

8/02/2005 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, August 2, 2005, at 2:00 p.m.

Present:

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

Also Present:

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

Absent:

Barbara Blass,	Councilwoman
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Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited.

Supervisor Cardinale: "-- Board for August 2nd. I see John (inaudible) in the front row. Could you lead us in the Pledge of Allegiance, John?"

(At this time the Pledge of Allegiance was recited)

Supervisor Cardinale: "I- before we begin the meeting proper, I'd like to bring the Board down into the well of the room here and we have a couple of things. One is we have two police officers who we're going to swear in and that requires that we take the resolution 751 out of order so we can swear- so we can pass the resolution before we swear them in. So- yes, so- and it also requires the Clerk to get the oath of office book.

So I'll tell you all I know, it should be brief. We have two police officers joining the ranks to replace Lt. Mulcahey who left late last year and Tim Wooten who left July 4th. And it's- both of them have served us long and well.

I particularly am enamored of the choice that the Personnel Committee made of Christopher Parkin (phonetic). Are you here, Christopher? Come on up. Not because I know him or I ever met him, but because he is a police officer and can be on the street protecting all of us by tomorrow night, and will be since he's been through the academy.

The other police officer we're about to pass a resolution swearing him in and then let them go have some fun doing something else, is- instead of watching this for the next three hours, is Dino Iscro (phonetic). Could you come on up, please? Who is going to be attending the academy in the fall and on the street in the spring.

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Yes- "

Councilman Densieski: "Is Cablevision coming today?"

Supervisor Cardinale: "Oh, good question. I didn't even notice. You know, I don't know how many times I have to tell my staff that they always have to call the afternoon meetings because Cablevision does never get it, that they're supposed to be here when the afternoon meeting is in the afternoon.

Somebody just disappeared."

Councilman Bartunek: "Peggy."

Supervisor Cardinale: "Do you think she actually is checking or hiding?"

Councilman Bartunek: "She heard it."

Supervisor Cardinale: "Sid, if they're giving the normal babble, would you ask her to bring the camera out, we'll shoot it ourselves until they get here.

Okay, so Dino and Christopher are here. We're waiting for the clerk to come in, she's back. Okay. So what I have to do is anyone—first of all, this is an appointment of two police officers as I've just indicated. Anyone want to comment on this resolution, like you really dislike one of these guys and we shouldn't be doing it as it's a big mistake. If there is no comment on the resolution— anyone want to see them do push ups?"

Councilman Bartunek: "Outrun him at 100 feet?"

Supervisor Cardinale: "Assuming there is no comment on this resolution, we'll take comment on the other ones later. I'd like to have Barbara call the resolution, 751."

Resolution #751

Councilman Densieski: "Appoints police officers to the Riverhead police department. So moved."

Councilwoman Sanders: "Second the motion."

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

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

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Supervisor Cardinale: "Okay, fine. He's a good police officer. It has to do with unrelated matters.

Yes. I vote yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "Okay. Now we have a police officer— now all we need before I do this, because I know their loved ones want to see this. I know they just want to leave so they don't have to remain for the rest of the meeting. But, is Peggy here? Well, yeah, we've now established that Cablevision is incompetent and uncooperative. But we knew that years ago when I was on the Board. But I want to have her set that camera up, Peggy, if you could as quick as you can because I want to get this on TV for posterity because— do you have any kids? Oh, good, well, we'll have them come up. How about you? Because we want to have these kids watch this.

Perhaps you could tell us a little bit of something— Peggy, how long is this going to take you? Because you know we have to— is Dave Cullen here? Uh-huh. And now we've established, Cablevision doesn't do what they say. We have an engineer here. Is there a doctor in the house? No, but there's an engineer.

Are there doctors in the house, too? There you go. Okay. We do a better job than they do anyway of filming these things. Doctors, engineers, lawyers, police officers. We have a complete cross section of the community. We even have a judge. Isn't Allen Smith here? Didn't I just see him? He left? Shows the judgment that made him a judge. He left. Is he still here, Allen? Not that I want to see him, I just was curious. He usually comes only if he has something to complain about, so I wanted to find out early. Oh. Don't get tired guys, it's going to work out any minute.

Let's see. What did I want to ask? I wanted to ask— Chris, where did you serve as a police officer? That's great. How long did you serve in the city? Well, we're very happy to have you with us. Truly. And you are living in Wading River, right, and you, too? I'm very fond of Wading River. Truly. For reasons previously discussed which Ed would prefer that I not mention. No, it was a good place. I always liked Wading River. Spent a lot of time there.

Are you ready? Okay. Thank goodness because I was having a little difficulty— there was something, both from Wading River. You're going to go out on the street on— tomorrow night you're going to be out. Tomorrow— that's great. Okay, you're set.

Okay. This is the beginning of the August 2nd daytime meeting of the Town Board and we are about to go down and swear in two police officers whose resolution of employment was just passed.

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All right. I better take the oath of office with me. I would like to start by asking the families to come, anybody who's here. Come on up. How about the kids? Not only do we have a police officer that's already been trained, but we have a police officer with experience, 12 years. We lucked out.

(Inaudible comment by Supervisor)

Christopher, I would like to ask you to raise your right hand and repeat after me.

(At this time, the Supervisor administered the oath of office to Christopher.)

Supervisor Cardinale: "Congratulations, you are a police officer.

Dino, I would like you to raise your right hand and repeat after me.

(At this time, the Supervisor administered the oath of office to Dino.)

Supervisor Cardinale: "You, too, are a police officer. And you are going to start in September which usually means October— do you have a day yet? September 12th."

(Inaudible comment by Supervisor Cardinale)

Supervisor Cardinale: "I should also point out that the chief is going to be me a projected plan of what we need to do to have the proper number of police over the next four years for our growing town which incidentally is now 32,000. So thank you very much. Would you like to make a speech or would you rather go out and enjoy your— okay.

Is Steve McKay here. Steve, come on up. Do we have any representative of the labor management committee? I know that Madelyn is not going to be with us (inaudible). We have five members— I attend all luncheon meetings of the labor management committee. You can tell just by looking.

Did anyone on the labor management committee— I know that Madelyn usually speaks— does anyone want to say something kind about (inaudible). You were going to say something kind? (Inaudible)

Do you have any family here? Why don't you bring these people up for moral support.

Okay. Before we read this proclamation to Steve McKay as the Employee of the Quarter, I'd like you to tell me what you think of him?"

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(Inaudible comments)

(At this time, the Supervisor read the proclamation)

Supervisor Cardinale: "Did you want to say something further about Steve?"

(Unidentified - inaudible comment)

Supervisor Cardinale: "Steve, this is the proclamation which we would like you to keep and you can say anything you want to us at this time, anything."

Steve McKay: "Yeah. I'd like to thank everybody especially the engineering department, Dave, everybody down below, (inaudible), especially Guy and Gary who are my immediate bosses now. All of my fellow co-workers that put up with me and really work with me and it's really amazing how we have so many diversified work ethics and people and we all seem to come together (inaudible). My wife, my two daughters (inaudible) and to the labor management committee for nominating me and voting for me. Thank you very much. And the town board."

(Inaudible comment by Dave)

Supervisor Cardinale: "Dave is the— an engineer on staff and (inaudible)."

We have one more thing before we get to work which is the fun part of the evening, the National Night Out Proclamation. So I'd like to have Lieutenant Boden and I'd like to have (inaudible) and the chief and anybody else who's just hanging out.

Okay. This is a proclamation which we do each year in honor of National Association of Towns— National Night Out."

(At this time, the Supervisor read the proclamation)

Supervisor Cardinale: "That is what the proclamation reads. Perhaps, Bob, you can tell us a little more about National Night Out."

Bob: "It's something that we've been doing here in the town of Riverhead for 15 years. It's an opportunity for us as a business to give something back to the community."

One of the things we do is working with the police department and going to all the community watch programs and block programs throughout the year. Whenever we have an opportunity, we give out toys to the kids, balloons, light bulbs. And the reason we give out light bulbs (inaudible), is we believe one of the best ways to prevent crime is leave your lights on (inaudible).

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The other thing that we do is the fun part, the poster contest. It gets harder and harder each year to judge the contest and it's fun for us. (Inaudible)."

Supervisor Cardinale: "I would like to give you this proclamation."

Bob: "Thank you very much.

Supervisor Cardinale: "And the kids from the poster contest, Lt. Boden is going to call you up to honor you for your achievements."

Lt. Boden: "Yeah, the Riverhead police department has been involved with National Night Out (inaudible). We go out every National Night Out, the first Tuesday of August that we go out. We visit different neighborhood watch groups that have block parties. This year we have nine neighborhood watch groups that we're going to. There's the newest (inaudible). Another new one I think is River Point apartments across the street. They've done it in the past. Now they're back having another one again.

So even though the country is a lot safer, Riverhead is a lot safer (inaudible). So we try and get everybody involved. (Inaudible)

And those 15 years that I've been involved with it, the last 10 we've had a poster contest, the Jamesport Community Center and now it's also the Wading River Community Center, I guess, it's called, through the summer recreation program.

We have the kids- if you look at the sides on the walls, the posters that are related to crime, fire prevention and National Night Out. Every year, the posters have gotten a little bit better. (Inaudible) Actually we've had some repeat winners, one, two years in a row. (Inaudible)

So what we'll do, I'm going to call out (inaudible). I think most of them are here. We'll do the 5 to 8 year old group first and the first- third place for the 5 to 8 year old group is Joey Hart. All right. Second place winner is Emily Gilmore. First place winner is Natalie Massiah.

The second age group is 9 to 11 and the first place- third place winner is Michele Carras. Second place winner is Devin Dreitlein. And the first place winner for the 9 to 11 years old group is Kristan Peragine.

This is Kristan's third time winning, we may have a future artist in the making and she can say she got her start with National Night Out.

Congratulations."

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Supervisor Cardinale: "Great, congratulations. Don't go away. Congratulations to you all. Keep up the good work."

Okay. Thank you very much to the kids and their parents and to Mister- to Bob and to Officer Bodin, even the police chief. I was thanking you. Something rare, Chief. I just wanted to- I was thanking you- I meant thank you for coming, not for leaving. But, okay, good.

We have a meeting to begin. We'd like to approve the minutes of the July 19th Town Board meeting. Could some member of the Board offer the minutes, please?"

Councilman Densieski: "Yeah. I'd like to make a motion that we move those minutes. So moved."

Councilwoman Sanders: "Moved and seconded. May we have a vote on the approval of the July 19th minutes?"

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

Supervisor Cardinale: "Okay. Tonight is National Night Out, we know that. Please show your support by turning your outdoor lights on from 7 to 10 p.m. There's a lot of block parties tonight. Do you think this is a bad omen that I didn't get invited to one?"

Councilman Densieski: "I didn't either, Phil. So we're equal."

Supervisor Cardinale: "Good, we're even then. I thought that was something personal. You were invited to all of them? Well, you're famous. You're in the paper all the time."

Okay, incidentally, Barbara has not- it isn't that Barbara Blass quit or anything. She just took a long awaited, much deserved break and she'll be back for the next Town Board meeting and work session.

Congratulations to Steve McKay. We already did that. How about some Reports? Can you tell us about that?"

