

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And I don't think that's the type of message that you want to send to the town of Riverhead. To my knowledge, there hasn't been a single proposal for a large commercial structure that would be covered by this law within the town of Huntington since that one issue came up in late 2005 early 2006.

For all of the foregoing reasons, I think this is a very bad idea and it's wrong for the town of Riverhead.

Thank you."

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

Tom Ferris: "Yeah, my name is Tom Ferris of Riverhead. I also happen to be a business agent for the carpenter's union Local 7. I live in this town. I wanted to talk a little bit- I'm also a past instructor for our apprenticeship program.

My grandfather, father and me were also teachers in the apprenticeship program. I'm very proud of our apprenticeship school. Phil and I toured it, I personally toured Phil with it, I invite any one of the rest of the board members who would like to see our apprenticeship school.

In my opinion, the ABC or anybody else cannot compare to the training we give people. This is an issue about safety, this is about quality work, this is about giving education to people who maybe couldn't go to college, maybe didn't have the opportunity and can get involved in the apprenticeship program.

The threshold of 100,000 square feet I thought it was large enough. I wasn't going to stand here in front of many of my friends and people that I know in this town and try to push something that I didn't think was feasible.

I'm pushing something that I believe in because I thought that at that threshold, at that big a job, those larger things require that kind of training and stuff. I'm not looking to hurt the contractors in Riverhead who have been doing the jobs around here probably very adequately I'm sure or else they wouldn't keep doing it. Don't want to hurt any of those people.

These are projects, you're talking 100,000 square feet, very, very, very large projects and we want to make sure that the people on those projects are trained, safe and doing things right.

It is also pointed out with the apprenticeship program that there are more non-union apprenticeship programs because they very painted it clearly that it's a union issue. It's always going to be a union issue when you're talking apprenticeship program. But there are more

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non-union apprenticeship programs in the state of New York approved than union.

Thank you."

Supervisor Cardinale: "Thank you. Yes, Bob, want to come up?"

Bob Panchek: "Bob Panchek, Reeves Park. I think the whole point of this is that it has no benefit to the town of Riverhead and to the people that live here. We had the tow truck operators today, it's the same situation. There are no union contractors in the town of Riverhead and what you're doing is you're excluding all the people that live here. All the contractors that are non-union that live here, you're going to exclude them and not let them work in their own town."

Supervisor Cardinale: "Thank you, Bob. Okay, would you come up, please."

Todd Panzer: "Tod Panzer, I'm a member of ABC Association. Also, I'm a chairperson."

Supervisor Cardinale: "What does ABC stand for again?"

Todd Panzer: "Associated Builders and Contractors, Inc."

Supervisor Cardinale: "Okay, thank you."

Todd Panzer: "And I'm also a land developer and I know that passing this ordinance, this law, is going to hurt Riverhead instead of help Riverhead because now the people that have to do this type of work have to be affiliated with a union, are going to have to come from outside of Riverhead to do the work and it's going to limit the people here and take the jobs away from the local business people."

Supervisor Cardinale: "Thank you."

Todd Panzer: "Thank you."

Supervisor Cardinale: "I have a question for the gentleman, the attorney for the ABC."

Tom Walsh: "Yes, sir."

Supervisor Cardinale: "We have discussed this as you know and before the initial public hearing we had a work session discussing it, we had a public hearing, we've discussed it at length. The only reason it's on really is because it's been hanging so long. It will be voted on tonight.

But the ABC, do they have an apprenticeship program?"

Tom Walsh: "No."

Supervisor Cardinale: "Under the law— let me just preface that. Under the law that was passed in Albany, which was passed some years back I think in the early 2000, the apprenticeship programs need not be run by unions and, in fact, the apprenticeship programs, there are more of them run by other than unions than there are by unions."

Tom Walsh: "Right. I can explain— "

Supervisor Cardinale: "So I don't think that's a union, non-union issue."

Tom Walsh: "Here is the issue. The issue is that when a union operates an apprenticeship program, every single contractor that's a signatory to that union contract contributes a certain amount of money into a union fund to operate the program. The union then operates the program itself independently. The contractors have no obligation to use the apprentices, actually do any training. They just out source if you will all those obligations, you know, to this union arrangement. Which is fine, there's nothing wrong with that."

Supervisor Cardinale: "Right."

Tom Walsh: "If an individual non-union contractor wants to have an apprenticeship program, the state Department of Labor says okay, fine, these are the hurdles you must leap through or leap over in order to do that. You must have a training facility, you must invest in a training facility, in the equipment necessary. You must make sure that there's classroom instruction available which is not always easy to obtain, and you also have to make sure that you keep all your paperwork straight, which can be, you know, white cumbersome."

So there's a lot of effort and expense involved in that. Let me put it this way. A small contractor, really it's not feasible for a small contractor."

Supervisor Cardinale: "Right."

Tom Walsh: "Only for the largest non-union contractor is it feasible and even still it's quite a burden and it's not that easy to accomplish to get. So, yes, if you talk about the relatively small number of unions that are existing in the building trades in New York state and each one of them has their own apprenticeship program as compared to the vast number of contractors working in New York state, I really am not going to contest what the gentleman said. I really have no knowledge whether there are more union than non-union, but in reality when you're talking about apprenticeship programs, for all

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intents and purposes, you're really talking about union apprenticeship programs.

And the purpose of bills like this is essentially to create on private work mind you, not public work, to create a union only model."

Supervisor Cardinale: "Well, that certainly isn't the intention in this town but let me ask you, again, as I did in 2004, if the legislation at the state level permitted anyone, not just unions to form apprenticeship programs for the good that can come of them, and there have, in fact, been more than half that are non-union, why hasn't ABC, Association of Builders and Contractors, created such an apprentice program so that their people could participate in the good things that they can bring?"

Tom Walsh: "And that's a good question and I'll explain why. Because the Associated Builders and Contractors is an industry association of employers. It's not arranged like a labor union and it's not quite that simple.

It is— any apprenticeship program must be vetted through the New York State Department of Labor and there's a lot of scrutiny that's put into that. The New York— the ABC has not developed itself to the point where it's even feasible to have as wide a spread of program as the unions have.

