

1 TOWN OF RIVERHEAD  
 2 COUNTY OF SUFFOLK: STATE OF NEW YORK

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3 Minutes of Town Board Meeting held by  
 4 the Town Board of the Town of Riverhead  
 5 held on February 18, 2009 at 7:00 p.m.

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7 200 Howell Avenue  
 8 Riverhead, New York

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 11 PRESENT:

12 Philip Cardinale	Supervisor
13 Barbara Blass	Councilwoman
14 Timothy Buckley	Councilman
15 John Dunleavy	Councilman

16  
 17 ALSO PRESENT:

18 Diane M. Wilhelm	Town Clerk
19 Dan McCormick	Deputy Town Attorney

20  
 21 NOT PRESENT:

22 James Wooten	Councilman
23 Dawn Thomas	Town Attorney

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SUPERVISOR CARDINALE: This is the February 18th meeting of the Town Board, delayed a day to Wednesday. But we're going to be better than ever.

We would like to begin with the Pledge of Allegiance, and I would like Rose Sanders, one of our former Councilwoman, to lead us in the pledge.

(Whereupon, the Pledge of Allegiance was recited, led by Rose Sanders.)

SUPERVISOR CARDINALE: Okay, we have a relatively brief agenda this evening. Two hearings. But I would like to first approve the minutes of the February 3rd Town Board meeting.

Someone move them please, and second.

COUNCILMAN DUNLEAVY: I move the minutes of the February 3rd Town Board Meeting.

COUNCILWOMAN BLASS: Seconded.

SUPERVISOR CARDINALE: Move and seconded. Vote, please.

MS. WILHELM: Buckley.

COUNCILMAN BUCKLEY: Yes.

MS. WILHELM: Dunleavy.

1 COUNCILMAN DUNLEAVY: Yes.  
2 MS. WILHELM: Blass.  
3 COUNCILWOMAN BLASS: Yes.  
4 MS. WILHELM: Cardinale.  
5 SUPERVISOR CARDINALE: Yes.  
6 MS. WILHELM: The minutes are  
7 approved.  
8 SUPERVISOR CARDINALE: Would you  
9 give us the Town Hall Reports, Applications,  
10 Correspondence?  
11 MS. WILHELM: Sure.  
12 Under Town Hall Reports, under Tax  
13 Receiver, total tax collection dated February 3,  
14 2009, \$60,376,821.45.  
15 Total tax collection dated February 10,  
16 2009, \$60,722,629.37.  
17 Utility Collections Report for January  
18 2009, \$423,177.59.  
19 Under the Police Department Annual Report  
20 2008, and monthly report for January 2009.  
21 Under Sewer District, the Discharge  
22 Monitoring Report for January 2009.  
23 Under Applications: Special Events  
24 (Chapter 90), East End Olds Club, Car Show and  
25 Swap Meet, August 9, 2009.

1 Under Special Permits, John and Sandra  
2 Reeve, re-configuration of docks.

3 Under Correspondence, 14 letters in  
4 opposition to the proposed YMCA project in  
5 Aquebogue.

6 And from Bill London, President of  
7 Riverhead BID Management Association, a letter  
8 regarding the removal of the "Zero Tolerance  
9 Zones" signs.

10 And as a reminder, the next regularly  
11 scheduled Town Board Meeting will be Tuesday,  
12 March 3rd 2009 at 2:00 p.m., here in Town Hall.

13 And as usual, you can view our agenda,  
14 resolutions, minutes and upcoming meetings on  
15 our website at [www.riverheadli.com](http://www.riverheadli.com).

16 And that's it.

17 SUPERVISOR CARDINALE: Thank  
18 you.

19 Is there is anything any member of the  
20 Board would like to add as far as announcements  
21 or committee reports or the like?

22 If so, speak up. If not, we'll move onto  
23 the public hearings.

24 We have two public hearing scheduled for  
25 today. One is consideration of a Special Use

1 Permit of Theodora Cohen, to allow the  
2 conversion of an existing storage structure into  
3 a single family residence located at East Main  
4 Street, in Riverhead.

5 I assume there will be some renovations  
6 to the storage structure. But in order to have a  
7 single family residence in this D-3 Zone, you  
8 have to have a special permit of the Town Board,  
9 because it is not a otherwise permitted use.

10 Is Ms. Cohen present?

11 MS. WILHELM: Phil, it is a  
12 problem, the Public Hearing starts at 7:15.

13 SUPERVISOR CARDINALE: It is a  
14 problem. Well, she's not present, because it's  
15 not 7:15.

16 So, what we're going to do, because we're  
17 moving along so well here, we're going to invite  
18 comments until I can open the hearing at 7:15,  
19 because that's when it's scheduled for.

20 By taking any comments of resolutions that  
21 are before you, would anyone like to comment on  
22 any resolution that we will consider?

23 And we will consider Resolutions number  
24 119 through 141, which is something like 23. And  
25 also a CDA Resolution which is number 4.

1           We'll also consider an add-on resolution  
2           which permits an amendment to fees to be paid  
3           for our audited financial statements to an  
4           accounting firm.

5           So, if anyone wants to comment on any of  
6           those 23 or 24 resolutions, please come up and  
7           do so.