REPORTS:

Town Clerk
Monthly report for July,
2005
Total collected: \$8,354.45

Building Department
Monthly report for July,
2005

Total collected: \$119,875.09

Police Department
Monthly report for June,
2005

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "How about Applications?"

APPLICATIONS:

Special events
Church of the Harvest -
Aug.
20 - 11:30 am to 8 pm 3 on 3
basketball outreach with music
and food

Word of Live - Sept. 9, 3 pm
to 9 pm - gift giveaways,
song, dance and band

African American Educational
& Cultural Festival - Aug. 27
10 am to 5 pm - festival

Living Water Full Gospel
Church - Sept. 15 to 18 -
Carnival

Site Plan
The Country Inn - 1399
Main
Road, Jamesport - repair roof
and replace siding

AM PM Property Services, Inc.
1159 W Main St., Riverhead,
proposed parking lot
construction

Malvese Equipment - storage
building

Riverhead Enterprises - s/s of
Main Street, Swezey Site
demolition of select buildings
and construction of mixed use
residential/commercial

building

Riverhead Enterprises -
Woolworth site - demolition of
existing building and con-
struction of five story mixed
use building

Riverhead Enterprises - Sears
site - demolition of existing
building and construction of
165 residential condo units

Fireworks Permit
Timothy Hill Ranch -
Sept. 10

Barbara Grattan: "That is it for Application."

Supervisor Cardinale: "Good. Correspondence, please."

CORRESPONDENCE:

Lisa Fulbrugge
Letter of resignation
from the
Adult Day Care

Barbara Grattan: "That's it."

Supervisor Cardinale: "Having a little trouble with the
spelling and that pronunciation, right? All right.

Okay. The public hearings are eight in number, but the good news
is the 2:10 has been adjourned pursuant to request of the applicant
who says it is respectfully requested that Verizon Wireless appearance
in front of the Town Board be adjourned until late September.

I think we have to open that, right, John, we open it and then
adjourn it? Okay, I'll do that. Right.

Okay. So we have one at 2:05 scheduled and I'd like to commence
that, it being 2:38."

Public Hearing opened: 2:38 p.m.

Supervisor Cardinale: "The water district hearing to enter into
a lease agreement with Cingular Wireless PSC, LLC, to lease space
located at Plant #9, Lewin Hills, Wading River, for the installation
and operation of wireless antennas and appurtenances.

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Gary is here, but you have nothing to say? Their representative is here and she has something to say. Go right ahead."

Jacqueline Fleming: "Good afternoon. Jacqueline Fleming (inaudible), for the applicant, Cingular Wireless successor to AT&T Wireless.

As you know, this proposal to flush mount antennas on the water tank at Wading River is a permitted use subject to site plan approval. We did recently receive site plan approval, including a negative declaration.

Essentially the lease terms are the same as this Board recently approved for our facilities at the Route 58 water tank and since I know you're fully familiar with these types of proposals, I would just make myself available to any type of questions you might have."

Supervisor Cardinale: "Thank you. We usually like these because we get rent and I like it because that means less from the taxpayer if we get more from you.

Is there anything you want to say, Gary, or are you just hanging out? Anything that any member of the public would like to say about this?"

Councilwoman Sanders: "Are there existing antenna there now?"

Supervisor Cardinale: "Yes. A question?"

Councilwoman Sanders: "Are there existing antenna there now?"

Gary Pendzick: "Yes."

Councilwoman Sanders: "Yes. Cingulars or another company?"

Gary Pendzick: "Another company."

Councilwoman Sanders: "Different company? I'm sorry Gary."

Gary Pendzick: "Gary Pendzick, Riverhead water district. At this particular site, there are four other cell phone companies on this water tower. And this one's located, of course, off of Great Rock Drive in Wading River."

Councilwoman Sanders: "Okay. And how many antenna are you looking to construct?"

Jacqueline Fleming: "We received site plan approval for 12. We have the three sectors, 4 and 10 is (inaudible), that's the typical build out for us."

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Supervisor Cardinale: "We get paid for all 12, Gary?"

Gary Pendzick: "It's a maximum of 12, according to the lease. The sum of money, if you want to divvy it up, but it's a flat rate of- it's either a monthly sum or annual."

Supervisor Cardinale: "So the way it's set up is a maximum- covers all 12 whenever they get them up?"

Gary Pendzick: "Right. They can put up- they start out with four but they can go up to 12."

Supervisor Cardinale: "For the same price? Who crafted that least, Sean?"

Gary Pendzick: "No. That was done many years ago."

Supervisor Cardinale: "I know I'll see the lease later."

Jacqueline Fleming: "And, again, this is essentially the same terms that this Board recently approved for the Route 58 water tank. It's the same."

Supervisor Cardinale: "That does not necessarily assure intelligence, however, just because we previously approved it. But thank you."

I have no further comment from the public and if I do not, I will- I can close the hearing because Sean is telling me that we can discuss the lease at a later time. What we're doing now is just taking objection to the site and a public hearing to allow the public to comment.

So if no further comment, I will close this hearing, it being 2:42 p.m."

Public Hearing closed: 2:42 p.m.

Public Hearing opened: 2:42 p.m.

Supervisor Cardinale: "And open at least the second hearing scheduled for 2:10, again, a water district hearing to enter into a lease agreement with Verizon Wireless to lease space located at the Route 58 tank. It's a different location, different company, for installation and operation of wireless antennas and appurtenances."

No one is here on that because- but I'd like to open the hearing. It's open at 2:38- "

Barbara Grattan: "2:42."

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Supervisor Cardinale: "Oh, it's not 2:42- 2:42, I've got to get a digital clock, you're right. It's so much easier. In any event, we're going to adjourn it to a date certain, which date certain according to the letter is mid-September, the second September meeting. Does anyone know the date of that? No, but I mean we should know our own meeting. Yeah. We can do this, I know we can do this. It's August 2nd, right, 9th, 16th, 23rd, 30th, September 1st is a Tuesday so the second meeting will be the 14th. Right? I was off by six days. September 20th we're adjourning it to."

Public Hearing adjourned to September 20, 2005

Public Hearing opened: 2:42 p.m.

Supervisor Cardinale: "Okay. The third is 2:15, another water district hearing. To enter into a lease agreement with Omnipoint Communications to lease space located at the Pulaski Street tank for the installation and operation of wireless antenna and appurtenances.

And we have someone who would like to make a statement. Please go forard."

Robert Wirth: "Good afternoon. My name is Robert Wirth. I'm the zoning supervisor for Onmipoint Communications, Inc. This is an application to flush mount six antennas pursuant to the site plan submitted and this is- as with the prior carrier, this is pursuant to a lease along the same terms of lease that we already entered into with the Riverhead water district in the past."

Supervisor Cardinale: "Thank you. Does anyone from the public wish to comment on this location, Pulaski Street tank? If not, it being- I'm really having difficulty- 2:44, is that it, I got it right- - 2:44, I can close the hearing opened at 2:46, I guess. No, that went the wrong way, 2:42."

Councilwoman Sanders: "2:42 you opened it and you're closing it at 2:44."

Supervisor Cardinale: "Close it before it opens. Okay, I'm going to do that and thank you for coming."

Public Hearing closed: 2:44 p.m.

Public Hearing opened: 2:45 p.m.

Supervisor Cardinale: "2:20 p.m. we have another hearing. The consideration of a local law to amend Chapter 107 entitled Tidal and

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Freshwater Wetlands. It is 2:20 p.m. scheduled, it is now 2:45, so we can open this hearing.

There is a letter from Joel Hockett (phonetic) which we received which I forwarded to the clerk to read into the record or to have placed into the record. And this is actually a statute which we're considering and it's short, which is good, and I have it, which is even better. Yeah, you want to read it? Show these people what you're trying to do to them."

Sean Walter: "The local law Chapter 107-4 will be changed to reflect that it will be unlawful for somebody to construct and/or alter any- the and/or alter is new and it goes on to say groins, docks, and then it adds moorings and moorings is new. So it's to construct and/or alter and moorings. Otherwise it's the exact same local law that it was before."

Supervisor Cardinale: "In or within 150 feet of the boundary of any tidal water, tidal wetlands, freshwater wetlands, natural drainage systems or other watercourses. Okay. That's what it says. The letter from Mr. Hockett suggests that those that are putting their moorings in front of their house, shouldn't have to get a permit. So that will be read into the record, his statement. And, yes, sir, please."

Garret Moore: "Yeah, this is Garret Moore, Jamesport."

Supervisor Cardinale: "How are you, Garret?"

Garret Moore: "Moorings, what's the deal on the moorings? Is there going to be a permit for it or a fee for it? The paper didn't say anything. It said moorings. Can we clarify moorings?"

Supervisor Cardinale: "George is going to take this because he's been working on this matter."

Councilman Bartunek: "We had a little trouble getting all the procedures in order for this year. We're anticipating in 2006 that there will be a permit fee and a registration of specific moorings. All moorings will have to be applied for through the Conservation Advisory Council."

Garret Moore: "How much is the fee?"

Councilman Bartunek: "I think we said the fee was going to be- I have to check the code. I think it's going to be \$25.00. I don't recall what the fee is."

Garret Moore: "Will this be published before it's- because I have a business and I have five moorings out right now for the summertime for my summer cottages. I'm definitely interested in this

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regulation. So will it be published before it's set, exactly what's going on?"

Councilman Bartunek: "It's already been published."

Garret Moore: "That's why I'm here."

Councilman Bartunek: "No, it hasn't. Actually it hasn't been adopted, you're right. It hasn't been adopted."

Garret Moore: "Is there going to be another notice so I know how many— how much the fee is or whatever?"

Councilman Bartunek: "Yes. Well, we're going to have— I think what we'll do, we had a— "

Garret Moore: (Inaudible)

Councilman Bartunek: "-- public hearing on this and we just held up the adoption because we didn't have the procedures in place. So what I can do is you can just give me a call or leave a phone number with Susan and I'll call you back with what the proposed fee is going to be. Would that be fair?"

Garret Moore: "Yeah, because I've got cottages and I mean I wanted to discuss this. I pay rent— rental inspection fee and everything. I have five right now, but if the fee is going to be \$125.00 a pop, I'm going to definitely protest it."

Supervisor Cardinale: "It's \$25 but I'm confused."

Councilman Bartunek: "I will check that. I will check it."

Supervisor Cardinale: "Here's my— this is a relatively modest Chapter 107 change wherein we're going to— we're saying basically if you have a— if you want a mooring and it's within 150 feet of the boundary of a tidal wetland, you've got to get a permit, okay. But the— did we have a public hearing in which there was an indication of the fee for the permit? Because that's really what he wants to know. He— "

Garret Moore: "How would it be enforced?"

Supervisor Cardinale: "Because we may have to have a public hearing— "

Councilman Bartunek: "This is one of the procedural problems that we had with it. We had a discussion with Jim Divan, he had a lot of problems with how it was going to be enforced and regulated so that's one of the things that we have to address."

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Garret Moore: "I just want to know where we stand before we come around, I get a summons for five moorings for not knowing what's going on. So if you give me a- I'll check with you later."

Councilman Bartunek: "Just leave your phone number with Susan Hird and I'll give you a call and I'll give you a copy of Chapter 47 and you could review it."

Supervisor Cardinale: "No, this is Chapter 107, this change though, right?"