The unions have been doing this, the apprenticeship business, for a great many years. And all kudos for their apprenticeship program. This is not about the quality of the programs at all.

ABC really is not equipped to do that on this level."

Supervisor Cardinale: "And has chosen for the last some years not to equip itself."

Tom Walsh: "It's not a unilateral decision, sir."

Supervisor Cardinale: "Well, it just strikes me as odd that over the years since the legislation was passed, that instead of getting with the program and getting involved with an apprenticeship program for the good things that we all acknowledge it brings, you haven't and yet you criticize the unions that have expended a good deal of money in their programs."

Tom Walsh: "We're not criticizing apprenticeship programs but I want to correct a point that you're making. ABC bends over backwards to support its members where appropriate to get apprenticeship programs through the state of New York. And, again, not an easy proposition and not even feasible for a lot of ABC members.

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ABC can't just set up shop and say, okay, we're running an apprenticeship program, anybody can just jump into it. It's not that simple. You have to have critical mass for instructors, for participants, for equipment, for training centers, and you have to have that in every single trade. And we're talking about approximately, correct me if I'm wrong, 56 apprenticeship trades throughout the entire area.

You can't just have a training center in Syracuse for carpentry. You have to have one everywhere. And that takes an awful lot to do. So even if they were motivated— well, they are motivated, even if they put all their energies to it, it just wouldn't be possible to accomplish in a generation."

Supervisor Cardinale: "So what you're saying in effect is that the only ones that have really put these programs together are the larger contractors and the unions."

Tom Walsh: "Well, yes."

Supervisor Cardinale: "And the obvious entity to put together such a program for the smaller contractors would be the ABC. Would it not?"

Tom Walsh: "You know, and I'm not going to tell you that that is not under consideration or even some effort in particular trades, not every trade, remember, you're building a structure. You've got electricians, you've got carpenters, you've got masons, you've got landscapers, you've got all sorts of trades implicated there."

The ABC would have to have enough membership interested in participating in this, in every one of these trades throughout the state, a daunting task."

Supervisor Cardinale: "And they wouldn't have that interest until the legislation were passed in each municipality requiring apprenticeship. You see what's happening is that the apprenticeship concept is being stopped in its tracks because, you're right, the legislation apparently doesn't work at the small contractor level because there's no organizing entity. So the unions in effect are the organizing entity by default. Unless you are a big contractor, that's your only game. It strikes me that you could help that by becoming the other game."

Tom Walsh: "Well, I don't want to misrepresent my client, but I will tell you that they are working on that but they can't possibly do that everywhere in every trade."

Supervisor Cardinale: "I can appreciate that, yeah. Thank you."

Councilman Densieski: "Mr. Walsh, I have a question for you."

Tom Walsh: "Yes, sir."

Councilman Densieski: "Are you going back up, Tom. I had a question for both of you. In both of your opinions, is this law legal?"

Tom Walsh: "In my opinion, it's absolutely not legal. It's not legal because there's a state standard for issuing building permits, there's a statewide statute on that. This brings in criteria that's not germane to that and also it implicates possible preemption by the National Labor Relations Act and there are a number of other issues.

New York state does permit this very thing for public work, for public work. That's different. This is private work."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "Okay, would you please come up, Mrs. Panchek."

Pat Panchek: "Hi. My name is Pat Panchek. And I do have a comment to make about what he just said. If I have a union company and I want to go on a job, I do not have to have an apprentice- "

Supervisor Cardinale: "Because they have a program."

Pat Panchek: "-- right, I don't have to have an apprentice. If I want to go on a job, I have to have an apprentice in every field. I personally have to have one and I personally have to apply to New York state for each and every person and each and every category. A union company does not have to do that. ABC does have programs that I have somebody in and I have somebody else that I've applied to put in and I am a small contractor and my paperwork is being processed. But I have to have- and when that man is finished going through is three year program, I have to fire him or I don't have enough people to put in the program again.

So just because the program is available through ABC to me, if I don't apply myself, my own company, I can't work on that job. And that's wrong because you're preventing me from working. And if a private company comes into the town of Riverhead and wants to build a building, nobody has the right to tell him who he has to hire and that's what you're doing."

Supervisor Cardinale: "Okay."

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Pat Panchek: "It all seems fine and good, why don't you just start an apprenticeship program. But the law is not written that way. So just because I'm a member of ABC and they operate a program and they run a labor program, doesn't mean that as a member it's okay then, I don't have to go somewhere— I can't go to ABC and say I need somebody today. A union guy can say that. And people are just as well trained by someone else as they are in an apprenticeship program."

Supervisor Cardinale: "Okay."

Bob Panchek: "Can I have one second?"

Supervisor Cardinale: "Sure."

Tom Walsh: "I just want to be very clear that ABC doesn't really have a program. ABC works with contractors to get their own programs. ABC can provide them with the support that the contractor that just came up here can use to get their own program, but is not running the program. And when the lady just referred to, I can't call ABC and get someone, it's not like there's a bank of apprentices like at a union hall. ABC doesn't— would never under any circumstances operate that. It couldn't. It's not structured to operate that way."

The apprentices remain to be the full time employees of the individual ABC members who have worked hard enough and are fortunate enough to have gotten the apprenticeship program through the state of New York. They are completely responsible for the continued employment— they, that contractor, are responsible for the continued employment and training for that particular employee.

Whereas in the union environment, in the union structure, model, all an employer has to do is sign a contract and send a check to the union and then they can say they have an apprenticeship program even though they may not lift a finger to actually train people."

Supervisor Cardinale: "The larger association of contractors— the larger contracting entities have more apprenticeship programs than the unions do but you just said to me that it doesn't work for the smaller contractors but the larger ones have created apprenticeship programs. It strikes me that an association of the smaller contractors could also under that same model create an apprenticeship program if they wanted to obtain what we all agree are the positive effects of an apprenticeship program as to education, safety, and career development for young people."

Tom Walsh: "A monumental task, but I don't deny that it would be a worthy objective. Whether it would be actually feasible to come to pass on a universal level, I have my doubts."