8           Come on up is you have a comment.

9                         MS. GIGLIO:    Good evening, Mr.  
10           Supervisor and members of the Board. My name is  
11           Jodi Giglio. I'm here on behalf of Island Water  
12           Park, with regard to Resolution number 134.

13                        SUPERVISOR CARDINALE:  Yes.

14                        MS. GIGLIO:  134 (A) details  
15           where it says that a design vocabulary will be  
16           submitted by a developer prior to site plan  
17           approval, and all subsequent developers within  
18           the Plan Recreational Park District would have  
19           to follow the design vocabulary with  
20           architectural size, height, and style, also with  
21           types of material.

22           And I just think that each project,  
23           especially if it's privately owned at this time,  
24           should be looked at on an individual basis.  
25           And that it should not have to follow a design

1 vocabulary from a previous developer.

2 It's in the first paragraph.

3 SUPERVISOR CARDINALE: Thank  
4 you.

5 MS. GIGLIO: Also, I had  
6 submitted a letter actually after the last  
7 public hearing prior to the deadline, expressing  
8 concern about this.

9 And I also have a concern about the  
10 cottages, and fractional ownership of time  
11 shares of houses within the Plan Recreational  
12 Park, in that if there was part ownership and  
13 private ownership of cottages, or transient  
14 lodging, that that could create a problem for  
15 industrial development around it.

16 SUPERVISOR CARDINALE: This  
17 doesn't affect industrial, but only the  
18 recreational zone. But I will look at that  
19 first point, and I will tell you that I believe  
20 we are not going to act on this one tonight.

21 This one, and 135, I'm going to ask that  
22 to be tabled, because I would like to discuss it  
23 further in the work session tomorrow.

24 MS. GIGLIO: Thank you.

25 SUPERVISOR CARDINALE: Thank

1 you.

2 Any other comments?

3 (No response.)

4 SUPERVISOR CARDINALE: Okay.

5 Since we have five minutes, how about comments  
6 generally, and then we can get you people back  
7 home. Because I have five minutes to take  
8 general comment.

9 Do you want to make a general comment?

10 Anybody that wants to make general comment,  
11 let's take some.

12 MR. MacNEE: I don't know if  
13 this is a comment or not, but I would just like  
14 to know the --

15 MS. WILHELM: Can we have your  
16 name, please?

17 MR. MacNEE: Oh, I'm sorry.  
18 Dave MacNee, from -- pretty much everyone  
19 knows -- Dave MacNee, I'm from Riverhead  
20 here -- well, Calverton.

21 I would like to know what the deal is with  
22 the park you were going to build for 25 million  
23 dollars. Is that done or is it going to be used,  
24 or is it not going to be done?

25 SUPERVISOR CARDINALE: Which

1 park are we talking about? In EPCAL?

2 MR. MacNEE: No, the one on Main  
3 Street, downtown.

4 SUPERVISOR CARDINALE: Oh, okay.

5 You are asking the Board the status of -- Mr.  
6 Wooten, who is not present this evening, his  
7 suggestion that we move forward on the buildings  
8 to the west of the East End Arts, and condemn  
9 them; correct?

10 MR. MacNEE: Right.

11 SUPERVISOR CARDINALE: The only  
12 action that the Board has taken is to authorize  
13 appraisal of the property, and everybody's made  
14 statements.

15 I've indicated that I would not support a  
16 park, but I would support a project which  
17 involved a developer partner. And I think John  
18 has indicated the same. And I don't know that  
19 Jim and Barbara have made a statement one way or  
20 the other.

21 So, that's where it is. We're waiting for  
22 the appraisals. It will probably be about four  
23 to six weeks before we see them.

24 There is also a lot of other things  
25 happening downtown as we await that appraisal.

1           There's a project being proposed for  
2           Peconic Avenue, which I discussed today with Mr.  
3           Ray Discckoff (phonetic), which would incorporate  
4           the site that he was going to build on.

5           Plus the Club 91, plus the next building.  
6           There's the Woolworth Building. I've had  
7           discussions downtown in regard to two hotels at  
8           that site, that's the North Apollo (phonetic)  
9           site. And I've also had discussions on the east  
10          and west of the East End Arts, those two  
11          locations with Apollo, and Cladder (phonetic)  
12          Construction. We'll be meeting on Friday of next  
13          week in regard to that.

14          So, all we've done so far, Dave, is to  
15          order the appraisal of the properties to the  
16          west of the East End Arts to the corner.

17                         MR. MacNEE: Okay.

18          Just one other quick thing I want to say  
19          is that, you know this thing isn't really what  
20          the people want. You know.

21          And I'd appreciate it, everybody on the  
22          Board, if I make a call to you, at least give me  
23          the -- I've made two calls, and I've had two  
24          calls back. I made a third call, and nothing.  
25          I made another call there, and nothing.

1           You know, I pay your salaries. I hate to  
2 tell you that. But I pay your salaries. The  
3 least you could do is pick the phone up and  
4 listen to me whether you like it or you don't  
5 like it. You listen to me. Okay?

6           So, now we're still thinking about spending  
7 25 million dollars on this piece of property.  
8 Is that it or --

9                           SUPERVISOR CARDINALE: The only  
10 thing we've got is a suggestion from one Board  
11 member that we look at condemning that piece to  
12 the west -- 60,000 square feet that could cost  
13 upwards of eight or ten million dollars, plus  
14 improvements.

