

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on Tuesday, December 4, 2007 at 2:00 p.m.

**Present:**

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

**Also Present:**

|                  |               |
|------------------|---------------|
| Barbara Grattan, | Town Clerk    |
| Dawn Thomas,     | Town Attorney |

Supervisor Cardinale: "Okay. All set. We're going to begin the meeting. Cable--the cable man is here. I'm here. It's 2:10 so we're starting the 2:00 meeting with as usual the Pledge of Allegiance. If-- Bernadette, would you lead us in this?"

(At this time, the Pledge of Allegiance was recited, led by Bernadette Voras.)

Supervisor Cardinale: "We have a-- two proclamations I'd like to deliver with the town board, so we'll go down and do that and then we'll come back up and start the business of the board.

I'd like Bernadette Voras and Vince Tria to come on up, please. I should point out that this is over the protest of both Bernadette Voras and Vince Tria. I thought it appropriate and I'm sure the board will agree that in this time of thanksgiving and good will and Christmas, the we acknowledge the efforts of our volunteers and in a certain sense they're (inaudible) or symbolic of the volunteers who serve on over a dozen advisory committees to the board and assist in dozens of ways the town board, on advisory committees and on projects and ad hoc committees.

But these two have actually taken it to another level. They-- (inaudible) when I read the proclamation, but they basically (inaudible) have devoted full time over the last year in volunteering their efforts to the town and indicate that Bernadette nearly full time in a series of ways which I will tell you about when I read the proclamation.

In the case of Bernadette, Bernadette come on over please and hear us out. The proclamation reads:

It is fitting and proper for the residents of the town of Riverhead to recognize the significant contributions of those who serve our community.

Bernadette Voras a retired science teacher and long term resident of the town of Riverhead has-- and both of these individuals have chosen, adopted Riverhead as their town. She has been the chair of the Riverhead town anti-litter advisory committee for three years. Bernadette has led wisely and well and has encourage town-wide participation to head the anti-litter advisory committee in such activities as two annual town clean up days. George Bartunek was our town board liaison for those. Enhancement of litter control and development of education in business clean up programs.

Bernadette also served as an instructor in various town recreation and senior citizen (inaudible). In her former life, she was a-- she is an expert on birds and (inaudible), and a lot of other scientific areas. She's assisted in developing an inter-generational program concept which was recently adopted by the senior citizen department, the youth bureau and the recreation department, trying to bring the young and the old together in our inter-generational center, the new name for the senior center.

And Bernadette has also devoted much time and effort to filming the ZBA meetings for Channel 22 so that not only the town board but the zoning board of appeals and now the planning board are now all on TV.

She continues to unselfishly extend her talents to the community to our betterment and the well-being of the town citizens.

Therefore, I, as Supervisor, on behalf of the residents and together with our town board, offer her congratulations and thanks and best wishes for the future and proclaim today, December 4<sup>th</sup>, Bernadette Voras Day in the town of Riverhead.

And I want to thank you for all your efforts for the last year.

And you are very welcome. You can say something inspiring to us."

Bernadette Voras: "I thank you very much. This is really for my committee. They're just a wonderful group. (Inaudible)."

Supervisor Cardinale: "There's four people up here that want to shake your hand, Bernadette.

The next proclamation, again, both of these individuals wanted-number one, protested being singled out for honors but I felt it

appropriate in view of their extensive hours of effort, but they are symbolic of the others that serve. A lot of young retirees such as they who are energetic and have great expertise and are enormously helpful to the town.

Vince, come on up and I'll embarrass you.

Whereas, it is fitting and proper for the residents to recognize the significant contributions of those such as Vince who have served our community.

Whereas, Vince is the owner of the Riverhead hometown radio station, 1390 and it's on your AM dial, and has often run public service announcements to benefit the community.

Whereas, Vince has currently served as a member of the small business advisory committee and is chairman of the parking district committee.

Whereas, Vince Tria effectively oversaw the renovation and oversees daily the operation of the Vail Leavitt Music Hall in downtown Riverhead.

Whereas, Vincent currently serves in the office of the town supervisor full time as the official ombudsman or citizen advocate for the town of Riverhead in a volunteer position; and

Whereas, among his many duties as a full time volunteer for the town, his responsibility for recording all town board work sessions on Channel 22, the town government active station; and

Whereas, Vince continues to unselfishly extend his talent to the community, 40 hours a week (inaudible) to the general betterment and well-being of all.

Be It Resolved that I, Philip Cardinale, Supervisor, on behalf of the entire town board and all residents offer our sincerest thanks to Vince and his year of effort and proclaim December 5, 2007 Vince Tria Day in the town of Riverhead.

Thank you, Vince.

I know you want to say something."

Vince Tria: "I thank you."

Supervisor Cardinale: "How articulate and how succinct. Unusual."

(Inaudible comments)

Supervisor Cardinale: "Thank you volunteers."

Vince Tria: "And actually this is the guy who made it possible. (Inaudible)."

Supervisor Cardinale: "Okay, thank you to the volunteers again. Those who we just honored and those who continue to serve every day. Yes, Vince, we're going to have a hearing. Yes."

Okay. We are going to now approve the minutes of the November 20<sup>th</sup> meeting of the town board. Would you call that, please, Barbara? Or somebody offer them please."

Councilman Dunleavy: "I offer them."

Supervisor Cardinale: "And second please."

Councilwoman Blass: "Seconded."

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

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

Supervisor Cardinale: "Could you tell us about the Reports, Applications and Correspondence please?"

**REPORTS:**

|                        |   |
|------------------------|---|
| Town Clerk             | Monthly report for November, 2007<br>Total collected: \$8,248.38  |
| Building Department    | Monthly report for November, 2007<br>Total collected: \$77,771.25 |
| Sewer District         | Discharge monitoring report for<br>October, 2007                  |
| Industrial Development | Proposed budget for fiscal year<br>Agency 2008                    |

**APPLICATIONS:**

|                  |  |
|------------------|--|
| Fireworks permit | Business Improvement District -<br>Dec. 31, 2007, at Grangebel Park<br>8:00 p.m. |
|------------------|--|

Barbara Grattan: "And no Correspondence."

Supervisor Cardinale: "Thank you. Are there any announcements or committee reports?"

Councilman Densieski: "Yes, Mr. Supervisor, I have one. This Saturday, December 8<sup>th</sup>, is the 8<sup>th</sup> annual— I can't believe it— Riverhead town bonfire and holiday celebration. It takes place on the riverfront in downtown Riverhead at 4:00 this Saturday, December 8<sup>th</sup>. Santa will be coming up the river by boat and taking photographs and having hot chocolate with all the children. So, hopefully, you can all make it. Thank you."

Supervisor Cardinale: "That's great. Eight years. And we're going to continue that tradition and it's always a good time so, in fact, my grandchildren are going to be in town so we're going to be there."

Councilman Densieski: "Good."

Supervisor Cardinale: "I have four public hearings and an adjourned public hearing."

I'd like to indicate on the Jul-Bet hearing which is an adjourned hearing that the analysis of the town's attorney was that we should re-notice that to make clear that it isn't— that the special permit is to consider the addition of that use, not simply one bistro or one professional office, but the addition of those two uses as special permit uses at the site.

So that is going to be done. The hearing will be on January 15<sup>th</sup> at 7:00 p.m. We're going to change the date because we were going to have it during the Christmas holidays which would have been in adequate because people I know want to testify.

This hearing— a lot of people testified last— two weeks ago. The hearing minutes— I'm going to ask they still be typed up and we're going to submit them as part of the new hearing as written material or written comment.

I know there's one person here that wanted to comment. You can return on January 15<sup>th</sup>, there may be more today, or you can comment now and we'll put it in with the written material.

Is that young lady in the audience? You want to comment now? Or would you like to return on January 15<sup>th</sup>? Okay."

(Inaudible comment)

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Supervisor Cardinale: "You want to come up the mike and then I can answer your question on this adjourned hearing?"

Linda Seaton: "Sure. I'm Linda Seaton and I own a business in Jamesport, in the hamlet of Jamesport."

Supervisor Cardinale: "Right."

Linda Seaton: "My initial question would be this. Forgive my naivete about this but do we even entertain special permits when somebody owes back taxes?"

Supervisor Cardinale: "Dawn, would you address that."

Dawn Thomas: "Yes."

Linda Seaton: "We do?"

Dawn Thomas: "Yes."

Linda Seaton: "Okay, thank you."

Supervisor Cardinale: "Thank you. And but however we cannot issue a decision and there's another open issue, Dawn, that I want to remind- and Rick is here, too, the director of planning.

Whether there's a ZBA variance required or not. We can't issue a decision under the current law which may be- until the ZBA addresses any variances. So we're trying to ascertain if there are any variances required."

Linda Seaton: "Okay."

Supervisor Cardinale: "But we'll continue the hearing. We cannot issue a decision if there's any variances unless those variances have been issued first."

Linda Seaton: "Is there any way to not entertain a special permit?"

Supervisor Cardinale: "No. That's a good question. Unlike a zoning change application which is discretionary and we can not hear it as a matter of discretion, we've decided not to hear that. On a special permit, we have to hear it and consider it."

Linda Seaton: "Okay. Then we'll see you on the 15<sup>th</sup>."

Supervisor Cardinale: "Thank you. Okay. That is the continued hearing. Anybody else here for that continuation? We'll put it over until January- do you want me to put it over to January 15<sup>th</sup> and then-

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okay, so it's going to be re-noticed for January 15<sup>th</sup> and we'll carry it to there. Then this will be I guess withdrawn the hearing. The minutes of what testimony was taken last week and any colloquy taken today will be placed in the record of that hearing and we'll have an opportunity for any one to comment in any way they wish on the 15<sup>th</sup> of July- of January at 7:00 p.m., this room.

Public hearings opened: 2:26 p.m.

Supervisor Cardinale: "Okay, the next one is the 2:05 hearing, which it's now 2:26 for consideration of the addition of Chapter 101 entitled storm water management and erosion and sediment control regulations of the town code.

Should we hear these together, do you think?"

Councilman Bartunek: "It should be 110."

Supervisor Cardinale: "Okay, Chapter 110 of the code and the 2:10 hearing is for the consideration of the addition of Chapter 109 entitled prohibition of illicit discharges and connections to the town of Riverhead municipal separate storm sewer system (MS4) of the town code.

Rick Hanley is here, our planning director. We are also going to have Eric Bergy."

Rick Hanley: "Eric should be coming down shortly."

Supervisor Cardinale: "Okay. Give us a little background on this, please."

Rick Hanley: "Both of these ordinances are essentially federally mandated through the clean water act. A number of years ago, Congress passed the clean water act and subsequently the enforcement of that law went to the New York State DEC.

We have been operating under a general permit with the DEC for storm water management over the past six or seven years now, I believe. We have to approve or adopt these ordinances prior to January 8<sup>th</sup> of 2008, otherwise we're subject to major fines.

So we have drafted together with the engineering department and our consultant, Mr. Cannetta (phonetic), these ordinances for inclusion in our code.

Essentially they would regulate storm water management practices during construction, post-construction, and provide for some kind of enforcement on illegal or illicit discharges to our sewer district.

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The two other hearings I could speak to later, but essentially what they do is they incorporate these regulations into our site plan review ordinance and into our subdivision review ordinance."