One other thing too the young lady who just spoke, I want to underscore this. Apprenticeship is great and it's terrific and it is a great alternative for higher education for some people. Of course. And more should avail themselves of it, it's a terrific opportunity. But it's not the only way to learn how to be a safe contractor or to learn how to be a safe construction worker. There are other ways. But frankly that's getting aside from what this issue really is. Thank you."

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

Bob Panchek: "I'd just like to clarify one point. My son is a paver so he has two operators, a paver operator and a roller operator. He has experience, he doesn't qualify as an apprentice. So we hire a guy who's the roller operator. He's in the process of his last semester at the ABC apprenticeship program school. Okay. He's going to graduate, hopefully, we send all the paperwork to the department of labor, we are going to get our apprenticeship program approved as an operator."

The next problem arises is that you have to maintain this program. By maintaining this program means you have to have somebody in the program all the time. We need two operators. We have two operators and in another year or six months we're going to have two experienced operators. In order to maintain my program, I have to have another operator that I do not need. So do I fire one of the other operators or do I hire a guy that I don't need to put him through this apprenticeship program?

The apprenticeship program is great but I have to maintain it and that's the problem with the way it's set up. I don't need— I have to maintain it constantly and I don't need the people, I don't need the guy. And I can't call the hall.

If we have— we have two operators, 50% of them are in the program. Operating engineers probably have two or three thousand members, maybe they have 10 guys in their program. The numbers are just not there."

Supervisor Cardinale: "If we all agree upon one thing, and this (inaudible) on the board on this issue, if we all agree on one thing that apprenticeship affects our (inaudible) and to be sought, I think what you're all saying to me is at the state level, the law needs to be amended, modified, to accommodate that— for the small contractors. Because otherwise you're never going to be able to participate meaningfully in an apprenticeship program because the rules are all screwy. And I get the message and I appreciate what you're saying."

Bob Panchek: "But by passing this, you're saying the screwed up rules, that's what you've got to live with. So you eliminate— "

Supervisor Cardinale: "Ultimately if you are successful in every municipality as you may well be on the small contractor's not passing apprenticeship, you will defeat the salutary effects. What you really want to do is if you really care about apprenticeship is change the law at the Albany level so that it works for small contractors as it has worked for the larger ones."

Bob Panchek: "Correct."

Supervisor Cardinale: "And that's a harder thing than we can do here. Tom?"

Tom Ferres: "Hi, a couple things I wanted to address. One thing if I understood the attorney correctly, he said he was stating that they didn't have an apprenticeship program and that it's burdensome and we have other people who just came up and said that they went through the ABC program and I challenge people to go to Ronkonkoma and Commack where their school supposedly is, find out how many people graduate from this program, compare it to our facilities which— and we're only one, I'm only the carpenters. I only speak for the carpenters. But I venture to say that the other trades have very much more extensive program than they have over there. I happen to know they do.

The other thing is they allude to the fact that they said, you know, we have a lot of small contractors. The guy doing the Nissan dealer in Riverhead right now, I'm very proud, we have a sign up there, you know, on Riverhead. He's a small guy, he's a carpenter like me, started a company, he's on the job every day working. He's a small guy.

And as they say, they pay into the apprenticeship program. They pay each month. But you don't have to maintain somebody from your company into the apprentice— the apprenticeship program has to keep running and that's to support itself. It can't shut down, start, stop, to obtain a state certification. It has to keep going.

But also you don't always have to have an apprentice on your job. Some jobs don't require apprentices, especially at prevailing wage, so utilize them a lot, that's one of the advantages we have, one of our selling points, we can give you apprentices. Because legally we can. If you do prevailing wage work and you don't have an apprenticeship program, you can't utilize that. Everybody gets full mechanic pay. So it's an advantage.

But if you're going to call somebody an apprentice, you better have them going to a program that's a legit program, not some bogus program or storefront. And that's what I'm claiming they have. They don't have what we have, you know.

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Like I said, my grandfather started the apprenticeship program on Long Island back in Hempstead. My father was the coordinator, I was a teacher for eight years, I'm very proud of it. And, again, I'd like to take any one of you guys up and take you on a tour through our program, why it's going on, talk to how many people graduate, how many people start, and what's required.

Thank you."

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

Larry Oxman: "Good evening, Larry Oxman. I have a question on who this affects? There's a 100,000 square foot threshold so is it just for a structure that's 100,000 square feet? What about a shopping center that has smaller buildings but the total build out is going to be more?"

Supervisor Cardinale: "Commercial buildings of at least 100,000 square feet."

Larry Oxman: "So, as an example, I think that Costco I think has applied for permits or thereabouts."

Supervisor Cardinale: "Yeah."

Larry Oxman: "That's probably over 100,000 square feet. There's a Kohl's going up in the same center, so this law would affect one building but not the other?"

Supervisor Cardinale: "It would— the way it reads, only to applications for building permits for the construction of commercial buildings of at least 100,000 square feet."

Unidentified: "Phil, (inaudible)."

Supervisor Cardinale: "Yes. If you can— "

Unidentified: "From my past experience, when they build a shopping center like that, the (inaudible), but if you have a hair cutting place, a pizza parlor, all small stores, I don't think (inaudible)."

Supervisor Cardinale: "It's intended to reach big box stores."

Larry Oxman: "Okay. And what about— just off the top of my head, again. If there's a renovation of a building that's over 100,000 square feet— "

Supervisor Cardinale: "Construction, not renovation."

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Larry Oxman: "Construction is defined as new?"

Supervisor Cardinale: "Yes, that's what I think is intended by this. Yes."

Larry Oxman: "When you have renovation, you end up tearing down and then doing construction. I don't know. I think— how is the 100,000— where did that come from? Because I would think that PC Richards going up on Route 58 probably demands the same skill and expertise that a building three times that size would be. And I have no idea who they're using. I'm just wondering if the law is— "

Supervisor Cardinale: "The concept was to allow the smaller jobs to not be impacted. That was the concept under this legislation and that proposed and that in Huntington. But I will save you all sleepless nights."

