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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 21, 2009 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

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

Supervisor Cardinale: "Okay. Welcome to the April 21st town board meeting. Vince, if you could ask Liz to come in, we'd like to start with the Pledge of Allegiance and then give some recognition to Council for Unity who helped us with the graffiti cleanup.

Okay, we've got the people in. We'd like to begin with the Pledge of Allegiance and Mitch from Newsday will lead us."

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

Supervisor Cardinale: "Okay, let's give out some awards. Okay, thank you, that's great. Okay, we're going to begin the meeting by honoring the Council for Unity that assisted the town, in fact, they did it all, in cleaning up the graffiti recently.

So I need Liz Stokes, come on up, please, and Theresa (inaudible) and Sgt. Fisher— is Sgt. Fisher here? And Dave (inaudible). Dave is not here? Okay.

There's been a lot of discussions at town board meetings and work sessions about graffiti and we told the police to do their job and we bemoaned the graffiti and we indicated that the owners should take it off of their property as quickly as possible because leaving it on only inspires more graffiti and we felt frustrated because that's all we could do, is rely on the police, urge them to act, take action to remove it when it was done.

But we got fortunate and we think we got most of the people that were doing it very luckily through the highway department. But there was still a lot of graffiti around and Liz and the Council for Unity took the bull by the horns and actually did something about it on the 28th of March.

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They organized an event that went all day long in which the Council for Unity kids gave their day to the town for the benefit of the community and cleaned up graffiti at how many sites— six sites around town and made a difference which is what we are all trying to do.

So we wanted to acknowledge that. We felt compelled to do that and I think appropriately.

Now the first thing we wanted to do is give an acknowledgment of the participation in the town-wide graffiti clean up day of March 28th to those who participated which would exclude me because I think I was in Washington again.

But the truth is that about what four times this participated but these people are here so I'm going to begin by giving those out.

And these each say town of Riverhead award in acknowledgment of your participation in the town-wide graffiti clean up March 28, 2009, signed by me, dated today and is— has got the town seal on it.

And guess who the first person is? Barbara Blass. Thank you. And then the inimitable Thelma Booker. Is Thelma here? All right. Thelma you're a whirlwind. Thank you. Thea Cohen who is also a whirlwind. Thea keeps us focused on so many things. Thank you. Thank you.

Alexa Nieves (phonetic) and next is Shanique Holder (phonetic) if you could come up. Thank you.

Now we're getting into the kids, the real workers here. Well, you know. Who am I giving this to? Shanique— Chris Hopkins. Shanique, thank you. Chris, thank you. Fernando Aponte (phonetic), thanks for your help. Thank you. Jonathan Horton, thank you very much, Jonathan. Laura Lisseta (phonetic), taking time out from the library to do this. Thank you.

It was great to see how many people participated. Thank you, Laura.

The one that got all of the ones that aren't here is, what, Liz, you got them, right? So she's going to give them out to those that couldn't make it this evening.

Ashley Stokes, thank you, Ashley. I hope you don't have to work as hard next time because we don't have as much graffiti. And Liz Stokes, very nice, thank you.

Now we have both a certificate— an award here for the Suffolk County Correctional Facility Council for Unity Chapter and a special

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award, and Sgt. Fisher you are here to receive that. Okay. I'm going to hold for a second and I'll get back to that.

Rachael Teiss (phonetic) and Jeff Pittman (phonetic). Thank you, Rachael. Thank you, Jeff, appreciate it. Antonia Shelton (phonetic). And Tony Shelton, your son, who I understand you're picking this up for. Thank you very much. Tony Shelton as well.

And my friend, Diana Scott, how are you doing? I know these people are very busy and they had plenty to do that day so I know how grateful we should be. Thank you.

And Ronnie Strange and Sabon Williams (phonetic). Ronnie, thank you. Thank you. And Jackie Williams we need as well as Sabon. Thank you. Thank you very much, Jackie. Thank you.

And now we have Diane Wilhelm, our inestimable town clerk who was out there working. Thank you very much.

And Gloria Weiman (phonetic). Thank you. Ah, from the library again, I see you every Saturday. Thank you very much.

Rev. Jesse Fields, you got that? And Rev. William Fields, thank you so much. Thank you for helping. And Sgt. Noreen Fisher, that must be you. Thank you. And Theresa Dross, thank you. And last- I really didn't do it this way, it just happened. John Dunleavy, first and last here. Thank you.

Thank you very much to everybody and Liz wants to talk."

Liz Stokes: "These certificates go to the four police officers who also assisted at the site that day. They came in jeans, they came in flannel shirts. The Riverhead police department really did a lot of work to help catch these graffiti bandits and they should be recognized for this.

Not only did they work day and night to accomplish that. They worked with the children and with the adults in the community. So they are to be commended also."

Supervisor Cardinale: "Thank you. The last two proclamations I'd like to issue are the- the first is the town of Riverhead award for Suffolk County Correctional Facility Council for Unity Chapter and Sgt. Fisher is here to receive it.

And it states that we give special thanks to the Suffolk County Correctional Facility Council for Unity Chapter for its participation in assisting our town youth in their call to service graffiti clean up day.

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The signs which read call to service were created with talent and care and were proudly displayed at this town event. We are indeed one town, one family and I want to present this to Sgt. Fisher as a thank you to the Suffolk County Correctional Facility Council for Unity Chapter.

And this also acknowledges their participation in the town-wide graffiti day March 28, 2009. Thank you.

Steve Hopkins, how are you? We've got something to give Steve Hopkins here? Come on up. Thank you very much for participating. Thank you. Oh, they have it and they're going to give it to you because--

the last proclamation which I will read and present to Theresa and to Liz on behalf of the Riverhead Council for-- what am I presenting here? Riverhead Council for Unity students generally deserves a little bit of preceding comment.

Liz has been very active, others before her as well, others, I hope, to continue when she gets exhausted which she seems never to do. But this Suffolk Council for Unity thing has really spread from the school to the community to the correctional facility, to the police department and the whole town is now participating and it's a program that seems to work.

The statistics seem to confirm that. So this is an example of the good things it can do and we're presenting today a proclamation that reads:

It is fitting and proper to honor those who have made extraordinary contributions to the betterment of our community;

Whereas, the Riverhead Council for Unity students have made such contribution by acting to keep Riverhead town free of graffiti; and

Whereas, their dedication and hard work is an example of what can be accomplished by our youth; and

Whereas, these Council for Unity students are a model for a better future for our town wherein we embrace all challenges as one town, one family.

Be It Resolved, that I, Philip Cardinale, Supervisor of the town, together with my entire town board extend congratulations and our deepest appreciation to Riverhead Council for Unity and hereby proclaim today, April 21, Riverhead Council for Unity Day in the town of Riverhead.

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So I present this to Terry and Liz, bring it back on behalf of the kids, and I'm going to let I guess Terry or Liz whichever you prefer or whoever prefers or both tell us about the dinner. Get a little free publicity. Isn't there a dinner coming up here?"

Terry Stokes: "Thank you, Phil. Each year as our students complete their curriculum, the Council for Unity curriculum in the high school, in the middle school, and in our fifth and sixth grade schools, they are honored at a dinner, called an induction dinner, which we co-host at Giorgio's.

This year was a big challenge to us. The first year we held the induction dinner at Giorgio's, we sponsored 88 kids. We inducted 88 kids into the Council for Unity family.

The second year we hosted the dinner, we inducted 124 community children into the Council for Unity organization.

This year we have broken all records and we will be sponsoring and inducting 200 community children into the Council for Unity organization.

This has just spread like wildfire throughout the town. We really have come together as one town, one family, what we can accomplish as we all work together.

Be very proud of these kids. They are very proud to look to all of you as their role models and let's hope that we can keep doing this through the future.

Thank you."

(Unidentified) "I just want to add one thing, who we didn't acknowledge tonight and they were the backhand people that although a lot of us went out and did all the work, there were a lot of community people that actually made sandwiches and lunch for all the kids, donated water and beverages and I think they really need to be recognized and thanked."

Supervisor Cardinale: "Thank you very much. For anyone out there the one person that might not be familiar with Council for Unity, what it does and does successfully, is it gives these kids and the members that join it a sense of community, a sense of family in a positive way that some of the gangs manage to do in a negative way, and it's helping us to combat that and other menaces. So we thank you for that. And keep it up. Keep up the good work. Thank you.

Okay, we thank everybody and we'll let them clear out so they don't have to enjoy the meeting. And we'll do in the interval here, approval of the minutes of the April 7th meeting and the special

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town board meeting of April 9th. Would someone offer, please, the minutes?"

Councilman Dunleavy: "I move the minutes of the April 7th and the April 9th meetings. So moved."

Supervisor Cardinale: "May I have a second, please?"

Councilwoman Blass: "Seconded."

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

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

Supervisor Cardinale: "Would you give us, please, the applications, town hall reports and correspondence?"

Diane Wilhelm: "Okay."

APPLICATIONS:

Special events (Chapter 90) Jedekiah Hawkins Inn, Jamesport, art exhibition May 24, 2009

Vail Leavitt, Blues Festival Peconic River parking lot
July 18-19, 2009

Polish Town Civic Assoc. - Polish town fair August 15-
16, 2009

Cooley's Anemia Foundation Cancellation of Miles for Smiles Bike Ride scheduled for September 26, 2009

Parade Permits Combined Veterans of Riverhead - Memorial Day Parade May 25, 2009

REPORTS:

Tax Receiver Total tax collected dated
April 8, 2009 - \$62,076,487.89
Total tax collected dated April 15, 2009 - \$62,348,729.03

Police Department monthly report for March, 2009

CORRESPONDENCE:

Theodore Sklar of Esseks, representing William Andes,
Hefter & Angel, LLP

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Jr. and Eva Andes letter re the special permit petition of John and Sandy Reeve

Wendy Ziegler, WL Aqua letter re the special permit Properties LLC petition of John and Sandy Reeve

Martin Silver, Aquebogue letter regarding the special permit petition of John and Sandy Reeve

Jane Crabtree Stark letter regarding the special permit petition of John and Sandy Reeve

Dave and Tom Lessard, Twin letter regarding the special Fork Oyster, Inc. permit petition of John and Sandy Reeve

Harry and Cynchia Fox letter thanking Lynn Medserv Biologicals LLC Barauskas and Maureen Lynn (water department) for their help

Supervisor Cardinale: "Okay, thank you, Diane."

Diane Wilhelm: "And that is it."

Public hearings opened: 7:30 p.m.

Supervisor Cardinale: "We have 17 public hearings scheduled for 7:05 which is going to be quite a trick. I assume they're related, and then the 7:10 and the 7:20, and the 7:35 which we have to get through."

Dawn, we have-- are these 7:05 hearings-- I assume they're inter-related because they're set for 7:05. Is that correct?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Would you explain in substance what we're doing here?"

Dawn Thomas: "The changes are being proposed to the-- and I can list the districts if you want. Business center district, business CR district, commercial residential campus district, downtown center 1, 2, 3, 4 and 5, destination retail hamlet center Industrial A zoning use district, Industrial C, Riverfront corridor, rural corridor, shopping center, tourist resort campus village center."

All of those zoning use districts are being amended to basically-- I don't want to say relax, but to implement a more manageable design standard and parking standard such that this board, that it's responsible for imposing the regulation has some discretion in requiring or adjusting those development standards and

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parking requirements to make the project work a little more expeditiously so streamlining proposal effectively."

Councilman Wooten: "It softens it."

Councilwoman Blass: "Guidelines as opposed to standards."

Dawn Thomas: "Correct. Right. Guidelines instead of hard and fast regulations. Yes."

Supervisor Cardinale: "Thank you. It sounds so business friendly."

Dawn Thomas: "It is business friendly."

Supervisor Cardinale: "See, the town attorney tells me, I know it is."

Okay. So basically it relaxes standards in those districts for parking and what else?"

Dawn Thomas: "Parking and design— basically design, buffer and parking standards."

Supervisor Cardinale: "By designating the standards not regulatory standards but guidelines."

Dawn Thomas: "Correct."

Supervisor Cardinale: "Which gives the reviewing board greater discretion."

I can open them all together I presume since they're all scheduled together which I will now do or I'd like you to incorporate into the hearing her explanation of its substance and it's 7:30 so we're starting.

And we're going to ask anyone who wishes to comment on any of the 17 7:05 time hearings as to the wisdom of our doing that, moving from a regulatory standard to a regulatory guideline, step right up, or don't as you prefer.