15           And we've got two Town Board members who  
16 have already indicated they would do that only  
17 if they had a developer partner to join them.  
18 And two Town Board members who have indicated  
19 they have enough interest in doing something  
20 with that parcel to order an appraisal.

21           But I don't think, honestly, there is  
22 support on the Board simply to build another  
23 park downtown at enormous expense in these kinds  
24 of times. My impression is that there isn't  
25 three votes for that.

1                   MR. MacNEE: Yeah. Well, that's  
2 very good. I'm glad to hear that the Board has  
3 leveled out a little bit, because that was  
4 completely insanity.

5                   Just one quick thing. Also, besides losing  
6 \$200,000.00 in taxes on that piece, we'd also  
7 have to have up keep on that. And if you have  
8 up keep on that, you'll also have to be dealing  
9 with the union, the Civil Service Union.

10                  So, not only will it cost us 25 million,  
11 not only will we lose \$200,00.00 in taxes, for  
12 somebody that would move in there, now we've got  
13 to continually pay to upgrade this situation.

14                  So, I'm happy that it's going that way.  
15 But, I'm going to stay on it.

16                   SUPERVISOR CARDINALE: You keep  
17 monitoring us, because you never know. But I  
18 don't think there's a case -- with the  
19 exception of maybe one member, I don't  
20 believe --

21                   COUNCILMAN DUNLEAVY: Barbara  
22 and I called you back; right?

23                   MR. MacNee: Yes.

24                   SUPERVISOR CARDINALE: And Dave  
25 even has my cell phone which he knows how to

1 reach; right?

2 MR. MacNEE: What?

3 SUPERVISOR CARDINALE: You know  
4 how to reach me, because you have my cell phone.

5 MR. McNEE: Yes.

6 SUPERVISOR CARDINALE: And I  
7 always like to talk to Dave, he's a barrel of  
8 laughs.

9 Good to see you, Dave.

10 Can I help you?

11 MS. NIEMOTH: Yes. My name is  
12 Linda Niemoth. I'm from Calverton. I would like  
13 to agree with the gentleman here about opposing  
14 the idea of a Town -- what do you call it --  
15 Town Center, Town Park.

16 I have a couple of things. First of all,  
17 we have an extremely under used park on Pulaski  
18 Street. That park I could see it being -- we  
19 have -- there's a -- I think it's called a  
20 roller hockey rink. Which is rarely, if ever,  
21 used.

22 If any consideration ever comes to talk  
23 about an ice rink, which we can produce money,  
24 or income from, that would be the perfect place.

25 Also, the YMCA. Although I don't live in

1 Aquebogue, I can understand their objections.

2 And I'm wondering what's happening with  
3 Riverhead Lumber and that whole property.

4 Is Riverhead Lumber continuing to consider the  
5 property further out in Calverton -- the  
6 defense plant area there? And if they are,  
7 what's going to happen to that? Could that be  
8 a consideration for the YMCA?

9 I'm just tossing it out, because it seems  
10 like we're trying to bury more land instead of  
11 using what we now have, and it will only be  
12 empty.

13 SUPERVISOR CARDINALE: To answer  
14 your question, the ice rink idea has been  
15 discussed by the Town Board, and we are aware  
16 that that park needs greater use. The only thing  
17 holding us back in the expense.

18 In regard to the YMCA, I think both the  
19 school district and the Town are focused now on  
20 placing a YMCA possibly at the Starsky  
21 (phonetic) Park location. I think everyone  
22 understands that Tutill Lane is not the right  
23 location for it.

24 And in regard to what was the Riverhead  
25 Building Supply building on Pulaski Street,

1 they have moved, and they are active at the site  
2 of EPCAL, at the huge facility there.

3 And the Town is under contract to purchase  
4 that facility to house the Engineering  
5 Department, the Purchasing Department, the  
6 Receiving Department, the CDA, and Accounting  
7 Department, and the Buildings and Grounds  
8 Department, which will allow us to give up a  
9 lease that we have on leased property for about  
10 75 to 80 thousand a year.

11 It will not be empty that building.  
12 That's going to be immediately filled by the  
13 Town.

14 MS. NIEMOTH: Thank you.

15 SUPERVISOR CARDINALE: Thank  
16 you.

17 Come on up if there is another comment. I  
18 will be glad to take it now, because I don't  
19 see Ms. Cohen here yet. I will give her another  
20 five or so minutes, and then I will just do the  
21 hearing in her absence.

22 MS. HOLLAND: Patricia Holland,  
23 Northville. My question is very simple. At  
24 least I think it's simple.

25 I was going through the medicine cabinet

1 and I have some pills that have been outdated.  
2 And I called to find out should they go into the  
3 Stop Day (phonetic) rather than into the  
4 garbage, because I didn't think it should go.  
5 Nobody ever called me back.

6 Do you know what we're supposed to do with  
7 outdated pills?

8 SUPERVISOR CARDINALE: Go ahead.

9 COUNCILWOMAN BLASS: At one time  
10 you were able to take them to Bart's Drug Store,  
11 he was collecting them. I don't know if he's  
12 still doing that. But I know they shouldn't go  
13 into (inaudible). But we can find out and get  
14 back to you. I don't know, but I will be happy  
15 to touch base --

16 MS. HOLLAND: I called the  
17 garbage people whoever --

18 COUNCILWOMAN BLASS: Okay. I  
19 can call you back. I will find out and call you  
20 back, Ms. Holland.

21 MS. HOLLAND: Thanks so much.

22 COUNCILWOMAN BLASS: You're  
23 welcome.

24 SUPERVISOR CARDINALE: Thank  
25 you.

1           Any other comments that anyone would like  
2           to make generally at this moment? We will give  
3           you an opportunity to do so later if you wish.