Councilman Bartunek: "Well, Chapter 47 is going- I think that's where we have provided for moorings. Chapter 107 is just adding that you can't have any alternation to moorings within 150 feet. But Chapter 47 is the chapter that discusses the fees."

Supervisor Cardinale: "Okay. And there was a public hearing on that but we never passed- "

Councilman Bartunek: "We never- "

Supervisor Cardinale: "What's happening, Garret, is a good thing you picked this up because you missed one which we had earlier in the year where they did something on Chapter 47, we had a public law proposed which sets up the actual statute by which we would regulate mooring of boats in the creeks and bays. Right?"

Councilman Bartunek: "As a matter of fact, if you want to go in and ask Susan, she has it on her computer- "

Supervisor Cardinale: "And get a copy of that."

Councilman Bartunek: "-- and just get a copy of it, leave your phone number."

Supervisor Cardinale: "And that hasn't been passed, but it has been heard at a public hearing, so if you don't like anything in it, you've got to talk to George and make that known to him."

Garret Moore: (Inaudible comment)

Supervisor Cardinale: "Sure. Thank you. This is just a back up- what's the word, housekeeping change here in a related statute. The hearing that you missed was on Chapter 47. Okay."

That being said, anyone else have any comment on this Chapter 107 confirmatory change? If not, we will close this hearing, it being 2:49- no, it's actually 2:51, but you know I have difficulty with that."

Public Hearing closed: 2:51 p.m.

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Public Hearing opened: 2:51 p.m.

Supervisor Cardinale: "And we'll move onto the 2:45 hearing which is the consideration of a local law to amend Chapter 108 entitled Zoning in regard to cluster development. Could you elucidate for us what this is about Sean?"

Sean Walter: "This is quite a bit more detailed. The intent of this is to change the regulations requiring cluster development as they've set to apply maximum flexibility under town law 278.

What they're doing is trying to preserve the agricultural soils and things of that nature and they're going to give a preference to cluster- I don't want to say preference, but when a subdivision application comes in, they're going to be specifically looking to satisfy the preservation of two certain soil types, the relationship to the subdivision to other parcels adjoining this subdivision, and other areas such as the natural woods and habitats and things of that nature.

So it changes completely the amount- not the amount but the cluster regulations that are in the current code. It also requires that there will be a 70% cluster in the Class 1 and Class 2 prime agricultural soils, and that the Planning Board shall not approve a cluster subdivision plat with less than 50% of the tract being preserved as prime soils or open spaces."

Supervisor Cardinale: "I think also in a certain sense this is also housekeeping, however, because those criteria were in the new zoning but we never put them into the cluster development section of our zoning."

Sean Walter: "Correct."

Supervisor Cardinale: "So we've actually- the concepts have been passed in the new zoning but we're putting it in the right section now and repeating it.

Anyone want to comment? If you do, now is the time. If you do not, that's fine, too. It's 2:54 and, therefore, I can close this hearing."

Public Hearing closed: 2:54 p.m.

Public Hearing opened: 2:54 p.m.

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Supervisor Cardinale: "And move onto the 2:30 hearing at 2:54. The consideration of a local law to amend Chapter 108 entitled Zoning, boats, trailers, airplanes or seaplanes.

And, much as I hesitate to do so, I'm going to ask Sean to once again (inaudible)."

Sean Walter: "Do you want my opinion?"

Supervisor Cardinale: "I just want you to tell me what the hearing is about. I happen to know this but this is a test. I want to know if you know."

Sean Walter: "This is a local law to amend each of the residential zoning districts to provide continuity with storage of boats, trailers, airplanes and seaplanes. There will be no more than two of these items kept or stored in the front yard or driveway and they have to be— if stored in the front yard, they shall not be more than 15 feet in overall length. The items must be stored 10 feet from any front lot line, 60 feet from any side line, and 25 feet from any rear property line.

It's another housekeeping item. It was not put in the code when we updated the zoning code."

Supervisor Cardinale: "Does this mean that I can have no more than two airplanes and two seaplanes?"

Sean Walter: "If you can find one that's 15 feet, yes."

Supervisor Cardinale: "So I have to— I can have two of any of the items it says."

Sean Walter: "But if you're on a corner."

Supervisor Cardinale: "If I'm on a corner, so the front shall not exceed 15 feet. Okay."

Sean Walter: "Storage containers, correct. It's another provision, storage containers and dumpsters. You can have one storage container or dumpster under 30 yards may be placed in your front, side yard or rear yard, not to exceed 21 days per calendar year. Consecutive calendar days. And shall not be stored within 10 feet of any front, side or rear lot lines."

Supervisor Cardinale: "You have a question, Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. I thought I heard boat has to be less than 15 feet in length?"

Sean Walter: "Correct."

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Sal Mastropolo: "And 60 foot from the side yard?"

Sean Walter: "Correct."

Sal Mastropolo: "Now is that on a corner or any- "

Sean Walter: "On a corner."

Sal Mastropolo: "What's the dimensions on a side yard that's not a corner? I have a 16 foot aluminum boat on a trailer. I can't store it in my driveway 10 feet from my side line? You've got to be kidding. It's not even in my front yard. It's behind the front line of my house."

Supervisor Cardinale: "Well, let's take a look at what it says actually."

Sean Walter: "It's 25 feet from any side lot line or rear lot line. I'm paraphrasing- "

Sal Mastropolo: "Yeah, but that's ridiculous. My driveway goes right to my side lot line, okay, and I have it the furthest over from the neighbor but it's within 25 feet."

Supervisor Cardinale: "They don't want you to put it in the front yard, Sal, let's not get excited. You can put it in the back yard."

Sal Mastropolo: "Why do I have to take it off my driveway and put it in my backyard which means I have to have it on my lawn."

Supervisor Cardinale: "How many feet would you suggest?"

Sal Mastropolo: "Well, if it's on the driveway- I can agree that it shouldn't be front- in the front of the front house line. Okay? If you draw a line along the front of the house, it shouldn't be forward of that line to the street. But if it's behind that line, okay, and in my driveway, I don't see what's wrong with that."

Supervisor Cardinale: "Well, then I guess what you're saying is items stored in the front yard or front driveway. We don't care if you park it in the- behind your house; we don't care if you park it next to your house."

Sal Mastropolo: "Right. It's parked next to my house, on my driveway, but it's not 25 feet from the side line."

Supervisor Cardinale: "It's not 25 feet from the side line."

Sal Mastropolo: "No."

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Supervisor Cardinale: "Okay. So you're objecting-- you have to look at the statute. But you're looking at C and A."

Sal Mastropolo: "Well, I don't have it in front of me so I don't know what I'm objecting to. I'm just objecting to the fact that it's 16 foot and you have a limitation of 15 foot and my boat is small, it's aluminum and it only sits this high on the trailer. I can imagine if I had my old 22 which sits 12 feet up in the air."

Supervisor Cardinale: "Okay. Now, okay, I understand what you're saying. You're saying that number one, it should be only the front driveway. I got that."

Sal Mastropolo: "Right."

Supervisor Cardinale: "And you're also saying that the items must be stored according to this, 10 feet from any front line, 60 feet from the side street, and 25 feet from the side lot or rear lot line and you object to that, too."

Sal Mastropolo: "Well, the 25, yeah."

Councilwoman Sanders: "Because of where-- "

Sal Mastropolo: "Because it's in my driveway."

Councilwoman Sanders: "-- because of where your particular driveway is located."

Sal Mastropolo: "I have a side entrance garage, okay. My driveway goes straight back and it turns into my garage and I even have a driveway behind the garage for parking and my boat sits in the driveway to the rear of the-- behind the garage so it's actually in the backyard, but it's on the driveway but it's within 25 feet of the neighbor's line."

Supervisor Cardinale: "The observation has been made by counsel that those provisions that you object to should be looked at because they don't work for undersized lots in certain areas, particularly in Jamesport you're saying and Aquebogue, S. Jamesport, Wading River near the beach."

Councilwoman Sanders: (Inaudible comment)

Supervisor Cardinale: "I think what the objective-- is the objective here to keep the boats out of the front yard basically?"

Sal Mastropolo: "That part I'm totally in agreement with. There should be nothing forward of the house."

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Supervisor Cardinale: "Okay."

Sean Walter: "That's what the original code said. The original code was written in a way that you wouldn't store your boats forward of your front line of your house."

Supervisor Cardinale: "Okay."

Sean Walter: "And 10 feet- "

Supervisor Cardinale: "We'll take a look at it, Sal. I think it's a little (inaudible) specific and therefore a little bit- required to look at it a little more carefully."

Yes, you have a question?"

Garret Moore: "Yes, Garret Moore, Garret Moore Cottages, member of Chamber of Commerce, Riverhead. Now where- I'm definitely interested in this and I have a statement to read. (Inaudible) said he was going to be here. Now what if I own three boats over 16 feet. Can I keep them in my backyard?"

Supervisor Cardinale: "It appears--"

Garret Moore: "Can I keep them on my property?"

Councilman Bartunek: "Not according to this."

Supervisor Cardinale: "No more than two."

Garret Moore: "Yeah, but they're over 15 feet. This is very confusing. Let me just go on now. I've got a statement to make

Why is the town of Riverhead attempting to put my business out of business? I have a parcel with six houses in Jamesport that I rent out. I take it over from Dad- he started these in the '50's, 1950's. The parking for these houses are on vacant land. It's been that way since the mid '50's on for my tenants that have a seasonal business, cars, trailers. They come with the boats, they park them. It's been going on since the '50's. So my tenants and neighbors have parked there.

This past year I applied to zoning for a year round permit for winter storage for my customers and neighbors so they can have boats, because the properties in the area are small, 50 by 100. There isn't much room. Twenty-five feet side yard is ridiculous. Well it was denied by the zoning department totally.

What's the zoning board's duty? It's to alleviate a hardship, not put somebody out of business.

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Now I just got this order to remedy from the town of Riverhead code enforcement. Here is a copy of the town ordinance. Remove boats, autos, trailers and discontinue storage use on my lots in question. Town Board. There will be no more year round storage of my boats or cars on this property but I need my seasonal storage for my rental business. It's been going on since the '50's.

I get another letter from code enforcement from the town attorney. Rich (inaudible) says he'll be here to explain the whole situation about boat storage and I kind of thought he'd be here.

It says immediately remove— no not immediately, remove all boats and trailers from premises so I had to tell all my neighbors who have boats, everybody's been friendly for years, to move the trailers and put them on their own property. Someone has two trailers, they're on a piece of property 50 by 100, it's ridiculous. Or I take my tenants' boats and trailers and have to put them on my own two pieces that are large. And the cars— I'm working under a cloud and I'm working under— I can't deal this way, town board, my seasonal business.

I rent to families with children. So I'm asking you to try to correct this some legal way."

Supervisor Cardinale: "You've been— Garret, you've been to the zoning board of appeal, right?"

Garret Moore: "I went to the zoning board of appeals and I didn't even get any consideration. They said it was totally denied. Even some of the people that complained about my proposal agreed that cars parked in the field since the 1950's. So I don't feel I have to hire a lawyer to improve my business and keep a quality operation going.

So I'm asking the town board, all four of you, to work on it and try and give me a legal operation for my seasonal business. There won't be any more year round storage for my neighbor, I need it for my seasonal customers and my neighbors in the area who have friends that rent from me."

Supervisor Cardinale: "Okay."