I think the debate has been instructive. I think one thing we all have in common is apprenticeship is a good thing and either by changes at the state level or otherwise we should try and implement that and that the apprenticeship programs are very impressive that are run by some of the unions. But this will not prevail tonight. So, don't lose any sleep.

But I think the debate has been instructive and as Barbara just said, it may be something that the state has to deal with before we can take it up again. But it has been hanging for a long time and it needs to be voted on one way or the other."

Larry Oxman: "Very good. Thank you."

Supervisor Cardinale: "Okay? Yes."

Stan Hilton: "Thank you, Mr. Supervisor, Town Board. My name is Stan Hilton and I am a product of the apprenticeship program. Some of you know that. I'm from Local 25 which is the electrician's and I take very good pride in that."

One thing that has become very important and I've said this before, is in 2005 the National Electrical Code states a qualified person must receive an NFPA E training. Local 25 in their apprenticeship program trains the electricians to have this training which makes us qualified people.

Local 25, sorry, Local 25 also has an office, I believe it's 6 Main Street, right on the corner of Roanoke downtown and they take in, you know, anybody who can do electrical work and we train them.

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What I can say to the counsel of ABC is the guy who repairs my car, the dealership, he goes through an apprenticeship program. He works on my brakes, he checks my air bag, and he makes my car safe. He goes through four years, he's a very good friend of mine and he comes out certified to work on my automobile to make it safe. And that's what this is about. It's about safety on jobs and I'd like to thank the board for their time. Thank you."

Supervisor Cardinale: "Thank you. I would like to take any other comment on resolutions. If there is none, I will consider the resolutions and then take general comment. So, Barbara, if we could."

Resolution #337

Councilman Densieski: "Town of Riverhead home improvement budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #338

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 50 Kay Road, Calverton, New York. 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 #339

Councilman Bartunek: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 18 East Second Street, Riverhead, New York. 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 #340

Councilman Dunleavy: "Adds consultant to list of approved consultants. 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 #341

Councilman Densieski: "Increasing and establishing expediting charges in the town attorney/investigating unit. 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 #342

Councilwoman Blass: "Motion to table Resolution 342."

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

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

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

Resolution #343

Councilman Bartunek: "Appoints a senior accountant to the Accounting Department. So moved.

Councilman Dunleavy: "And seconded."

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

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

Resolution #344

Councilman Dunleavy: "Appoints a geographic information systems supervisor to the Engineering 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 resolution is adopted."

Resolution #345

Councilman Densieski: "Appoints William Welsh executive assistant to the Supervisor. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I just got his contract today."

Supervisor Cardinale: "It's identical to George and Chris'."

Councilman Dunleavy: "And I have some things-- "

Supervisor Cardinale: "It's identical."

Councilman Dunleavy: "-- that I want to talk about so I'm going to vote no at this time because this contract was not brought up to us."

Supervisor Cardinale: "As I said, it's identical to the person he's replacing. But move on."

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

Supervisor Cardinale: "They separated it into setting the appointment and then setting of the terms."

Resolution #346

Councilwoman Blass: "Setting terms and conditions of employment for William Welsh, executive assistant to the town supervisor. So moved."

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

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Is this on the contract?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Okay, I'm going to-- and I just see the contract and I know what the Supervisor said but our last assistant was here for many years and I don't think someone should start at the upper level of what he received in years that he's been here. So, again, I'm voting no."

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

Resolution #347

Councilman Bartunek: "Appoints a temporary student intern in the investigating unit department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #348

Councilman Densieski: "Appoints Patrick Fedun to the Small Business Advisory Committee. So moved."

Supervisor Cardinale: "Moved and seconded. Vote please. I've got a second before I-- somebody's got to second."

Councilman Dunleavy: "I second it."

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

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

Resolution #349

Councilman Densieski: "Rescinds Resolution #664 of July 20th, 2004. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Barbara, Ed and I had a little discussion about an amendment to this resolution and the town attorney suggested I amend it a little bit further. Ed, if you'll bear with me and, hopefully, this will not detract from the intent of this resolution.

But at the end of the Now Therefore Be It Resolved, which is the second to the last paragraph, the town attorney suggests that we should write unless such signage cannot be designed to address issues of public safety without being in writing. In such cases, signs may be posted in English and any other language as appropriate. The clarifies-- "

Councilman Densieski: "That's only in the public safety portion, correct?"

Councilman Bartunek: "That's correct."

Councilman Densieski: "I have no problem with that."

Councilman Bartunek: "And I'll give you the re-write of that. And then I would vote yes on that, as amended."

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

Councilwoman Blass: "Yes, as amended."

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

Councilman Densieski: "Yeah, this is going to move foreign language signs at our beaches which I've long opposed and I know many others do too and George's amendments regarding public safety, I have no problem at all with that. I vote yes."

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

Resolution #350

Councilman Densieski: "Appoints member to the Dark Skies Advisory Committee, that's Barbara Lebkuecher. So moved."

Councilwoman Blass: "Seconded."

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

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

Resolution #351

Councilwoman Blass: "Appoints a call in recreation aide/skatepark to the recreation department. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #352

Councilman Bartunek: "Authorizes the town clerk to post and publish a help wanted ad for the town board coordinator. 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 #353

Councilman Dunleavy: "Authorizes the supervisor to execute a license agreement with Riverhead Little League. 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 #354

Councilman Bartunek: "Authorizes the town clerk to publish and post notice of public hearing to amend the town of Riverhead zoning ordinance, Section 108-3 Definitions-Farmstand and add Section 108-64.4 Farmstands. And we just got this kind of at the last minute. Phil, I'd like to consider an amendment here.

If we look at the definition of farmstand, could we amend the second sentence where it says roadside pick your own operations and crop mazes. Instead of crop mazes, I think it would be more suitable

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if we put in the term agra-tourism attractions. I think that's more generic, it covers everything.