As you all know, if you don't step up and say anything now, you have the opportunity to write something and send it to the clerk any time between now, the 21st, and 10 days from now which is May 1st, Friday, 4:30 p.m. So I invite you to do that.

And if there is no one else who has comment, I'm going to close the verbal testimony of the hearing, keep it open for written comment through 4:30 on the 1st which should go to the town clerk. And that was great. So we got through those."

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Public hearings closed: 7:32 p.m.
Left open for 10 days for written
comment to Friday, May 1, 2009 at
4:30 p.m.

Public hearing opened: 7:32 p.m.

Supervisor Cardinale: "The next hearing is the 7:10 hearing and since it's 7:34, we can open it for consideration of a local law amending Chapter 46A entitled architectural review Article 1 purpose, Section 46-A declaration of policy and period for review of the Riverhead town code.

Could you indicate the substantive changes being considered?"

Dawn Thomas: "Yes, Mr. Supervisor. These are another business friendly proposal which would clarify some of the obligations of the architectural review board in reviewing projects but most importantly adding time parameters to that review period, those being commence review within 30 days of submission of a complete application; advise applicant of all architectural aspects of the site plan must be addressed within 60 days; and approve with conditions or deny within 90 days of referral, and that period could be extended to 120 days when coordinated with landmarks preservation and that's it.

Supervisor Cardinale: "Okay. These are some changes in the architectural review board which will be followed by some others which seek to make clear that it is an advisory board, not a permitting board and seek also to make clear that their advice needs to reach us within a specified period of time, 60 days or 90 days, so that we can act. Because we're concerned about delay, unnecessary delay.

Does anyone wish to comment on this proposal? Yes, the man who brought it to our attention, the problem, is here. How are you doing, Jim?"

Jim DeLuca: "Yes, thank you. Jim DeLuca. I'm a local architect. And I can speak first hand knowledge of dealing with the architectural review board on many occasions.

Basically over this period of time, of years dealing with them, they became the architectural police rather than the architectural review board and I frankly think it's a good, a long needed change.

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And, frankly, I still think the time limitations are still too long. For instance, I have dealings with the other eastern towns, for instance Southold. Right now I'm doing the Hudson City Savings Bank in Southold. We went in, one meeting it was done, over with, and within a couple weeks it was finished.

The same with the town of Southampton. It doesn't drag on like it drags on here. I think the architectural review board on many cases have overstepped their bounds and I've had discussions with some of the council people and yourself, Supervisor, and I think we're all in agreement that I wasn't the only one to complain about the architectural review board.

I think many corporations, other architects have complained vigorously about their conduct, sometimes their personal attacks that they portrayed on some of the clients.

My most recent encounter with the board as you know was with the renovation of the Carving Board which now is the Bee and the Bagel. I mean if I didn't bring it to the town board's attention, I still would be in front of the architectural review board.

I mean the changes that we did at that structure, I think you would have to agree only enhanced the structure. Their review of it, they wanted us to tear up part of the parking lot, take down the awning because we were replacing two doors and two windows.

And as you know yourself that's absolutely the case. So I think not only that these changes be implemented, I think the time period still should be shortened because I think the town needs business. I think most of the other architects in the town and other architects that have been through the mill with this architectural review board will agree with me.

And also you're aware of, their terms are mostly expired and they're still reviewing applications and again I'm not an attorney, I'm an architect, but I find it hard to believe that we have people on the board who are really not supposed to be making decisions still making decisions. And I can't understand why that's happening.

I think the architectural review board should be changed. I think it should be as you stated only three members and I think it should be broken up into two boards. One board handling signs of three members and one board handling architectural site plans and review of the building.

Also, I don't understand, this board is a paid board and my interpretation of volunteers is supposed to be an unpaid board when people volunteer.

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And I had a comment from one of the board members, I asked him why don't you meet twice a month so you don't prolong this process and their comment to me is we don't get paid enough. But now that you're making the offer that you want to take the pay away from them, they still want to remain on the board and that's kind of bewildering to me when one time they don't want to meet twice a month and they're getting paid, now you're taking-- you're suggesting taking their pay away and they're fighting to stay on the board.

Now, I don't understand the reason why, but maybe the board can help me out understanding the reason why that's going on."

Supervisor Cardinale: "Yeah, actually we can. The proposals that you see tonight were in great part your suggestions to myself and the board members. But they're only part of the proposals. These address the time and I want to find out how you would reduce them and also indicate that it's an advisory not a permitting board."

Jim DeLuca: "Right."

Supervisor Cardinale: "There are changes that were noticed for hearing last meeting which would bring it down to three from five members, would have them serve without compensation, would have them serve more than once a month, and that is one of the reasons we let them continue to serve until we consider this legislation as holdovers because we're not sure where we're going yet."

The proposal would put a landscape architect, a business member and an architect on the board as a three men board. It does not-- the new proposal which is going to be heard next meeting I think-- does not adopt your-- what you suggested about the signs being a separate committee or separate-- yes, separate committee or a separate review board.

So we're holding up on the holdover issue until we consider this.

We're also meeting with the architectural review board I think on the 30th of April if you want to be present in the work session in order to ask them their comment on the changes and also to ask them about some of the things that have been alleged such as that they have been impolite to applicants, that they have insulted their fellow architects, that they have declined to have extra meetings when there are backups, that kind of thing."

Jim DeLuca: "If anything, I think this town-- I have no problem with observing the building code, health and safety codes,

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those are the things that are important and an architect has an obligation to incorporate those within his drawings.

But I don't think an architect has the obligation to bow down to a board that has appointed themselves enforcer and lord of the ring, and this has been going on for years and I think it's gotten to a point now where they think they're an enforcement agency besides.

I've heard statements that they have to go check the records in the building department. I think Mr. Barnes and the rest of the building department is more than capable of checking through records and see if something is legal or not legal. I don't think it's the jurisdiction of an architectural advisory board to check on those items.

Any capable architect will bring that up before he even submits his plan. I mean that's what we're getting paid for. So I don't think I or any other architect needs an architectural review board to review us. Most of the architects— I'd say all of the architects in this town and in the surrounding towns have as much credentials as anyone that's sitting on the board and probably even more.

And I strongly say I resent the way the board conducts itself and I think that the time limits should be a maximum sixty days, not exceeding that."

Supervisor Cardinale: "And I'm glad you answered that because I had thought the same thing when I took it up with the town attorney before we presented this.

They have it that they will commence review within 30 because the concept is that— one of the problems is that they are still— that would be one month meetings so you could get 29 days in. So within 30 they'd have to review it.

Within 60 all architectural aspects of site plan that must be supplemented, modified or addressed must be made known to the applicant. So take it up within 60, make known within— take it up within 30, make known within 60 what problems exist and make recommendations within 90. How would you cut that back so I'm clear."

Jim DeLuca: "Well, the way I read the old legislation that you have, they're not— they're supposed to take into consideration and I'm answering your question."

Supervisor Cardinale: "Yes."

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Jim DeLuca: "They're supposed to take into consideration cost, they're not supposed to be biased of any material, and if, in fact, there was a time limit-- in other words, the paperwork should be handed in prior, a certain time prior to the meeting instead of the day of the meeting or two days before.

Maybe it's handed two weeks prior and the site plans or the architectural designs should be assigned to a particular member of the board, give him two weeks to review it so when they come to a meeting they're prepared at that time rather than say, oh, this is the first time we looked at it. Now you have another month that you have to deal with it.

So I don't think any architect would have a problem even if you make it 30 days before the meeting, give them 30 days to review it before the meeting. So this way you-- and if the architect fails to do that, well, then he has to answer to his own client.

But to hand the paperwork in, wait a month for them to first look at it and then go to the site, if the paperwork is handed in prior, they should do that prior to the meeting. Just like the zoning board of appeals does.

I mean I've had plenty of cases before the zoning board of appeals and when you walk up there, the members have already been to the site, the site has been posted, they've looked at it, they know exactly the circumstances about it, and then you present your case.

It's the same with the planning board. But to get the paperwork prior and do nothing and then start off from there and then have to wait three more months.

And the problem that I had with the job that I just finished, if that would be the case, we'd still be dealing with them and the business wouldn't be open now.

I mean it's just too long, too cumbersome, and it's dictatorial. Plain and simple."

Supervisor Cardinale: "So as long as you get the documents in within two weeks before the meeting, you would want us to advise that they would have to review it and discuss it with you at that meeting."

Jim DeLuca: "Exactly."

Supervisor Cardinale: "And then at the next meeting, advise you of what needs to be done. It will either be done or it won't be done in which case we would get a recommendation that you shouldn't approve it unless it's done and we'd have to make a decision."

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Jim DeLuca: "And, again, as a subjective viewpoint on their part. It's plain and simple."

Supervisor Cardinale: "Which is one of the problems that is most difficult to solve in your business because at the end of the road, it's— it comes down to opinion often as much as anything else unless you agree."

And the irony of this whole system is since it's not a reviewing but an advising board, recommending board, then the people up here, the town board who have absolutely no idea what they're doing in regard to architectural review, they ultimately have to make the decision.

So what's going to happen is and it's rare, but then the architects from the review board have to tell us this is why we recommend this. The other guy says we recommend that they're out of their minds, and we have to make a decision.

It's only happened I think a few— I think it's happened three or four times."

Jim DeLuca: "Well, because a lot of the architects were enduring this process but I think it's at a point now where many of them, and they've come to you and complained that it's over the top."

Again, I repeat my beginning statement. We don't need architectural police. Architects are very capable of handling their own work and it's plain and simple.

The same with engineers. I mean I've had talked to other architects and engineers in this town and they're at a point that they just want to bring in a blank piece of paper so you draw it and we'll do it. I mean that's the point it's at now. And— "

Councilman Wooten: "Well, this is certainly a start."

Supervisor Cardinale: "Yeah. Well, I have a feeling you'll be back for the second round when we have the other changes coming up. I think it's on May 4th. And we are going to meet them on the 30th so you may want to be present at that as well. Let me check with Trina to make sure what date we're going to set it up with them."

Jim DeLuca: "Okay."

Supervisor Cardinale: "Thank you very much, Jim."

Jim DeLuca: "Thank you very much for your time."

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Supervisor Cardinale: "Any other comment on this 7:10 hearing? If there is comment, come up and make it. Yes."

Jodi Giglio: "Jodi Giglio, President of the Riverhead Business Alliance.

And we had discussed this at our last meeting and we thought perhaps that when the applicant comes in with a project, if there were a carbon copy questionnaire going down the different items, like the color and the architectural design, that it could be written right there at the meeting in the carbon copy and the copy given to the applicant so that he can make those changes prior to the next meeting and submit them a couple of weeks before the next meeting.

Sometimes there's a 30 day delay because the architectural review board actually adopts a resolution approving the architectural design of a project. So they may say on the 30th of April that this looks great but it's not until the 30th of May that they actually adopt the resolution to forward it to the building department or the planning department.

So you could eliminate the adoption of a resolution and maybe just make it a letter of approval versus the whole board having to be there to adopt a resolution to approve the architectural aesthetics and designs, that would probably cut down the process quite a bit."

Supervisor Cardinale: "Thank you. Dawn, do you know how this works, because they're not permitting anything anyway. They're recommending to the site plan- the architectural review is part of the site plan process and we want to get it done faster.

It all comes as a recommendation to either the- to mostly the planning board now who does the site plan function. Occasionally downtown and at EPCAL if we have anything going which obviously is occasional, then we get it. But that's just- the ultimate action is approval of the site plan."

Dawn Thomas: "Correct."

Supervisor Cardinale: "So the only time we really see the architectural review board other than they recommended "X" and the other guy- that you guys agreed to it and that's it, is if there's a dispute and it's holding up the site plan. That's when we see it. So they really could do that.

They could simply say if it's all agreed, just do a carbon and say now the site plan's over, go onto other aspects of the site

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plan. So it's a good suggestion as is the one about the— get it in 14 days earlier, they're compelled to review it before the meeting.

Anything else?

Okay, I'm going to leave this one open also for written testimony through the 1st at 4:30 to the town clerk, Friday, the 1st."

Public hearing closed: 7:50 p.m.
Left open for 10 days for written
comment to Friday, May 1, 2009 at
4:30 p.m.

Public hearing opened: 7:50 p.m.

Supervisor Cardinale: "There's two other hearings, the 7:20 hearing for consideration of a local law amending Chapter 108 entitled Zoning 108-56 sign permits which is to commence at 7:20. It's 7:50, we can start it. Would you tell us what this one is about, please?"