Garret Moore: "I think this is very serious, Supervisor and Councilmen. Because I run a good business. My tax increase this year was \$8,000. So I can't, you know, and this boat storage. I want to specifically mention because Mr. Downs (phonetic) told me one house is allowed one boat over 16 feet— over 14 feet.

Now I have neighbors with three boats, a big sailboat, a powerboat and a water ski boat and I let them park their boats on my property. Now, can I do it or I can't do it? So this whole boat storage situation needs upgrading.

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You go by the S. Jamesport post office, you've got two boats right there and you see this all over. I agree, maybe not in front of the house but side yards, 60 feet, that's ridiculous. I have a corner lot on Peconic Bay Blvd. 100 by 100, 50 of it is vacant right on the boulevard. And if I can park a boat there, fine but not 60 feet away. That puts it in the backyard next to the picnic table.

So before this gets a little bit carried away, you know, I'd like some research on it and Mr. Downs said he'd be here to work on it."

Supervisor Cardinale: "Yeah. I will- I have not spoken to Downs on this situation although I've heard something of it from the ZBA. Why don't I speak to Downs and maybe then have an opportunity for him and you to meet and make sure--"

Garret Moore: "I'll work with you on this thing. I take it very seriously because I run a good business and I don't want to be put out of business over something that hasn't been dealt with."

Supervisor Cardinale: "We certainly want to make it clear and work with you. So let me have Mr. Downs give you a call tomorrow. I'll have him call you tomorrow, Garret."

Garret Moore: "Thank you."

Supervisor Cardinale: "Thank you. Anyone else have any further comment on the 2:30 hearing? If not, it being 3:05, I'd like to begin the 2:35 hearing."

Public Hearing closed: 3:05 p.m.

Public Hearing opened: 3:05 p.m.

Supervisor Cardinale: "The 2:35 is actually 2:40. So on the 2:35 hearing which is the consideration of a local law to amend 108 of the code on signs. That's a statute that has been under consideration for some time. And we are having a public hearing to ask the public's comment on it. Architectural Review Board has weighed in, others have weighed in. I think we've had previous hearings. You want to comment, Sean, any further on this? Okay.

Leroy has had a hand in the creation of the statute and I'm not sure that's a good thing, but there you go. Leroy, did you have any comment you wish to make? Okay.

I know George Bartunek worked on this. Sal, would you like to comment? And Barbara Blass as well."

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Sal Mastropolo: "I don't have the paperwork in front of me what's proposed, but I have a question relative to signs. Does signs include banners and where do you draw the line? I mean if you go past Cooperage, okay. Cooperage has probably eight different signs out in front of the Cooperage Inn. Okay? You know, from brunch to lobster bake, you know, to a beer advertisement banner, okay. Do these all come under the sign ordinance and we're limiting to one sign. That means one sign or banner, right? That doesn't mean one sign plus one banner."

Councilwoman Sanders: "Well there is a definition that is supplied for banner, banner or pennant, and then it describes- "

Sal Mastropolo: "Can they have a banner or a pennant temporarily while they have a sign for a special occasion?"

Councilman Bartunek: "No. Prohibited, Sal. Hold on a second, let me see if I can find this. Prohibited E-3, banners, ribbons, pennants, spinners, streamers, balloons or other such devices are prohibited."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you, Sal."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Any other comment on signs? Yes, Larry."

Larry Oxman: "Larry Oxman, with offices at 1 East Main Street and 1747 Old Country Road, Riverhead. Just looking for some clarification as I'm reading this."

With regard to the area of a sign, what exactly is the area? In other words, sometimes you'll see, particularly commercial real estate signs, you'll see them kind of shaped in a "V". Where in other words instead of just being a double sided sign, the sign is kind of (inaudible). That used to be considered okay."

Councilman Bartunek: "I don't see a "V" Larry. Can you explain what do you mean by that?"

Larry Oxman: "Yeah. So- normally you just had a single board, you know, two dimensional, you had a sign on one side, you had a sign on the other. That's very customary. But what seemed to kind of get in under the zoning is that picture that you split, you split it into two. So now you had a front and a back and instead of them being sandwiched together, they were opened up so that one side faced at a 45 degree angle to the road and the other side now faced at a 45 degree.

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In essence, you're looking at twice the area. I personally think they're very unattractive and I didn't look at the zoning that was being deleted but I thought that it recognized that type of a sign and allowed it. Now this new code it seems to be silent on that."

Councilman Bartunek: "I don't recall any- now, what I did, I spent a lot of time taking some notes and comparing the old- what currently is on the books to what's being proposed and I honestly don't recall any reference to any kind of a sign like you're discussing."

Larry Oxman: "Okay."

Councilman Bartunek: "I suppose the way it would be considered is that would be two signs, the way you're describing it."

Larry Oxman: "I would think it's two signs but in the past, I think it's been considered just a kind of a front and a back and they's just been maneuvered, I don't know, so that- "

Councilman Bartunek: "There are sections in here that do refer to specific signs that can be front and back and they would be considered as one sign.:"

Larry Oxman: "Okay."

Councilman Bartunek: "But as far as I can recollect, real estate signs is not one of those."

Larry Oxman: "Okay. I mean I'd be glad to go through this more thoroughly. I'm just looking at it for the first time, but I would sincerely recommend against that sign and if it's silent on it, maybe it should be clarified that that is not permitted."

Councilman Bartunek: "Okay."

Larry Oxman: "I'm going to make you guys some money. Apparently commercial brokers don't have to apply for a permit such as residential. I'd be happy to if it meant that everyone did."

Councilman Bartunek: "We're talking about real estate."

Larry Oxman: "Correct."

Councilman Bartunek: "Yes. The provision is in here, I believe, is that you would pay a \$200 fee as a real estate broker and then you could advertise according to the code anywhere in the town. If you are in violation of the code, what you do is you forfeit the right to advertise for six months and you forfeit the \$200 fee and then you have to reapply and you pay another \$200 fee."

Larry Oxman: "Right."

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Councilman Bartunek: "The \$200 fee is not annual, it's perpetual. It's carried over from year to year. It's a one time fee."

Larry Oxman: "If that was the intent- I don't believe the code reflects that. There's a- "

Councilman Bartunek: "Get out of here."

Larry Oxman: (Inaudible)

Supervisor Cardinale: "You're saying it relates to residential- "

Larry Oxman: "It's only in the residential under paragraph 7. It's not in paragraph 6."

Supervisor Cardinale: "Seven- eight."

Councilwoman Sanders: "It deals with residential and the permit fees. Whereas the commercial (inaudible) is not addressed."

Supervisor Cardinale: "That might have been an oversight that we should correct, yeah."

Councilman Bartunek: "The residential- that's taken care of. And then- "

Councilwoman Sanders: (Inaudible remark)

Supervisor Cardinale: "Yeah. Above it is the commercial and it does not apparently address- "

Councilman Bartunek: "Good point. I agree. It should- I'll have to think about that, Larry, how we want to do that."

Larry Oxman: "I would suggest (inaudible)."

Councilman Bartunek: "If we want to have a fee, if we wanted to apply a one time fee to commercial real estate signs. I guess that's the way this is written is that there would be a one time fee."

Larry Oxman: "I would also suggest that it's an annual fee and that it expires at the end of 12 months. That way you can keep track of all of the various brokers."

Councilman Bartunek: "That's a good idea. I think I would probably apply 7E to #6 also."

Supervisor Cardinale: "He's also suggesting that it be annual."

Larry Oxman: "I strongly suggest it's annual, not a one time fee. Maybe you want to lower the amount considering that but I think

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that you really have to stay on top of people who might take advantage of this.

Also, by- and I'm really reflecting what I think Westhampton Beach does, is that by renewing their permit each year, they're really acknowledging once again the laws that they have to abide by."

Councilman Bartunek: "What do you think about 7E where you have a one time fee of \$200 for residential? You would also suggest that for both?"

Larry Oxman: "I mean- it may be \$200, it may be a large amount for some agencies but I just- I think that the idea of an annual fee just gives you much more control and it just puts everyone on notice to be aware of what the proper code is."

Councilman Bartunek: "What about the penalties, Larry?"

Larry Oxman: "The penalty- I'm not an attorney but taking away their right to advertise for six months, I don't know if that's enforceable. It sounds- I think you could attach a monetary fine to it but, again, I'm not an attorney but it kind of raises an eyebrow. Can you actually stop someone from marketing? I don't know."

Councilman Bartunek: "Okay, thank you."

Larry Oxman: "One last question."

Supervisor Cardinale: "Yes."

Larry Oxman: "Sorry. The clocks-- you were just talking about the digital display type of clock."

Councilman Bartunek: "Yeah."

Larry Oxman: "I was thinking of putting a clock on the corner of 1 East Main, the traditional analog I guess is the correct word. I think I probably would need a site plan approval anyhow since it alters the outside. But- "

Supervisor Cardinale: "Would that be on your property, Larry?"

Larry Oxman: "Yes."

Supervisor Cardinale: "Where you're putting- "

Larry Oxman: "Right on the corner. I think it would be nice. The bank used to have a sign, that was very nice."

Supervisor Cardinale: "Sounds lovely."

Larry Oxman: "I kind of miss it. Okay, thank you."

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

Dave Furman: "Dave Furman, I'm a local pharmaceutical representative. I recently drafted a letter petitioning the town board on behalf of Dr. Sadat and I know four of the five board members recently attended his grand opening at the building, including yourself, Phil, back in June."

Supervisor Cardinale: "It was very nice."

Dave Furman: "What was that?"

Supervisor Cardinale: "It was very nice."

Dave Furman: "Yes. We recently received a rejection letter from the ARB. I don't know if they copy you on rejection in terms of signage. And Dr. Sadat has no problem with any type of fees, the size of the sign, how far it is off the curb, how high it is off the ground.

But they rejected the sign, saying that and I'm sure you'll see it because I know Susan just copied you on it, he wants to be able to put the tenants in the condo complex. It's the largest medical complex built in Riverhead in the last 50 years.

It doesn't seem to make a lot of sense, I drove up and down Route 58 and Main Street last Thursday and Friday and came up with about 20 commercial buildings that there are signs out there that the tenants are listed underneath and I think that's all he's asking.

I know early in 2006, and his association with Central Suffolk Hospital, they're going to try and do a mini-Sloan out here, a comprehensive breast care center and as the building gets full, it doesn't seem to make sense to me to just have LV medical plaza and not let the patients know who's actually occupying the building."

Supervisor Cardinale: "That came up recently in regard to Commerce Park and the issue is an interesting one. The sign code, George, do you recall how that addresses the issue? The issue is do you have a directory sign outside or do you insist that it just be a complex and then when they get inside they have a directory sign. How does the sign code handle that?"

Councilman Bartunek: "One of the— I took a look at that letter and I took a look at the dimensions of the sign and I don't recall. I looked at it very quickly before I came in here and I think one of the— I'm not exactly sure what the zoning board of appeals, what their objections were, the ARB."

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Dave Furman: "Well, when I read it, it just said that they wanted- it says please consider signage with name of medical center only. So it would only say LV Medical Plaza. It wouldn't say anything about the breast cancer center."

Councilman Densieski: "The one difference between (inaudible) industrial park medical park is that he has a road. So I think that if he just puts a name identifying the park, there's still a road. Whereas Dr. Sadat does not have a road so it may be more proper to identify the individuals. He doesn't have a road."