Was there as reason why we didn't want to use agra-tourism attractions?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Well, you know, more significantly than that, I'm looking at this, is Rick here? I don't see the changes we discussed. I thought the idea was a per John's comment at the work session, that we were going to read in the Section 108-22 to make clear that we're not changing by this statute, by this ordinance, sorry, the definition of farmstand that's in the law already, because I don't care how you describe it as long as you make clear it's a farmstand, such and such, as set forth att 108-22. Because that's going to be a question. And that's not in here.

The second thing that's not in here is despite the fact that, Rick, you and I discussed it about 7:00 last night, is the reference to whom the variance, you know, who's going to do the variance work on this."

Councilman Bartunek: "We worked on that."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "It's not in here though."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "No, because I think that's going to (inaudible) a larger statute. Maybe I've got the old one, I hope so. Okay, that might- I don't know if it addresses that though."

Councilman Bartunek: "If you look at E, Phil, of the new one, the last paragraph and you read this, it says farmstands that pre exist the date of adoption of this local law shall be entitled to seek release from the dimension requirements set forth herein by making application to ZBA. Such application shall not be required- receive a denial from the building department prior to making applications to the ZBA. The ZBA shall have original jurisdiction in these instances. That kind of grandfathers- "

Supervisor Cardinale: "Yeah, if you want to give it to the zoning board of appeals. The problem I have with giving it to the zoning board of appeals, frankly, is don't they have to make an application?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Right. They have to pay anything?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "And in the first section defining farmstand, I don't see a reference to-- is there any particular reason why we didn't do that--"

Councilman Bartunek: "Do we want to table this and hammer out some of the fine points of this?"

Supervisor Cardinale: "Why don't we table this to Thursday? I want to make sure it's right."

Councilman Bartunek: "This is, you know, it's going to be here before everybody's going to comply with it anyway."

Supervisor Cardinale: "That's right. It's nothing-- "

Councilman Bartunek: "I would make a motion to table Resolution 354."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, for tabling."

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

Councilman Densieski: "Well thanks to George's motion to table, I can't read my speech. Thanks, George."

Councilman Bartunek: "You want to get it over with, go ahead."

Councilman Densieski: "No, no. I'll vote yes to table."

The Vote (Cont'd.): "Cardinale, yes, to table. The resolution is tabled."

Resolution #355

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law to amend Chapter 12 entitled Coastal Erosion Hazard Areas 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 #356

Councilman Bartunek: "What's going on here? Authorizes the release of security for Riverhead Building Supply Corp. 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 #357

Councilman Dunleavy: "Ratifies the authorization of 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, transfer of development rights Section 108-322 commercial site plan administration. 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 #358

Councilman Densieski: "Awards bid for water service materials for use in 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 #359

Councilwoman Blass: "Classifies action and refers special permit petition of Captain Hawkins House 400 Restoration Realty LLC to the planning board. 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 #360

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice for a public hearing to a local law to consider the addition of a new Chapter 111 to the Riverhead town code entitled Youth Bureau. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. This is something that the town board has been working on for a long time to address the needs of the youth in the community. So I vote yes."

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

Resolution #361

Councilman Dunleavy: "Authorizes the town clerk to republish and repost notice to bidders for calcium hypochlorite tabs for use by the water district. 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 #362

Councilman Densieski: "Authorizes the town clerk to publish and post public notice for a local law to consider an amendment to Chapter 52 entitled Building Construction of the Riverhead town code, Section 52-6 application for building permit. 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 #363

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice for a local law to consider an amendment to Chapter 52 entitled local law to change the term of office of the town supervisor from 2 years to 4 years. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "This is like-- I'm going to vote yes for the public hearing but this is going to be like the school board putting the school budget up for a vote for numerous years and it's always been turned down. And I think that we should get the lesson that, you know, the town wants to elect every two years. So I'll vote yes for the public hearing."

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

Councilman Densieski: "Yeah. I don't think this has any chance of passing but if the people want it, so be it. So I'll vote yes."

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

Supervisor Cardinale: "Yes. Eight of 10 towns in the county of Suffolk have four year terms for supervisors. And I'm hopeful the public will come along with the rest of the towns. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #364

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice for a local law to consider an amendment to Chapter 52 entitled local law to change the term of office of the town clerk from 2 years to 4 years. So moved."

Councilman Dunleavy: "And I second it."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. The reason I'm going to vote yes for this is because she-- the town clerk is not a decision making person. She does what the state requires her to do so that should be a four year term. So I vote yes."

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

Councilman Densieski: "Yes. As much as I love Barbara Grattan, I don't think has any chance of winning either. And I don't want to be like those other eight out of 10 towns. I'm happy on the east end being Riverhead. I don't want to be one of the eight west end towns. But I will vote yes."

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

Supervisor Cardinale: "Yeah. I will vote yes. I would point out incidentally that I think this will be a good thing to have a public hearing and have a referendum on, I hope, because Barbara's resolution last time was very close, both for the supervisor and especially for the town clerk. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #365

Councilman Dunleavy: "Scheduling a public hearing to determine whether the County of Suffolk's fueling facility at Indian Island Golf Course located at Riverside Drive, Riverhead, New York must comply with 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 #366

Councilman Densieski: "Accepts offer of development rights property owners Louis Carraciolo and Ottavia Carraciolo. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. And both this and the succeeding four, \$17,000,000 worth of purchases in which the county will pay 70%. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #367

Councilwoman Blass: "Accepts offer of development rights property owners Frederick Reeve and Lois Reeve. 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 #368

Councilman Bartunek: "Accepts the offer of development rights property owners Austin Warner and Jean Warner. So moved."

Councilman Dunleavy: "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 #369

Councilman Dunleavy: "Accepts offer of development rights property owners Helen Zilnicki. 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 #370

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Councilman Densieski: "Accepts offer of development rights property ownes Phillip Anthony Schmitt and Deborah Schmitt and Stanley Zilnicki and Kathy Zilnicki. 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 #371

Councilman Bartunek: "Adopts a local law amending Chapter 107 entitled Tidal and Freshwater Wetlands 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 #372

Councilman Bartunek: "Adopts a local law amending Chapter 52 entitled Building Construction of Riverhead town code. So moved."

Councilman Dunleavy: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, no; Densieski."