Supervisor Cardinale: "Okay. And in view of that, can we— do you think we should carry just these two together or should we open up all of them?"

Okay, it being 2:30 now, we can open all of them and— all of these are related, all of them relate to storm water management. The first two are the substance of additions to the ordinance which are mandated that we address the issue by federal legislation. Of course, you can comment, and that's the purpose of the public hearing, about how we're addressing the issue, but we must address the issue by July 8<sup>th</sup>.

The other two are simply amendments to site plan and subdivision regulations consistent with the proposed ordinances. Is that correct, Rick? Okay.

So with that, Eric Bergy from our engineering department, you want to— did you have something you wanted to add to the hearing record? And it is my understanding we're going to carry this over in any event to the December-- 16 days from now would be-- the next town board meeting is the 18<sup>th</sup>? Well today is the 4<sup>th</sup>, so that's 14 days later, that would make sense. The 18<sup>th</sup> okay.

Eric, did you want to add anything for the record to begin the hearing?"

Eric Bergy: "Well, I think Rick's description of what's being proposed is pretty accurate and complete but I'd just like to add that I'm here to answer any questions that may pertain to the engineering department's role in I guess enforcing these regulations."

Supervisor Cardinale: "And I think I've got it right and I know that there's an outside consultant, Mr. Cannetta, and what firm is he with?"

Eric Bergy: "Dvirka and Bartilucci."

Supervisor Cardinale: "Dvirka and Bartilucci who are acknowledged experts in this field. However, just to make sure I understand. This statute— we must address by ordinance this issue of storm water management by January 8<sup>th</sup>. They've proposed, Dvirka and Bartilucci, they proposed how we address it in this ordinance which has been published and posted and what we want is the public comment. Dan McCormick is the attorney on this, we want public comment on whether you think we can address it in a better way or a different way."

And I know, Barbara, you followed this and you were going to have some questions for our expert about the text of the ordinance. He is not available today but may be— will be available in the interim and will be possibly available at the next meeting on the 18<sup>th</sup>.

So with that, I'd like to take any— Dan, did you want to say anything? Dan McCormick our town attorney, assistant town attorney. Any public comment on this at this time?

Councilman Bartunek: "I have a— "

Supervisor Cardinale: "Yes, go ahead. You can put some questions in the record and maybe we could then ask the expert to respond either in writing or personally at the next appearance."

Councilwoman Blass: "Both local laws— they're lengthy and they're very technical. So— "

Supervisor Cardinale: "Dan, do you want to come up because you are most familiar with it of the people here."

Dan McCormick: "Absolutely."

Supervisor Cardinale: "Because you assisted, I guess, in the creation of it."

Dan McCormick: "Yes. By way of background information for the public and the town board, in March of 2003 the Department of Environmental Conservation issued storm water permits to the town of Riverhead concerning discharge to the local tributaries.

As a condition of those permits, the town of Riverhead was required to adopt proposed ordinances before the board today as a condition of those permits. Hence the presentation at the present time.

The statutes and proposed amendments are all encompassing concerning storm water distribution within the town of Riverhead as well as prohibitions against illicit discharge into that storm water system. And this is far ranging and comprehensive in the sense that even curb lines within the town of Riverhead are considered part of our municipal sewer system. Therefore, water that's discharged into the street, for example, comes under the aegis of these particular proposed ordinances. And I just wanted to make that clear to the board as well as the members of the general public as well."

Supervisor Cardinale: "Yeah, please. If you have a comment. It also might be helpful for the board now that we've seen the statute— or the ordinance, and had an opportunity to review it, to

speak at a work session with you about the terms so we understand it before we go ahead and pass it."

Dan McCormick: "That would be fine."

Councilwoman Blass: "Do you have an idea of who this storm water management officer for the town should be? Should it be the town engineer or outside engineer?"

Dan McCormick: "Yes. In conferences with the planning board and engineering department as well as the planning department, it was felt that the engineering department should be our storm water enforcement officer. And I believe Eric Bergy from the engineer's department is prepared to assume that duty consistent with the proposed regulations."

Councilwoman Blass: "Okay. Because I see that it applies or the regulations apply to any development, meaning subdivision as well as commercial site plans and normally our town engineering department doesn't get involved to that extent. So I'm wondering if there is inter-action between the consulting engineers that reviews site plans with the in house engineer. I mean who's actually going to be reviewing it for compliance? What would be- "

Supervisor Cardinale: "Eric, do you want to take that? Simply put, we have an outside engineer who does our site plans where these concerns would be very much at the forefront. So how are you going to get involved?"

Eric Bergy: "We- the engineering department was planning on getting involved more for the illicit discharge detection and elimination portion which concerns- which should be separated at all times from the erosion sediment control ordinance and storm water management ordinance which have to do with new development and, you know, compliance with storm water regulations."

The engineering department would be more directly involved with dealing with illicit connections to the municipal separate storm service system which, you know, as Rick and Dan mentioned, consists of all storm water conveyances that eventually discharge to our water bodies and the engineering department would be looking to regulate and in a lot of cases eliminate illicit discharges to the systems which are polluting our waterways."

Supervisor Cardinale: "Yes, please."

Rick Hanley: "We discussed this at length in our various meetings and we came to the conclusion that it would probably make more sense to have the engineering department be the officer in that

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we would review a site plan as we do today, we would not be reviewing storm water management plans.

The storm water management plan would be produced by the applicant after the site plan has been approved because it's a moving target, Barbara. We don't want iteration after iteration after iteration of storm water management planning. It's too cumbersome.

So the thought was that the engineering department would be the officer, that we would process site plans identically to the way we do it now but no building permit or no clearing permit would be issued until the applicant filed with the storm water management officer the storm water management plan.

Now keep- mind you that today without this legislation, these applicants have to do this already. They just don't submit it to the town; they submit it to the DEC. All this is really doing now is the DEC is fostering this obligation upon the town."

Councilwoman Blass: "And for subdivisions, where in the process does the plan get generated? At sketch, at preliminary- "

Rick Hanley: "Final road and drainage we would- "

Councilwoman Blass: "Final, okay, right."

Rick Hanley: "So we think we've got the two departments integrated properly so this won't be cumbersome to the applicants."

Councilwoman Blass: "And have the other towns already adopted the regulations?"

Rick Hanley: "We are in the forefront."

Councilwoman Blass: "Is that right?"

Rick Hanley: "Yes, we are. The cutting edge; the bleeding edge."

Councilwoman Blass: "I'm actually really surprised that there hasn't been commentary from the business community because these are extremely expensive requirements like nothing I've ever seen before."

Rick Hanley: "Well, the more sophisticated developers are already doing this."

Councilwoman Blass: "Okay."

Rick Hanley: "They're just not submitting them to us; they're submitting them to the DEC."

Councilman Dunleavy: "Can I ask a question?"

Rick Hanley: "Sure."

Councilman Dunleavy: "All right, now, you said illicit. What happens if someone's basement floods and they pump it out into the roadway which happens quite often because of the water levels out here. What happens then?"

Eric Bergy: "The proposed chapter outlines exactly and defines, I think, pretty clearly what the storm water management office would consider an illicit discharge and typically clean pumped ground water is not considered an illicit discharge because it is essentially just recycling clean water out of your basement.

If for some reason there is reason to suspect that there is something else in that water being pumped, then there would have to be some remedial action taken. But I think it is pretty well and clearly defined in the chapter."

Councilman Dunleavy: "Okay. And who do we have going to monitor this other than you? I mean you certainly can't ride around the streets and see who's doing this illicitly. I mean who's going to monitor this?"

Eric Bergy: "Well, that- we may in some cases have to hire a testing firm to go out and take samples if we feel that, you know, there's an illicit connection that is- that requires samples- that needs further investigation, then our engineering department has time to undergo. But there may be a need for an additional staff, an engineering aide or some person that's capable of having just be there, kind of full time responsibility. Because like you said, it is going to be a daily occurrence, you know, and but that's- it can certainly be discussed at a later date."

Councilman Dunleavy: "Because it is going to be a daily occurrence."

Eric Bergy: "Sure. Sure."

Councilman Dunleavy: "I just don't, you know, it's nice to put laws on the books but you have to enforce them also. And that's the hard part when you have to hire people to enforce these laws."

Eric Bergy: "Sure. And in this case we have a deadline after which, you know, we would have fines incurred upon us, so I think we should be able to work something out or we'll be able to handle the workload."

Councilman Dunleavy: "Okay, thank you."

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Dan McCormick: "I just want to address your question, Councilman Dunleavy."

In addition, there's a provision to allow code enforcement actually to be involved in this as a supplemental staff concerning enforcement. And as you know, with many of our ordinances and enforcement issues, much of this is complaint driven."

Councilman Dunleavy: "Right."

Dan McCormick: "So if we do get a complaint, then obviously we have a mechanism by which we can go out and enforce our own statute at that particular point."

Councilman Dunleavy: "Okay."

Dan McCormick: "And, again, to stress, this is a brand new ordinance that's mandated by the state of New York to all of the local municipalities that have storm water discharge permits with the state. Since it's brand new, we don't know quite frankly, where it's going to go in the near future or down the road."

But we've been required by the state to pass this legislation before expiration of our present permit. Our present permit expires on January 8, 2008, and that's why we have a need right now to address this in a timely manner."

Councilman Dunleavy: "All right. But the state mandates these things and don't give us any funds to monitor them so this just keeps building up on our town budgets that we have to monitor these and the state says well, you have to do it."

Dan McCormick: "That's correct. And this would not be the first time the state has done that. As you know, they do it in other areas like Medicaid and things of that nature."

Councilman Dunleavy: "All right. Thank you."

Supervisor Cardinale: "Yes, and one more question, Barbara, please."

Councilwoman Blass: "I notice there's a reference to the water bodies that are on the 303D list, the distressed waterways list. Is there any consideration given to a priority of enforcement for those activities that actually impact directly the four existing distressed waterways that are already identified in the town of Riverhead?"

In other words, would you want to make sure that at least the activities that occur within those waterways be given priority for enforcement purposes?"

Dan McCormick: "I think that would be a prudent course of action with respect to those tributaries, certainly."

Councilwoman Blass: "Maybe we could adopt that as a policy in the future if we go ahead- "

Councilman Bartunek: "I have a question for Dan."

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Maybe you can answer this now or address it later. I went through this very quickly and one of the things that concerns me a little bit is that agricultural activity is exempt basically from the storm water control regulations."

Dan McCormick: "Yes. That particular provision as well as much of the other provisions were included in boilerplate recommendations from the state with respect to the code."

We have tried to adhere to the DEC's recommendations concerning our proposed statute so as to avoid problems down the road in terms of the construction of that language. But that is correct, Councilman Bartunek."

Councilman Bartunek: "And one of the things that we have in our local law protecting wetlands and what we have written in Chapter 107 is copied from the Ag and Markets regulations for wetlands which gives a lot of latitude to agricultural activities around wetlands but one of the things that is not permitted is the filling or deposition of spoil and fill and to wetlands even for agricultural purposes."

To me this seems like an opportunity to at least investigate the possibility that if you have clear cutting even for agricultural purposes in the vicinity of wetlands, that maybe there could be some way, some mechanism to implement erosion control measures around the property, around the wetlands. Is that impossible to at least investigate?