Dave Furman: "Yeah, I cited- because I called on all these buildings myself, I mean the East End Eye Care Center and 887 Old Country Road, 1149 Medical Plaza, 1190 Old Country Road, they all have the tenants listed underneath and I know Doctor (inaudible) is in there now. He just inhabited the building. A directory inside doesn't help patients driving up and down because they don't know the difference between Main Road, Main Street and Route 58. They're having great difficulty finding Dr. Sadat and associates now. So- "

Supervisor Cardinale: "I think- I understand what you're saying but on the other hand the concept would be you would tell the patient I'm in LTV Medical Center and then they get in the door and there's a directory sign. They feel deeply about this, the Architectural Review Board. I don't. But they feel that these directory signs, if you have them on every single property, with all of the tenants inside each of these buildings, you're going to have a tremendously cluttered Route 58, as if we don't have one already."

But that's really the issue. And I think it's a good time to bring it up because we should address it in this code. Because you're right, there are directory signs in front of some of the places on Route 58. Some of them may be illegal. Some of them may be pre-existing, some of them may be a lot of things.

But we will look at it very carefully but that's the problem. If we put directory signs on the outside of all of these buildings, we've got a really cluttered look."

Councilman Bartunek: "What district is the office in?"

Dave Furman: "You're asking the wrong guy. It's just west of Route 105 where his old office is. I mean we sent out 5,000 announcements and they still can't find him."

Supervisor Cardinale: "Just to the- "

Dave Furman: "Next to Mark's Ice Cream store."

Supervisor Cardinale: "Next to Mark's Ice Cream store."

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Councilman Bartunek: "Does anybody recall what zoning that's in?"

Councilwoman Sanders: "I don't recall off the top of my head, George. Rick is right there. Thank you."

Supervisor Cardinale: "It's CRC- I don't know. I still think the best one was recreational industrial zoning but I made you change that. That was just too idiotic. Recreation industrial."

Councilman Bartunek: "Well, according to what we are proposing here, that sign would be permitted."

Supervisor Cardinale: "Oh yeah? Good."

Councilman Bartunek: "A directory sign would be permitted in CRC."

Dave Furman: "It was by chance that I was here today that you were having this discussion and I stopped by the office. If you wanted to speak to his brother who is his office manager at the work session that would be fine."

Councilman Bartunek: "The one problem would be that if it's internally illuminated, that would not be permitted."

Dave Furman: "That would be fine. Just- I haven't done this for 17 years. I see the frustration of patients driving up and down."

Supervisor Cardinale: "Sure."

Dave Furman: "And then they can't find it. I mean imagine being a cancer patient six months from now and you can't find where it is, it says LV Medical Plaza."

Supervisor Cardinale: "Yeah. The- well what we know now is that it would be permitted with exterior lighting and why you were rejected is because they were basing it on the previous law. This hasn't been adopted remember. It's being heard. So if we can pass this that might solve your problem and if you use outside lighting. So let's verify that. Maybe if you talk to George, he'll make sure that he's reading it correctly and that may solve your problem."

Leroy also has problems but- "

Leroy Barnes: (Inaudible remark)

Supervisor Cardinale: "Yeah, and we do- we- this is- I don't even want to get into how funny- what is happening over the last number of years. We really want to pass this code because what's really happening is the ARB has strong ideas and are doing as good a

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job as we could expect unsupported by any law that I know about. And when they decline something, many times people come in and say well, they declined it but it's not in the law which required us to grant the appeal because they're running on policy and not law and that's why we're passing a sign law so that we're not going to do this as a matter of policy. It's— this is it, this is the law for everybody."

Dave Furman: "Okay."

Supervisor Cardinale: "And as it turns out, the issue you're discussing is okay for you in that district."

Dave Furman: "Okay."

Supervisor Cardinale: "As long as you have outside lighting."

Dave Furman: "I would hope a fairly quick resolution on it only because I had lunch with him last week and he was supposed to see before we had lunch 14 patients and five of them did not show because they can't find the building."

Supervisor Cardinale: "Okay. Well, what we could do is we're having— why don't you speak with Peggy right there. We could take it up at the work session on Thursday and we could probably approve— if it's in the new law and we're going to pass the new law within the next few weeks, we could approve it as an appeal from the old law denial as soon as Thursday."

Dave Furman: "I believe— was it Weldon's (phonetic) sign?"

Supervisor Cardinale: "Yeah."

Dave Furman: "Down on Main Street there. What is it? Wedell (phonetic) sign. They're doing the sign but they won't do it until they have some kind of assurance— "

Supervisor Cardinale: "Until they know it's legal."

Dave Furman: "-- that it's reasonable."

Supervisor Cardinale: "Okay. Well, if you want to be on the work session, speak to Peggy. The quickest we could do it is Thursday."

Okay. Anybody else have any comment on this second to the last hearing on signs. If not, I'm going to close this hearing— "

Councilman Bartunek: "There's just a couple things here, a couple of minor things that should be deleted and added. I don't know if this is the appropriate time. They're not major. Should we just work on them and— "

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Supervisor Cardinale: "You can. You need not have comment in order to make changes but I wanted to get public— because you yourself are reviewing it and commenting in effect.

But if anyone has any further comment, I'll take it. Otherwise, I'd like to close the hearing at 3:23 p.m."

Public Hearing closed: 3:23 p.m.

Public Hearing opened: 3:23 p.m.

Supervisor Cardinale: "And open the final hearing which is for the consideration of a local law to amend Chapter 108 Commercial Site Plan Administration. And the town attorney— the deputy town attorney, Sean Walter, is going to explain this one to the awaiting public. The huddled masses. What are we doing here, chief? I know, do you? Do you want me to tell you?"

Sean Walter: "I think you should tell me."

Supervisor Cardinale: "Okay. This is a— this is important actually. When we permit people to buy preservation— transfer of development right credits to enhance the size of their commercial projects, we also needed and had not included in the code the right to vary the other development standards set forth such as parking, floor area ratio and lot coverage requirements so as to permit the additional square footage permitted by purchase of development rights.

So what we did is we said we do have that authority in the town board and we are utilizing— we will utilize the same standards in Section 276 of the town law of the State of New York that ZBA's use to issue variations. And we're doing this pursuant to Municipal Home Law Rule authorization.

So that's basically what this is about. If a person wants to buy up a square footage of his commercial development which by purchasing transfer of development rights keeping our farmland open which is the genius of the code that we passed, we also have to have the right to vary parking, floor area and lot coverage and this provides us that right.

Does anyone have any questions? If that is so, that is good, 3:26 having come, I will close this hearing and that concludes the hearings."

Public Hearing closed: 3:26 p.m.

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Supervisor Cardinale: "So we can move onto take comment from anyone present on any one of the resolutions we are going to pass. We passed number one but we have a few more to go so if anyone has any comment on the resolutions, I'd like to take that comment now. If they have no comment, we will consider resolutions 752 through 7— we have one CDA resolution— 773 it looks like and we have also a CDA resolution, a few tabled. Yes, Sal."

Sal Mastropolo: "752."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The Now Therefore— "

Supervisor Cardinale: "Right."

Sal Mastropolo: "On the second line— "

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Include the word attached agreement."

Supervisor Cardinale: "(inaudible) attached agreement. Okay. Okay, that's the interpreter agreement. Fine. That's— we'll amend that before passage."

Sal Mastropolo: "754."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "On the fifth line down, it should be areas, plural."

Supervisor Cardinale: "Fifth line down on 754?"

Sal Mastropolo: "Yeah. Bid areas commencing January 1st. You may even want to put the letter designations A to F in parenthesis. If that's what they are."

Supervisor Cardinale: "Okay. So the word should be areas plural."

Sal Mastropolo: "Right."

Supervisor Cardinale: "I'll correct that."

Sal Mastropolo: "759."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Did you mean to remove the parking regulations on the four streets or did you— what was the intent?"

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Supervisor Cardinale: "On Center, Front and Green and West."

Sal Mastropolo: "Center, Front, Green and West, did you want to remove those from the ordinance?"

Supervisor Cardinale: "Yeah. We wanted to delete that, Rick? Yes we did."

Sal Mastropolo: "On purpose?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. I wasn't sure if you wanted- if you wanted to add the three to what was existed or if you purposely wanted to remove the four."

Supervisor Cardinale: "We wanted- "
Councilwoman Sanders: "Purposely remove."

Supervisor Cardinale: "We're purposely removing those four."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome. 760."

Supervisor Cardinale: "Right."

Sal Mastropolo: "The recreation and motor vehicle."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I can't understand why you're excluding snowmobile. It's relevant to everything that's in here. Why are you taking snowmobile and endless belt thread out? Because you say in the recreation and motor vehicle definition, two lines from the bottom, that this definition shall not include a snowmobile. It's relevant to snowmobiles."

Supervisor Cardinale: "Well, the recreational motor vehicle which is controlled- your point is that we control recreational motor vehicles and then we say the definition doesn't include snowmobile- "

Sal Mastropolo: "Right."

Supervisor Cardinale: "-- other self (inaudible) motor vehicles manufactured for off highway use."

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Sal Mastropolo: "Right. But everything that's in this ordinance should relate to snowmobiles as well. So you are either going to have to write a whole new ordinance just for snowmobile or take out that line and this will include snowmobiles as well."

Supervisor Cardinale: "All right. That's an interesting point and I hadn't had it addressed previously."

Councilman Bartunek: (Inaudible)

Supervisor Cardinale: "Do you have a thought on that, George?"

Councilman Bartunek: "I asked the same thing when I was going through this and I think the snowmobiles are probably not as detrimental to erosion damaging the environment probably as ATVs and there's probably not as many of them. That's the only thing I could think of, Sal."

Supervisor Cardinale: "They wanted to limit the— since this is a limitation on people's freedom, they wanted to limit it to exclude snowmobiles for those reasons. That was the thinking behind the draftspeople."

Sal Mastropolo: "I look at it and I look at the age limitations and permission to ride on somebody's property and the damage it causes, I would think snowmobiles should be included. But it's up to you guys."

Supervisor Cardinale: "Okay. I understand your point. Thank you."

Sal Mastropolo: "Okay. On the next page—"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- in item F, first of all I think accompaniment is spelled wrong but my question on this is what constitutes accompaniment? If a minor is on a trail bike and his parent is on a quad and they're riding together, is that accompaniment? Or must a parent be on the vehicle with the minor?"

Supervisor Cardinale: "What page are you on? I'm sorry."

Sal Mastropolo: "I'm on the second page under restrictions, item F which is about three quarters of the way down. It says without having attained the age of 18 or in under 18 without the accompaniment of a parent or guardian who has attained the age of 18. And my question is what constitutes accompaniment? If the parent is on one vehicle and the child is on another vehicle, is that accompaniment or must they be on the same vehicle with the parent in control of the vehicle?"

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Supervisor Cardinale: "I think- I think if you- I think what they do on motorcycles for example is you have to be within a specified- the alternative is you have to be within a specified distance. That you have to be on a separate- you may be on a separate vehicle but within a specified distance. That's what they do in the motor vehicle code. I think it should be defined."

Sal Mastropolo: "Well, that's my point."

Supervisor Cardinale: "Sure."