Councilman Densieski: "I think Mr. Ferris did a good job, you know. You have no shame going back to you guys. You represented yourself very well. But I'm personally not ready for this. I don't know if it's legal. I have somebody saying it's not legal, somebody saying it is legal. I personally can't support it. So I'm going to vote no."

Councilman Dunleavy: "Can I change my vote to no? Okay. I missed it. I was going to vote no for this. All right, Barbara?"

Barbara Grattan: "Fine with me."

Councilman Dunleavy: "Okay."

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Supervisor Cardinale: "I was going to give you that opportunity, John, because I realized that-- okay, so we have two-- three votes for no now which was what I expected and I know that John was just mis-speaking when he said yes.

It is a close issue. There are legitimate concerns in both directions. It's been pending for a long time so I think it needed and it got tonight a vote. The-- on a balance, I think the debate was very instructive this evening.

For one thing, I would like to set aside the issue whether this is union versus non-union issue and I think we did that tonight. The union may be uniquely situated to have an apprenticeship program but this is not about union and non-union, it's about apprenticeship programs and the salutatory effects which was the other good aspect of the discussion tonight, everyone acknowledges is a good thing, apprenticeship as a concept. That it will bring greater safety to the job site, greater training, and an opportunity for more long enduring careers in the trades and in construction for our young people.

There is a big gap apparently on how to do this apprenticeship program for the small contractors without hurting them which is nobody's intention on this board and that may be something that has to be resolved at the state level unless-- there's one little nuance here. I will-- that if-- unless we push the issue and find a way to make this work for the small contractors, the loser is going to be the one thing that everybody thinks is a good thing and that's apprenticeship. And we're going to continue to have a big gap of the tradespeople not able to get into apprenticeship programs, the small contractors.

So on balance I'm going to vote yes for this and it's going to be meaningless because there are three no votes. But the debate will continue, I'm sure. So I vote yes."

Councilwoman Blass: "Can I just say one-- I would publicly state however that I would start that dialogue on the state level however best we can pursue amending the legislation that makes it fairer for everybody. I would certainly agree to do that because-- and I don't believe that the public safety issue starts at a building of 100,000 square feet. I would just be equally interested in making sure that a building of 90,000 square feet is built safely as well."

Supervisor Cardinale: "I think that's a valid issue and I'm going to give you that opportunity because next meeting, maybe Thursday, we're going to public notice for public contracts that we make for buildings-- for contracts in excess of 500,000, should we require that the public contracts be with contractors that have an apprenticeship opportunity for their workers. So, hopefully, it will fare better. Thanks. Let's go on."

Resolution #373

Councilman Dunleavy: "I'd like to have a discussion on this. Our planner, Rick Hanley, suggested that the yield be 75% and it's still 50 in here."

Supervisor Cardinale: "Rick, come on up. Would you- we have a debate on the number which we should get through if we can, otherwise we'll table for discussion Thursday. But the number 50% was suggested, some suggested 2/3, some 75. Barbara has a point to make, too. She actually looked up and found something that I would have been so proud if you had found it. Barbara, would you inform him of what you located?"

Councilwoman Blass: "I'm sure Rick has seen this."

Supervisor Cardinale: "Well, if would have told me about it if he saw it."

Councilwoman Blass: "There was a suggestion in the comprehensive plan that dealt with existing golf courses and how to deal with residential development in the APZ on existing or adjacent to existing golf courses. And-- "

Rick Hanley: "Adjacent to or upon."

Councilwoman Blass: "Upon- I'll read--"

Supervisor Cardinale: "The reference."

Councilwoman Blass: "Allow limited golf course development in the APZ. It should be regulated as follows. For existing courses regulated and they suggest an overlay district which we would not be considering here."

Rick Hanley: "Right."

Councilwoman Blass: "But it would limit the yield to 1.5, one and a half units per hole which actually in doing the numbers, that's why I had asked you for the numbers- it's very, very close to the 50% reduction. I think the actual numbers are 81 compared to 90 which is why I really would not be in a position to support the 75%."

Rick Hanley: "Is that- what was- how many units per hole- 1.5. What I did was I looked at the traffic engineer's manual and I summed up the peak motor vehicle movement for a golf course of 150 acres and the ITE recommends or suggests that the peak trip is two movements per hole which is 36 holes- 36 trip ends. I then summed the number of trip ends for a subdivision, single family subdivision, at 1.5 and the

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numbers worked to be- the golf course is exactly 20- it's 28% of the trip ends generated by the subdivision. So what was my methodology that I used."

Supervisor Cardinale: "That was quite clear. But I- "

Rick Hanley: "I could put that in writing if you'd like."

Supervisor Cardinale: "She's pretty happy I think. The way she would like to do it is 81. It comes out to like 90. It's close enough. John wants to go to like 100 or 110."

Rick Hanley: "I had recommended 75% because I deducted 25% of the trip ends from the combination golf course and residential subdivision. That's what I did."

Supervisor Cardinale: "Not to mention, because we're insisting- in view of the fact that we're insisting that it's an HOA and we're insisting that it's over 55 and, therefore, does not have any impact on the school district to speak on- "

Rick Hanley: "I didn't deal with school district facts. I dealt with strictly- "

Supervisor Cardinale: "Well, sorry, that would be logical to do it that way."

Rick Hanley: "-- with traffic. That was the only- because wastewater issues don't apply either because these golf courses sit within the 600 gallon per day area and the only relevant impact that I could discovery from a golf course with a subdivision was traffic. So that's the methodology that I used."

Supervisor Cardinale: "Thank you so much."

Rick Hanley: "Thank you."

Supervisor Cardinale: "You want to say something?"

Councilwoman Blass: "I just wanted to say something- "

Rick Hanley: "I don't know where that number came from in the master plan. I mean what- is there any footnotes there in terms of how they determined that?"

Supervisor Cardinale: "That thought it was a good number."

Rick Hanley: "It was arbitrary."

Supervisor Cardinale: "Yeah."

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Rick Hanley: "So I guess we're tabling this resolution."