4           We have two hearings, the first of which is  
5           now ready for opening. It is 7:20. The hearing  
6           was to start not earlier than 7:15.

7           Considers the Special Use Permit of  
8           Theodora Cohen to allow the conversion of an  
9           existing storage structure into a single family  
10          residence located at East Main Street,  
11          Riverhead, across the street here from Town  
12          Hall.

13          A Special Permit is necessary in this case  
14          because it is permitted a single family  
15          residence but only by Special Permit. I believe  
16          there is also another structure on this parcel.  
17          Although, I'm not sure.

18          Is there anybody here from Planning? Of  
19          course not. I would like to take a comment  
20          that -- Marty, do you represent Theodora?

21                   MR. SENDLEWSKI: Yes, actually  
22          I'm the architect from the project. I have a  
23          question for you.

24                   SUPERVISOR CARDINALE: Oh, good.

25                   On the parcel there is a preexisting

1 nonconforming two family now?

2 MR. SENDLEWSKI: Yes, that's  
3 right across the street, correct.

4 SUPERVISOR CARDINALE: And then  
5 there's a storage facility which she would like  
6 to make into a family residence?

7 MR. SENDLEWSKI: That is  
8 correct.

9 SUPERVISOR CARDINALE: Okay.  
10 And with that if there's any questions of that,  
11 the architect is here. Anybody who has a comment  
12 to make, a neighbor or otherwise, please come  
13 up.

14 COUNCILMAN DUNLEAVY: Is this  
15 going to be an accessory apartment that she  
16 wants to build in? Or is it going to be a  
17 single family home --

18 MR. SENDLEWSKI: You know, I'm  
19 honestly not sure it falls into the accessory  
20 apartment, or if it falls under the single  
21 family residence.

22 I quite frankly -- it's been a while  
23 since we submitted. I don't remember the answer  
24 for that. But it's an existing building behind  
25 the residence. It was actually retail at one

1 time. It used to be, I think, a motorcycle shop  
2 back there, and something else it was rented to.

3 It's been used for storage for a while.

4 And if you recall what we had done is,  
5 previously we submitted an application to build  
6 four town house units behind her residence,  
7 which is permitted by the code.

8 Based on economics and looking at the  
9 property, and she had the existing structure,  
10 which is 1600 feet, she said, "Gee, why don't we  
11 just, you know, for less outlay, renovate that  
12 into a one unit", which she would have as a  
13 rental for income.

14 And it was a good idea, so we went with  
15 that. It makes the whole project a lot less  
16 impact, and a lot simpler to do.

17 COUNCILWOMAN BLASS: What did  
18 you say, it was 1600 square feet, the structure?

19 MR. SENDLEWSKI: Correct.

20 COUNCILWOMAN BLASS: Then it  
21 couldn't be an accessory --

22 COUNCILMAN DUNLEAVY: Too large  
23 for an accessory apartment.

24 MR. SENDLEWSKI: Right. Thank  
25 you.

1 SUPERVISOR CARDINALE: Thank  
2 you.

3 Any other comment from any other member of  
4 the public? If there is, please come forward.  
5 If there is not, I'm going to leave this open  
6 for 10 days in any event for written comment,  
7 through Friday -- actually it's nine days  
8 because we're sitting here on Wednesday. But it  
9 will be Friday, the 26th -- is that right? No,  
10 the 27th. Friday, the 27th, 4:30.

11 If you want to make a written comment,  
12 please get it into the clerk.

13 I'm going to note that we opened the  
14 hearing at 7:20. We're closing it at 7:23.

15 We're moving to the second hearing and the  
16 final one: The consideration of a local law  
17 amendment to Chapter 101 Vehicle and Traffic "No  
18 parking certain hours", of the Riverhead Town  
19 Code.

20 This involves the parking lot which the  
21 Town leases from the Methodist Church, which is  
22 on Second Street, just behind their church area.

23 And we're proposing that from 1:00 a.m. to  
24 6:00 a.m. There would be no parking in that  
25 particular lot to avoid any nuisances that might

1 occur. And this is at the request, I think, of  
2 the church.

3 Does anybody have a deep desire to park in  
4 the parking lot behind the Methodist Church  
5 between 1:00 a.m. to 6:00 a.m.?

6 (No response.)

7 SUPERVISOR CARDINALE: Good. In  
8 that case, I call for public comments.

9 I note at 7:23, we opened. It is now 7:24.

10 I'm going to leave this open for written  
11 comments through Friday, the 27th at 4:30 p.m.  
12 to the Town Clerk, and close this hearing.

13 This means that we have completed the  
14 hearings and we've completed whatever comment  
15 was forthcoming in regard to the resolutions,  
16 which we can now consider, unless anybody would  
17 like to make any further comments on the  
18 resolutions.