Dawn Thomas: "Sure. This amendment is proposed to fill in a hole which we had in our appeals process for appeals for illumination or design of a sign.

Previously when the architectural review board recommended against a particular type of sign or illuminated sign, they would go to the town board. This allows them to go to the zoning board of appeals.

Actually, the hole was there was no way to go if the sign was illuminated. Now you have an option to go to the zoning board of appeals to appeal a determination from the ARB that recommends against a particular illumination or design of the sign.

And it eliminates— right, and it also clarifies that it's a recommendation from the ARB rather than approval."

Supervisor Cardinale: "Okay, so this is another related to the ARB sign reuse. It is a recommendation. If you don't like the recommendation you have the option of going to the ZBA. Is that it?"

Dawn Thomas: "Correct."

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Supervisor Cardinale: "Now, okay, because there's no site plan for a sign. It's simply approval. That's why you went to the ZBA instead of the site plan. Okay.

So it gives an option if you're going- on a sign. If you don't like the recommendation of the architectural review board, go to the zoning board of appeals and take it up with them.

Anybody have a comment on this? If so, please make it. If not, please make it in writing not later than 4:30 on the 1st of May, Friday, to the town clerk, Diane Wilhelm.

If there is no comment on this, I'm going to close this hearing which commenced at 7:50. It's 7:52."

Public hearing closed: 7:52 p.m.
Left open for 10 days for written
comment to Friday, May 1, 2009 at
4:30 p.m.

Public hearing opened: 7:52 p.m.

Supervisor Cardinale: "And commence- and call for the last hearing of the evening which is for 7:35 and which we can start.

We have the applicant here and counsel for the applicant, counsel for the town and also the town's real estate advisor and some other real estate people I believe. So Frank Isler counsel for the town will introduce this hearing."

Frank Isler: "First, there's a preliminary matter, you have to convene as the community development agency."

Supervisor Cardinale: "Thank you for that reminder. This is a CDA hearing so the board sits as commissioners of the Community Development Agency which is the entity that holds the EPCAL site and that's the director of it, right there, Christine Kempner, successor to Andrea Lohneiss who's gone on to bigger things in the state economic zone offices. So I'm going to adjourn the meeting of the town board."

Meeting adjourned: 7:52 p.m.

Meeting reconvened: 9:17 p.m.

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Supervisor Cardinale: "Reconvene the town board meeting. We're going to take comment on the resolutions so, Sal, we appreciate you read them and you probably have some errors we missed."

Sal Mastropolo: "No errors tonight, but I do--"

Supervisor Cardinale: "No errors. Good."

Sal Mastropolo: "I do have questions."

Supervisor Cardinale: "Good, good, that's good. A comment then. Go ahead."

Sal Mastropolo: "356 and 357."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Several months ago I asked you how many applications we had for apartments, accessory apartments. And the answer was like one or two. And I said well, why are we having an accessory review board. And you said you were going to revisit it."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Now if you're going to revisit it, why are you reassigning or reappointing two members to the board? Do we have any more applications? I mean have they started flowing in by the hundreds?"

Supervisor Cardinale: "No. They have not and we did discuss this when we left it on and the theory is here that we actually have had like 10 applications, two or three for approvals over the year from May to May. You know it was started in March, they started very low, very, very depressing and we may-- we expect to look at, let's see.

We passed it about a month ago, we passed some liberalizing actions. For example, they don't have to pay double for an existing apartment for a building department fee.

What else did we do? They don't have to-- oh they can get-- if the apartment is a little bigger, they can get a variance through this board."

Sal Mastropolo: "Did the floodgates open?"

Supervisor Cardinale: "No. Well, we're going to look. It's only been a month or two but if this doesn't include-- I think the board has gotten to the point where if these people are appointed,

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you know, for now, and that by- I'm going to bring it up like in September, that the board is going to simply be retired and we're going to take on the function of the 10 we get. But it's a good question, I asked the same question."

Sal Mastropolo: "Okay, thank you."

Supervisor Cardinale: "Thank you. Can we-- if there are any other comments on the resolutions we're about to consider, I'd like to take them. Otherwise we can consider them and then we'll take general comment. So let's do that. You want to call the resolutions starting with 354."

Councilwoman Blass: "Can I make just a real quick statement?"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "If you pay-- if those of you who are paying attention, we frequently get questioned about who proposes what resolution. If you observe tonight you will see that I start the resolution and John will second what I put into motion and it rotates across the board. That's the random assignment-- that's the sequence and it's a point that I think is worth emphasizing from time to time because people say oh, the resolution you put forward as if you had some particular allegiance to it. It is sequential thing that is assigned by the town clerk's office. So you'll see that as it unfolds."

Supervisor Cardinale: "Diane, my name isn't on the resolutions, it doesn't affect me. But she makes a good point. Could you maybe put that on the program so that people who come to the meetings will see that and I'll ask that they put it up on the station, too."

Because that is true. A lot of people think that if your name is on it, you are to offer or second, that you offered it and a lot of times they don't realize you voted against it.

Okay, you want to call 354?"

Resolution #354

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

Councilman Dunleavy: "And seconded."

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

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

Resolution #355

Councilman Dunleavy: "Appoints a call in recreation aide youth sports to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #356

Councilman Wooten: "Reappoints member to the accessory apartment review board. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #357

Councilwoman Blass: "Reappoints member to the accessory apartment review board. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #358

Councilman Dunleavy: "Accepts resignation of secretary to the board of assessment review. So moved."

Councilman Wooten: "Seconded."

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

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

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Councilman Dunleavy: "Yes. And she finally has a full time job so she's leaving this part time job. Good luck."

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

Resolution #359

Councilman Wooten: "Accepts the retirement of police officer Colleen Murphy. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #360

Councilwoman Blass: "Appoints a call in recreation aide youth sports to the Riverhead recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #361

Councilman Dunleavy: "Appoints a call in recreation specialist photography to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #362

Councilman Wooten: "Ratifies the appointment of a park attendant III Level I to the Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #363

Councilwoman Blass: "Authorizes the supervisor to execute a collective bargaining agreement with the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL/CIO, Riverhead unit of the Suffolk Local #852. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #364

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 46 of the code of the town of Riverhead entitled Architectural Review. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #365

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 101 of the code of the town of Riverhead entitled vehicles and traffic. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This has to do with Riverside Drive and I vote yes."

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

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Supervisor Cardinale: "Yes. And John or Jim, it was incorrectly reported in News Review that the only thing we did was stop signs on Riverside Drive. We also ordered increased enforcement and it's been successful and also we're going to get that sign out there. So could you follow up on that?"

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "Thank you. All right. So I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #366

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 18 entitled Code of Ethics of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

Councilwoman Blass: "Just one amendment, please. Quick."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "It's the conservation advisory council, not committee."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "CAC is council. Thank you. It's in the second paragraph."

Diane Wilhelm: "Okay, I'll fix it."

Councilwoman Blass: "Thank you."

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

Resolution #367

Councilman Dunleavy: "Adopts a local law to amend the zoning use district map of the town of Riverhead. So moved."

Councilman Wooten: "I'll second it."

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Supervisor Cardinale: "Moved and seconded. Discussion."

Councilwoman Blass: "Just a discussion. I know we noticed the other day that there were several inconsistencies in sections of the code pertaining to business center and shopping center. And maybe before we amend the zoning use district map we should really clear up all of those so that we're not perpetuating problems."

Councilman Wooten: "This is kind of confusing anyway because it's (inaudible)."

Supervisor Cardinale: "Yeah. It may-- "

Councilman Wooten: "But this is all we're changing is this one spot here, right?"

Councilwoman Blass: "No. We're changing-- this is what's changed."

Supervisor Cardinale: "That area."

(Some inaudible discussion)

Councilwoman Blass: "Well, we could ask, but he pointed out the problems to us with the TDR's and the FAR's and we've got two different sets of-- "

Rick Hanley: "You're talking about-- "

Councilwoman Blass: "We're talking about TDR-- "

Rick Hanley: "-- the amendments to the TDR-- right, which we have not spoken about it, code revision committee yet."

Councilwoman Blass: "And I'm only suggesting that until we clear up what-- "

Rick Hanley: "I guess that's up to the board."

Councilwoman Blass: "Well, that's why-- "

Rick Hanley: "I do know that this site plan is pending, the Lowe's site plan is pending and it cannot be reviewed by the Suffolk County Planning Commission until it's-- the zoning action has been adopted by this board. So that's the only comment I would make on the timing of this."

Councilman Dunleavy: "Thank you."

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Supervisor Cardinale: "The concern that we- she was discussing which might suggest that- I don't know how long it's going to take us to get this done but your intent section apparently in both the- we already got in trouble on the- what's the zone right off the- yeah, the designated- "

Councilwoman Blass: "The DRC-- Destination."

Rick Hanley: "The DRC district."

Supervisor Cardinale: "That your intent section is inconsistent with your uses. Remember how in the DRC we got nailed by the- "

Rick Hanley: "Yeah. The zoning schedule has a different floor area than- "

Supervisor Cardinale: "No, no. That's one other problem. But the intent does not- "

Rick Hanley: "In the BC district?"

Supervisor Cardinale: "In the BC."

Rick Hanley: "I think we went to hearing on making some text change on that."

Supervisor Cardinale: "All right. Where's that?"

Rick Hanley: "We could talk with Ann Marie Prudenti and Dawn about that but I do remember changing the intent section of the BC district to remove the word small. I remember going through that so if that's what you're talking about."

Councilwoman Blass: "That's one of the things- "

Rick Hanley: "That's already been done. I don't know where we're at in terms of hearing but we went- that was vetted already. So that change is- I think we have a public hearing coming up on that."

But there is some urgency to this map change because the commission will not review this site plan until that's done."

Councilwoman Blass: "And is the commission- they don't get into the FAR? They don't get into the concern that those two sections are inconsistent?"

Rick Hanley: "They were concerned about the use, the shopping center definition."

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Councilwoman Blass: "So would we at least pledge that we would clear up those other inconsistencies prior to the completion of the site plan?"

Rick Hanley: "Yes, yes, yes."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Let's make sure we do that because- "

Rick Hanley: "Sure. I do know we made that one change though in the intent section business C. I don't think we adopted it but I know that Ann Marie and I looked at it and we have a public hearing notice that we generated. I'm not sure where it's at exactly right now, so- "

Councilwoman Blass: "All right."

Supervisor Cardinale: "It maybe the next meeting."

Rick Hanley: "Possibly."

Supervisor Cardinale: "All right. So- is that satisfactory? Then we're going to go forward with this but we're going to address the other issues within the next month."

Rick Hanley: "Right."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Okay, we're going to have a vote?"

Diane Wilhelm: "Are we ready for a vote? Okay."

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

Resolution #368

Councilman Wooten: "Approves an extension of security posted by Wading River Woods LLC in connection with the subdivision entitled Wading River Woods a/k/a Hounds Gate for road and drainage improvements. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #369

Councilwoman Blass: "Approves the extension of security posted by Birchwood at Wading River LLC in connection with the subdivision entitled Birchwood at Wading River - Section 3 for road and drainage improvements. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #370

Councilman Dunleavy: "Approves extension of security posted by Birchwood at Wading River LLC in connection with the subdivision entitled Birchwood at Wading River - Section 4 for road and drainage improvement. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #371

Councilman Wooten: "Authorizes the termination of the agreement between Jungle Lasers LLC- we don't like them-- and town of Riverhead (National Geomatica System). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #372

Councilwoman Blass: "Authorizes the town supervisor to execute change order #2 for east creek Marina Phase I infrastructure improvement project. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #373

Councilman Dunleavy: "Authorization to publish advertisement for snack vendor services for the town of Riverhead. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #374

Councilman Wooten: "Authorization to publish advertisement for oil, lubricants and fluids. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #375

Councilwoman Blass: "Authorization to publish advertisement for janitorial supplies for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #376

Councilman Dunleavy: "Authorization to publish advertisement for paint for the town of Riverhead. So moved."

Councilman Wooten: "Seconded."

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

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

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Resolution #377

Councilman Wooten: "Rejects bid and authorizes town clerk to re-publish and re-post a notice to bidders for the annual materials and asphalt procurement contract. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #378

Councilwoman Blass: "Awards bid for dry hydrated lime also known as calcium hydroxide. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #379

Councilman Dunleavy: "Awards bid for food and meat. So moved."