Sal Mastropolo: "And this one is a personal interest because my grandson has a motorbike and his father rides a quad. Okay? So they're not on the same vehicle and he's under 18 and if he goes out on, you know, they go out together, is that accompaniment? I think it should be clear in here."

Supervisor Cardinale: "Sure. I think that Sean was just mentioning we should have had you at the public hearing because nobody picked that up. I think what we may do since this is passage today, right, we could pass it and- we can pass it perhaps and then amend it but it should have a definition of accompaniment. Yes."

Sal Mastropolo: "Okay. 761."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The chart."

Supervisor Cardinale: "Right."

Sal Mastropolo: "One thing stood out to me and I'll just ask the question. Industrial A- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "It's the only building that doesn't have a maximum height of 35 feet and I can honestly- I mean, an industrial building with a huge garage door, okay, and it just seems ridiculous that it doesn't have the same height as most of the other buildings.

I mean you have manufacturer's outlet centers, 35 feet. You have business, you have tourism resort campus, 35 feet but yet Industrial A is limited to 30. And I don't know if that's by design or just somebody overlooked it."

Supervisor Cardinale: "Why- do you have any idea why we reduced it five feet?"

(Inaudible comment)

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Supervisor Cardinale: "But intelligent design or just by (inaudible)."

(Inaudible comment)

Supervisor Cardinale: "That it be shorter? All right. If they say so. So apparently they don't build them over 30 feet generally."

Sal Mastropolo: "Okay. 762."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The attachment is out of place. It doesn't relate to the resolution at all. The resolution is on wireless communications towers and antennas and the attachment is, well at least the first page of the attachment is pine barrens credit program."

Supervisor Cardinale: "Yeah. It's a different— that is a notice of adoption is off, but the rest of it, right behind it is the statute."

Sal Mastropolo: "Yes, yes. I'm just saying that if this is part of the resolution, it doesn't belong here."

Supervisor Cardinale: "Yeah, we have to remove it."

Sal Mastropolo: "Either that or maybe they forgot to change pine barrens to wireless on the notice of adoption."

Supervisor Cardinale: "Yeah. We're going to pull it out and see if it belongs anywhere else. It certainly doesn't belong there. You're absolutely right."

Sal Mastropolo: "Okay. On the same resolution, on the fifth page, if you go down to 7A, it starts off tower facilities shall be landscaped. See it? Three quarters of the way down the page."

Supervisor Cardinale: "What section is it that you're in?"

Sal Mastropolo: "I'm on— I'm in section 108-216—"

Supervisor Cardinale: "Okay, and it's 7A?"

Sal Mastropolo: "7A."

Supervisor Cardinale: "All right. I've got it."

Sal Mastropolo: "Okay. Tower facilities shall be landscaped. There's a word missing there. It doesn't make any sense. Tower facilities shall be landscaped a buffer of plant materials. It probably should say utilizing."

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "Or with a buffer."

Supervisor Cardinale: "7A, utilizing a buffer of plant materials that effectively screened."

Sal Mastropolo: "Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Then go down to C and on the second line in some cases comma such towers- I think it probably should read in some cases where such towers are sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer. So add the word where after cases, take out the comma, add the word are after the towers, take out the comma if there's a comma in there because I wrote over it, I can't see."

Supervisor Cardinale: "This is to be substituted on the- this is to be substituted on the statute accompanying 762. Yeah, I gave her the changes."

Sal Mastropolo: "Okay?"

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "All right. And on the next page, 108-221. On the first line. You probably want to insert the word with after the word conflict. Any ordinances or parts thereof in conflict with the provisions of this chapter are hereby repealed to the extent of such conflict."

Supervisor Cardinale: "Okay. Got it."

Sal Mastropolo: "763."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Under the Resolve, number 1."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "It says on the third line down, it says will serve a term of no longer than two years."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "What about contiguous terms? Do you mean it's a two year term and then they're off and somebody replaces them? And if you don't, then how many contiguous terms can they have on the

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committee? I think you should mention that because the way it reads, okay, you can serve no longer than the two year term. And I'm sure you don't want committee people off after two years."

Supervisor Cardinale: "Right."

Councilman Bartunek: "Term means a period of time."

Supervisor Cardinale: "They have to be— the concept is that they would have to be reappointed. That's correct."

Sal Mastropolo: "Okay. Do you want to set a limit on the number of contiguous terms that they can have so that you get some kind of turnover in the committee after so many years?"

Supervisor Cardinale: "I don't think so. Do you think? Yeah, I think not. But we may if we need to. But it seems that we're having trouble getting people, much less--"

Sal Mastropolo: "Okay. And I have a suggestion."

Councilwoman Sanders: (Inaudible comment)

Supervisor Cardinale: "Yeah. Maybe that's a good idea. Serve no longer than two years subject to reappointment."

Sal Mastropolo: "Okay. I have a suggestion on this one."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You should add another number and here's my suggestion. Each committee will designate slash elect a chairperson or vice-chairperson to run the committee meetings and ensure proper satisfaction of other guidelines.

You make no mention about who's going to run the committee. There should be somebody in charge of the committee to ensure the rules of order, okay, and that the (inaudible) of the committee are met."

Councilman Densieski: "Yeah. They all have a chairman and there's also a town board liaison on all the committees."

Sal Mastropolo: "Okay. It was just a suggestion."

Supervisor Cardinale: "Why don't we say that they should appoint a chair and vice chair."

Councilwoman Sanders: "Don't we?"

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Supervisor Cardinale: "I don't think we did seriously enough. We talk about a lot of other things."

Sal Mastropolo: "There's nothing in there that talks about a chair or a vice chair."

Supervisor Cardinale: "Each committee with appoint a chair or a vice chair at its- prior to if they don't have one prior to October 31st. Okay. Thank you."

Sal Mastropolo: "754."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I'm in agreement with what you're trying to accomplish here but the way it's written, I don't think it accomplishes what you hope to accomplish. I think what it should say is the town should have a law that bilge buddies are required in every boat that has a bilge pump. Okay?"

Just like you require life preservers, okay, and if you get a safety inspection, you need a flame arrester on your carburetor. Okay? Giving out free bilge buddies is not going to enforce what you hope to accomplish which is the protection of the Peconic. Okay?

So I think this thing should be rewritten that says if you're in the town of Riverhead waters and you have a bilge pump, you must have a bilge buddy. That's the first thing. The second thing is I don't think the taxpayers should be paying for bilge buddies for 100 boats. Okay? If you can afford the boat, you can afford a bilge buddy. Okay?

And there's not going to be any meat giving out 100 bilge buddies without putting the other piece in the ordinance that you must have a bilge buddy if you have a bilge pump."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Okay. 767."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The first page of the publishing agreement."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Under royalties."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "Somewhere else in this document they talk about the retail price but under royalties they don't say whether the 8% is of the wholesale price or the retail price of the books. And there's probably a big difference in what the royalties are going to amount to if you take it off of the wholesale price versus the retail price. It's just a suggestion. I don't know what the intent was, but- "

Supervisor Cardinale: "Okay. I will ask for a clarification on that."

Sal Mastropolo: "768, the Now, Therefore- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The attached agreements but there was no attached- there was nothing attached to it."

Supervisor Cardinale: "Yeah. (Inaudible) Did we ever have an attached document here and who put this in? Kathy (inaudible). All right. If we don't have a copy of the document, we'll table it."

Sal Mastropolo: "770, the first Whereas, the second line."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Determined its motion amend the zoning- makes no sense. Something's missing there."

Supervisor Cardinale: "The first Whereas?"

Sal Mastropolo: "Yes. Whereas, but resolution dated January 19, 2005, the Riverhead town board did determine its motion amend the zoning. Motion to amend- something's missing."

Supervisor Cardinale: "By resolution dated- by its motion amend the zoning use district map currently regulating- determine- now what they're saying there, you want to take a look at that, counsel, by resolution dated January 19- where's my- "

Councilwoman Sanders: "770, the Whereas."

Supervisor Cardinale: "I want to know where Hanley is basically. Take a look at the first Whereas, it has to be cleaned up. Also it would be nice if they put who prepared this.

Whereas, by resolution of January 19, 2005 the board did- "

Sal Mastropolo: "Determine that its motion to amend?"

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Supervisor Cardinale: "Determined by its motion that is- would you please get Hanley in here."

Sal Mastropolo: "Try adding the word that and to. Did determine that its motion to amend the zoning use district map of the town of Riverhead currently regulating approximately 590 acres located at Enterprise requiring the preparation- "

Supervisor Cardinale: "Okay."

Sal Mastropolo: "There's something missing. Determine- "

Supervisor Cardinale: "Determine that- "

(Some inaudible discussion among the Board)

Supervisor Cardinale: "What it should read is this. Do you have it in front of you Barbara? Whereas by resolution dated January 19, 2005, the Riverhead town board did determine by motion to- did determine- did determine by its motion to amend the zoning use map of the town of Riverhead currently regulating approximately 590 acres- to determine that its motion to amend the zoning use district map. Okay? Did determine that its motion to amend the zoning use district map currently regulating that acreage located at EPCAL to be- did determine that motion to be a Type I action requiring the preparation of a draft environmental impact statement. So let me just- "

Sal Mastropolo: "Add the word that after determine and to amend."

Supervisor Cardinale: "Yes. And that's it."

Sal Mastropolo: "Yes."

Supervisor Cardinale: "Okay. Your English is worse than your planning, Rick."

Sal Mastropolo: "773."

Supervisor Cardinale: "I'm only kidding, Rick."

Councilwoman Sanders: "773."

Supervisor Cardinale: "Right. Go ahead."

Sal Mastropolo: "The second Whereas makes no sense either. Whereas- "

Supervisor Cardinale: "Which one is this you're looking at?"

Sal Mastropolo: "773, the second Whereas. Whereas, the same electronic records retention fees provides such fee shall be determined."

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Supervisor Cardinale: "Okay. Whereas local law amending that (inaudible) electronic records was adopted. Whereas, they mean the same local law. Whereas, just cross out the same. Whereas, electronic record retention fees as set forth above provides."

Sal Mastropolo: "Well, provides doesn't fit there. Provided that such fees shall be determined from time to time makes sense."

Supervisor Cardinale: "Well, either way."

Sal Mastropolo: "Provided that such- "

Supervisor Cardinale: "You could use a provided, I think probably better. Okay, determined that- so it reads, Whereas, electronic records retention fees as set forth above provided such fees shall be determined from time to time. And then the rest of it's fine, right? The Town Board hereby establishes the fee schedule. Okay. That's 73."

Sal Mastropolo: "That's it."

Supervisor Cardinale: "Thank you very much for correcting those. Anybody else have any comment? Yes, Sandra."

Sandra Mott: "Hi. Sandra Mott, Riverhead. 763 about your guidelines for the advisory committee."

Supervisor Cardinale: "Yeah. 7- "

Sandra Mott: "63, 763."

Supervisor Cardinale: "Right."

Sandra Mott: "Does it include your process in choosing the members?"

Supervisor Cardinale: "No. It's intended to- once they're in operation, the members would be chosen by a separate resolution, in each case by the Town Board."

Sandra Mott: "And does it indicate the need as far as I'm concerned that a town resident to be the chair? And as a full member. And as a nonresident they can be an observer?"

Supervisor Cardinale: "Well, it doesn't say anything about chair person, but if the Board agrees we are going to add, each committee will appoint a chair and vice chair prior to 10/31/05. We could say who shall be a resident of the town of Riverhead."