19 And then after the resolutions I will open  
20 it up for any general comment, and then go home  
21 and eat dinner.

22 Would you call the resolutions, please?

23 MS. WILHELM: The first  
24 resolution is a CDA resolution.

25 SUPERVISOR CARDINALE: I'm going

1 to adjourn the meeting of the Town Board for a  
2 moment to open up the meeting of the Town Board  
3 sitting as the CDA; Community Development  
4 Agency, and ask that you call that number 4 of  
5 the CDA.

6 MS. WILHELM: I will read that  
7 for Chris, he's not going to be here tonight.

8 CDA Resolution number 4, accepting request  
9 to extend the due diligence period for  
10 additional two weeks pursuant to the Agreement  
11 of Sale, dated October 2, 2007, with Repcal LLC.

12 COUNCILWOMAN BLASS: So moved.

13 COUNCILMAN DUNLEAVY: And  
14 seconded.

15 SUPERVISOR CARDINALE: Moved and  
16 seconded. Vote, please.

17 MS. WILHELM: Buckley.

18 COUNCILMAN BUCKLEY: Yes.

19 MS. WILHELM: Dunleavy.

20 COUNCILMAN DUNLEAVY: Yes.

21 MS. WILHELM: Blass.

22 COUNCILWOMAN BLASS: Yes.

23 MS. WILHELM: Cardinale.

24 SUPERVISOR CARDINALE: Yes.

25 MS. WILHELM: Resolution

1       adopted.

2                       SUPERVISOR CARDINALE:  There is  
3       another resolution that Barbara has pointed out  
4       and I'm not certain, and I don't have a CDA  
5       director, but you may not be able to tell.

6               But this resolution which is number 125 in  
7       the Town Board Resolutions, establishes a  
8       budget.  And I think it is okay, but take a look  
9       at it Mr. McCormick.  It's Community  
10      Development, but it's setting up a budget.  But  
11      we think it might be a CDA rather than a Town  
12      Board Resolution (handing).

13              So, think about that and we can always  
14      pass it as both or either.  And see if you can  
15      find an answer for me while we pass the other  
16      ones.

17              Do you want to start the call of the Town  
18      Board Resolutions, and we'll just hold that one  
19      in abeyance while you check whether that should  
20      be CDA or Town Board?

21                      MS. WILHELM:  Resolution number  
22      119.

23                      COUNCILMAN DUNLEAVY:  Accepting  
24      request to extend the due diligence period for  
25      an additional two weeks pursuant to the

1 Agreement of Sale dated October 2, 2007 with  
2 Repcal LLC. So moved.

3 SUPERVISOR CARDINALE: I want to  
4 make certain that it's on the record that we  
5 closed the CDA meeting for the moment, and  
6 reopened the Town Board meeting at 7:26. And we  
7 have a moving for the first resolution.

8 Second, please.

9 COUNCILMAN BUCKLEY: Seconded.

10 SUPERVISOR CARDINALE: Moved and  
11 seconded. Vote, please.

12 MS. WILHELM: Buckley.

13 COUNCILMAN BUCKLEY: Yes.

14 MS. WILHELM: Dunleavy.

15 COUNCILMAN DUNLEAVY: Yes.

16 MS. WILHELM: Blass.

17 COUNCILWOMAN BLASS: Yes.

18 MS. WILHELM: Cardinale.

19 SUPERVISOR CARDINALE: Yes.

20 MS. WILHELM: Resolution

21 adopted.

22 Resolution number 120.

23 COUNCILMAN BUCKLEY: Bond

24 resolution subject to Permissive Referendum

25 authorizing the reconstruction of roads in and

1 for the Town of Riverhead, Suffolk, New York, at  
2 a maximum estimated cost of \$1,500,000.00, and  
3 authorizing the issuance of \$1,500,000.00 of  
4 bonds of said Town to pay the cost thereof.

5 So moved.

6 COUNCILWOMAN BLASS: And  
7 seconded.

8 SUPERVISOR CARDINALE: Moved and  
9 seconded. Vote, please.

10 MS. WILHELM: Buckley.

11 COUNCILMAN BUCKLEY: Yes.

12 MS. WILHELM: Dunleavy.

13 COUNCILMAN DUNLEAVY: Yes.

14 These are roads in Wading River. So, some of  
15 those roads really do need to be paved. So, I  
16 vote yes.

17 MS. WILHELM: Blass.

18 COUNCILWOMAN BLASS: Yes.

19 MS. WILHELM: Cardinale.

20 SUPERVISOR CARDINALE: Yes.

21 MS. WILHELM: Resolution

22 adopted.

23 Resolution 121.

24 COUNCILWOMAN BLASS: The budget  
25 adoption in connection with the sewer extension

1 to Apple Honda. So moved.

2 COUNCILMAN DUNLEAVY: Seconded.

3 SUPERVISOR CARDINALE: Moved and  
4 seconded. Vote, please.

5 MS. WILHELM: Buckley.

6 COUNCILMAN BUCKLEY: Yes.

7 MS. WILHELM: Dunleavy.

8 COUNCILMAN DUNLEAVY: Yes.

9 MS. WILHELM: Blass.

10 COUNCILWOMAN BLASS: Yes.

11 MS. WILHELM: Cardinale.

12 SUPERVISOR CARDINALE: Yes.

13 MS. WILHELM: Resolution

14 adopted.

15 Resolution 122.

16 COUNCILMAN DUNLEAVY: Heating,  
17 ventilation and air conditioning system Senior  
18 Center capital improvement project budget  
19 adoption. So moved.