Councilman Wooten: "Food and meat. Seconded."

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

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

Resolution #380

Councilman Wooten: "Supports a Main Street grant program application. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #381

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Councilwoman Blass: "Authorizing and ratifying the commencement of a proceeding pursuant to CPLR Article 75 to stay mediation requested by Terry Contracting & Materials, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #382

Councilman Dunleavy: "Authorize the selling of 2009 beach permits by Warren's Tackle Center, Fisherman's Deli and Angelo's Bakery Pizza. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #383

Councilman Wooten: "Approves Chapter 90 application of Cooley's Anemia Foundation, Inc. So moved."

(Some inaudible discussion)

Supervisor Cardinale: "So this one is going forward? Okay, go ahead."

Councilwoman Blass: "And seconded."

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

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

Resolution #384

Councilwoman Blass: "Approves the Chapter 90 application of Wading River Shoreham Chamber of Commerce, Inc. for Duck Pond Day which this year is Sunday, May 3rd. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #385

Councilman Wooten: "Authorizes the town board to accept the resignation of a maintenance mechanic II . So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #386

Councilwoman Blass: "Authorizes the supervisor to execute an agreement to dispose of disciplinary charges regarding a certain town employee in the sewer department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #387

Councilman Dunleavy: "Authorize the supervisor to execute a grant agreement with NYS DOT for funds to support renovation of Grangebél Park. So moved."

Councilman Wooten: "Seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is a long time coming. I'm glad we finally got the money and that project can go forward from now on. So I vote yes."

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

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Resolution #388

Councilman Wooten: "388 is a motion to pay the bills."

Councilwoman Blass: "Seconded."

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

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

Diane Wilhelm: "And then we have Resolution 389 would be off the floor."

Supervisor Cardinale: "389 was added by the settlement matter, by the legal office to settle a lawsuit for a \$10,000 fine."

Resolution #389

Councilwoman Blass: "Authorizes the town attorney to execute a stipulation of settlement in a lawsuit, Town of Riverhead versus Great Rock Golf, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "That completes the resolutions. We'd like to take comment on the— generally from anyone who wishes to make it, hopefully on something we have some say over. Go ahead."

Matt Hattoff: "Matt Hattoff. Is there going to be a resolution I guess at the next town board meeting in reference to the dispatchers and the referendum?"

Supervisor Cardinale: "Yes. Ann Marie Prudenti is preparing it and assures me she will have it for the next town board meeting."

Matt Hattoff: "I'd like to have a copy of that before the next board meeting if it's possible."

Supervisor Cardinale: "Okay. Yeah, I certainly think you should see it before. Ann Marie Prudenti— I'll ask her to get it to you. Dawn Thomas, we'll ask her to get it to you. All right?"

Matt Hattoff: "All right. Thank you."

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Supervisor Cardinale: "All right, thank you."

Nancy Cammarota: "My name is Nancy Cammarota and I'm not quite sure how this works. Am I only here to comment on your resolutions or may I- "

Supervisor Cardinale: "No. You can comment on anything at this point."

Nancy Cammarota: "I've lived on Long Island a good 60 years in Suffolk County. My husband and I built a retirement home. He just retired. I'm semi-retired. And I read this apprehensively and I don't mean to insult anybody but I will agree with Marie Zere that it's very hard to get business to come to the town of Riverhead. So let me proceed.

My name is Nancy Cammarota. I reside at 22 Kimmel Lane, Jamesport. I have lived there a little over a year and it has come to my attention that there is something rotten in Denmark, shenanigans in town hall and more to the point for some reason the town has made it just about impossible for the residents of Kimmel Lane to have a decent road put in.

Aside from suffering through holes and puddles, our neighbors at the southwest corner have decided to extend their property line another 30 or 40 feet into the road without any permits or consulting their neighbors.

Aside from the fact that the corner has become a blind and dangerous one, we have no streetlights and someone unfamiliar with Kimmel Lane could slam right into those railroad ties that have been constructed illegally.

Now all the residents of Kimmel Lane had to obtain permits for various things such as decks and so on so I'm perplexed at the brazen actions of Mr. Kimmel-- Androtti (phonetic) but even more perplexed that the town has not issued fines and asked them to remove the obstructions that are not on their property.

I don't need to remind any of you that we the residents pay a good deal of taxes. By the way, I've lost \$150,000 in a 401k and my husband has been a construction worker sucking asphalt for 40 years.

The residents pay a good deal of taxes. We are non-confrontational people. We are honest and hard working. We are only wishing for fairness and we don't wish to pay taxes on property that other people have basically stolen.

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So the question is what's going on here? The rumor mill has it that you, Mr. Cardinale, are or were Mr. Kimmel's lawyer. If so, is that not a conflict of interest?"

Supervisor Cardinale: "I am not Mr. Kimmel's lawyer- "

Nancy Cammarota: "Or have you ever been?"

Supervisor Cardinale: "I am not ever been Mr. Kimmel's lawyer."

Nancy Cammarota: "Thank you. Mr. Kimmel has added extensions to his home and no longer accesses the home via the campground road which is the only reason he is eligible for the STAR program though he lives in California nine months out of the year. Mr. Androtti who also built a wall lives in Nassau County. This may not be true but it will be easy enough to check.

Now with all the aforementioned information, this begs the question, does Mr. Kimmel receive special treatment because of his relationship with Cardinale and how is that fair to the taxpayers of Riverhead?

I feel the next step is to have him- to hire a non-Riverhead lawyer along with my neighbors or put an ad or an editorial in the Suffolk Times to let the taxpayers know that they're subsidizing non-residents.

I have spoken with you, Dawn, a few times. We have gone from Paul Somoza who by the way has served this country as a Navy Seal and a police officer and is an honestly good man. Is it his road? Is it the town's road? Whose road is it and why isn't it being attended to?

I want an answer. And there has to be an answer. It is or it isn't. There is a title or it's not."

Supervisor Cardinale: "I can give you the answer."

Nancy Cammarota: "Give me the answer."

Supervisor Cardinale: "Let me tell you that I am a neighbor. I live in South Jamesport and I haven't practiced law since I've been a supervisor. I know Mr. Kimmel but I think I might have done a lease for him about 10 years ago but that's the extent of my relationship with him.

If you look at the subdivision which I did this afternoon at the request of the town attorney, in the area that you bought, it

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says that that road, Kimmel Lane, Clinton or Center, it's listed as a private road.

In addition, Mr. Somoza when he had the subdivision approved, went to the zoning board of appeals because he needed to because that was a private road and there was going to be access off of a private road. And the subject roadway, this is what the ZBA told him in 2000.

The appeal of Paul Somoza for a variance due to lack of access, you know because it's private, not a public road, in accordance with Article 280 of the town law is granted in accordance with the application together with the sketch as filed.

The subject roadway, Kimmel Lane, shall be maintained by the applicant, that's Mr. Somoza, his heirs, successors, assigns in good condition for the health and safety of the applicant and for the residences of the adjacent property owners.

He was doing the subdivision. The subject roadway, Kimmel Lane, must be accessible and remain open for ingress and egress of vehicle traffic as conditioned by the Riverhead planning board in August 14, 2000.

The applicant shall specifically reference the variance in any instrument purporting to transfer any interest in the property.

The planning board's approvals of the subdivision specifically indicates this is a private road. That was filed with the county clerk of the county of Suffolk when the property was bought. And that had to have been known to the public that it's a private roadway.

So if the Kimmels are in the middle of the roadway, they're in the middle of a private roadway and it is a private matter of dispute that whoever the owner of the roadway or has access to the roadway, has to bring."

Nancy Cammarota: "So what you are saying is that Mr. Somoza owns the road?"

Supervisor Cardinale: "I'm saying Mr. Somoza's roadway is—the roadway on your home is a private roadway. And the town therefore can't do anything even if it wished to do so."

Nancy Cammarota: "But then Dawn at one point, it became a town road. And now it's gone back to the town is abandoning the road. But let me say this, this summer my husband worked with—"

Councilman Wooten: "You've got to be in front of the mike, ma'am."

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Nancy Cammarota: "He works for JD Pasilico offered Paul, they offered to do that road for \$10,000. Paul was told that he would be arrested if they touched the road."

Supervisor Cardinale: "By whom?"

Dawn Thomas: "Absolutely not. That's absolutely false."

Paul Somoza: "I could address that. By the code enforcement and Mr. Cardinale, I'd like to say one thing. You know this project better than anybody since 1996. My name is Paul Somoza, I'm the builder of that subdivision, okay? And you know it better than anybody and I was just told by your assistant, Mr. Bill Welsh, that there was a title search done many years this is going on and that title search revealed it was a town road. And it was told to me and told to Mr. Snyder over a year ago that when the decision comes back if that road is a town road or not, it will be addressed."

Mr. George Woodson, the town highway superintendent told me that monies were allocated to repair that road and that he went down there and measured it and as soon as Dawn Thomas gives him permission to remove the encroachments by Kimmel and Andruzzi that just put them there a couple of years ago when I told them not to, that that road would be paved.

Now you're turning around and telling me it's my road. How come I didn't have to post a bond when that subdivision came up- I wanted to do that road and I was told not to."

Supervisor Cardinale: "Well, I know the planning board did the following, that's all I can tell you."

That the road on the filed subdivision map which you asked for and which you accepted and you filed in the county clerk's office indicates that's a private road."

Paul Somoza: "It's not a private road."

Supervisor Cardinale: "Furthermore you went to the ZBA, Paul, and you asked the ZBA to give you relief because it was a private road and they gave it to you on the condition that you maintained it."

So here's the suggestion. If you improve the road as the developer to the standards of the highway department, we would be glad to accept it as a public road. But right now it's private and you just are trying to get- "

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Paul Somoza: "It's not private. I would just like to see the title search that Dawn Thomas just did and that your assistant, Mr. Bill Welsh, had turned around and told me it came back and it is a town road and that you and Mrs. Blass and her, Dawn Thomas, were the only ones that were against it."

Supervisor Cardinale: "It's not a matter of being against it. It's not a matter of being against or for it. If that was true, you had to have made— you bought the property and you indicated to the planning board it was private and you accepted the subdivision with the condition that you would maintain the road. And it was filed."

Paul Somoza: "No. The board at that time told me to go from a six lot subdivision to a four lot subdivision for the simple reason that the residents of Jamesport when the campground people when they wanted to leave that road open, I wanted to close it off at the end of Sixth Street.

I had the first subdivision made with a whole different layout and the board told me, listen, we've been maintaining that road for the last 40 years. We pick up snow. We remove the snow, pick up the garbage, it belongs to us. You put the water main in, put all the gas and electric in it, we're going to maintain it and if you touch it, you're going to jail.

I went and bought \$3,000 worth of stone and had it put there and was ready to fix that road up and I was told if I touched it, I'm going to jail, along with Mr. Keller on that board who told me in your minutes to put up a big berm on the town corner property which cost me over \$5,000 of bushes and trees and dirt and a lot of sweat and labor.

And I did it and then I was told after I did it, to take it down because I was trespassing on town property and they reduced the violation to a littering charge and I to go and remove the whole damn berm because Mr. Kimmel was against the berm, who's a non-resident and lives in California.

And I'll tell you what. Either fix the road or we're going to all get a lawyer and we're going to sue you because if I was supposed to do anything with that road, then why wasn't a bond being placed? What do you think, I'm doing this 30 years with all different townships."

Supervisor Cardinale: "What is— "

Paul Somoza: "You people wanted that road and wouldn't let me touch it and now— was there a title search done or not?"

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Supervisor Cardinale: "Was there- this says- this is from the ZBA."

Paul Somoza: "Mr. Cardinale, I asked you a question. Was there a title search just recently done?"

Supervisor Cardinale: "I have no idea- "

Nancy Cammarota: "Dawn says there- Dawn, was there a title and what did it come back?"

Dawn Thomas: "The title search talks about the title going back to the town, well actually to- "

Nancy Cammarota: "But that's not clear."

Dawn Thomas: "It isn't clear and that's why it's very, very difficult."

Nancy Cammarota: "Why isn't it clear?"

Dawn Thomas: "The records go back to the early 1800's, the deeds are hand written deeds."

Nancy Cammarota: "That happens along every piece- "

Dawn Thomas: "You're not letting me finish."

Nancy Cammarota: "No, sorry, Dawn, I've talked to you nicely a few times and I'm getting the run around. No. You are a lawyer. It is or it isn't. It goes back to the 1800's. So what?"