Sandra Mott: "That would be nice. And, let's see what else did I want. It was- someone said the two year--"

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Supervisor Cardinale: "Yeah. The two year commitment is at number 1."

Sandra Mott: "Okay. What about changes to the committee, suppose somebody says, yeah, I want to be on this and for whatever reason they show up for the first meeting but not the second. They go to the fourth meeting but not the sixth."

Supervisor Cardinale: "That's an interesting question. We didn't address that."

Sandra Mott: "There's no continuity of thought or presentation."

Supervisor Cardinale: "Yeah."

Councilwoman Sanders: "We did several years ago establish an attendance policy for these advisory committees that said that if any committee member missed more, I believe, than three consecutive meetings, they would be discharged of their duties."

Supervisor Cardinale: "Relieved."

Councilwoman Sanders: "Relieved."

Supervisor Cardinale: "Of their duties. Yes that is already passed."

Sandra Mott: "Okay. I found those pieces to be very important because having a nonresident as the chair on any committee is totally inappropriate. As a nonresident voting member, I find that also inappropriate. I think they can be observers, they can add, they can contribute in whatever manner, shape or form, whatever the committee is, but I do not think a member who's not a resident of the town of Riverhead should be a voting member."

(Some inaudible discussion among the Board members)

Councilman Densieski: "The RDC, those are voting members from outside the town."

Supervisor Cardinale: "I think the Board senses that you may be right. However, once in a while like for example the Dark Skies, we have a regional advocate on that who's not a town resident. I think if we say the chairperson must be a town resident should suffice for the moment."

Sandra Mott: "Well, the other people who are the experts can be- "

Supervisor Cardinale: "Rather than the voters, yeah."

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Sandra Mott: "-- rather than a voting member of any committee, I would think."

Supervisor Cardinale: "That's true except that that might lessen their interest in joining it and- but it's- "

Sandra Mott: "They're sharing their (inaudible) and it's appreciated and acknowledged, they shouldn't have a vote to be able to override. I mean you can get a gaggle of nonresidents together (inaudible)."

Supervisor Cardinale: "Yeah, I understand. Right. Most of them operate by consensus. If it becomes a problem, but it hasn't been so far, so I have no strong feelings. Anybody else does, please let me know."

Councilman Densieski: "Glad to have the volunteers."

Supervisor Cardinale: "Yeah. Our problem here is generally getting the volunteers. Not getting too many (inaudible). Go ahead, Sandra."

Sandra Mott: "Well, those were my concerns."

Supervisor Cardinale: "Thank you. Appreciate your insights."

Sandra Mott: "That town residents be the chair and that about the voting capacity of nonresidents. Because if they're voting on issues that pertain to the town, then I don't think that's (inaudible)."

Supervisor Cardinale: "Okay."

Sandra Mott: "Advising and observing and so on but to be voting on issues pertaining to the town, I don't think so. Thank you."

Supervisor Cardinale: "I got that, I think I'm going to table that. This is relevant to (inaudible) on the site plan for Sunken Meadow, Sunken Pond. We may wish to defer action on that on the basis of a letter received today. Thank you, Sean."

Anybody else have any comment on the resolutions? If not, I'd like to begin with- do we have a CDA resolution as well? Okay."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Rick, in regard to the Sunken Pond Homeowners Association, Inc. site plan, there was a problem there in regard to the question about the entrance. We have received a letter

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from them, from Louis Milea (phonetic) of the homeowners association recounting his visit to the work session."

Rick Hanley: I read it."

Supervisor Cardinale: "You read it. Their concern- he concludes it by saying that there are certain question they're raising and the HOA board is discussing the matter with the community."

Rick Hanley: "Right."

Supervisor Cardinale: "We do not want to jeopardize (inaudible) and they say can this possible town resolution be tabled without harm to our community? The question is asked because our homeowner in the association is under extreme pressure and we need to get some answers before we take a position formally."

I think the concern was that the site plan reflected neither what was in the prospectus or what- and there was some question- our real concern was it wasn't what was in the prospectus. And there was no amendment given to us on the prospectus."

Richard Hanley: "Correct. Right."

Supervisor Cardinale: "And there was some reservations by some homeowners association (inaudible). On the other hand, you've spoken to the owner and he's indicated that he's voluntarily stopped work in any event."

Richard Hanley: "Yes."

Supervisor Cardinale: "So can we wait two weeks to pass this without harm to the community?"

Richard Hanley: "Yes."

Supervisor Cardinale: "So I think that's probably what we should do then."

Richard Hanley: "You might want to look at the whole body of the letter because I think what they discovered is that the sponsor will not finance the project unless it's his project (inaudible). So he's going to have to go to his people and see if they're willing to- "

Supervisor Cardinale: "Right. They should be talking. The funniest thing as I recall in that matter is let us assume they get together, there's still- that entrance is the same as it was in the prospectus. So somebody's going to have to get the amendment through the Attorney General's office if anybody cares to do things (inaudible)."

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Richard Hanley: "And I think the Board took the position that we will not approve these things until we see them in the prospectus from now on. So they're going to have to- if they do get together, they're going to have to change it."

Supervisor Cardinale: "Deferring it two weeks- "

Richard Hanley: "Is not going to hurt anything."

Supervisor Cardinale: "Okay. Then I'll do that. Okay. I would like Joey to present the CDA resolution and then- so I'm going to adjourn the town board meeting for a few moments so we can reconvene as the CDA."

Meeting adjourned: 3:50 p.m.

Meeting reconvened: 3:55 p.m.

Supervisor Cardinale: "And consider resolution 752 to conclusion. So you can call 752, please."

Resolution #752

Councilwoman Sanders: "Appoints an interpreter for the police department and the justice court. So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "I'm sorry, I forgot to mention that that was amended previously so it's an amended resolution. Yes."

Supervisor Cardinale: "As attached."

Barbara Grattan: "With attached."

Supervisor Cardinale: "Yes."

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

Resolution #753

Councilman Bartunek: "Appoints a part time recreation aide and skate park attendant to the Riverhead recreation department. So moved."

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Councilwoman Sanders: "And seconded."

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

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

Resolution #754

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post town of Riverhead notice to bidders for residential solid waste collection and disposal services. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #755

Councilman Densieski: "Accepts the resignation of assistant adult day care supervisor. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #756

Councilman Bartunek: "Town of Riverhead scavenger waste district budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #757

Councilwoman Sanders: "A budget adjustment for the general fund. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #758

Councilman Densieski: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead Town Code, 101-10 for the Parking Prohibited. So moved."

Councilman Bartunek: "Seconded."

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

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

Councilman Densieski: "Eliminating much of the parking downtown isn't the answer to the problem. There is a problem but this isn't the proper answer."

I do want to commend George because originally this was 300 feet of road they were closing off but I can't support it."

Councilman Bartunek: "Before you say it, it does say in here it's temporary."

Councilman Densieski: "Thank you, George. Temporary in Riverhead town. Still no. I'm sorry."

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

Supervisor Cardinale: "Yeah. Most significantly it does say that the local law proposed will serve as an acceptable interim solution pending ongoing investigation and implementation of other more promising permanent resolutions. These will include the use of a device for traffic control at the intersection and possibly restructuring of the intersection and/or the removal-- removing east of the parking which would be done when the Swezeys site is developed."

But more importantly than that, as I recall, George, all parties in interest here including the fire department and the Star Confectionary merchant with the most impact, have supported this compromise. So I'll vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #759

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Councilman Bartunek: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic 101-18 Seasonal Parking Prohibited. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "I'm not sure if this is the answer to this problem either, so I'll vote no."

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

Supervisor Cardinale: "It's the recreational motor vehicles we're looking at?"

Councilman Densieski: "No, it's parking in South Jamesport."

Supervisor Cardinale: "Oh, that I am definitely sure that that is the answer to the problem, so let's vote yes on that."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "(inaudible) I never want to hear about the parking in Jamesport."

Resolution #760

Councilwoman Sanders: "Adopts a local law to amend Chapter 101 of the Riverhead town code entitled Vehicles and Traffic Article XI Recreational Motor Vehicles. I don't know whether based on the comments that were made earlier, whether we want to table this for clarification of snowmobiles or do you want to move forward as is, adopt it, and modify it?"

Supervisor Cardinale: "I think because it's a definitional section if we do this we'd have to go through- "

Sean Walter: "You would have to go through a public hearing."

Supervisor Cardinale: "Okay. I would then prefer to pass this and then just do a hearing on the definition of accompaniment to add to the statute. Or use a different word, yeah."

Okay, could you make a note, Sean, to just ask legal to clean up that line. In the interval, let's pass what we have."

Councilwoman Sanders: "Okay, then I will. So moved."

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

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

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

Councilman Densieski: "Granted there are a few unscrupulous people around abusing ATV's but we already have laws on the books about trespassing. I think this may just be more regulation without fixing the problem. Somewhere somebody should build at ATV park that will allow legal riding and now they want to outlaw snowmobiles. I just don't think I can support it. No."

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

Supervisor Cardinale: "Actually this does not apply to snowmobiles. It does apply to ATV's and I cannot think of a place where regulation is more warranted than in ATV's. We have nothing but complaints. Hopefully this will help to alleviate some of the difficulties that we have seen. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #761

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning Riverhead town code Commercial districts schedule of dimensional regulations. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #762

Councilman Densieski: "Adopts a local law to amend Chapter 108 of the Riverhead town code entitled Zoning, 108-211 through 221 Wireless Communications for Towers and Antennas. So moved."

Supervisor Cardinale: "Moved and seconded. Vote please. We need a second actually."

Councilwoman Sanders: "Seconded as amended, with the amendment."

Supervisor Cardinale: "Yes."

Councilwoman Sanders: "Is that what you offered, as amended?"

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Supervisor Cardinale: "As amended. What did we amend on this?"

Councilwoman Sanders: "We amended utilizing the buffers, plant materials. We didn't indicate, we should, tower facility shall be landscaped."

Supervisor Cardinale: "Okay, yes, I remember that, I gave it—the reason I don't—I gave it to the town clerk. Okay. Thank you."

Councilwoman Sanders: "As amended. So moved."

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

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

Resolution #763

Councilman Bartunek: "Adopts guidelines for Town Board advisory committees as amended. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Okay. Moved and seconded. Just to clarify for Barbara and I'll give you this, Barbara. On number 1, after the word, third line after the word two years, subject to reappointment. And additional, number 9, each committee will appoint the chair and vice chair prior to 10/31/05 who shall be a resident of the town of Riverhead. And with those amendments, am I voting here? Yes, I'm voting yes. Did everybody else vote? Okay, that's what I thought."

Councilman Densieski: "But thank you for leading the way."

Supervisor Cardinale: "Okay. Every once in a while I like to vote first."

The Vote: "Bartunek, yes; Sanders, yes, as amended; Densieski."

Councilman Densieski: "Yeah. I think, these are volunteer committees but I think it's a good idea to have some structure. This is a good idea. I'll vote yes."

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

Supervisor Cardinale: "Do I get another vote? Yes. This I like. I can vote at the beginning and end. I can carry a lot of votes that way."

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Councilman Densieski: "It must be nice to have two votes."

Supervisor Cardinale: "I can carry a lot of votes that way. Okay. Just one time count me."

Barbara Grattan: "The resolution is adopted."