I know that now I'm leaving the town board, I guess I can say things even the agricultural advisory committee may take exception to what I'm saying, but I would like to see some kind of- I think that the- anything less than five acres is also exempt if I read this correctly, okay? Five acres is a lot of property but I would think that if you have agricultural clearing, it probably won't happen. There's probably not a lot of instances where you are going to have anything in excess of five acres that's going to be cleared any longer for agricultural purposes, but if it's in the vicinity of a wetland, I would like to try and protect those wetlands."

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Dan McCormick: "That certainly is a laudable goal. We can certainly give that consideration."

Councilman Bartunek: "I'd like to find out if you can do that, maybe your hands are tied by state law, state regulations."

Dan McCormick: "I'll certainly investigate that."

Councilman Bartunek: "I appreciate it."

Dan McCormick: "But, again, this language did come from the DEC."

Councilman Bartunek: "I understand that."

Supervisor Cardinale: "Well, that's a good reason to check it out very carefully if it came from the DEC."

Dan McCormick: "But I will take a look at that."

Councilman Bartunek: "I appreciate that."

Councilwoman Blass: "And with respect to the definitions, could we say that these definitions apply only to Chapters 109 and 110, I guess, because there are already existing definitions of some of these words in Chapter 108 that are— they're different."

Councilman Bartunek: "That's true. Some of the definitions should be brought in line with what the town's definitions are."

Dan McCormick: "Those definitions do— right, they're specific to 109 and 110 with respect to the regulations as written."

Supervisor Cardinale: "So you'll note that if it isn't there, make clear that it is. Right? Thank you."

And maybe if you'll get back to George on that other issue."

Dan McCormick: "Yes."

Councilman Bartunek: "Quick. Soon."

Supervisor Cardinale: "George says he's going to help us as I mentioned as an advisor on some of the things that he's particularly concerned about. George spent 19 years on the conservation advisory committee before I hoodwinked him into running on the town board. So I want to see you continue to use your expertise. We can use it."

I should also note Tim Buckley who is going to be on our board in January is here. Hello, Tim, I'm glad that he's getting the lay of

the land here and what we're dealing with and will be dealing with in another month.

Is there any other comment? Yes, please come up."

Bernadette Voras: "Bernadette Voras, resident of Riverhead. Am I to understand that I just heard the following? That if a farmer, let's say up on Roanoke where there's a tremendous amount of runoff going into a drain which I am sure opens out into the bay ultimately, that if that farmer uses pesticides that there is no mitigation required at all when that water enters into the bay? Is that what you just said?"

Supervisor Cardinale: "Do you want to address that, Dan, if you have an answer?"

Bernadette Voras: "Is that-- as from the state?"

Dan McCormick: "You're limited-- you're limited-- example, there would still be mitigation from the DEC. To address that, the DEC is not requiring the town to pick up the ball so to speak in terms of enforcement here. The DEC is going to still maintain its enforcement power. It's going to share that power though with the town of Riverhead.

In your limited example, ma'am, if it can be shown that there are pesticides or other pollutant causing material that's entering the tributary, it's still my understanding that the environmental conservation laws would address those concerns. But, again, in your-- well, I'm only saying from a legal aspect, those could still be investigated and addressed accordingly.

The bottom line is the whole purpose of these statutes is to prevent continued pollution into not only the state's tributaries but ultimately of course into the nation's tributaries. Because the Peconic Bay, of course, links into the Sound and the Sound, of course, links into the Atlantic Ocean and that, of course, links into all the other oceans in the world.

This has been passed down from the federal government to the state level and now onto the local municipalities including the town of Riverhead."

Supervisor Cardinale: "Thank you."

Dan McCormick: "You're welcome."

Supervisor Cardinale: "Of course the exemption that George was alluding to and which I haven't studied yet. Exemptions are always interesting because what the exemption suggests is that there's a balancing between the public goods and this particular group is not

required to comply because of the negative impact on the production of food and other necessities for the country.

So what I think she's really addressing, Bernadette, and what I'd like to discuss further with you at the work session, is what degree of latitude we have under the right to farm and other laws that the state has passed to get some protection in this balancing for the estuaries without hamstringing the production of agricultural products.

And that's what always as you know as an attorney, when it gets interesting is when you're balancing two good things."

Dan McCormick: "Absolutely."

Supervisor Cardinale: "And an exemption kind of throws up your hands and says we're not going to balance, we're going to decide in favor of one side. They're not going to have to comply like the rest of us. So that will be one of the items I'd like to discuss at the work session."

Dan McCormick: "Absolutely. And to further address the resident's concern, as with many types of matters, this will be taken on a case by case basis. If it could be shown that a particular farmer was actually polluting the tributary with particular pollutants, certainly that could be investigated and enforced to the fullest. But it would have to be shown. I mean there's a lot of variants in that type of example so to speak."

Supervisor Cardinale: "Sure."

Dan McCormick: "Is it leaking or directly going into the tributary? Is it sitting on the surface? You know, are there other remediation measures that are being attempted to take care of that problem? But it is a case by case basis mainly."

Supervisor Cardinale: "Thank you. Is there, yes, a comment on this hearing?"

Sandra Mott: "Yes. Sandra Mott, Riverhead. I've listened to Kevin McAllister many times about the septic control and the poisons into the tributaries, into the Peconic, etc. I don't see him here or any of his representatives so I'm going to assume that he is going to participate in the future, coupled with Fist Unlimited and the other groups that are— Audubon, etc. everybody, rather than these major conversations at least in my history of coming to town meetings, always seem to come around the holidays when people are really not focused on this stuff. And this is not the time for focusing on this."

May I ask again when the public hearings are going to be to— "

Supervisor Cardinale: "This is the public hearing."

Sandra Mott: "This is the public hearing."

Supervisor Cardinale: "But we're going to adjourn this public hearing for further comment, in effect having two public hearings, until the 14<sup>th</sup>-- 18<sup>th</sup>, and we could proceed-- we can't move it much further than that because we have to take some action by January 8<sup>th</sup>, I believe, is what they said. So-- "

Sandra Mott: "It's always this bum's rush approach to major issues in this town. Am I mistaken that we're always like catching up with we have to do by. We don't have to do anything by if it's going to be the wrong thing to do. I think you need to get the people that are the experts and listen to the attorneys and our staff who do this for more than George's being here on the council. Now he's going to come back and advise you in the future.

But I think you need to ask for the state to say hold on, we need more time. We're a special entity out here. We're one of the largest agricultural producers in the state and we-- and ironically we're surrounded by water. That's why they do call it Long Island.

And the long and the short of it is I think you should go for a special dispensation to get a push away from the 8<sup>th</sup> so people can come back, you know, have-- breathe a little after the holidays, and contact whoever in the state, either Assemblyman Alessi or Lavallo or the Governor or whoever you have contact with.

You know, it's always this push. It's always the last minute push. You know, I mean stop. Just back off a little bit and ask for a special dispensation or whatever they used to call it. And I think, you know, now especially you're having a changing of the guard of new participants on the council who have to catch up, and that's my personal opinion. I don't think you should be pushing major situation-- I'm here for something else.

I'm not here for this. I just happened to be listening in and it's as Bernadette said, you know, is that what I heard? It's very upsetting. So I think that's your approach in addition to worrying about their deadline. The state's not going anywhere, don't worry about it. And neither are we.

I think you need to have that approach and have Dawn or whomever connect with her connections up there and do what has to be done properly and slowly and thoroughly."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Dan McCormick: "Phil, if I could just address the resident's questions on two fronts."

Supervisor Cardinale: "Yes."

Dan McCormick: "First, the byproduct of this particular proposed ordinance encompassed no less than approximately 10 meetings among the planning board, the planning department, the engineering department, the town attorney's office, as well as our outside consultants as well as a review of all the present case law and the DEC's input on this particular matter, encompassing many, many hours. Specifically regarding the specific needs of the town of Riverhead regarding this particular statute and this at this juncture was felt to be the best statute we could draft under the DEC's time limit of January 8, 2008.

To further answer the resident's question. I reached out to counsel's office in the Department of Environmental Conservation in November and asked them if they would be willing to extend the deadline for enactment- or enactment of these particular statutes beyond our January 8, 2008 permit expiration date, and they indicated that there was no mechanism to extend our time.

They further indicated that should we not pass these ordinances in a timely manner, that the town of Riverhead could face substantial fines. Of course, these are new statutes, they have not been tested. So we do not know whether or not those fines would actually be enacted or assessed against the town or moreover whether or not a court of competent jurisdiction would enforce those particular fines at that time.

From a prudent standpoint that the town of Riverhead should not be the testing agency for whether or not those fines actually would be incurred. And since no other municipality has incurred those fines to date because the deadline hasn't passed, it was felt that enacting a statute even albeit if it's not perfect, we can always tweak it down the road but at least we have something on the books that we can work with with regard to all the departments and the consultants that we've consulted with on this matter.

Hopefully that addresses the resident's concerns."

Supervisor Cardinale: "Yeah. Thank you. And in that light, one of the enduring insights that I have attained over my years of service on the board and as supervisor, is that water and other things, well, preface this by saying that municipalities either towns of villages respectively, are the lowest level of state government. And water and other things flows downhill."

Rick Hanley: "Yes. I just wanted to add to what Dan said that it's my understanding that any town board operate or approving projects outside of the general (inaudible) storm water permit, the fines are \$35,000 a day."

Supervisor Cardinale: "You got our attention. But I understand the point of the comment as well."

I will take any other comment that's in the room, otherwise we're going to continue this hearing- we'll take this comment. We're also going to continue this- and any other if you come up please and then we're going to continue it in any event until December 18<sup>th</sup>. Yes."

Cary Moran: "Cary Moran, Northville Beach Civic Association. I was just wondering if these laws have any dealings with involvement with the (inaudible) problem that we have up on Sound Shore Road that's been going on for five years. Would this have anything that we should investigate a little more?"

Supervisor Cardinale: "Yes, depending upon who has responsibility I would think directly, yes. Whoever has responsibility for those pipes that are not functioning well, is responsible- would be responsible under this law not to discharge what they're doing where they're doing it. So you might want to talk to Dan McCormick or Bill Welsh in my office because there is obviously a connection. Yes."

Cary Moran: "Obviously no one knows who those pipes- where they exist."

Supervisor Cardinale: "Well, I think we know but they're not acknowledging, the county, that they are responsible. Yeah."

Cary Moran: "I'm still waiting for another reply from the latest material that I turned in, only three months at this particular time."

Supervisor Cardinale: "I share your frustration."

Councilwoman Blass: "The county as a municipality is also bound by these regulations so they have the same burden that we do."

Supervisor Cardinale: "Which may be the reason why they don't want to acknowledge that they're discharging illicit materials through their pipes. Because they are responsible for it."

Cary Moran: "Okay, thank you."

Supervisor Cardinale: "Thank you."

Cary Moran: "So January- excuse me."

Supervisor Cardinale: "December 18<sup>th</sup>, we're going to continue- adjourned hearing, both for- we're going to keep it open at least through that date and that hearing and perhaps longer.

If there's no other comment, I'm going to adjourn it to that date, close it for today. It is now 3:00. We have completed the hearing scheduled."