Dawn Thomas: "I can tell you that we've been litigating the status of the roadways in South Jamesport since the 1920's. I can show you 20 files in my office."

Nancy Cammarota: "And- and are we the only ones that don't have an answer?"

Dawn Thomas: "No, actually, I have one case in court right now."

Nancy Cammarota: "And which street is that?"

Dawn Thomas: "That's 4th and Center and I'm still litigating Center and Front."

Nancy Cammarota: "How can this happen when this man went through all these procedures- "

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Dawn Thomas: "I think it's very clear from the planning board's record that the planning board— either Mr. Somoza represented it and it's on the survey that it's a private roadway."

Supervisor Cardinale: "When you purchased this property, did your attorney discuss with you whether the road was private or public upon which your house was accessing?"

Paul Somoza: "No."

Supervisor Cardinale: "Not you, theirs. You sold it to them. At the time you bought it, the map that was filed in the county center showed it as a private road. That means— "

Nancy Cammarota: "Which is fine. Which is fine. The residents, stand up the residents. We are willing to maintain it."

Supervisor Cardinale: "Okay, great."

Nancy Cammarota: "We want to know what it is."

Supervisor Cardinale: "It's a private road. That's what the planning department determined."

Paul Somoza: "Mr. Cardinale, I'm going to ask you again."

Supervisor Cardinale: "Mr. Somoza does not want to do what he was— "

Paul Somoza: "Was there a title search recently done, Miss Thomas? Was— is Bill Walsh your assistant to your office?"

Supervisor Cardinale: "Yes."

Paul Somoza: "Okay. Then why did he tell Mr. Snyder over there last May, would you get up here, please?"

Supervisor Cardinale: "I don't know why— "

Paul Somoza: "I built the last house on lot 5 of which I almost got screwed out of because I was told to do a four lot subdivision for one simple reason, that you people did not want me to touch that road. You said to me that you will do a four lot subdivision and once you're done with the four houses, we'll give you the fifth lot."

Supervisor Cardinale: "Who's we? I've had nothing to do with this nor has this board."

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Paul Somoza: "You had all to do with it. You were the first one that went into that building illegally with a can of gas- a gasoline can and a book of matches which caused the damn place to burn down in the first place."

Supervisor Cardinale: "Paul- "

Paul Somoza: "I should have had you arrested."

Supervisor Cardinale: "Paul, you are a piece of work.
Paul- "

Paul Somoza: "I'm a piece of work?"

Supervisor Cardinale: "Yeah."

Paul Somoza: "You're a piece of work."

Supervisor Cardinale: "You are truly a piece of work."

Greg Muth: "Excuse me, can I just say something? My name is Greg Muth, my wife and I, Katherine, she- we live on the block. All we're asking is we were told several different things by several different people, all right. The most recent thing was that it was found to be a town road.

All we want to know is, is it or is it not and if it is or if there's a possibility that it is, what's going to happen? Is it going to be looked into further or is this the bottom line? Is this the end of it?

We need a safe road. We couldn't walk on it in the winter, you can't walk on it after it rains. It's just dangerous. It's dangerous for us and anybody who walks through, neighbors."

Supervisor Cardinale: "In order to change the road from private to public, the entire subdivision would have to be reviewed because the subdivision determined it to be a private road and the zoning board of appeals indicated it must be maintained by the owners.

If that's going to be changed, it can't just be changed by us doing that. It's a private road until we go back to the planning board and have them change their determination. They determined it to be a private road."

Greg Muth: "But I was told last week- "

Supervisor Cardinale: "During the subdivision process."

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Greg Muth: "I was told last week and I was told- I spoke to Dawn Thomas a month ago or so and I was told that it is, in fact, it was determined that it is, in fact, a town road. Now it's changing again."

Supervisor Cardinale: "Well, that's news to me because all I know was at the request of Mr. Somoza I looked at the file, asked the legal department what the planning board determined it to be and it is absolutely clear that in the subdivision process they determined it to be a private road. That's what it says."

Now they may have been wrong. I don't know because I don't do their work. They do their work. But they determined it to be a private road and they conditioned the subdivision on the maintenance by Mr. Somoza of the road."

Greg Muth: "Well, what's going to happen next? Now there's not going to be- this is the final- "

Supervisor Cardinale: "I don't- I'll leave it to legal. But that's why the problem exists because the planning department- the planning board in making- in approving the subdivision clearly determined it to be a private road, placed it on the subdivision map on file at the county center as a private road. Therefore, you have absolute access to keep the roadway free of obstructions but it's a private matter. It has nothing to do with the town of Riverhead. That's what the- "

Greg Muth: "All we're asking for is a safe road to walk and drive on. We're asking for a couple hundred feet of asphalt."

Supervisor Cardinale: "Okay. Then, okay, so we would be willing to take over the road and routinely would do that if the developer brings it to the specifications that are required by the highway superintendent."

Greg Muth: "And that could be- he could find out what that is in writing so we know exactly what has to be done?"

Supervisor Cardinale: "Yes. So if either Paul or anyone else agrees, I think we all agree that we'd be glad to take the road over when it's at the specifications that the highway superintendent can take the snow off it, can clean it."

Greg Muth: "So we can speak to Mr. Woodson, he can tell us exactly what needs to be done."

Supervisor Cardinale: "Yes. In fact, I asked him today to do that and that is probably the best thing to do to resolve this. It is routinely done."

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Councilman Wooten: "When subdivisions are done, they dedicate the roads."

Supervisor Cardinale: "But they dedicate it after it's brought up to a certain standard. That's routinely done as Jim says. It's nothing surprising."

Greg Muth: "All right. Just so the board knows though, that's all we're asking is for a safe road. That's all we want."

Supervisor Cardinale: "Okay. And the best way to do that is let me help by at least asking Geo to tell you what is necessary to bring it up to the standards that he would accept it and then when that's done I would be very happy to urge the board to take it over as a public road."

Greg Muth: "And we bring that- when it's at that point, we come back to this stage and start all over again?"

Supervisor Cardinale: "Yeah. But we can do this with Geo. He'll make the commitment. He'll say you do this and this and we'll take it over. But that makes it consistent with the planning board. Yeah, it was private but then it was approved and now it's public, otherwise it's going to be a mess. Trust me it will be."

And I would like- I think we would like to do that and to the- how much is this? Is this a big deal, this road? I mean is it expensive?"

Greg Muth: "No."

Supervisor Cardinale: "So let's do that."

Greg Muth: "It's a couple hundred feet of asphalt. That's all it is."

Paul Somoza: "Mr. Woodson already was down there, Mr. Cardinale. He measured it. He said he'd be glad to do it. He was waiting for a letter from Miss Thomas' office. He said it would take him a half a day to do this road and there's another issue about the corner property that's right next to Mr. Snyder's house."

Supervisor Cardinale: "That's the tough part because, Paul, if there's an encroachment then what the problem is there is that we've got to get rid of that encroachment to do the road and we've got to get the cooperation of the encroacher and one of the things that he's going to tell you is that it has to be so wide and it has to be at a certain level of asphalt. So, I know we can- asphalt can be bought, but how are you going to get the- "

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Greg Muth: "So let me just ask you this. About three years ago they came in and paved Sixth Street which is full of encroachments, full of them, and I know that there was several people on Sixth Street that didn't want it done just for that reason because they were worried that they were going to lose their property in the front.

They came in and they paved that road, just paved it exactly the way it is without changing anybody's property line at all."

Supervisor Cardinale: "Is that possible here? All right, then let's do that."

Dawn Thomas: "If we're going to take it over, the highway superintendent has to be comfortable that it's not a safety issue."

Supervisor Cardinale: "Yes. You know when you get up to Sixth there it may be too tight to make turns."

Greg Muth: "It's dangerous."

Supervisor Cardinale: "He has to understand that it's- exactly. It has to be at a width that will be safe."

Katherine Muth: "Excuse me, but the encroachment is also- "

Councilman Wooten: "Name?"

Katherine Muth: "I'm sorry. My name is Katherine Muth. The encroachment is- the wall that has been put up is a three foot wall at least and now these railroad ties are falling into the street and I've almost hit them a few times, and with the bad weather this winter with the wall that Mr. Kimmel put up, I backed out and I hit my car- I slid across the ice and hit into that wall that is not jutting six feet out. So I can't- "

Supervisor Cardinale: "So it's not safe."

Katherine Muth: "It's so- I have a letter that I drafted. It's a simple letter and I would like to give it to the board just so you have something on record from me. It's my letter that I wrote just from what I've experienced."

Councilman Wooten: "How do you- can I ask you something, ma'am?"

Katherine Muth: "Yes."

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Councilman Wooten: "Kimmel, what is the access? Is it from South Railroad Avenue or is it from Sixth Street or both?"

Katherine Muth: "Yes. Both sides of the road are open. The only- the encroachments come so far that I have to come out-- the front of my car has to come halfway out onto Sixth Street before I can even see if there is a car coming. One day I'm going to be hit coming out onto- "

Supervisor Cardinale: "Paul, has anybody talked about this to Kimmel as to the encroachment? Is he willing to- "

Katherine Muth: "He had at one point he did say that he would be willing to take the railroad ties down and that's all we've asked. The- I- plus that's another thing. He- the family hasn't been here- they're only here in the summer so they don't even see what we have to go through during the wintertime.

I at one point, the ground because the water that's been retained and frozen, I had to hold onto my neighbor's fence in order to get from Sixth Street to my home. I was trying to walk my dog. I've had to actually put my dog in the car and take him elsewhere in order to walk him because I can't access my own street. Also- "

Supervisor Cardinale: "Has Geo been out there?"

Katherine Muth: "Yes. Also, the mud, when it rains, the mud is so thick I have to wear boots every time it rains in order to go out, down my street and walk my dog."

Supervisor Cardinale: "Again, if- I don't have any doubt that all that is true."

Katherine Muth: "We're not asking- we have pictures. We're not asking for a lot."

Supervisor Cardinale: "I'm sure you're right but if you look at your subdivision when you bought it, it said private road right in the middle of it."

Katherine Muth: "But excuse me."

Supervisor Cardinale: "I'll give you the picture. It's right here, filed document."

Katherine Muth: "I'm sorry but my husband was there when the- I don't know who it was, told Mr. Somoza that if he touches the road, he would be put in jail. So it's not just Mr. Somoza said, my husband heard it said also."

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Councilman Wooten: "Well it's something that it can be mitigated, believe me. This is- safety is the utmost."

(Inaudible comment)

Supervisor Cardinale: "Well, let- since we're on the subject so long let's cut to the chase. This road needs to be wider at Sixth Street and needs to be asphalted. All right."

If it were wider at Sixth Street and asphalted, everybody would be happy and- all right. It's a private road according to everything that is in the subdivision file and- but we'll be happy to make it a public road as long as it is at that level of that Geo would accept.

So why don't we get Geo out there and tell him- ask him to tell us what needs to be improved."

Katherine Muth: "Would you accept the letter that I wrote?"

Supervisor Cardinale: "Sure. But once we get- the problem I see is that you are going to have to clear out that easement and since it's a private road, we have no authority to clear out the easement."

Katherine Muth: "Well, actually the- "

Supervisor Cardinale: "Clear out the encroachment. I'm sorry."

Katherine Muth: "Well, the encroachment is not only Kimmels, the corner house which they are actually on Sixth Street and they're encroaching onto Kimmel Lane."

Supervisor Cardinale: "Are they encroaching on Kimmel or are they- on Kimmel we cannot clear the encroachment because it's not a public road."

Katherine Muth: "Even if they're not residing on that road?"

Supervisor Cardinale: "Well, is the encroachment on Kimmel?"

Katherine Muth: "Yes."

Supervisor Cardinale: "Any- if it's a private road, we have no more authority than you do. Sixth Street is public, is it not? That road we would have an authority to clear an encroachment."

Paul Somoza: "There's tons of encroachment on Sixth Street by Mr. Andruzzi as well."

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Supervisor Cardinale: "Well, then those we might have authority over clearing but we don't have authority over the private one. Okay.

Why don't- has Geo been out there, Paul? Has Geo been out there? Geo Woodson, highway superintendent. All right."

Paul Somoza: "He also said that there was money allocated for the road and that he was just waiting for (inaudible). That's all he's waiting for. The money has already been allocated for this road."

Supervisor Cardinale: "I wonder who allocated it to a private road."