Resolution #764

Councilman Densieski: "Discussion first. On the first Resolved, it should say town clerk instead of sanitation department. Barbara's going to provide the citizens with the program."

Supervisor Cardinale: "The town of Riverhead- "

Councilwoman Sanders: "Town Clerk instead of sanitation department."

Councilman Densieski: "With that said. Adopts Riverhead town Peconic River estuary protection program for bilge buddies. So moved."

Councilwoman Sanders: "Discussion."

Supervisor Cardinale: "Yes, go ahead."

Councilwoman Sanders: "There were some comments made earlier regarding must-- if you have a bilge pump I believe, you must have, is that language-- suggested language considered-- going to be considered by the Board?"

Supervisor Cardinale: "If you have a bilge pump-- well, we can't do it here."

Councilman Densieski: "If you don't have a bilge pump, you don't need one."

Supervisor Cardinale: "Well, what are you suggesting exactly? Are you referring to what Sal said?"

Councilwoman Sanders: "Yes."

Supervisor Cardinale: "We could-- Sal's point was good but not directly relevant. Because what we're doing here is we're just setting up a program right for-- we're buying \$843 worth of bilge buddies and we're getting them started to see if people are really going to be interested in using them."

He is suggesting that you're really not accomplishing much and he's right, unless you pass a law that says you have to use these things and I don't know that that has even been discussed yet."

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Councilwoman Sanders: "And where would we- "

Supervisor Cardinale: "And we would have to do it by doing a, you know, notice of publish hearing, a proposed draft law, take comment from the public.

So if we're going to do anything on this resolution then we're going to have to pretty much pass it as we have it. What we did say is that we said it's on a first come first serve. We've been able to verify through the town attorney that it is a proper use of discretion because it's for a public purpose.

We have also said that it is, you know, it is going to be properly disposed of on a STOP date or advising them in a resolution which everybody should get a copy of, they get this, that they have to throw out the stuff at a STOP date.

So I don't think we're doing any harm. There's an argument that we're not doing as much good as we could be doing but I'm prepared to try to program to see if there's any interest. If they don't take it for free, they're surely not going to be happy about our mandating that every bilge pump must have a bilge buddy. Don't get me started. I think we should sent out adoption certificates for each of these and name these bilge buddies and I want mine to read bilge buddy Bob.

In any event, can we please vote so I never have to talk about this one either."

The Vote: "Bartunek."

Councilman Bartunek: "I'm going to second that. All right."

Supervisor Cardinale: "You seconded. Moved and seconded."

Councilman Bartunek: "Make it official. And I vote yes."

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

Councilwoman Sanders: "I believe the idea is a good idea except for the fact that I do not-- I cannot support that we subsidize this particular item to those people who just own boats and only just those 100 people. There are people who have other recreational vehicles that may require our direction as to how they should be taken care of and what they should be doing environmentally and protect-- I think the discussion the other day at the work session was, you know, you have to be concerned with road runoff and I think that's just as critical.

So the fact that I can't support subsidizing this, I'm going to have to abstain."

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

Councilman Densieski: "I don't mind subsidizing \$800 to remove oil from the Peconic Estuary. As a matter of fact, I think it's a great idea. As a matter of fact, we subsidize boaters all the time by having our Riverhead town pump out boat. We pay people to remove gray water from boats and it's a great idea and spending \$800 to remove oil is also a great idea.

But I'd like to thank the town board because it only took five or six rewrites to get this very controversial one page program adopted. So I'll vote yes."

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

Supervisor Cardinale: "You're assuming it's going to get adopted."

Councilman Densieski: "I'm sorry. And your speech is so eloquent, Phil. I thought you were going with it."

Supervisor Cardinale: "I might. It's a-- what we're really getting at here is it's something that has had a lot of discussion. It's better than it was as far as setting forth how we're going to dispose of them-- Barbara's suggestion. It's better than it was because it says it's first come, first served. It's going to be fair.

I would suggest when we do this, let's buy like 20 at a time. Because I can see you know those (inaudible), but the smoke detectors, remember, we got all those smoke detectors before I got here. We got a grant and we still have some of them because we can't-- the public isn't coming in to take them for free. So let's-- well, whatever they've been told, speak to the fire marshal, we've still got some. So, in fact, we just got \$500 from the Bernan (phonetic) foundation which is a foundation to distribute those smoke detectors through another effort.

But the point is, let's get 20 so that we can see if they respond. Let's give them 100. This is kind of an item-- I know Ed feels strongly about, I don't want to undercut what I think is a good idea. The town clerk is willing to step up and hand them out. We'll get 20 at a time. We know-- we're going to use the STOP program to get rid of them so they're not going back in.

If this really is popular, we could do something like Sal suggests, say let's get together and use them in our bilge pump so we don't get oil back out in the water. I think it's worth a shot; I think it's worth the commitment of \$800 or \$842, so I'm going to vote yes."

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Barbara Grattan: "The resolution is adopted." (Inaudible comment)

Supervisor Cardinale: "For what purpose? Oh to get one of the bilge buddies. Yes, the one with the adopted name of Bob or Robert. Bilge buddy Bob."

Resolution #765

Councilman Bartunek: "Approves Chapter 90 application of Bobby Ginsberg for a horse s how. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #766

Councilman Densieski: "Authorizes the designation of certain structures as landmarks pursuant to Chapter 73 entitled Landmarks Preservation of the Riverhead Town Code for the Eugene Hallock House. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #767

Councilwoman Sanders: "Authorizes the Landmarks Preservation Commission to execute an agreement with Main Road Books, Inc. to publish a work entitled A Walking Tour of Riverhead, Long Island, New York. Is there further clarification that's needed?"

Sean Walter: "I'm recommending that you amend the resolution so that the town supervisor (inaudible) the agreement and I would go back to the— I don't know who drafted— the publisher who drafted this, but I will pick up on Sal's comment on wholesale versus retail and there's a couple other issues in here, minor issues that I want (inaudible)."

Councilwoman Sanders: "Authorizes the Supervisor to sign—"

Supervisor Cardinale: "So amended to read authorizes the Supervisor rather than the Landmark Preservation Commission to sign. Okay. With that resolution, can we have a vote?"

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The Vote: "Bartunek, yes."

Supervisor Cardinale: "With that amendment of the resolution, can we have a vote."

Councilman Bartunek: "Yes, as amended."

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

Resolution #768

Councilman Bartunek: "Authorizes the Supervisor— are we going to table this?"

Supervisor Cardinale: "We have— that's what I handed out."

Councilman Bartunek: "We have the contract here."

Supervisor Cardinale: "Yeah. With cover letter from— "

Councilwoman Sanders: "We have the agreement."

Supervisor Cardinale: (Inaudible)

Councilman Bartunek: "Authorizes the Supervisor to execute agreements in connection with the county of Suffolk supplemental nutrition assistance program contracts. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #769

Councilman Densieski: "Authorizes the Town Clerk to publish and post a public notice to consider the purchase of development rights of a parcel located in the Town of Riverhead (purported owner: Edward W. Harbes, III) and it's 30 acres on the north side of Sound Avenue. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #770

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post notice of public hearing upon the draft environmental impact statement prepared in support of certain zoning amendments at EPCAL. And there are two modifications, two amendments.

Delete the— in the first Whereas the by— delete that. And add that after the word determine in the second line and add to amend, its motion to amend. Is that correct? Is that the way you wanted it?"

Supervisor Cardinale: "Yes. And that's all we need to do. Yes. So it would read Whereas resolution dated January 19th did determine that— did determine— "

Councilwoman Sanders: "That its motion to amend."

Supervisor Cardinale: "Yes. That's correct. That its motion to amend— and the rest stays the same. Okay, so amended, can we have a vote, please."

Councilwoman Sanders: "Moved as amended."

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

Supervisor Cardinale: "Yes. This is important because on the 16th we're going to be having the first hearing concerning the amendment of the zoning from recreational to industrial office park at 600 acres in the eastern part of EPCAL. And we now have-- for those who wish to see it, the absorption rate study and the draft of the environmental impact statement which are on file and as Eddie was kind enough to point out earlier today, we are six weeks-- six weeks later than I want to be on this because I have a schedule and a time line and I have made Rick Hanley pay dearly for those six weeks because I've spoken to him about this several times because they delayed us with these two documents. They're now in, read them, and we'll have a hearing on them on the 16th. It's at George Young. Okay, at Jamesport. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #771

Councilman Densieski: "Authorizes the Fire Marshal to attend code development process hearings. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #772

Councilman Bartunek: "Rescinds Resolution 639 of 2005 modification of Sunken Ponds site plan. And you're going to table this."

Supervisor Cardinale: "There's a motion to table. Is there a second?"

Councilman Densieski: "Second to table."

Supervisor Cardinale: "Moved and seconded to table this pursuant to earlier discussion. Vote please."

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

Resolution #773

Councilman Densieski: "Establishes fee schedule for electronic records retention. So moved."

Supervisor Cardinale: "Moved and seconded- do we have a second?"

Councilwoman Sanders: "We have an amendment as well. Barbara, do you have that one. Retention fees- "

Supervisor Cardinale: "Kill the words- after the second Whereas, the same, and after the word fees, as set forth above. There you go. With that amendment, we have it moved. Can we have a second?"

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #774

Barbara Grattan: "Resolution #774 to pay bills."

Councilwoman Sanders: "So moved."

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Councilman Densieski: "Second."

Supervisor Cardinale: "Moved and seconded to pay bills. Vote, please."

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

Supervisor Cardinale: "We have a few tabled resolutions. Are you aware of that? Well, two are- "

Barbara Grattan: (Inaudible)

Supervisor Cardinale: "There was a resolution 702 tabled which was amended to be withdrawn. That was the initial language for the bilge buddies. That's 702. There's also 726 which established the fee schedule for electronic records retention which we just passed. The 702 and 726 I understand are to be withdrawn and also 745 which had to do with authorizing the fire marshal to attend a code development process hearing. All of those are tabled and we should withdraw them. Again, 726, 702 and 745. Could we have a motion to withdraw those because we've already passed amended resolutions."

Councilwoman Sanders: "So moved."

Councilman Densieski: "Second."

Supervisor Cardinale: "Moved and seconded to withdraw 745, 702 and 726."

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

Supervisor Cardinale: "Now there's one that was tabled which is 744 which authorizes the fire marshal to attend a seminar between October 17th and the 21st in (inaudible). That was his annual training, the four days he was going upstate because his men to it down here. That's the 744. We need to pass that. Okay we need to pass 744. Can we have a motion to consider 744."

Councilman Densieski: "I'd like to make a motion to move it."

Supervisor Cardinale: "Yeah, we did it but it's a different one. Remember there are two."

Councilwoman Sanders: (Inaudible)

Supervisor Cardinale: "One we passed and withdrew the other. This one we're just going to pick up off the table."

Councilman Densieski: "Motion to move 744. So moved."

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Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Motion to move 744 to untable it and to vote together."

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

Supervisor Cardinale: "Yes. To take it off the table and I vote yes."

Okay, so that's 744, that's passed. I think that concludes-- completes the old tabled motion-- resolutions. We can take comment from anyone who wishes to make comment on any subject relative to the Board and, Sandra, you have comment."

Sandra Mott - regarding need for cat to be placed.

Meeting adjourned: 4:50 p.m.