Public hearing closed: 3:00  
Left open to December 18, 2007

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Supervisor Cardinale: "We would like to take comment on any resolution before the board, then consider the resolutions and then we'll take general comment. So if there's any comment on the resolutions. It's a relatively paltry group of resolutions. I think we have 30 of them. So if there is no comment, I'll fully understand. We'll move to the resolutions and then we'll come back to the general comment. Barbara.

Thank you to the members of the staff on those hearings."

Resolution #1119

Councilman Bartunek: "Water department budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1120

Councilman Densieski: "General fund insurance budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1121

Councilwoman Blass: "Authorizes an amendment to Resolutions #1076 through 1084 . So moved.

Councilman Dunleavy: "And seconded."

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

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

Resolution #1122

Councilman Dunleavy: "Establishes times and dates of regular meetings of the town board for 2008. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1123

Councilman Bartunek: "Appoints a member to the town of Riverhead/Suffolk County Empire Zone Administrative Board. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1124

Councilman Densieski: "Authorization to publish an advertisement for disposal of demolition and construction debris for 2008. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1125

Councilwoman Blass: "Authorization to publish advertisement for disposal of town of Riverhead generated municipal solid waste. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1126

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 141 Fairway Drive, Wading River, New York. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1127

Councilman Bartunek: "Reappoints student intern to the accounting department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1128

Councilman Densieski: "Rescinds Resolution #1114 of November 20, 2007, which authorizes town clerk to publish and post a public notice of public hearing to consider a proposed local law to amend Chapter 106 entitled Waterways of the Riverhead town code, Section 106-8 Speed; Reckless Operation. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1129

Councilwoman Blass: "Adopts a local law amending Chapter 108 entitled Waterways of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1130

Councilman Dunleavy: "Approves Chapter 90 application of Jedediah Hawkins Inn for Christmas tree lighting ceremony December 7, 2007. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #1131

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-64 prefabricated dwellings. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1132

Councilman Densieski: "Authorizes a public hearing for a local law setting service connection fees for the Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1133

Councilwoman Blass: "Calls a public hearing on special permit of Peconic Line-X. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1134

Councilman Dunleavy: "Awards bid for rain gear. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1135

Councilman Bartunek: "Approves the application for fireworks permit of Riverhead Business Improvement District December 31, 2007. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. We should make an announcement that this fireworks is to be occurring again December 31<sup>st</sup> at 8:00 downtown Riverhead. Go Vince. Yes."

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

Resolution #1136

Councilman Densieski: "Rescinds Resolution #390 of 2007 which adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, agriculture protection zoning use district (APZ). So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. I just have one amendment. This yield shall be 50%. It's 66 2/3% on the last page."

Councilwoman Blass: "This is rescinding it."

Councilman Dunleavy: "This is rescinding it?"

Councilman Densieski: "This is rescinding it."

Councilman Dunleavy: "Yes."

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

Resolution #1137

Councilwoman Blass "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, with respect to the Residence B-80 (RB-80) zoning use district; Residence A-80 (RA-80) zoning use; Agriculture protection (APZ) zoning use district cluster development. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1138

Councilman Dunleavy: "Ratifies the authorization for the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Article VIII accessory apartments. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

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Councilman Dunleavy: "Yes. The only thing I'm concerned with is the 300 square feet for the minimum. I vote yes."

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

Councilman Densieski: "Yes. This is for a public hearing. Yes."

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

Resolution #1139

Councilman Bartunek: "Authorization to republish advertisement for 2008 Type III emergency vehicle, ambulance. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1140

Councilman Densieski: "Authorizing the town of Riverhead to order an appraisal for property located on the north side of Second Street east of Roanoke Avenue, Riverhead, New York. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. The only thing, Barbara, that I have, I don't know if it's being a little bit over technical but it's really not an unimproved. Does that make any difference to anybody? Not really, right? I vote yes. It's really improved."

Councilwoman Blass: "Well, I do have a comment and maybe it is technical, but I think when we do an appraisal we should include the tax map number because frankly there are a lot of properties on the north side of Second Street east of Roanoke."

Councilman Densieski: "Probably five to seven-- "

Supervisor Cardinale: "Yeah, I would say so."

Councilwoman Blass: "We should include the tax map numbers."

Supervisor Cardinale: "Yeah. Do we have the tax map number? I know there are several."

(Inaudible comment)

Councilman Densieski: "And just for the public's edification, it's the fire department property."

Supervisor Cardinale: "On Ostrander, right? Ostrander Avenue."

Councilman Bartunek: "So we'll scratch unimproved."

Supervisor Cardinale: "Yeah, okay."

Councilman Bartunek: "Make me happy. I've gotten so little satisfaction."

Supervisor Cardinale: "Yeah, get a little, right?"

Councilman Dunleavy: "Another question. This has to be the old firehouse. This can't be Ostrander because the directions are not true if that's the case."

Supervisor Cardinale: "Well, let's back this up a bit. Yes, let's look at (inaudible)."

They say that-- I know what we're trying to appraise which is the fire department owned property on Ostrander but this doesn't say that."

Councilman Dunleavy: "No. This says the old firehouse."

Supervisor Cardinale: "It doesn't say-- yes, so this should not be passed."

Councilman Dunleavy: "So I assumed it was."

Supervisor Cardinale: "I don't know where-- I don't know who prepared this but they prepared it in error."

Councilman Bartunek: "It's still north, I mean, really. Come on. It's still north-- "

Councilman Dunleavy: "It's not on Second Street. It's not on Second Street."

Supervisor Cardinale: "Okay. Let's amend it to make sure we know what we're ordering an appraisal on."

Councilman Densieski: "Tax map numbers."

Councilman Bartunek: "Yeah. That's right."

(Some inaudible discussion)

Councilman Bartunek: "Just give the tax numbers."

Councilman Densieski: "There you go."

Supervisor Cardinale: "So the caption is being amended to reflect the precise location and the tax map numbers are added. That should do it. We know exactly what we-- there's about five or seven, I've forgotten which, tax parcels which we want to get the appraisal value of-- this is on Ostrander Avenue, either side of the road, John, where the Riverhead Building Supply was. We're looking at that as potential site for the town hall."

Councilman Dunleavy: "Ostrander, Maple. Seven pieces of parcels I think there."

Supervisor Cardinale: "Yeah. Okay. So let's-- that's what we're appraising. We'll get it in a month and we'll proceed."

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

Councilwoman Blass: "Yes, as amended."

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

Resolution #1141

Councilwoman Blass: "Authorizes the town attorney to execute a stipulation of settlement in a lawsuit Hulse et al versus the Town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #1142

Councilman Dunleavy: "Authorizes the town attorney to execute a stipulation of settlement in a lawsuit, Town of Riverhead versus O'Neill. So moved."

Councilman Bartunek: "I would like to make a motion that we would table this for a little bit further discussion based on a letter from the town attorney. Anybody want to second that one?"

Councilwoman Blass: "I'll second a motion to table."

Supervisor Cardinale: "I'm aware of the letter, I've read it and discussed it and I think-- with the town attorney who wrote it and agree with the resolution that we're about to approve.

But the resolution we're about to approve I think has three votes. But let's hear the table, see who wants to table it."

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

Supervisor Cardinale: "I would like to-- I would like to have the authority to resolve this. It's been pending a long time and I don't want to discuss it ad infinitum.

The-- I'm going to-- I would like to have the authority so I'm going to vote no to table; yes to consider it and, of course, I'll keep the board informed before I sign it in any event.

And everybody has seen the proposed resolution. There were two, one for X and one for Y and we're approving the one for the lesser sum and I think I am comfortable with that."

Councilman Bartunek: "And in the second one, there's no confession of judgment."

Supervisor Cardinale: "That's correct. Those are the two that the board's been debating. Yes."

Councilman Densieski: "So then I'll second Dunleavy's motion to move 1142."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes with the Supervisor's stipulation."

The Vote (Cont'd.): "Bartunek, no; Blass."

Councilwoman Blass: "Just a quick comment. We received an eight page memo from the town attorney who prosecuted this case in Supreme Court and he illustrated for many reasons which I cannot disclose at this point that he did not believe settlement was in the

best interests of the town of Riverhead. I'm going to abstain on this vote."

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

Councilman Densieski: "I agree with the town attorney. He makes tremendous sense but the fact of the matter is we as a town do not treat businesses properly. Businesses shouldn't be punished and they shouldn't be delayed into having to improve their projects without permits because otherwise they'll never get it or they'll be delayed into oblivion.

So I'm not happy about this but I guarantee the businessman, the honest businessman, isn't happy about it either. But I'm going to vote yes on this because more delay just isn't the answer.

Yes."

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

Supervisor Cardinale: "Yeah. It's like in the Supreme Court. Did you ever notice that they get to these four-three- I guess it was five-four decision. There's five votes but there's concurring reasoning. I don't necessarily agree with Ed's reasoning but I'm glad to have his vote because it adds up to three and I don't have to talk about this anymore.

But let me point out why I'm voting yes. One - this is the highest- this an egregious example of somebody who built a building and shouldn't have and we caught him. It's the highest fine ever. It's- I don't- it's going to be (inaudible) of the stipulation. I don't see the necessity, therefore, for- so whether it's the highest every by 8,000 or the highest every by 3,000 or the highest ever by 11,000 I'm not that interested. I think it's the highest ever fine we put on anybody.

Confession of judgment - you don't need a confession of judgment in a stipulation necessarily because it's a court ordered stipulation and if the guy doesn't pay up as he's promised, all you've got to do is go back to court and say he didn't and the court will quickly give you a judgment.

And if you give him a confession of judgment, that business person has to put that on his credit report for the next couple of years as he pays off the fine.

Also, I disagree with the town attorney who I appreciate his aggressive conduct. We brought him in from Brookhaven, 20 years of experience, to enforce hard our laws. But I'm more interested in consistency of prosecution which I think is critical than super

aggressiveness of nailing the business people we catch doing illegal things.

So for all those reasons, I'm comfortable with my vote of yes and I'm also understanding of the town attorney's position. I've read it; I've considered it; I'm voting yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1143

Councilman Bartunek: "This accepts the resignation of deputy highway superintendent, Ron Caffrey. And I would like to (inaudible) Ron for the wonderful job that he has done with the running of the highway department and the cooperation of the town board. So moved."

Councilman Densieski: "And I'm happy to second that motion."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Excellent job, above and beyond. You could call him at any hour, any time, and he'd be out there. I'm said that he's giving up this job but he'll be still working at the highway department. So I say yes."

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

Councilwoman Blass: "Yes, Ron, and thank you for all of the times you've really come through for me as well. Thank you."

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

Councilman Densieski: "Yes. Ron is the epitome of the highway department. He did a great job. He not only made it his job but he made it his career. Ron actually cared about the highway department and he's going to be missed, I can guarantee you that.

I do want to thank him for all his service and the taxpayers of Riverhead owe him a debt of gratitude because he did a fantastic job. Yes."

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

Supervisor Cardinale: "Yeah. I'm glad that Ron will be continuing as labor crew leader. I thank him for his service which has been considerable and he has been very, very helpful.

We've actually been blessed with excellent deputies in that department. His predecessor when I was on the town board was also

excellent so let's hope that whoever is the deputy in the future understands and follows that tradition of excellence.

I vote yes to accept his resignation but I'm glad he's going to continue on as crew leader."

Barbara Grattan: "The resolution is adopted."