Paul Somoza: "And he told me that he says for the last year, he says we're waiting to get another title search back. A couple of weeks ago, a month ago, I called up or actually he called me and he said the title search has been completed and it was determined that it was a town road and they were going to come and pave it and soon as (inaudible). He didn't use that language. He said as soon as- "

Supervisor Cardinale: "And what are they going to do with the encroachment? That's the real issue."

Paul Somoza: "I said (inaudible). And he said if it's a private road then we're going to have to address the issue. If it's our road, he says it's a town road so we'll take care of it. So those encroachments were only just recently put there and (inaudible).

I think because if you look at the survey, Mr. Kimmel and Mr. Andruzzi are afraid the road is supposed to curve and, you know, we don't want (inaudible). We want it to stay just the way it is, just open the corner where Sixth Street (inaudible). We don't want it to be 40 foot wide. That would make it ugly and Mr. Kimmel was so afraid that I was going to make the road go the way it was supposed to go and that would be dumb because then he virtually would step out his front door and be in the street.

But these things were done so many years ago- Lebanon was there and everything."

Supervisor Cardinale: "All right."

Paul Somoza: "The road has been maintained by the town of Riverhead. For the last four years they removed snow, they fix potholes."

Councilman Wooten: "They do that a lot on private roads."

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Paul Somoza: "Take the garbage away. All we're asking for is to just pave the street. It's not that big of a deal."

Supervisor Cardinale: "The encroachments are the problem because if you pave the— "

Paul Somoza: "The encroachments are and I'm afraid to touch them— "

Supervisor Cardinale: "Quick question. We have no more authority to— we have no more authority. That's what this is about. We have no more authority to mess with the encroachments than you do."

Councilman Wooten: "Actually he has more authority because he has— "

Paul Somoza: "(inaudible) came back, it said that it was a town road. That's what Bill Walsh had said to me. If I could get a copy of that title search, I'd be glad to— "

Supervisor Cardinale: "But the title search is not dispositive in view of the file in the planning department."

Paul Somoza: "The original file (inaudible). There were so many different meetings with this subdivision, the four lot subdivision. Originally Leroy suggested a six lot subdivision. I think you might remember that. Then I didn't want six lots, too tight, so we would let it go for five. But five lots he said would be a major subdivision and I would have to address the road. I was willing to do that. I said I'll post the bond, I'll do whatever I've got to do. They said no, the campground association wants the road the way it is and the town is going to take care of it.

So I said what about water, electric."

Supervisor Cardinale: "Who are you talking to?"

Paul Somoza: "Excuse me."

Supervisor Cardinale: "Is that Leroy?"

Paul Somoza: "That was at one of the board meetings that I bought a whole bunch of disks. This goes back all the way to 1999 and, you know, then at one board meeting and there were a whole bunch of people in the audience here, I think even the newspaper reporter and that's when Mr. Kelleher told me, Mr. Somoza, if we give you that fifth lot as you (inaudible), would you put up a berm on the corner. And I said that's not my property, it's the town's

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property and Mr. Kelleher said to everybody on the board at that time, why don't we let him put a berm up there so it will shield from the garbage dump, that people throw- "

Councilman Wooten: "That was the zoning board you were before, not the town board."

Supervisor Cardinale: "That was the ZBA."

Councilman Wooten: "That was the zoning board you were before."

Paul Somoza: "And I did. I built it and then all of a sudden I get a letter in the mail saying if I don't get it off there forthwith, I'm going to be charged with a felony."

Supervisor Cardinale: "Who was that from?"

Paul Somoza: "From the code enforcement office. I could get his name. So I tried to explain it to him and he didn't want to hear nothing. So what do I do? I went back out there and I took the berm down myself after I spent almost \$5,000 to put it up. Everybody liked it.

As a matter of fact, I even went to the Board of Health because that's a sterilized piece of property and I asked the Board of Health to go out there and let me know what plants if any could be put on it that would be indigenous to the sterilization of the property.

They went and they wrote a letter to the town saying that it's okay with them to build the berm and to put that, you know, boulders and trees there. I did that and then I was told that I was trespassing on the property. I went to the court and I appeared in front of Judge Keller. Judge Keller had to recuse himself because he said- "

Supervisor Cardinale: "Judge Keller? Ehler. No, Keller is on the ZBA. Ehlers is on the court."

Paul Somoza: "He said to me I have to recuse myself because I told him to put the berm there. And then he said how do you get a trespassing for building a berm? So then they wound up dropping it down to a littering. I had to pay a \$350 ticket for littering."

Supervisor Cardinale: "Okay. Let's agree to do this. The town is perfectly willing to take over that road if it's recommended by the highway superintendent.

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The highway superintendent typically looks at it and says if you do "x", "y" and "z", they'll take over the road. If that can be done, I would be perfectly happy to do that."

Paul Somoza: "All right. If I- I could write a letter to Mr. Kimmel and Mr. Andruzzi asking them- I've already asked them and I was told that it will be a cold day in hell before that road is going to get paved. That's what I was told."

Supervisor Cardinale: "By whom?"

Paul Somoza: "By Mrs. Kimmel. She told me right to my face."

Supervisor Cardinale: "Well, she doesn't control paving."

Councilman Wooten: "She doesn't control the road either."

Paul Somoza: "Well I just want to go over there and start renting their (inaudible)."

Supervisor Cardinale: "This gets- I understand how complicated this is because I- "

Paul Somoza: "But these people (inaudible). I have a house there myself, 27 is my own home. I'm considering moving to Riverhead and, you know, I care about it myself and not that I just want to, you know, everything is (inaudible) I promised these people. And then when I did try to do it, I brought- you saw all the (inaudible). I brought 35 yards of bluestone and then I started to grade it off with one of my machines and the code enforcement came down and said if you touch this road, I'm locking you up right now."

Supervisor Cardinale: "Code enforcement did. What would that be about, tell me that. Why would code enforcement do that?"

Paul Somoza: "I don't know."

Greg Muth: "I can tell you that whoever was highway superintendent before Mr. Woodson, his second in command I believe came down and told me directly that, yes, if Mr. Somoza touches this road he's going to be arrested. Now I don't know who that man was at that point but I know his position."

Paul Somoza: "Now after all the fighting I don't have the money to do it and I'm not going to do it. I can't fix it."

Councilman Wooten: "All right. Well, nobody is going to get arrested I can tell you that."

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Paul Somoza: "I don't have the right to do a town road. I don't have a license for that kind of stuff. There's water in the road now. There's electric, there's gas. I mean I would have to, you know, God forbid something could happen. It has to be done professionally.

Mr. Woodson was there. He said no problem, I could have that road done in one day. All I need is a letter from of approval."

Supervisor Cardinale: "Okay. But he's the guy that makes the decision whether to recommend to this board to take over a town road. If we get that recommendation to take it over and he's satisfied with it, I'm not going to question it. I don't really care if he takes it over as, you know, I'm not worried about the asphalt.

What the problem is is even if he took it over, how's he going to deal with Sixth Street?"

Paul Somoza: "You mean with the encroachment?"

Supervisor Cardinale: "Yeah."

Greg Muth: "But, sir, even Sixth Street is a town road and there's encroachments all over that and they pave- the town came in and paved that three years ago as is. So- "

Supervisor Cardinale: "Fine. So would that be satisfactory?"

Paul Somoza: "There's encroachments all over Sixth Street."

Greg Muth: "Well, the only thing is the corner is a danger because you can't see around it so we're asking for a few feet. We're asking for what, five or six feet."

Supervisor Cardinale: "All right. I'm going to- I want to assure you that I would like to help and so would the town board, that it is complicated and that the decision on this are made by Geo, the town superintendent of highways.

I will ask him to speak to you and if you two can agree that he's willing to take the road over, I would be very happy that he does."

Paul Somoza: "I'll write a letter to Mr. Kimmel. I think if- I asked him when he started to do it, I said you can't do this. I showed him the survey and he knew where his property boundary was and he did it anyway. And he did it without permits and when Mr. (inaudible) went to build a little deck that was less than 19 inches off the ground, he (inaudible)."

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Supervisor Cardinale: "It sounds like a happy neighborhood there. Everybody is going to be locked up."

Paul Somoza: "He didn't know if he didn't get a permit for the deck because it was less than 19 inches off the ground. He didn't mean to do anything illegal so- but these people went ahead and built a retaining wall which fell down with no- very dangerous, without permits."

Councilman Wooten: "Well, once it's public property, a good plow will take that out."

(Inaudible comments)

Councilman Wooten: "Right now, it's private. That's the thing. We've got to get that squared away."

Paul Somoza: "And he said that and it means nothing anyway. He says Phil Cardinale is my (inaudible). So what, I could say that, too."

Councilman Wooten: "Nobody says that."

Supervisor Cardinale: "Who told you that? I don't think I know Mr. Kimmel if I stepped on him. But that's not an issue here but what is an issue is our commitment to you as a community that if you- I need- this board can assume- can take over a roadway with a request from the highway superintendent."

All I need is for him to say I will take over this roadway, it's in good enough condition. All right. So let's do that. But I don't know what he's going to do with the Sixth Street corner and I don't care as long as he's happy."

Councilman Dunleavy: "That's up to Mr. Woodson. Whatever he does, we'll agree to it. Okay?"

Councilman Wooten: "I don't necessarily agree with that. It's got to be done right."

Barry Schneider: "Yeah, one more thing I'd like to address."

Diane Wilhelm: "Your name, please."

Barry Schneider: "Barry Schneider, 31 Kimmel Lane. My adjoining property is owned by the town of Riverhead and it's just a dust ball. I want to know what is going to be done about that?"

Supervisor Cardinale: "What adjoining property is that?"

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Barry Schneider: "On South Railroad and Kimmel Lane."

Supervisor Cardinale: "Do we own property on South Railroad and Kimmel Lane?"

Councilman Dunleavy: "Well, we have an easement."

Supervisor Cardinale: "No. That's the street."

(Inaudible comment)

Barry Schneider: "Right, exactly, sterilized piece. Yes.
And- "

Supervisor Cardinale: "Did we take a title back? I don't remember that. Okay, if we own it we will take care of it but could you tell us what piece you're talking about?"

Barry Schneider: "I'm sorry."

Supervisor Cardinale: "What piece exactly. Do you have a map or anything?"

Barry Schneider: "Do you have a map?"

Paul Somoza: (Inaudible comment) "I offered to landscape this property and you know not build on it or anything and also (inaudible)."

Supervisor Cardinale: "The- I have to know what property we're talking about and if it's owned by us. We'll maintain that property. As far as the flooding problem, same thing. If it's coming off the road, we'll maintain it."

(Inaudible comment)

Supervisor Cardinale: "Well, then I need- is it coming off our roadway or a private road?"

Barry Schneider: "Yes, it is, South Railroad Avenue. Yes."

Supervisor Cardinale: "If you could give us a little more detail I'll have the engineering department look at that."

Barry Schneider: "Okay. Is there a way that I could actually e-mail you the- "

Supervisor Cardinale: "Yes. E-mail it to cardinale@RiverheadLI.com."

Barry Schneider: "Okay, that's easy enough to do."

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Supervisor Cardinale: "Okay. RiverheadLI.com. Okay so we know what we're doing and I hope that solves it and I thank you."

Councilman Dunleavy: "Okay. Thank you very much."

Supervisor Cardinale: "Thank you. Sal."

Councilwoman Blass: "It's our pleasure but the next time, you know, someone wants my opinion, please come and ask me and I will tell you how I feel about an issue. I'd rather do that than have some people speaking for me. Okay? I appreciate the fact that you came. Thank you."

Supervisor Cardinale: "Thank you for coming down and thank you for waiting. Bye now."

Sal Mastropaolo: "What's the status of the softball field at EPCAL?"

Supervisor Cardinale: "Status- the status is that they are awaiting the approval from the DOT for the access off of 25 which has been held up for no particularly intelligent reason. I've instructed legal to proceed immediately post haste, get it approved so we can open it up.

Are they- I think that they are supposed to be planted by the fall, ready the fields. It's not going to be the summer but it's going to be the fall."

Sal Mastropaolo: "Okay. I heard on the radio that you're considering going out for a referendum on the dispatchers."

Supervisor Cardinale: "Yes."

Councilman Wooten: "What radio?"

Sal Mastropaolo: "Huh?"

Councilman Wooten: "What radio?"

Sal Mastropaolo: "I think it was WLNG."

Councilman Wooten: "There you go."