Supervisor Cardinale: "Well, I don't know. We've got to know if it's 50, 60 or 75- "

Rick Hanley: "Mr. Supervisor, can I ask you what are we really talking about here? Because I (inaudible) for Barbara the total number of units that could occur on these three golf courses. I think the number was 95. So we're talking about half of 95, 75% of 95 or 2/3 of 95."

Supervisor Cardinale: "That's correct."

Rick Hanley: "That's the impact that we're dealing with. Right. But that was my science in why I recommend 75%."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "Can I make an amendment to- vote an amendment to 75."

Councilman Densieski: "Second it."

Supervisor Cardinale: "Yeah, Barbara, let's- we've got a proposal to amend 75 before considering. Barbara, you want to comment on that or discuss that?"

Councilwoman Blass: "We were very clear in the master plan as to how and why we should or should not be encouraging residential use in the APZ and the use of golf course as open space in the APZ. There were very clear statements. And what I wanted to say- what I am saying is that I was comforted to hear that the overall saturation population which was estimated in the plan with the density reduction or the upzoning, when they came up with that number, they included development from golf courses so to the extent that we are adding development here, we're not increasing that targeted number for saturation population. So I think that's a very important thing."

Supervisor Cardinale: "Did they count them at one point at- "

Councilwoman Blass: "No. They counted them at one unit per two acres."

Supervisor Cardinale: "So we actually are going to be reducing by- "

Rick Hanley: "The other thought that I had here was that we're really talking about assessed value as well and if we're thinking about the development of HOA units which as the supervisor said do not

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impact on the school district because there are no children associated with these units, that the assessed value is I think high with this type of development with limited need for services. So just if you could keep that in mind as well with respect to which number you choose."

Supervisor Cardinale: "As fascinating as this discussion is, would you like to-- we're going to go through 50, 66 and 75. Do you want to do this on Thursday?"

Councilman Bartunek: "I think it's a good idea."

Supervisor Cardinale: "So let's table and count up our heads and figure if it's-- "

Councilman Dunleavy: "I make a motion we table this resolution."

Councilman Densieski: "Second that motion."

Supervisor Cardinale: "Move to-- moved and seconded to table to consider 50, 66 and 75 and vote on it Thursday."

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

Resolution #374

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yeah."

Councilman Densieski: "I just saw this this evening for the first time. What did we do about Ray Maynard?"

Supervisor Cardinale: "You want to-- what we did on-- are you aware of how we're handling the Maynard situation?"

Dawn Thomas: "(inaudible) I suggested that rather than amend his agreement (inaudible) that we would be better off (inaudible) to him and he would be exempt from the rules requiring no intersection departures and because he wasn't a user before you adopted (inaudible)."

Councilman Densieski: "Okay. And you don't think that needs to be reflected in the resolution?"

Dawn Thomas: "No."

Supervisor Cardinale: "Okay."

Councilman Densieski: "I'm just curious. Is that the board's wish?"

Supervisor Cardinale: "The-- why don't we table this as well because the way we do this is important for the future and that's really what she's getting at and the wording of the language in the letter is significant too. So maybe we could take a look at that on Thursday because what you're trying to do is not create a pre-existing non-conforming use and at the same time allow it to continue because there's no safety hazard out there right now because there's no activity out there right now."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "He could hit a deer no matter how he gets to the runway."

Dawn Thomas: "The concept of the letter and the concept of not including (inaudible) was a thoughtful decision. We haven't discussed it in a group but I would like to give you that."

Councilman Densieski: "Yeah, okay. This isn't really time sensitive. I would rather see the letter, have a comfort level."

Supervisor Cardinale: "Let's have a motion to table this. We'll do it on Thursday as well. It won't take long. She'll just explain to us what her thinking is."

Councilman Densieski: "That's fine. Thank you. I'm going to make a motion to table Resolution 374. 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 tabled."

Resolution #375

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

Councilman Bartunek: "And seconded."

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

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

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Resolution #376

Councilman Bartunek: "Approves a Chapter 90 application of Church of the Harvest. 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 #377

Councilman Dunleavy: "Approves Chapter 90 application of Hallockville, Inc. Revolutionary War Encampment. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilwoman Blass: "My husband is on the board there. Do I have to disclose that? That's not a conflict of any kind?"

Supervisor Cardinale: "No."

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

Resolution #378

Councilman Densieski: "Approves the Chapter 90 application of Hallockville, Inc. for a Hoffman wedding."

Councilman Dunleavy: "I think we were going to pull this one."

Supervisor Cardinale: "Yes. This one- "

Councilman Densieski: "Table or withdraw it?"

Supervisor Cardinale: "To be withdrawn."

Councilman Densieski: "Okay. Withdraw Resolution #378. So moved."

Councilwoman Blass: "And seconded."

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Supervisor Cardinale: "Moved and seconded to withdraw 378 as unnecessary. Vote please."

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

Resolution #379

Councilwoman Blass: "I just have a question before we do this?"

(Inaudible discussion). So moved."

Councilwoman Blass: "The discussion is the source of the materials that are being imported to the site and we do have a letter as to where they're coming from but it's actually just attached but not referenced in the resolution. So the town attorney was suggesting some amended language to address that."

Dawn Thomas: "Why don't we do it in the second Resolve where the be it further- to be imported (inaudible)."

Councilwoman Blass: "In the attached- good, okay."

Supervisor Cardinale: "Okay, with that amendment that second Resolve clause which reads after the word imported, which shall be imported as set forth in attached letter. Can we move that?"

Councilwoman Blass: "Grants importation permit as provided by Chapter 62 to Richmond Riverhead Realty LLC Stop and Shop. 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 #380

Barbara Grattan: "Resolution to pay bills, 380."

Councilman Bartunek: "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."

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Barbara Grattan: "Now we've got two floor resolutions."

Supervisor Cardinale: "Which ones are they?"

Barbara Grattan: "381 accepts to release irrevocable letter of credit."

(Some inaudible discussion)

Supervisor Cardinale: "Okay, let's do them both next— since we're doing several on Thursday, let's do them on Thursday."

Barbara Grattan: "You've got it."