Resolution #1144

Councilman Densieski: "Sets sewer rent for Mill Pond Commons 2007/2008. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #1145

Supervisor Cardinale: "Okay, this needs an amendment. The town attorney and I discussed— there's been some concern that this is an important project. We wanted to hear it outside of the holiday season so we'd like to make that the 15<sup>th</sup> day of January."

Councilwoman Blass: "And that would hold true for the next one as well."

Supervisor Cardinale: "For both 45 and 46, 1145 and 46. And it's an evening meeting which was requested by the community to make sure that everyone was heard. And you're going to change it to— you want to get that time right on that meeting? You've got it already. What time is it— seven what? Seven— all right, so put it in, slot it."

I think it should be saying professional offices and bistros and would you also make sure, Barbara, before we publish, well, let's look at it now. We are considering the special permit petition of Jul-Bet to allow the construction of— you know, take a look at that Barbara, rather Dawn, would you. Take a look at the public notice on these, because this is the one that we're re-noticing, to make sure that it's clear.

It is my understanding that even the language now should be amended. It says to allow the construction of two professional offices, to allow the construction of two— but I'm wondering if that— when we approve a special permitted use in— on a parcel, aren't we really— I mean we may conditionalize it and it certainly would, that

it would be only so many, you know, square feet. But it's actually a specially permitted use on that parcel, isn't it?

And the only thing that makes it limited to one or two sites is the condition we may impose. So isn't this hearing really-- not to consider a special permit petition to allow the use of professional office on that property as opposed to two professional offices on that property."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah. So maybe we should word it that way. Maybe you can look at it and work with the town clerk."

(Inaudible comment)

Supervisor Cardinale: "Okay, well that's another view. That's fine."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I understand. So maybe-- make sure, Charles Cuddy was the attorney, that before we publish it, that that's what he's asking for. Just two specific buildings to have this use and if that's the case, we might give him both; we might give him one; we might tell him no, you can't have it in those buildings. You've got to have it on this building or we might refuse it. But that's what the hearing is about and make sure the language is right. Thanks."

Councilwoman Blass: "Authorizes town clerk to publish and post a public notice of public hearing on special permit of the historic village of Jamesport for a bistro use. So moved."

Councilman Dunleavy: "Bistros."

Supervisor Cardinale: "Right. Two bistros."

Councilman Bartunek: "I'm going to miss this."

Supervisor Cardinale: "Did you have a-- just a moment."

(Unidentified comment from unidentified speaker).

Councilwoman Blass: "That's the historic district that you're referring to."

Supervisor Cardinale: "The request was made to consider a name change but there has been no action on it so their map is entitled the historic Village of Jamesport I believe."

Okay, we're going to verify it."

(Unidentified comment from unidentified speaker)

Supervisor Cardinale: "Yeah. Well I think you may be right as a matter of good reason. However, I don't know that we can do anything about it at this time because the subdivider, i.e., the site plan I guess this is, picks the name. So unless there's an illegality associated with the name, we have to go with what he names this project.

Could you check that for me, please? They may just amend the name because they were asked to do that by Mr. Wines. They may amend it for that reason. It makes good sense. Let's make it clear what it is. It's not the historic Village; it's the new Village or whatever they want to call it."

Councilman Bartunek: "Jamesport Commons."

Supervisor Cardinale: "Jamesport Commons, whatever. So could you check that? But for the moment, we've got to pass it as it is but thank you. Or we've got to consider it as it is. So we've got the read in. Can we have a vote?"

The Vote: "Dunleavy."

Councilman Dunleavy: "I don't like the definition of bistro because it's just anything under 50 seats so anything can go in there. And I think we have to look at our definitions. But I vote yes."

Supervisor Cardinale: "We are. The town planning director is doing that, John. You're right. We should see an amendment."

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

Resolution #1146

Councilman Dunleavy: "Authorize the town clerk to publish and post notice of public hearing special permit of the historic village of Jamesport, professional office. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1147

Councilwoman Blass: "This is a budget adjustment in the general fund. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #1148

Councilman Dunleavy: "Authorize to pay bills. So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Okay. We have now an opportunity for comment on any matters in our purview. Yes, please come up. Sandra. It's Freudian, I'm blocking it."

Sandra Mott: "Yes, I know. Sorry."

Supervisor Cardinale: "I know Sandra like my best friend."

Sandra Mott: "Well, that would be nice. I hope so."

Supervisor Cardinale: "I do."

Sandra Mott: "I don't consider you my enemy, Phil."

Supervisor Cardinale: "I'm glad. Please tell us what we can do to do better."

Sandra Mott: "First of all, congratulations to you who have won and good luck to you all who have not and the long and the short of the story is I'm actually here for some money."

Councilman Dunleavy: "Sandra, can you bring the mike down a little bit?"

Sandra Mott: "Oh- "

Councilman Dunleavy: "Thank you."

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Sandra Mott: "I'm here for some money for the 99<sup>th</sup> cat that was dumped on our front lawn three weeks ago. If you could spare a dollar each, I'd appreciate it. If you can spare more than that, I'd appreciate it. She's spayed, she's vaccinated which we got through North Fork Animal Welfare League voucher program.

But my mother took out of her own pocket approximately \$150 over a three week period of time for food, for the litter, for the \$55 blood work that they had to do for her pre-op, and for the \$40 placement fee that we will be giving for her placement at an established facility.

And if you can afford it, I'd appreciate it. If you can't do that, then I would really appreciate some prayers and some action.

Fourteen years, once again, we've been here. I'm tired of it. My heart is breaking that I have to place this little cat because I don't know if I'm going to live- she's six months old might I add, black and white, and absolutely gorgeous with green eyes. Very loving.

And we don't have any place in this town. Kent didn't have any; North Fork didn't have any; no one didn't have any. So we've been loving this little thing for three weeks. I pray that she will be accepted at this facility that we're interviewing with on Friday.

I'm tired of my heart breaking and I'm tired of begging you people. By you I mean everybody that has been in office over this 14 year period of time. We need a facility, not for- her name is Geni-G-E-N-I, for generic kitty.

Now I only temporarily named her that because I know that I can't keep her. I don't know if I'm going to live that long. You know that they live 20 years, if not longer. I want her to have a full and safe life. My mother is 82, God willing will be here 20 years from now. But I don't know.

I'm asking you for your money instead of your promises at this stage of the game because at this stage, all the talk has been very cheap. So please put a few bucks in an envelope. I don't care who puts what in what. Put it in an envelope and I'll wait and you can give it to Joanne or Trina, okay. I want some money so my mother does not have to take it out of her social security.

That's Geni's story.

The second question I have here, once again, is the light. We were moving head I thought very well. We got the bases to the light to be placed at the exit of Glenwood by Commerce Drive across the way and then everything stopped and we only had a little bit of snow the

other day so it certainly wasn't the weather conditions. Does anybody know what's going on with that?"

Supervisor Cardinale: "Leroy, that's the light at the PC Richards there, is that correct? I remember- I would like you to add if you have anything but we didn't want to approve without the light, but the county waived that requirement and said eight weeks at that time, right? And how many was that, three weeks ago?"

(Inaudible comment)

Sandra Mott: "That's what I just said."

Supervisor Cardinale: "Do you think that it's realistic that they will do it within the eight weeks? We would expect it- and it's probably three weeks ago. We would expect it done within that period, another four to five weeks."

Sandra Mott: "Can somebody make sure that they, you know, encourage it because it's really not getting any better and Stop and Shop is moving around quite quickly there and, you know, John lives over there, he knows what the story is. The rest of you- I don't know where anyone lives but I know John lives over in that neck of the woods. John, is it getting any better?"

Councilman Dunleavy: "They were working down on Mill Road, that contractor, so I think they're doing something with the Mill Road traffic light- so they were there on Mill Road this week working. So they may go back- they have to wait a certain amount of time for that base to dry and settle before they come back and put those lights on. And I hope that they'll be back before we get real cold weather."

Sandra Mott: "I hope so, too, because that intersection is getting progressively worse."

Also, I understood by reading an article, I know you tell me I shouldn't believe everything I read, Oxman is suing you for \$10 million dollars?"

Supervisor Cardinale: "I think- "

Sandra Mott: "Larry, your farmer friend."

Supervisor Cardinale: "Larry- "

Sandra Mott: "That you tease with and make a joke with and it's not a joke now, \$10 million bucks, the town is going to be sued- "

Supervisor Cardinale: "I am comfortable that— what do they call, the best defense is an offense is behind that litigation. There was a denuding as you will recall some years ago of that property."

Sandra Mott: "I know— "

Supervisor Cardinale: "Because you're next door to it."

Sandra Mott: "Yeah, we told you."

Supervisor Cardinale: "That will be— there will be recompense and this is all part of the plot I suppose. But it will— I'm not, I don't think the town board is pleased at being sued but we are also not— we are also pursuing a significant fine and the restoration of the wetland that was destroyed in that clearing and that has displeased Mr. Oxman and his partner."

Sandra Mott: "Oh, well, you know what? That's too bad. The bottom line is if you need a witness, I'll be happy to put my hand on any bible anywhere because the morning that he did it was a Sunday morning. I called the police department. They didn't bump it up to the next level. They went over it. They were told that it was agricultural and he could do whatever he wanted on a Sunday morning.

Well, they didn't bounce it up to the next level and that's one time I didn't call you, Phil, ironically enough, but I did wait 'til Monday morning and everybody said what are you talking about. He was here on a Friday, yadda, yadda, yadda. He was told not to do anything and then he obliterated the landscape. And tried to push in the wetlands, but thanks to God, it was too big for him otherwise he would have achieved success."

Councilman Bartunek: "He was successful."

Sandra Mott: "Not completely. Not completely. Maybe one portion but not the deep part that goes down quite a bit as I looked at it through my binoculars because I won't go on people's property. That's not true. That's lie. Well, you're wrong because I was there and the point is that part should be taken by the town, by eminent domain and establish it as an entry park for the town of Riverhead. You can put your little information center there, etc. You want a settlement? That's a mitigating way to settle it and at least we will have some protection for the creatures that actually do go there continuously.

So, anyhow, you need me to be a witness, I'll be more than happy to."

Supervisor Cardinale: "Thank you."

Sandra Mott: "Okay. Because I know what happened and I know when it happened. I don't have the specific dates, you can advise me of that, but I will be more than willing to help you on that score.

And my final concern is do you know of a wildlife rehab center that's supposedly established in Riverhead? Have you heard of it? You have."

Councilman Dunleavy: "On West Main Street."

Sandra Mott: "Where?"

Councilman Dunleavy: "Across from the Riverhead Animal Hospital. There's those buildings. It's supposed to be in there."

Sandra Mott: "What buildings? There's- "

Councilman Dunleavy: "A wildlife rescue agency in there."

Sandra Mott: "Where? Because it's very crucial because I have people knocking on my door about innocent creatures."

Councilman Dunleavy: "In that - when you come past the fish restaurant on the right hand side, there's a little repair shop, right within those stores. The young lady has a black pickup truck. A large black pickup truck."

Sandra Mott: "Can someone from the town help produce some advertising then because I think it's really important that we know it's there because I had an incident where a little bird flew right into our window. (Inaudible) fly to one side and then I found it on the ground. Fortunately a little white throated sparrow- fortunately after it got warmed up, it was fine. But I brought it to the ER vet, you know."