Sal Mastropaolo: "You already made a decision that they're going to move out by the end of June. You already passed a resolution to pay them their full salary, their full vacation and their full sick leave. Why would you go out for a referendum when the board already made a decision that they're gone? Some people have already left based on the fact that their job was going to end

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at the end of June. How could you turn around and go back and put it out for a referendum and open up a can of worms all over again?"

Supervisor Cardinale: "After a great deal of thought and in concluding that the public because it was a matter of safety ought to have a say. It will delay- if the public has its say it will delay things about three or four months if they determine to do what the board thinks is in the best interest of the town.

And if it doesn't, if they don't, they decide to keep the dispatchers as an additional expense, that's fine, too, and when they get the tax bill they'll see that that extra 5% is for dispatchers."

Sal Mastropaolo: "Well, how are you going to reconcile all those people that have already left for other jobs or the money that you already paid- "

Supervisor Cardinale: "If they left, they left and we didn't give them any extra pay when they left. We simply gave them the benefits they were entitled to. I think there was one nuance that we paid them for sick time but it was a few thousand dollars. And there's only two people that left. There's only two that left."

Sal Mastropaolo: "I think going to a referendum is a mistake. Okay? You made a decision, we pay you to make the decisions and I think you should stand by your original decision."

Supervisor Cardinale: "I respect your opinion."

Sal Mastropaolo: "Thank you."

Supervisor Cardinale: "What's up? Yes, go ahead, Larry."

Larry Oxman: "Larry Oxman. I want to talk to you about a subject that's near and dear to your heart, Phil, about taxpayer's money. I was here at the last board meeting on April 7th and we had discussed the case, the potential settlement of Riverhead Park which owns property on Route 58 and the town.

At that meeting, it was suggested that we get together at a work session or an executive session. The next day on April 8th, I sent all of the town board members a memo saying that we were available with counsel to come in on the 16th. We didn't get any type of a response.

Your office, Phil, Trina called me up on Monday to tell me that your attorney was going to send us some type of settlement proposal and that if that proposal was worth discussing, that we could meet on the 16th.

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On Monday, nothing came. I spoke to Trina at the end of the day. Nothing came on Tuesday. Nothing came on Wednesday. I was here for the work session and at 1:00 when the work session was over, Councilman Dunleavy asked— this was I think already after the recording had stopped, had inquired whether we were meeting at which point I responded, piped up from the audience we haven't gotten anything yet.

Well, don't you know, Trina— you had a conversation with Trina, you had said that something had been sent to us, you had been told by your— "

Supervisor Cardinale: "And I got a copy for you."

Larry Oxman: "-- attorney. Yeah, well all of that happened, well it's very easy to backdate things. It had been Good Friday. I really wonder if his office was open on Good Friday, but excuse me—"

Supervisor Cardinale: "Or your attorney got it and didn't give it to you."

Larry Oxman: "I'd like to see the receipt, the fax receipt because we have a fax receipt that it came at 1:15 after Trina called because she inquired because John had asked. So that's neither here nor there."

Supervisor Cardinale: "That's right."

Larry Oxman: "So we weren't— so now this letter comes, a proposed settlement. Meanwhile, on March 5th we also got something from your attorney, the town's attorney. Let's see. Here. This was from Sajewski's (phonetic) office to my attorney, David Antwerp (phonetic).

Attached please find the stipulation of settlement. I am sending them over in two forms, word perfect and PDF. Please contact me if you have any problems with either attachment. Signed, Christine. I assume that Christine is from his office, from Sajewski's office. I don't know who she is.

That was on March 5th at 1:13 in the afternoon. That document was a 13 page document containing 40 paragraphs outlining the proposal, went into great detail. The 16th after the work session, we received a six sentence letter— excuse me— on the 16th, April 16th. We received a six sentence letter outlining a proposed settlement which is completely contradictory to anything that was in the 16— excuse me, the 13 page document that we got over a month before which was represented to the court as a settlement from the town.

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This thing, this is ridiculous. This basically represents what we were talking about two years ago when we rejected that type of a settlement. You had the gall to send this over or to suggest that?

All right. Now let's talk about money. Tomorrow I'm going to file a couple of FOIL's. I'd like to know how much the town has paid outside counsel to date for their services. I'm also going to put in a FOIL. I'd like to know how much time the town attorney's office has spent on the various litigations.

I think that it's time that the public starts to understand what's really going on here.

Let's talk about the violations. The violations were dismissed by the Southampton town justice court. The town decided to appeal them. More time and money spent on litigation. The appeal came six months after the judge had dismissed them, actually more than six months. They asked for an extension.

So now it's in the appeal process, costing the taxpayers more money. Now, if by some remote chance you win the appeal, all that means is that it's going to continue in Southampton justice court. There's going to be a trial again. The town is going to have to supply attorneys, time and effort.

If by some remote chance you win one of the 50 violations or maybe you win all 50, the town gains nothing from this monetarily. Any fine that would be levied would be kept by Southampton town justice court.

You decided to pursue this litigation at the taxpayers' expense with absolutely no monetary gain whatsoever. You are also pursuing a Supreme Court action where the town asked for injunctive relief. So far the town was denied conjunctive relief. It's very interesting you're still pursuing this.

Your comment at the work session the other day, last Thursday, was that you were talking about another case. In instances where conjunctive relief is not granted, you said, and I'll get the tape, that basically the case is lost.

When a town asks for injunctive relief, there's a three prong process. The town only has to prove one of them. A private person has to prove all three. The town couldn't prove any of them and the judge dismissed it. So you want to keep on pursuing this at the taxpayers' expense, that's up to you. You want to have a serious discussion about a settlement, that's up to you.

But you've been acting in bad faith and you've been acting at the taxpayers' expense."

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Supervisor Cardinale: "I would point out that this is a unanimous board that authorized the Sajewski letter, not me. I would also point out that we do follow the advice of our counsel because generally it's wise to do that. And I'm not going to say anything more because we're in litigation with you and you apparently are unsatisfied with the vigorousness of our defense and I don't- I'm not surprised that the people that the person that is suing us in federal court and answering a Supreme Court action is not happy that we're not laying down in front of you but instead are going to pursue as a board the violation of law by which you bulldozed a wetlands that was marked on town maps."

Larry Oxman: "That's your opinion."

Supervisor Cardinale: "No, it's not my opinion. That's what we're alleging."

Councilman Dunleavy: "Can I say something? I don't think it was unanimous. I think I argued that we should settle this case one way or the other and I think- "

Supervisor Cardinale: "One way or the other, John, is- "

Councilman Dunleavy: "I just want to say that my-- for the last three years has been that this case should be settled because I don't like 58 looking the way 58 is."

Councilman Wooten: "We all want to settle."

Supervisor Cardinale: "John, we all want to settle it but were you prepared to settle it under the terms of that stipulation? No."

Larry Oxman: "Which stipulation? The one that you didn't agree to that your attorney sent us? Which one?"

Supervisor Cardinale: "The stipulation that was sent I told you beforehand- we're only going to settle it when three of us feel that it's the best interests of the town and not because you want to browbeat us into settling it."

Larry Oxman: "I'm not trying to browbeat anyone."

Supervisor Cardinale: "Oh, yes you are and that's exactly what you're doing and it's apparent to anyone who is watching. You don't like that we are being vigorous in the defense of the town's rights."

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Larry Oxman: "Phil, you aren't being vigorous, you basically are stalling and you've been talking a very good game about settling and have shown no good faith at trying to settle."

Supervisor Cardinale: "We are not going to settle except under the terms that we can get three votes."

Larry Oxman: "Spend more of the taxpayers money."

Supervisor Cardinale: "And the only way we can get three votes if for you to start moving in our direction."

Larry Oxman: "Spend more of the taxpayers' money."

Supervisor Cardinale: "Or- "

Larry Oxman: "And I hope that the taxpayers realize that there is a tremendous liability if you happen to lose the federal lawsuit. There's a lot of money at stake. So far, the town hasn't won anything. They've lost every issue that's gone to court."

Supervisor Cardinale: "And you haven't won anything either."

Larry Oxman: "Yes, we have. The violations were dismissed, injunctive relief wasn't given. Those were the only two issues that went before a judge so far and the town lost."

Supervisor Cardinale: "And the Supreme Court action continues and we will prevail and the federal action is subject to dismissal and it will be dismissed."

Larry Oxman: "You will prevail and I want to teach pigs how to fly, too, so- "

Supervisor Cardinale: "There's an application pending for dismissal as you well know. So look, I'd love to settle this, Larry. I'm not fooling you when I say that but we have to settle it fairly and not on your terms because you want to bully us. It's just that simple. I have an obligation to- "

Larry Oxman: "I want to continue the suit."

Supervisor Cardinale: "So does everybody on this board."

Larry Oxman: "I want to continue the lawsuit. Your attorney keeps on saying that we're close to a settlement. He keeps telling the judge that we're close to a settlement and that's just not true. We're not close to a settlement."

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Supervisor Cardinale: "Apparently not. But if you want to make a counteroffer to our offer, please feel free. But we're not going to lie down and die because you don't like our offer."

Larry Oxman: "Well, right now we're scheduled to appear on the 28th."

Supervisor Cardinale: "Good. I look forward to—"

Larry Oxman: "The judge has ordered all parties to attend the 28th."

Supervisor Cardinale: "But as we know, we're still America and the judge wants the litigants in all cases to resolve matters and I do, too. But the people of this country have a right to have their matter fully set forth before the judge and the judge has an obligation to make a decision in accordance with the law."

And I am confident that you broke the law and that a judge is going to see that and that he's going to impose substantial penalties."

Larry Oxman: "Which is why all the violations were dismissed."

Supervisor Cardinale: "The violations as you well know were dismissed on a technicality and— which is under appeal and has nothing to do with the substance."

Larry Oxman: "Next week I will come and I'll read the settlement offers for the public to hear. So, thank you, and I will deliver the FOIL's tomorrow."

Supervisor Cardinale: "Okay, thank you. Yes."

Marc Lebowitz: "Hi, Mr. Supervisor, good evening. Miss Blass, good evening. Mr. Dunleavy, good evening. Mr. Wooten, it's a pleasure to meet you."

I'm a CEO and owner of F-1 Long Island and 449 Edwards Avenue, 12 acres of land and—"

Diane Wilhelm: "What was your name?"

Marc Lebowitz: "My name is Marc Lebowitz, with a "C". Sure, thank you, is that better."

So first of all, I wanted to speak to Mr. Wooten. I'd like to call your office and make an appointment to review my project with

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you. The others have seen it and have reviewed it over the last four and a half years. So expect my call."

Councilman Wooten: "Extension 223. Absolutely."

Marc Lebowitz: "I want to react to a statement that was made at the last town board meeting. My guests, my friends and my family who ride on my property come to my property and bring their equipment on trailers. There are currently no friends, family or guests of mine who ride to the property on their own equipment.

That's not to say there aren't people who are riding in the woods around the property. Every weekend on the Zay (phonetic) farm, there are people who are riding horses, there are people riding mini bikes, go carts I have seen. I have seen motorcycles and ATV's.

On Thursday, three of these people broke into my property and rode on my property and I caught them. They live approximately by the Riley Avenue School. So my response is to the person who accuse people coming to my property of riding and doing damage, this is simply not my people and I invite anybody to call the police and report those people who are riding in the woods over there.

I assure you all of my guests, my friends and my family bring their own equipment.

On the second point. As one of the few developers here in Calverton that are willing to invest in Calverton and bring jobs to Calverton, my project brings approximately 100 full and part time jobs and will probably generate about a million dollars a year.

It's been about four and a half years that this project has been delayed to it's about four and a half million dollars in tax revenue that I have not paid because my project has not been allowed.

I'd like to know why you would want to continue to delay my project and stop business development in Calverton. You told me to go to the ZBA when I first approached you four and a half years ago about this project, Mr. Supervisor, and at your request we went to the ZBA and the ZBA said that my use is a permitted use in this zone and you're well aware of that, sir.

And then you said, you filed suit against me in the State Supreme court. You joined forces with my next door neighbor and you filed suit against me and you lost. And you were told by the State Supreme Court judge that my use is proper and permitted in that local zone and that I can continue to do what it is my project wants to do yet you made the statement that you're going to appeal, sir.

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And this is what we mean when we say that Riverhead is anti-business. You've lost in two judicial courts, sir. Why would you continue to delay and stop my project?"

Supervisor Cardinale: "First of all, you know because I spent a lot of time with you explaining and your agents, that your project was not stopped by this board. It was stopped by the planning board who has site plan authority and who indicated that they needed additional information which you decided not to do and I commiserated with the fact that it had been a long process and anticipated that you would take up the matter in court.