Supervisor Cardinale: "Okay. That completes the resolutions and I'd like to take comment now on any matter before us that you'd like to comment on. Yes, please come up. We have— you want to come up? Did you want to speak, Mr. Purcell? Go right ahead."

Ed Purcell: "Ed Purcell."

Supervisor Cardinale: "Yes."

Ed Purcell: "I want to know how the— I think didn't we have— weren't we going to improve the sidewalks downtown?"

Supervisor Cardinale: "Yes."

Ed Purcell: "How is that coming along?"

Supervisor Cardinale: "We did— downtown we have a survey. We talk about it every work session. We're not getting a survey for now I think— Jamesport's got 300,000, downtown a million, and I think Wading River a million three from federal funds. We have to do the survey. We did the survey downtown of where the sidewalk would go. We're doing it in Jamesport and South— and Wading River. There's a little glitch on Wading River which we're working out because the guy has to be on the special list. Then we're supposed to get the federal money released and then we're supposed to actually get it done. I can't believe how long it's taken either but I'm told by Andrea Lohneiss our CDA director, that it is not uncommon with this earmarked federal funds."

Ed Purcell: "And the question is, downtown Riverhead— "

Supervisor Cardinale: "Yeah."

Ed Purcell: "Is it just on Main Street? Is it up Roanoke Avenue?"

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Supervisor Cardinale: "I believe— Kenny Testa is not here. I believe it is on Main Street. That's what I understand."

Ed Purcell: "Okay. Because there are some buildings like the post office, the old post office and other buildings in that area that have some rough looking sidewalks."

Supervisor Cardinale: "I know that."

Ed Purcell: "Okay? Also, now that Apollo has decided not to build in the parking lot and they are trying to get one of the properties or some of the properties, is there any way that we can negotiate with them to possibly move the building back towards the parking lot a little bit so you could have diagonal parking in front of at least their buildings since they're going to tear the buildings down and put new ones up?"

Supervisor Cardinale: "Yeah, that's being considered. That would be something that they would— they would like to do that if it is possible. That was in their original plan."

Ed Purcell: "Well, I hope so because that would make— add parking and make things look prettier."

Supervisor Cardinale: "Like in Southampton, you mean, front end parking?"

Ed Purcell: "Yes."

Supervisor Cardinale: "Yes."

Ed Purcell: "Also, I work as a— I work for the Hagstrom map company delivering to a lot of businesses around and oh, about three, four weeks ago, I got a complaint from somebody from outside of Riverhead, but they work in the local stores like in WalMart in the receiving department, and they were complaining how there's a number of panhandlers, people that sleep in the woods."

Supervisor Cardinale: "And where is that?"

Ed Purcell: "WalMart parking lot."

Supervisor Cardinale: "Oh, really. Okay."

Ed Purcell: "Yeah, they sleep in the woods or wherever and come out begging people and it doesn't look very good."

Supervisor Cardinale: "Not to mention— not very good for them or for us."

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Ed Purcell: "I did mention- "

Supervisor Cardinale: "Did you mention it to the chief?"

Ed Purcell: "Yes, I did."

Supervisor Cardinale: "Okay."

Ed Purcell: "And maybe something can be done about people that are sleeping in the woods because once we get to the tender and dry season, they start a fire and, you know, I know there are a number of people now that the homeless shelters from what I understand are closed down in summertime, they only work through March 31st, end of March."

Supervisor Cardinale: "I think you're right, yeah."

Ed Purcell: "And they get dropped off to either the library and now they're all over the place. I know."

Supervisor Cardinale: "Are you aware of that, chief? You got it?"

Ed Purcell: "Okay, thank you very much."

Supervisor Cardinale: "Thank you very much. Yes, Henry. I should remind you of this. That since I think you're going to speak on a case that's pending in which you're represented by counsel, we can't talk about the case because we're represented by counsel. We can simply listen to you and we can only listen to you for five minutes because that's the limit of time for each comment. So fire away."

Henry Silverman: "I'm Mr. Henry Silverman, 267 Peconic Bay Blvd., Riverhead. My goal in the next few minutes is to have you rescind Resolution 365 adopted April 16, 2006."

I purchased a vacant lot with a driveway and a boat dock that were pre-existing in Aquebogue in 1999 on Reeves Creek, right down the Boulevard from Councilwoman Barbara Blass and Supervisor Phil Cardinale. I received my town building permit, my New York State DEC permits in 2002. We began construction of our new house.

Our neighbors have invented a homeowner's association that is not legal. Riverhead town has not investigated this fact yet fully supports their claims to my property. In 2005 I completed construction of my new house, Riverhead town building inspector Richard Podlas inspected my home on July 7, 2005. All phases of construction passed inspection.

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On July 12, 2005, I received a letter, final inspection okay from Mr. Podlas. Please note there were no building violations.

On July 19, 2005 I submitted all building requirements for a certificate of occupancy to the building department. To date, I haven't received a certificate of occupancy on my home.

My family has been restrained from our house for one year and nine months. To date, department head- building department head Leroy Barnes has not supplied us even with a written reason as to why we do not have our certificate of occupancy.

Section 52-16 of the town code states that we should have received our occupancy within 30 days (inaudible) of his failure to act.

But we do have copies of letters unethically written by our disgruntled neighbor strictly for his personal gain on New York State Supreme Court letterhead directing Leroy Barnes, Dawn Thomas and the DEC not to issue us a certificate of occupancy. Our disgruntled neighbor his employed by the New York State Supreme Court on Griffing Avenue. The Investigator General in the district administrator's office are investigating this misuse of the public trust.

It is apparent neighbor's vendetta has gotten too much attention both by Mr. Leroy Barnes and Dawn Thomas. This disturbs me greatly because anti-Semitic remarks have been made towards me and my family by our neighbors.

Riverhead town building department and legal department have gone on very thin ice to pursue numerous legal actions against me, numerous tickets, and have violated our human rights. There are 21 court cases listed in the Suffolk County Clerk's office where Riverhead town is the Plaintiff. Of these, none of these as much effort put into them- "

(At this time, the CD ended)

(Meeting adjourned: 9:30 p.m.)