Councilman Dunleavy: "George, you're still on the animal committee."

Councilman Bartunek: "Yeah."

Sandra Mott: "So what's the story with that by the way now that you've brought it up? Nothing's happening with the need for a new facility, right. I thought that we could incorporate all that in one sanctuary. That's my point over the years.

So this is a private organization or- nobody knows. I don't have- "

Councilman Dunleavy: "It's a not for profit I think. She says she'll take anything, and wild animal."

Sandra Mott: "Well, can you do some PR? John Stefans- "

Councilman Dunleavy: "I will get her phone number and give it to you. No, I want- if someone could do a news article on it. There's a little newsworthiness, the town of Riverhead comes to- why, don't you- the newspaper?"

Councilman Densieski: "There you go."

Sandra Mott: "There you go, there's an article for you. The long and the short of it is--"

Councilman Dunleavy: "I'll get you the phone number, John."

Sandra Mott: "There you go. Because somebody said to me in passing, I said I don't know where, I mean we should but I have no idea where."

Councilman Dunleavy: "There's no sign or anything."

Sandra Mott: "Well, there needs to be a sign then. And there needs to be some established status as to- just saying you're a wildlife center and put money in the till doesn't- "

(Inaudible comment)

Councilwoman Blass: "That's what I had heard as well."

Councilman Dunleavy: "I'll get you a phone number."

Councilwoman Blass: "Sound Avenue."

Councilman Dunleavy: "There's one on Sound Avenue."

Sandra Mott: "Can we read about it in the local paper because that would be very helpful."

Councilman Dunleavy: "I'll get you a phone number."

Sandra Mott: "And by the way, those of you who want to (inaudible), this is from one of your poor workers who can't afford to rub two nickels together, a couple bucks. All be sitting here, I'll bring out the envelope and before I leave I'll be happy to collect anything from you."

Supervisor Cardinale: "Thank you. Yes, please come up, Bernadette and then if you'd come up right after Bernadette and Sal. And someone in the back was asking, please come up. We want to hear from you. Yes, Bernadette."

Bernadette Voras: "Bernadette Voras, Riverhead. In regard to the solid waste, the litter committee, you will be seeing us on the 19<sup>th</sup>. We're about to bring our business proposal to you. We've already done the general signs.

But we are also in the New Year, Bill Beryl (phonetic) is our person in education and I wanted to ask and I believe it might be Barbara who would know.

Barbara, is there anything that the Department of Environmental Conservation requires of the town as far as education is concerned? Because I believe I mentioned it to you and I was wondering if perhaps you could pass that information on to me so that I can pass it on to Bill. So that he could know a direction in which to go.

Because we do have information but I consider it dated a little bit, 2000, from the DEC in regard to what should be taught in the schools around the fourth grade. But you had mentioned that there was a requirement."

Councilwoman Blass: "The DEC would like to see in an updated solid waste management plan that the town is doing outreach and that was the conversation we had and I did try to return your phone calls."

Bernadette Voras: "You did."

Councilwoman Blass: "Yes. There is some updated information that could be made available to Mr. Beryl and if he would like to advocate as a- in the community, in the schools, that would be wonderful."

Bernadette Voras: "Yes."

Councilman Blass: "But I can certainly connect with him. We spoke actually at the last litter pickup about that but I'd be happy to work with you to update that information."

Bernadette Voras: "Great. Great. Thank you very much."

Councilwoman Blass: "You're very welcome."

Supervisor Cardinale: "Everybody is going to contribute- this is a first, I must admit and I've been on the board- this is the first but it is the Christmas season, pass the envelope. Okay, we're going to put something in this envelope for you I'm sure. Yes, ma'am."

Councilwoman Blass: "My pocketbook is in the- "

Lisa Hank O'Downs: "I just have a question about the Jul-Bet project out in Jamesport."

Supervisor Cardinale: "Yes."

Lisa Hank O'Downs: "Is the two bistros and this professional building, is that part of the 10 buildings that you're going to be building there?"

Supervisor Cardinale: "Yeah, and we do want to give you whatever information we can. But if you're interested in the project, to be part of the public hearing record which we will read before deliberating on whether to give the special permits, you need to be here on the 15<sup>th</sup> at 7:00."

Lisa Hank O'Downs: "Okay."

Supervisor Cardinale: "But to answer your question, yeah, there is a 44,000 square feet proposed and 10 buildings. I think actually maybe it's 42 but there's 10 buildings, eight of them are— most are 4,000 square feet and two of them are 5,000 square foot buildings."

Lisa Hank O'Downs: "Is that going to be on a 10 acre plot?"

Supervisor Cardinale: "It's going to be on a 10 acre plot and the lot coverage— 10 acre plot is like 40,000 square feet an acre, so that's 400,000 square feet. You can cover 10% of the area. So that would add up to like 40,000 or thereabouts, plus or minus, and they have to put the buildings as no more than— campus style, so no more than 5,000 square feet or so in each building. So they've designed them to have eight at 4,000 and the balance— the other two buildings bigger. Four thousand square feet— so 10 buildings at approximately four to five thousand square feet each."

Lisa Hank O'Downs: "Are the buildings going to be separated or strip mall style?"

Supervisor Cardinale: "Yes. They're going— they are necessarily, they are necessarily— yeah, it isn't done but I should point out that the coverage is a lot lighter— it's rural— what is it, Barbara, rural corridor zoning which is 10% coverage. That was what the zoning was when we passed the zoning as opposed to other areas of the hamlet which are greater coverage.

But this is very light coverage considering— compared to the balance of the hamlet which was part of the zoning that was passed."

Lisa Hank O'Downs: "So 10% of 10 acres, so one acre of that property is going to be buildings— "

Supervisor Cardinale: "That's pretty much right, yeah."

Lisa Hank O'Downs: "So they will be spread out, there will be plenty of parking."

Supervisor Cardinale: "Right."

Lisa Hank O'Downs: "What happens to the rest of it?"

Supervisor Cardinale: "The rest of it— there's only going to be three things there that I'm aware of, buildings, about 40,000 square feet or so, and you should look at the plan, it's available."

Lisa Hank O'Downs: "Yeah."

Supervisor Cardinale: "Parking, and landscaping and open space."

Lisa Hank O'Downs: "Okay, I will look at it. Thank you."

Barbara Grattan: "Can I have your name, please?"

Lisa Hank O'Downs: "It's Lisa Hank O'Downs."

Supervisor Cardinale: "Thank you. Come on up, please sir."

Raymond Kwasna: "Good afternoon. My name is Raymond Kwasna. I've lived in Riverhead for over 40 years and this is the first time that I've been to this podium for anything that really concerned me. Things usually worked out in the end but my question is what's the latest on Riverhead Resorts? Where are we standing with them and has any progress been made over the past month?"

Supervisor Cardinale: "Yes. It's in negotiations. The determination of the town board which was to designate them as the negotiating partner until either the negotiation was successful resulting in a contract or unsuccessful.

We have been negotiating through counsel a contract, or discussing a contract. We're pretty— we're down to about two or three issues that are still open. Then if we get through those issues, the board would meet with the town attorney— with the attorney who is handling it who is Frank Isler of Smith Finkelstein, review the substance of the agreement, authorize the completion of a full contract, and then consider whether to authorize the signing of that contract.

So right now we're— we have a draft contract and we have about two or three pending issues that are not yet resolved."

Raymond Kwasna: "Okay. I was hoping not to hear it that way. I was hoping that you guys would have reconsidered your decision because a lot of people that I've been speaking to think the town board is out of their mind for what they're doing here. It's 90% of people that I talk to that this mountain is ludicrous, it should never happen.

I've got a few questions I just want to run past you to try to stop the speculation that's been going on. People have been coming up with their own answers and I want to know from you- "

Supervisor Cardinale: "Sure."

Raymond Kwasna: "-- the reality so we can end some of this backroom talk.

You are quoted in the News Review stating that Riverhead Resorts project would be best to meet the long term objectives spelled out in the EPCAL reuse plan, namely job creation, tax stabilization and environmentally sensitive development.

What kind of jobs can we expect from Riverhead Resorts besides housekeepers and landscapers? What kind of opportunities can my children expect from this resort setting?"

Supervisor Cardinale: "Well, what it is not, is a ski mountain, this project and I think to say that it is as was stated in the past is disrespectful to the four board members who voted for it.

What it is as I stated before, is a destination resort year round, each with a separate theme, and there are eight separate resorts. There are several hotels- "

Raymond Kwasna: "I understand all this. Not to interrupt- "

Supervisor Cardinale: "-- there is a city center so all the management jobs, all of the resort jobs that you would expect in any other resort would be available there. They hope to attract a good- a significant portion of the 60 or 70 million people that come to the New York area each year as tourists to the airports that are within an hour of that site.

And if they're successful, the four members of the board that voted for this just to discuss, we haven't decided anything, but to negotiate, their feeling was that a resort, a destination year round resort at that site, would be a better fit for Riverhead's future than an event oriented site which was proposed by Rexcorp.

Both were good, but they preferred- we preferred the latter four to one. That's not an unreasonable decision. It may well be that we

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can't get together on a contract in which case we'll go back to Rexcorp which I suppose is what you'd like to see happen."

Raymond Kwasna: "Can I interrupt?"

Supervisor Cardinale: "Yeah."

Raymond Kwasna: "Because I heard this before."

Supervisor Cardinale: "Right. Well I've heard what you're saying, too."

Raymond Kwasna: "You're getting away from my question. What kind of jobs are going to be produced- "

Supervisor Cardinale: "Management jobs."

Raymond Kwasna: "All right, management jobs. But what kind of jobs that are going to be able to sustain a family on Long Island?"

Supervisor Cardinale: "More jobs in that than the Rexcorp proposal."

Raymond Kwasna: "All right. Let's move on to the second part, tax stabilization. What is the build out time for this thing projected and when can we expect this tax stabilization to actually take place? Within my lifetime, I hope."

Supervisor Cardinale: "Absolutely. Within-- not only within your lifetime, but within the next five years. A hundred fifty five million dollars within three years which incidentally is the highest offer. So if you're arguing for the other people, you're arguing to take less than the highest offer. One hundred and fifty five million dollars within three years when it closes and the-- and about more than 10 million annually in profit sharing or actually revenue sharing from their projects annually and if you figure this out, the tax base increase-- the hundred fifty five million dollars and the interest thereon, and the 10 million in annual revenue with a 40 million dollar budget presently, your taxes would go down more than one-half if this project is successful."

Raymond Kwasna: "That's all based on speculation and not actual hard numbers."

Supervisor Cardinale: "Well, it's all based on numbers. Incidentally if the Rexcorp project was successful, your taxes would also go down."

Raymond Kwasna: "Stop going back and forth. The third part, the environmentally sensitive development, how can you possibly call eight giant resorts, a 92 acre rubber lake, and a 350 foot mega-multi

mega-watt wasting plastic ski mountain environmentally sensitive development? How can you possibly justify that as sensitive development?

Supervisor Cardinale: "The development as proposed would— and there's a representative that was here earlier, you could talk with him in greater detail, but the bottom line is of the 750 acres that are being purchased, there will be nothing on more than 500 acres. That's environmentally sensitive because the development will be focused on only one-third of the land and the rest will be open space forever and it will be adjacent to 400 acres of open space consisting of pine barren core and the town parkland.