20 COUNCILMAN BUCKLEY: Seconded.

21 SUPERVISOR CARDINALE: Moved and  
22 seconded. Everyone vote.

23 MS. WILHELM: Buckley.

24 COUNCILMAN BUCKLEY: Yes.

25 MS. WILHELM: Dunleavy.

1 COUNCILMAN DUNLEAVY: Yes.  
2 MS. WILHELM: Blass.  
3 COUNCILWOMAN BLASS: Yes.  
4 MS. WILHELM: Cardinale.  
5 SUPERVISOR CARDINALE: Yes.  
6 This is an important improvement to the center.  
7 I vote yes.  
8 MS. WILHELM: Resolution  
9 adopted.  
10 Resolution 123.  
11 COUNCILMAN BUCKLEY:  
12 Intergenerational Program budget adjustment. So  
13 moved.  
14 COUNCILWOMAN BLASS: And  
15 seconded.  
16 SUPERVISOR CARDINALE: Moved and  
17 seconded. Vote, please.  
18 MS. WILHELM: Buckley.  
19 COUNCILMAN BUCKLEY: Yes.  
20 MS. WILHELM: Dunleavy.  
21 COUNCILMAN DUNLEAVY: Yes.  
22 MS. WILHELM: Cardinale.  
23 SUPERVISOR CARDINALE: Yes.  
24 MS. WILHELM: Resolution  
25 adopted.

1 Resolution 124.

2 COUNCILWOMAN BLASS: The budget  
3 adjustment for the Water District Capital  
4 project for repainting water tanks, Plant  
5 numbers 8 and 9. So moved.

6 COUNCILMAN DUNLEAVY:; and  
7 seconded.

8 SUPERVISOR CARDINALE: Moved and  
9 seconded. Vote, please.

10 MS. WILHELM: Buckley.

11 COUNCILMAN BUCKLEY: Yes.

12 MS. WILHELM: Dunleavy.

13 COUNCILMAN DUNLEAVY: Yes.

14 MS. WILHELM: Blass.

15 COUNCILWOMAN BLASS: Yes.

16 MS. WILHELM: Cardinale.

17 SUPERVISOR CARDINALE: Yes.

18 MS. WILHELM: Resolution

19 adopted.

20 Resolution 125.

21 COUNCILMAN DUNLEAVY::

22 Residential emergency home repair fund budget  
23 adoption. So moved.

24 COUNCILWOMAN BLASS: Seconded.

25 MR. McCORMICK: I'm going to

1 table this.

2 SUPERVISOR CARDINALE: Motion to  
3 table?

4 COUNCILMAN DUNLEAVY: Motion to  
5 table it.

6 COUNCILMAN BUCKLEY: I'll second  
7 it.

8 SUPERVISOR CARDINALE: Moved and  
9 seconded to table. May we have a vote?

10 MS. WILHELM: Buckley.

11 COUNCILMAN BUCKLEY: Yes.

12 MS. WILHELM: Blass.

13 COUNCILWOMAN BLASS: Yes.

14 MS. WILHELM: Dunleavy.

15 COUNCILMAN DUNLEAVY: Yes, to  
16 table.

17 MS. WILHELM: Cardinale.

18 SUPERVISOR CARDINALE: Yes.

19 MS. WILHELM: The resolution is  
20 tabled.

21 Resolution 126.

22 COUNCILMAN BUCKLEY: Appoints a  
23 member to the Town of Riverhead. Suffolk County  
24 Empire Zone Administrative Board. So moved.

25 COUNCILWOMAN BLASS: And

1 seconded.

2 SUPERVISOR CARDINALE: Moved and  
3 seconded. Vote, please.

4 MS. WILHELM: Buckley.

5 COUNCILMAN BUCKLEY: Yes.

6 MS. WILHELM: Dunleavy.

7 COUNCILMAN DUNLEAVY: Yes.

8 MS. WILHELM: Cardinale.

9 SUPERVISOR CARDINALE: Yes.

10 MS. WILHELM: Resolution  
11 adopted.

12 Resolution 127.

13 COUNCILWOMAN BLASS: Approves  
14 the transfer of a public safety dispatcher. So  
15 moved.

16 COUNCILMAN DUNLEAVY: And  
17 seconded.

18 SUPERVISOR CARDINALE: Moved and  
19 seconded. Vote, please.

20 MS. WILHELM: Buckley.

21 COUNCILMAN BUCKLEY: Yes.

22 MS. WILHELM: Dunleavy.

23 COUNCILMAN DUNLEAVY: Yes. And  
24 I wish him very well.

25 MS. WILHELM: Blass.

1 COUNCILWOMAN BLASS: Yes. We  
2 thank you for your services, and good luck to  
3 you.

4 MS. WILHELM: Cardinale.

5 SUPERVISOR CARDINALE: Similar  
6 best wishes. And I vote yes.

7 MS. WILHELM: Resolution  
8 adopted.

9 Resolution 128.

10 COUNCILMAN DUNLEAVY: Authorizes  
11 one police department employee to the New York  
12 State Crime Prevention Coalition Course. So  
13 moved.