Instead you did what you did which was allow people to utilize the site without site plan approval for recreational use by vehicles which we feel is a illegal effort to get around the site plan requirements that every individual in the town is compelled to comply with.

And that's the only issue that this town board, and it's not me because again this town board has to authorize litigation, not just me. Three votes have to authorize it. They felt that your action by not giving to the planning board the site plan— who had site plan authority the additional information about your project and instead withdrawing and playing games as it were by inviting people to membership in an organization to go on your property without any site plan, without any safe ingress and egress, without any lighting, without any parking, without any of the public safety issues being addressed which are addressed in site plan was a bad decision.

I commiserated with you and I— about the difficulties you've had in the planning board but I don't run the planning board. In fact, if the planning board makes a decision that I do not agree with and they make plenty, I am compelled to defend them with town money and if I decline to defend them, I am liable."

Marc Lebowitz: "So Mr. Supervisor, let me interrupt you because there are a couple of misstatements that you've made.

One of the misstatements is that the town board and you made the misstatement to Mr. Wooten at the July— excuse me at the March 17th Riley Avenue School meeting when you stated that you've not reviewed my project and I believe Mr. Hanley agreed with your misstatement that the town board had never reviewed my project and that it was neg dec'd by the planning board.

This is not true. You guys were reviewing my project when you told Mr. Wooten that you'd never seen the project, that you did not see it. It's in the minutes of the meeting."

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Supervisor Cardinale: "Not the present project."

Marc Lebowitz: "Excuse me, let me finish, sir. You told Mr. Wooten that this was neg dec'd by the planning board when in fact it was neg dec'd under your watch here. And it was the same group that decided that my project was pos dec'd and the bus terminal was neg dec'd, in other words a negative declaration, so that my project had to go through something called SEQRA. Right?"

Supervisor Cardinale: "That was not the town board that pos dec'd."

Marc Lebowitz: "The was the town board, sir. You had the project for over a year. It came to a vote on my DEIS and the day before the vote on the DEIS, sir, you passed off my project to the planning board as the first project that was going to be reviewed by the planning board under your resolution."

Supervisor Cardinale: "And what was the matter with that? We did it with every other resolution- "

Marc Lebowitz: "The problem with that is you acted unfairly recently when you decided the same people, Mr. Hanley and Mr. Hall, decided that the new project which is less than a thousand feet from me called the bus terminal for the Hampton Jitney which has 35 times more bus traffic and 25 times more car traffic posed no significant environmental problem whatsoever and those were the two key points that my project was pos dec'd for, traffic and sound.

So each one of those buses is much louder. Now here's what's been going on, sir.

For the last four and a half years I've been run around by the planning board, environmental review process and I can't get out of that process this way. And the reason I can't is this is the third time they've asked for the same exact study to be done on sound. The first study was done at 65 decibels, the second study was done at 65 decibels, and the third study was done at 65 decibels and the last response from the planning department was re-do the study again and oh, by the way, do it at 65 decibels.

And by the way they added one other comment that now would be an appropriate time for legal review. Now, with the town finances in such shape, a million dollars a year in tax revenue could probably be helpful and 100 jobs in this town could probably also help. Why would you continue to delay my project, sir?"

Supervisor Cardinale: "I have no control over the project. The planning board- nobody on this board, you should go to the

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planning board and talk to them because that's who is controlling your project. The site plan is the planning board's project."

Marc Lebowitz: "Controlling my project, sir, is the planning department because they make the recommendations to both the town board and the planning board as to what to do and you people take them."

Supervisor Cardinale: "And they take direction— the planning board is assisted by the planning department who reports to Dick O'Dea who is the chair of the planning board. And I don't especially agree with the 3-2 decision of the planning board and I've said that publicly. I believe I would have made a different decision sitting on the planning board. And I bet you half of the people up here would have at least. But I can't do anything about it. All I can do and I have a legal obligation to do is to defend that decision. I have to. That is what my legal department advises."

Marc Lebowitz: "So my environmental consultants and my lawyers and engineers all tell me that we have done the exact same request three times and now they've asked for it four times. My legal department is telling me to go to suit and that's our next step. Is that the course of action that you guys would like to take?"

Supervisor Cardinale: "I have spoken with the planning department chairman and you know this because I did it at your request and I have asked him to reconsider this matter. They are an independent body appointed for five year terms because they are meant to be independent. And this board has no influence over them. So you're barking up the wrong tree, you're blaming the wrong board."

I sympathize with you. If I were on the planning board you'd be in good shape because I would have been your third vote. But I'm not."

Marc Lebowitz: "Perhaps you can take back the project and help expedite it because it is going nowhere there except through the legal departments."

Supervisor Cardinale: "Okay. I don't know that we can do that but if we can do that, I would ask the town counsel to explore that issue. And I also am concerned about the precedent that if we disagree with the decisions of the planning board and simply usurp their authority, that could be more damaging than what they have done in one or two bad decisions which all human beings make."

Marc Lebowitz: "So there is one last point. Approximately 400 feet from my property is an 88 acre horse farm that is being

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used by- what is it- the Long Island Trail Riders Association that is doing precisely what I want to do on a horse farm 400 feet away. Yet them seem able to do that unimpeded. Why are they permitted to do exactly the same project that I want to do and no action is being taken about them?"

Supervisor Cardinale: "I am totally unaware of what you're talking about but if it's a violation of code enforcement, I would be glad to refer it."

Marc Lebowitz: "It's not. You see it's not a violation. They're doing the same thing I'm doing. It's a private club on private property. We want to do our own private thing. That's exactly what I'm attempting to do and that's exactly what your department is trying to stop me from doing."

Supervisor Cardinale: "I'm not- what is going on there because I have no- I have never heard of any report of any activity of the type you've described."

Marc Lebowitz: "Tom Reicher (phonetic) is the gentleman who is running that and Tom Reicher's group has been actively doing this for now the second year. They have rights to an 88 acre horse farm 400 feet from me. I can't understand why- "

Supervisor Cardinale: "What do they use it for?"

Marc Lebowitz: "Exactly the same purpose I would like to. They are riding ATV's and motorcycles in order to keep people from riding in the woods, riding on the trails and breaking the law. They're trying to do something legal like I would."

Supervisor Cardinale: "Well, I'm glad you brought it to the attention of legal. I instruct legal to take it up with code enforcement. If it's illegal, I have no interest in continuing it."

(Inaudible comment)

Supervisor Cardinale: "So we've already sent code enforcement out."

Marc Lebowitz: "So maybe you should look at their web site because they have a web site where they publish the schedule for the rest of the year."

Supervisor Cardinale: "So if you'd like to make a written complaint we appreciate it."

Marc Lebowitz: "No. I support that project because as far as we can tell, it's perfectly legal. I would like equal treatment. I

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would like my civil rights not trampled on. I want the right to ride my own motorcycle on my property and so does my family and you've attempted to stop me from doing that.

The papers that Dawn Thomas put in attempted to stop myself from being able to ride on my own property. It attempted to have the police remove me for riding my own motorcycle on my own 12 acres of land zoned for active recreation where I have an active recreation use permit. And I would like that stopped."

Supervisor Cardinale: "I think I would, too. I would like- I don't have any problem with anybody that owns property riding motor bikes on it."

Marc Lebowitz: "So you are going to agree to not waste any more taxpayers' money appealing this suit?"

Supervisor Cardinale: "No. What I said was just what I said. Advertising on membership for people to come to the site and not having any site plan safety provisions in place such as parking, such as ingress and egress, such as lighting, such as all other controls to the public safety is not acceptable. And that's the whole board."

Marc Lebowitz: "See, now if you'd just approve my site plan I would put all that in. It's only been four and a half years."

Supervisor Cardinale: "I know you would. And that's why this is a game and I think the better game is what you started to do which is ask me and I did talk with the planning board and say I believe you should reconsider this decision and then frankly let's see if maybe you are right. I have no idea because I didn't go to the hearings and I don't know the board."

And if the courts say that you are not being treated fairly, I would be very, very happy to see that result if we are doing something wrong. I can't tell what they're doing because I don't control them. I have enough trouble trying to control what this board does."

Marc Lebowitz: "The department head of planning reports to you, does he not?"

Supervisor Cardinale: "The department head of planning reports to me on matters- "

Marc Lebowitz: "And you have control over his leeway and his job like interpreting whether or not something is pos dec'd or neg dec'd."

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Supervisor Cardinale: "No. No, that's absolutely wrong."

Marc Lebowitz: "Well, you know, how did they apply the text then on the unlisted thing on Edwards Avenue?"

Supervisor Cardinale: "Here's what happens. There's a guy in there who, Joe Hall, who--"

Marc Lebowitz: "They want to pos dec my project."

Supervisor Cardinale: "-- writes up, exactly, who writes up a report and it is sent to the chair of the board that is reviewing the site plan. If it was my site plan which it isn't anymore, it goes to me. If it's the planning board, it goes to him."

Marc Lebowitz: "So on your site plan, you don't think 35 more times traffic in buses than my project and 25 times more, I mean we are talking thousands of more cars a day, sir, and 70 buses a day, sir. You don't think that warrants an environmental review?"

Supervisor Cardinale: "The whole board unanimously followed the recommendation of the planner who is trained in SEQRA matters and it's not important what I think. It's important what he thinks because he's the guy that knows what he's talking about."

Marc Lebowitz: "Right. Who tells him what to think, sir?"

Supervisor Cardinale: "Nobody on this-- nobody here, I'll tell you that. I don't talk to-- I talk to Joe once every year."

Marc Lebowitz: "Sir, I would urge you to reconsider, take the project back from the planning board, you started with the project, your representatives have been up to see our other projects up in Boston. Miss Blass has been up there, Mr. Dunleavy has been up there and they know what a quality project we're trying to deliver.

We have not been able to get one member from the planning board to come up and see it for themselves. I think they've been told not to go."

Supervisor Cardinale: "It sounds like you have greater respect for this board. So do I. But let's look and see if that's possible. I think there's a problem with doing it because the next guy that gets a 3-2 vote the wrong way, is going to come back and say, hey you guys hear it."

Marc Lebowitz: "Maybe that should be the case, sir, because what's happening here is you're leaving me only one choice which is to pursue this through the courts which doesn't help anybody but the lawyers. The town continues to lose tax revenue, I continue to

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spend money. At least I get to write it off my taxes as a business expense.

However, the point of the matter is we're all not benefitting."

Supervisor Cardinale: "I agree. I'm telling Larry find me an option so we can settle your case. I'm saying on the Rechler deal all night find me a better option than a \$18,000,000 deal.

And I'm saying to legal find me a better option than a lawsuit where this is going. But I'm not Superman. I can only- I can comply with the board."

Marc Lebowitz: "I did debate about offering you 20 million for the property today because I wanted to make a bigger, better go cart track."

Supervisor Cardinale: "There you go. It's probably zoned for it, too. No, not that side. The Rechler side isn't, the other side is."

Marc Lebowitz: "Unfortunately it isn't. But my property is zoned for it and the ZBA says so and so did the Supreme Court State judge."

Supervisor Cardinale: "There's no question that it's zoned properly for your use."

Marc Lebowitz: "Please stop trying to stop me. Thank you."

Supervisor Cardinale: "I'm not. I promise you."

Marc Lebowitz: "Mr. Wooten, I'll be in contact. Thank you."

Councilman Wooten: "Call me tomorrow."

Supervisor Cardinale: "All right. Thank you for that and we are going to end- if you have a comment."

Larry Oxman: "I just have a- one more question. For the appeal to the Southampton Justice Court, was there a resolution? Who decided that the appeal should be lodged?"

Supervisor Cardinale: "The town board."

Larry Oxman: "Town board. So does a resolution, all four of you voted for the appeal?"

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Councilman Wooten: "I think we only have to vote if we're not going to appeal something. I think it's standard operating procedure."

Larry Oxman: "So by not voting you all agree- "

Councilman Wooten: "We have to pass a resolution is we're not going to appeal otherwise- "

Supervisor Cardinale: "We've gone through that once before."

Councilman Wooten: "It's a standard course of action."

Supervisor Cardinale: "Thank you."

Larry Oxman: "Thank you."

Supervisor Cardinale: "And thanks to everyone. Let's go home and have dinner. It's 11:00. Thank you, it was fun."

Meeting adjourned: 11:50 p.m.