So of the 1500 acres on that side of the property, fully two-thirds of it will be open space forever with trails and paths and walkways for the public."

Councilwoman Blass: "They have also pledged to pursue lead certification in construction which says a lot to me anyway."

Raymond Kwasna: "What does that mean, lead certification?"

Councilwoman Blass: "Lead certification is building according to green building standards, energy efficiency in every way. And you've got fairly certain— a fairly stringent criteria that you have to pass to get certification which is the lowest level. But nevertheless they've made that commitment and its non-negotiable."

Raymond Kwasna: "Okay. I'm happy with that. The Riverhead Resorts plan currently shows an ice palace skating rink as already being part of the ski mountain. It was never intended as a backup plan. All right? Why was Riverhead Resorts never told outright that the ski mountain would not work, to go back to the drawing board and come back with something more feasible? Or were they?"

Supervisor Cardinale: "No. The— I don't— we don't tell developers what to propose. They propose, they're going to need to get their proposals through the process and what we have said is that they realize that there are certain variances that must be obtained for the snow mountain resort and if they do not get it, it will not kill the project.

They will substitute a 7500 foot high ice castle for winter sports if they must. But they believe that that snow mountain is a real plus to the project and they will try to get the approvals. If they don't get the approvals, they will have to substitute."

Raymond Kwasna: "Okay. There was some concern with the Federal Aviation Administration with their radar beacon located just across the street. Was that ever taken into account?"

Supervisor Cardinale: "Yes. There was a submission of a--there was discussion with the FAA and the submission of document which indicates that this would not-- this project even if the snow mountain were approved, would not interfere with the operation of the 10,000 foot runway. Because of the distance and the height of it, it would not interfere with the utilization of that runway."

Raymond Kwasna: "That's not really my question. My question is that the air traffic control beacon-- "

Supervisor Cardinale: "Yes."

Raymond Kwasna: "-- it monitors incoming and outgoing aircraft for hundreds of square miles."

Supervisor Cardinale: "Yes."

Raymond Kwasna: "By putting a 350 foot mountain which you claim now is not going to happen anyway, but it was in the original plan that you had no problem with."

Supervisor Cardinale: "May not happen. I'm hopeful that they will get the plan they want."

Raymond Kwasna: "That mountain is going to make a big blank spot in this beacon's rotation of the radar and create a serious hazard for all the air traffic that passes over Long Island. And does the town board realize this?"

Supervisor Cardinale: "The FAA-- "

Councilwoman Blass: "The FAA is well aware of the VOR that's the navigational aid across the way."

Raymond Kwasna: "I understand. Are you aware? And when you looked at this mountain-- when you looked at this mountain, did anything cross your mind that maybe this could be a problem with aviation?"

Supervisor Cardinale: "Yes, and we got a-- "

Councilwoman Blass: "Sure."

Supervisor Cardinale: "-- a response from the FAA."

Councilwoman Blass: "That's why we asked them."

Supervisor Cardinale: "Which does not indicate what you're indicating."

Raymond Kwasna: "There is not a problem?"

Supervisor Cardinale: "That's right."

Raymond Kwasna: "Okay. I just wanted to get past that. Why was Rexcorp told that their racetrack was too tall but yet the ski mountain was left virtually untouched?"

Supervisor Cardinale: "Rexcorp was never told that their racetrack was too tall."

Raymond Kwasna: "It had 80,000 seats at one time. It was considered a monster, they were told to downsize. They were told to make the track smaller, shorter- "

Supervisor Cardinale: "Actually they were not told to downsize, they chose to but the 80,000 foot event location was problematic because of the traffic considerations. Any huge event like that brings to mind.

One of the reasons this board chose to initially negotiate with the Resorts was because that the steady flow of traffic for the people who would stay four, five days a week would be less of a problem than the kind of event traffic that would be inspired by an 80,000 spectator stadium.

They voluntarily reduced it to 10,000 because they understood that fact as well and frankly I don't think that a 10,000 person stadium is a big issue traffic-wise and as I said, I like the Rexcorp project, so did everybody else on the board but if we could have either, it seemed a better fit with our future to have a destination resort than an event oriented location. One of the reasons was traffic."

Raymond Kwasna: "There are a couple quotes I've seen, the mountain comes first as an anchor for the rest of the resort complex and the ski mountain is going to be a crucial element in bringing people here. These are both quotes from the CEO of Riverhead Resorts. And basically within the same time frame, within the same week, you made the statement that the ski mountain probably won't be happening. Now how can this contradict itself."

Supervisor Cardinale: "I never made the statement that the ski mountain probably wouldn't be happening because this board will have no control over whether it happens or not. That would be the zoning board of appeals.

What I do say and have said and continue to say and if you talk to the representative who was out in the hallway, he'll say is that

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they're going to make every effort to get the variances necessary to get the ski mountain included in the project. If that fails, they will come back with an ice castle which will not require a height variance because the height restriction is 75 feet and they can do it in 75 feet."

Raymond Kwasna: "All right."

Supervisor Cardinale: "It won't kill the project was the point."

Raymond Kwasna: "Now with respect to the bidding that they were the highest bidder, \$155 million- "

Supervisor Cardinale: "Highest offer."

Raymond Kwasna: "Highest offer. Do you truly believe that Riverhead Resorts would have bid 155 million if they knew that the ski mountain would possibly not be part of the same project?"

Supervisor Cardinale: "Not only that, but they did. And the contract that will be signed will reflect the fact that they will substitute if required."

Raymond Kwasna: "Okay. And they're still willing to build even without the mountain- "

Supervisor Cardinale: "Correct."

Raymond Kwasna: "Now, if they don't get the mountain, since it was included in the original plan that you guys looked over and had no problem with, what physical concessions or monetary concessions will the town be making to Riverhead Resorts to make up for the loss of revenue to Riverhead Resorts?"

Supervisor Cardinale: "None."

Raymond Kwasna: "None at all. No extra condos or hotels or no cutting in the price paid or anything like that? The Riverhead Resorts is just going to walk away condos and say that's fine?"

Supervisor Cardinale: "Yeah, no, and there are no condos. There are- "

Raymond Kwasna: "Time shares."

Supervisor Cardinale: "-- time shares and hotel rooms. But that's correct. There will be no concessions if the mountain isn't there and there's an ice castle there instead."

Raymond Kwasna: "And here's a question. If numerous changes, seven months you looked at both of these plans, you kept going back and forth to both of these people and making them amend their plans for seven months, take this out, put this in, move this over- "

Supervisor Cardinale: "That's not accurate. We never did any of that. We never asked them to amend their plans.

All we were considering in those seven months is which plan was offering- what the offer was going to be financially for the 755 acres and we were exploring conceptually what was included in the plan. We never- we were talking price and concept only.

That's what most people don't understand. The only thing we decided was we liked their price better, it was higher. That shouldn't give you a problem. And we liked their concept better because it was a year round themed destination resort rather than an event oriented center. And that's all we decided when we decided to negotiate with them."

Raymond Kwasna: "But that kind of contradicts your prior statement along with the Rexcorp of them downsizing the size of their motor sports- "

Supervisor Cardinale: "They chose to do that because they realized that when we considered a concept, that they had a problem with an event orientated site because you may recall that the events that were not well planned at that site have caused traffic difficulties. So they decided on their own to reduce the size of that and I think it had something to do with the fact that they weren't Nascar certified track or weren't likely to be."

Raymond Kwasna: "If they're a first class operation which they probably would have been, a Nascar sanction would have been a no brainer. But anyway, so this whole bidding process was basically just for the land. It had nothing to do with the project themselves?"

Supervisor Cardinale: "It had to do with the price for the land and the concept for the development of the land."

Raymond Kwasna: "And the concept."

Supervisor Cardinale: "And that's it. Just those two things."

Raymond Kwasna: "So a question I have to you is this bid. When this finally went out to a bid, closed bid auction and the two persons involved submitted their offers, was this done legally? I mean why wasn't it opened up to anybody that might want to put in a last second 11<sup>th</sup> hour bid to- "

Supervisor Cardinale: "It continues to be open to anybody. You've got a bid better than 155, you better tell us before we sign a contract. I'm ready to talk to anybody who will offer more for a concept acceptable."

Raymond Kwasna: "All right. I was wondering about that. Because it seemed like it was a closed session and it was to me anyway, just the two head to head and whoever put the biggest number in the envelope- "

Supervisor Cardinale: "I appreciate that. The clarifications even at this point, if anybody has a concept or a dollar offer, I'm always listening and so is this board. We want to make the right decision and no decision has been made other than to negotiate with initially with this party. And as I said, there are still several issues that are still open."

Raymond Kwasna: "All right. My next question and I'm getting there. The unique attraction now that the ski resort probably won't happen, the town is totally against this thing. Everybody I speak to, you want a 350 foot mountain in Calverton, you have no idea what you're thinking about."

Let's just keep on what I'm doing. All right, I'll skip that question. I'll appease you by just skipping. Okay.

Now that the- okay, this 92 acre lake, I'm moving on. What exactly- how is this going to be built? Is it going to have a bladder or is it going to be contained or is it just going to be part of the aquifer?"

Supervisor Cardinale: "I'm told it's going to be lined but it won't be my- it will be a DEC concern because that is the Department of Environmental Conservation. But it's supposedly a lined lake as I understand it."

Raymond Kwasna: "Okay. So now if it's lined, doesn't it have to be filtered or is it just naturally going to clean itself?"

Supervisor Cardinale: "I don't know. But I do know that all of this is going to have to be studied for about 18 months and the State Environmental Quality Review Act. And to predict in advance before having the facts is probably not fruitful. So we didn't. All we looked at was the concept and the price. That is what we made our decision on."

Raymond Kwasna: "I understand that. For seven months you looked at this thing. You saw a 92 acre lake. Didn't you wonder how it was going to work once the freeze came?"

Supervisor Cardinale: "Yes."

Raymond Kwasna: "How does filtrations systems work when they freeze? Do you keep your swimming pool open all year round? I mean, I just can't understand how it's going to work."

Supervisor Cardinale: "Well, I think it will work because of the expenditure-- these people are very well funded-- "

Raymond Kwasna: "I understand."

Supervisor Cardinale: "-- and there are all sorts of ways to make water not freeze such as aeration."

Raymond Kwasna: "Is there an example in anywhere around here of this being done right now that it actually works that I can go look at and see how this is actually-- I know it works in Disneyland. I know it works in Vegas with the Bellagio fountains, all right. But they never see a freeze. A freeze creates tremendous problems with filtrations systems and plumbing and all that other-- are we going to look at a 92 acre pool cover? Or how is this going to work?"

Supervisor Cardinale: "One of the things that has been impressive about this group is that their team are the very best architects, the very best engineers, the very best-- they have Disney planners on their team. That has impressed us. I'm comfortable that they'll find a way of resolving the problems that you are addressing."

Raymond Kwasna: "I mean you can put a 50% Prestone solution in there and keep it from freezing but is that going to help the fish? I mean I don't understand how it's going to work but okay."

This wilderness resort, you claim that everybody is going to come from all over the world and fly into Kennedy airport and want to come to Calverton for this mega resort, what possible tourist getting off a plane at Kennedy Airport is going to say, I'm going out to Riverhead to make believe I'm camping out? I mean in this day of reality TV, everybody wants real.