14 COUNCILMAN BUCKLEY: Seconded.

15 SUPERVISOR CARDINALE: Moved and  
16 seconded. Vote, please.

17 MS. WILHELM: Buckley.

18 COUNCILMAN BUCKLEY: Yes.

19 MS. WILHELM: Dunleavy.

20 COUNCILMAN DUNLEAVY: Yes.

21 MS. WILHELM: Blass.

22 COUNCILWOMAN BLASS: Yes.

23 MS. WILHELM: Cardinale.

24 SUPERVISOR CARDINALE: Yes.

25 MS. WILHELM: Resolution

1 adopted.

2 Resolution 129.

3 COUNCILMAN BUCKLEY: Appoints a  
4 member to the Energy Advisory Committee. So  
5 moved.

6 COUNCILWOMAN BLASS: And  
7 seconded.

8 SUPERVISOR CARDINALE: Moved and  
9 seconded. Vote, please.

10 MS. WILHELM: Buckley.

11 COUNCILMAN BUCKLEY: Yes.

12 MS. WILHELM: Dunleavy.

13 COUNCILMAN DUNLEAVY: Yes.

14 MS. WILHELM: Blass.

15 COUNCILWOMAN BLASS: Yes.

16 MS. WILHELM: Cardinale.

17 SUPERVISOR CARDINALE: Yes.

18 MS. WILHELM: Resolution is

19 adopted.

20 Resolution 130.

21 COUNCILWOMAN BLASS:

22 Authorization to publish advertisement for  
23 sludge cake, grit and screenings removal. So  
24 moved.

25 COUNCILMAN DUNLEAVY: And

1 seconded.

2 SUPERVISOR CARDINALE: Moved and  
3 seconded. Vote, please.

4 MS. WILHELM: Buckley.

5 COUNCILMAN BUCKLEY: Yes.

6 MS. WILHELM: Dunleavy.

7 COUNCILMAN DUNLEAVY: Yes.

8 MS. WILHELM: Blass.

9 COUNCILWOMAN BLASS: Yes.

10 MS. WILHELM: Cardinale.

11 SUPERVISOR CARDINALE: Yes.

12 MS. WILHELM: Resolution

13 adopted.

14 Resolution 131.

15 COUNCILMAN DUNLEAVY:

16 Authorizes the Supervisor to execute a pest  
17 control agreement. And I hope he doesn't use it  
18 on us. So moved.

19 (Laughter.)

20 COUNCILMAN BUCKLEY: Seconded.

21 SUPERVISOR CARDINALE: Moved and  
22 seconded. Vote, please.

23 MS. WILHELM: Buckley.

24 COUNCILMAN BUCKLEY: Yes.

25 MS. WILHELM: Dunleavy.

1 COUNCILMAN DUNLEAVY: Yes.

2 MS. WILHELM: Blass.

3 COUNCILWOMAN BLASS: Yes.

4 MS. WILHELM: Cardinale.

5 SUPERVISOR CARDINALE: Yes.

6 MS. WILHELM: Resolution

7 adopted.

8 Resolution 132.

9 COUNCILMAN BUCKLEY: Authorizes  
10 publication of display ad, reference the  
11 attendance at Suffolk County Police Academy.  
12 This is for part-time police officers. So  
13 moved.

14 COUNCILWOMAN BLASS: And  
15 seconded.

16 SUPERVISOR CARDINALE: Moved and  
17 seconded. Vote, please.

18 MS. WILHELM: Buckley.

19 COUNCILMAN BUCKLEY: Yes.

20 MS. WILHELM: Dunleavy.

21 COUNCILMAN DUNLEAVY: Yes. This  
22 is for anyone who wants to be a part-time police  
23 officer. The academy is open to them, and they  
24 pay for their training, and then they become  
25 part-time police officer with the Town of

1 Riverhead.

2 So, if anyone is out there that wants to  
3 be one, this is the opportunity to submit your  
4 application. I vote yes.

5 MS. WILHELM: Blass.

6 COUNCILWOMAN BLASS: Yes.

7 MS. WILHELM: Cardinale.

8 SUPERVISOR CARDINALE: Yes.

9 MS. WILHELM: Resolution  
10 adopted.

11 Resolution 133.

12 COUNCILWOMAN BLASS: Approves  
13 the Chapter 90 application of the East End Olds  
14 Club for car show and swap meet. So moved.

15 COUNCILMAN DUNLEAVY: And  
16 seconded.

17 SUPERVISOR CARDINALE: Moved and  
18 seconded. Vote, please.

19 MS. WILHELM: Buckley.

20 COUNCILMAN BUCKLEY: Yes.

21 MS. WILHELM: Dunleavy.

22 COUNCILMAN DUNLEAVY: Yes.

23 MS. WILHELM: Blass.

24 COUNCILWOMAN BLASS: Yes.

25 MS. WILHELM: Cardinale.

1 SUPERVISOR CARDINALE: Yes.

2 MS. WILHELM: Resolution

3 adopted.