Fantasy-land, make-believe are for little children, okay. It's for adults here. We don't want fantasy-- some people might, but what's wrong with a very real campground on Long Island? There's Wildwood State Park a few miles up the road.

I'll tell you what's wrong. I've asked people, I've been talking to people. They're too crowded. There's too many people, you can't find a spot, you have to reserve-- all right, fine. What about the 400 acres that you keep throwing our way, not our way, but to the motor sports park people way that want to have a motor sports park. Build a track over there in the corner. No. It can't be built. The land is

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unbuildable. There's too much marshland, too much things going on, too many problems. You know that. It can't be built on."

Supervisor Cardinale: "That's not true."

Raymond Kwasna: "It's only a small portion- 46 acres that can actually be built on."

Supervisor Cardinale: "Well, how many acres do you need for a racetrack?"

Raymond Kwasna: "More than 46 acres."

Supervisor Cardinale: "Really?"

Raymond Kwasna: "Yeah. What about parking? What about concession- "

Supervisor Cardinale: "Forty-six acres. First of all, it's 250 or 350 acres depending upon when we get the land from the government. But you have plenty of room for a racetrack if you have an offer. I don't have an offer. Mr. Reckler declined any interest in the remaining parcel. We offered it to him for his consideration. He said no, if I can't get the 755 I would prefer not to be here."

Raymond Kwasna: "I don't blame him."

Supervisor Cardinale: "It's in the papers so you have to believe him."

Raymond Kwasna: "Drive by Riverhead Raceway in the summer time on a Saturday night and look at the crowds. They can't fit in the place. They're out on the streets, they're- "

Supervisor Cardinale: "Do you know how big Riverhead Raceway is?"

Raymond Kwasna: "Listen to it. Drive by Riverhead Raceway- listen to me."

Supervisor Cardinale: "Mr. Kwasna, my board is telling me that technically there's a five minute factor here but you never have been here in many years, I want to give you as much latitude as possible."

Raymond Kwasna: "I want to get the answers to these questions."

Supervisor Cardinale: "Good. So let's wrap it up."

Raymond Kwasna: "Drive by Riverhead Raceway in your car, look over, see the asphalt. What does that tell you? You can see the

asphalt from the street. What kind of sound deadening technology is in place here? Zero. There is none.

This track at Calverton would replace Riverhead Raceway. I don't care what anybody says, two tracks in town, it's not going to happen. You build a state of the arts new facility, people are going to go to that facility.

I myself don't go to Riverhead Raceway. Don't go. Don't go. It's— I've outgrown it. I come home filthy. The track is so outdated it's embarrassing. All right. And a state of the art facility, yes. I've been to Pocono, I've been to Dover, I've been to upstate, I've been to all these other tracks. I enjoy myself, everything is clean, it's friendly. You're outside the track, you don't even know what's going on half the time because of the sound deadening technology."

Supervisor Cardinale: "I believe you."

Raymond Kwasna: "All right. Now— "

Supervisor Cardinale: "I'm sure you're right and if you can get one of those interested in the 350 acres remaining at EPCAL, come see me."

(Inaudible comment from the audience)

Supervisor Cardinale: "You're going to choke yourself to death is what you're going to do."

Raymond Kwasna: "I've heard you refer to indoor race park and I mean it's like sitting in a garage with the motor running. It's not going to work."

Supervisor Cardinale: "That's what he was telling me, Eddie, yeah."

Raymond Kwasna: "And this white water rapids. Have you ever noticed Splish Splash? If you think white water rapids is going to bring out people, Splish Splash, every off season, Splish Splash is building new rides. Why are they doing this? To bring— to get the people who were here last year to come back next year. Because they don't want to come out and see the same old thing all the time.

So how long is the attention span going to be on this white water rafting? A couple times and that's it. They're not going to come back. It's going to be tired, it's going to be old, it's going to be done.

Farmer's market. How can an organization such as Riverhead Resorts possibly spend a billion dollars on this project, then expect

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to sell produce at a reasonable cost? Are you ready to pay \$4.00 for an apple and \$25.00 for a watermelon at a resort?

And I'm going to leave my house and drive past numerous family owned farmstands to go to Calverton to buy produce? Where did that idea come from?"

Supervisor Cardinale: "I don't think anybody is proposing that. These people are not going to do this unless they can make money, I can assure you of that."

Raymond Kwasna: "But they put it in their plan. It's in their plan. They have a lot of fancy words in there, babbling brooks and poetic this and that. It looks real nice on paper but is it realistic? No, it is not."

Finally, one last thing. A ski mountain, all right. Long Island basically is in an energy crisis right now. Every summer LIPA tells me cut back, turn off my air-conditioners and save energy because we don't have all the power that's going to be required. Where is this magical power coming from that's going to power up this mountain?

It's been estimated it's going to be a million- equal to a million household refrigerators running at the same time. What magical plan have you seen in the seven months of looking at this plan that is going to do this?"

Supervisor Cardinale: "I didn't look at this plan for seven months. I have plenty other things to do."

Raymond Kwasna: "I understand that."

Supervisor Cardinale: "I occasionally looked at- "

Raymond Kwasna: "You have a lot more inside information than I do."

Supervisor Cardinale: "Right. I understand that they are not only going to- that they are not only going to have sewer connection-hookups, public water hookups, they're going to have their own production of water. They're going to have a state of the art facility. This has been done in other places throughout the world. It hasn't been done on Long Island but it has been done elsewhere and, frankly, that is- I'm not the developer. They're the developer, they're going to figure out all your problems."

My problem is to collect the \$155 million dollars and to start taking in taxes on that property. Because right now we're getting a big zero from the property. No taxes are coming in from that 755

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acres and nothing is happening. I'm trying to make something happen. I've taken a lot of abuse for it, don't you think?"

Raymond Kwasna: "I'm sorry if I get a- this is really, I mean, like I said, this is my first trip up here. I've been in this town for over 40 years."

Supervisor Cardinale: "Well, I'm glad to see you. You ought to come back again."

Raymond Kwasna: "I've been in the back of the room, I've been in the seats, I've been watching. I've been watching Channel 22."

Supervisor Cardinale: "Good."

Raymond Kwasna: "And these are just questions that I had to ask."

Supervisor Cardinale: "I understand."

Raymond Kwasna: "Because, you know, people are talking about this all over town and I want to go back with some factual answers as to what is the real thing going on here and--"

Supervisor Cardinale: "We should all keep an open mind. You're right."

Raymond Kwasna: "And this power thing is bothering me because they're going to build a generating plant on this property? Where is it coming from?"

(Inaudible comment from the audience)

Councilman Dunleavy: "That's their engineers that have to do all that stuff."

Raymond Kwasna: "I understand, I understand. But that's an awful lot of power because LIPA tells me that if I cut my thermostat in the summertime from 72 to 75, I'll save a tremendous amount of energy by suffering a little bit more. How much energy does it take to drop my thermostat down to 25 degrees and freeze my house? A tremendous amount. It's not just like, you know, lowering the thermostat a few degrees. That is mega, mega, mega amounts of electricity.

So I know it's not my problem but I just- I wanted to see- "

Supervisor Cardinale: "I asked Barbara a moment ago what LEEDS stands for which is Leadership in Energy and Environmental Design. We are insisting that this project, and they are offering that this

project will be in the forefront of energy and environmental design and it will need to be as you point out in order to make it cost effective because you're right.

I mean there's no doubt about it. They're going to need a lot of energy to make all that snow, to keep it moving. And I wish them a lot of good luck. But my job again is to get the money, get them out there. Their job is to make that project a success and I'm hopeful that they will."

Raymond Kwasna: "Okay. Thank you for your patience. I'm sorry if I- "

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

Raymond Kwasna: "I'm glad for your answers and feel a little bit better now."

Supervisor Cardinale: "Thanks, Mr. Kwasna. Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. I'll make it quick. 1129, did you adopt it as it's written?"

Supervisor Cardinale: "1129."

Sal Mastropolo: "Yeah, I think you should have qualified the fact that it's the Peconic River above the dam because the Peconic River runs all the way out to the Bay and you have boats with more than 10 horsepower in the Peconic River below the dam."

Supervisor Cardinale: "It's Peconic Lake."

Councilman Bartunek: "Hold on. It says, no, Peconic River. It's Peconic River."

Supervisor Cardinale: "Why don't you ask him because he wrote it?"

Sal Mastropolo: "It says no person shall use a boat equipped or operated with an outboard motor in excess of 10 horsepower on the Peconic River."

Councilman Bartunek: "Right. Right."

Sal Mastropolo: "Okay."

Councilman Bartunek: "I think this is copied if I'm not mistaken right from the Brookhaven law."

Sal Mastropolo: "I don't care where it's copied from."

Councilman Bartunek: "Well, it's mirroring I believe the Brookhaven law."

Sal Mastropolo: "Well if the Brookhaven law is wrong, ours should be wrong, too? The Peconic River runs all the way out to Flanders Bay. You have boats at the Moose Lodge--"

Councilman Bartunek: "No. That's not the Peconic River."

Sal Mastropolo: "That's not the Peconic River? The back of Swezey's isn't on the Peconic River?"

Councilman Bartunek: "Right. It's the Peconic Estuary. That's the estuary. The Peconic River goes up to Grangibel Park. Anything after that is the estuary."

Sal Mastropolo: "All right. I apologize. I always thought the Peconic River was the piece of water behind the old Swezey's."

Councilman Bartunek: "No."

Supervisor Cardinale: "So did I. See live and learn."

Councilman Bartunek: "I'll check it out for you, Sal."

Sal Mastropolo: "Next comment. I noticed that you scheduled the first meeting of every month at 2:00, and that's to get the seniors out."

Supervisor Cardinale: "That's our theory."

Sal Mastropolo: "Yeah. Well, I only saw one senior show up at today's meeting, Rolf, who hasn't been here in quite a while, okay. You realize that 2:00 meetings, you're going to lose all of the working people that have to work for a living to pay the high taxes in this town and they won't be able to afford to take off to come to meetings at 2:00.

One other thing and I have to run to a doctor's meeting. The 155 million. I never brought this up but did anybody ever bother to do a comparison of the per capita income yearly versus the percentage of revenue which would go up over the time as prices went up? And with that, I'll leave it. You can think about that."

Supervisor Cardinale: "I thank you. I will."

Sal Mastropolo: "Okay. Because the per capita is a fixed fee and never goes up with inflation, okay. The revenue sharing, as inflation drives the price up, the percentage of the income goes up."

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Supervisor Cardinale: "Yeah, and we- to answer your question, yes, we- the contract proposes it alternatively that we get the higher of the two. And you're right, if we had a \$5.00 per capita without a cost of living escalator, we'd really be stupid."

Sal Mastropolo: "Okay. Will that contract have the escalator?"

Supervisor Cardinale: "It will have the escalator and it will have the alternative. Yes."

Sal Mastropolo: "Good. Thank you. Good night."

Supervisor Cardinale: "Thank you. Any other comment? If not, I appreciate you all coming and I invite you back for Thursday's work session at 10. Actually, the work session, a public session is at 2:00 on- we've reversed the order, 2:00 public session on Thursday. Yes, because I will tell you why."

Meeting adjourned: 4:10 p.m.