4 Resolution 134.

5 COUNCILMAN DUNLEAVY: I would  
6 like to table Resolution 134 and 135. So moved.

7 COUNCILMAN BUCKLEY: Seconded.

8 SUPERVISOR CARDINALE: Moved and  
9 seconded to table number 134 and 135. Vote,  
10 please.

11 MS. WILHELM: Buckley.

12 COUNCILMAN BUCKLEY: Yes.

13 MS. WILHELM: Dunleavy.

14 COUNCILMAN DUNLEAVY: Yes.

15 MS. WILHELM: Blass.

16 COUNCILWOMAN BLASS: Yes.

17 MS. WILHELM: Cardinale.

18 SUPERVISION CARDINALE: Yes.

19 MS. WILHELM: Resolution tabled.

20 Resolution 136.

21 COUNCILWOMAN BLASS: Mrs.

22 (inaudible), we have not actually had a chance  
23 to read this before today. We did not have it  
24 at work session. If it's not time sensitive I  
25 would like to table it.

1 SUPERVISOR CARDINALE: Yeah, I  
2 don't think it is. Dan, do you know if Ann  
3 Marie just finished it?

4 MR. McCORMICK: I'm not familiar  
5 with it.

6 SUPERVISOR CARDINALE: Yeah, we  
7 can table it. It's a one year agreement, and we  
8 can discuss it tomorrow at work session. I don't  
9 believe it is sensitive to time.

10 COUNCILMAN DUNLEAVY: I second to  
11 table.

12 SUPERVISOR CARDINALE: Moved and  
13 seconded to table. May we have a vote to table?

14 MS. WILHELM: Buckley.

15 COUNCILMAN BUCKLEY: Yes.

16 MS. WILHELM: Dunleavy.

17 COUNCILMAN DUNLEAVY: Yes to  
18 table.

19 MS. WILHELM: Blass.

20 COUNCILWOMAN BLASS: Yes.

21 MS. WILHELM: Cardinale.

22 SUPERVISOR CARDINALE: Yes.

23 MS. WILHELM: Resolution to  
24 table.

25 Resolution 137.

1 COUNCILMAN DUNLEAVY: Grants  
2 special use permit for Gerald Simone, Gendot  
3 Associates, age restricted retirement community.  
4 So moved.

5 COUNCILMAN BUCKLEY: Seconded.

6 SUPERVISOR CARDINALE: Moved and  
7 seconded. Vote, please.

8 MS. WILHELM: Buckley.

9 COUNCILMAN BUCKLEY: Yes.

10 MS. WILHELM: Dunleavy.

11 COUNCILMAN DUNLEAVY: Yes.

12 MS. WILHELM: Blass.

13 COUNCILWOMAN BLASS: Yes.

14 MS. WILHELM: Cardinale.

15 SUPERVISOR CARDINALE: Yes.

16 MS. WILHELM: Resolution

17 adopted.

18 Resolution 138.

19 COUNCILMAN BUCKLEY: Authorizes  
20 one police department employee to transport the  
21 vehicle weight scale to Syracuse for  
22 calibration. So moved.

23 COUNCILWOMAN BLASS: And

24 seconded.

25 SUPERVISOR CARDINALE: Moved and

1 seconded. Vote, please.

2 MS. WILHELM: Buckley.

3 COUNCILMAN BUCKLEY: Yes.

4 MS. WILHELM: Dunleavy.

5 COUNCILMAN DUNLEAVY: Yes.

6 MS. WILHELM: Blass.

7 COUNCILWOMAN BLASS: Yes.

8 MS. WILHELM: Cardinale.

9 SUPERVISOR CARDINALE: Yes.

10 MS. WILHELM: Resolution

11 adopted.

12 Resolution 139.

13 COUNCILWOMAN BLASS: Awards bid

14 for water service materials for use in the

15 Riverhead Water District. So moved.

16 COUNCILMAN DUNLEAVY: And

17 seconded.

18 SUPERVISOR CARDINALE: Moved and

19 seconded. Vote, please.

20 MS. WILHELM: Buckley.

21 COUNCILMAN BUCKLEY: Yes.

22 MS. WILHELM: Dunleavy.

23 COUNCILMAN DUNLEAVY: Yes.

24 MS. WILHELM: Blass.

25 COUNCILWOMAN BLASS: Yes.

1 MS. WILHELM: Cardinale.

2 SUPERVISOR CARDINALE: Yes.

3 MS. WILHELM: Resolution

4 adopted.

5 Resolution 140.

6 COUNCILMAN DUNLEAVY: Authorizes

7 Supervisor to execute retainer agreement with

8 Mary C. Hartill, Esq. Of the Law Firm of

9 Saladino & Hartill, LLP, for legal services,

10 Riverhead Youth Court. So moved.

11 COUNCILMAN BUCKLEY: Seconded.

12 SUPERVISOR CARDINALE: Moved and

13 seconded. Vote, please.

14 MS. WILHELM: Buckley.

15 COUNCILMAN BUCKLEY: Yes.

16 MS. WILHELM: Dunleavy.

17 COUNCILMAN DUNLEAVY: Yes.

18 MS. WILHELM: Blass.

19 COUNCILWOMAN BLASS: Yes.

20 MS. WILHELM: Cardinale.

21 SUPERVISOR CARDINALE: Yes.

22 MS. WILHELM: Resolution

23 adopted.

24 Resolution 141.

25 COUNCILMAN BUCKLEY: Motion to

1 pay bills.

2 COUNCILWOMAN BLASS: And  
3 seconded.

4 SUPERVISOR CARDINALE: Moved and  
5 seconded. Vote, please.

6 MS. WILHELM: Buckley.

7 COUNCILMAN BUCKLEY: Yes.

8 MS. WILHELM: Dunleavy.

9 COUNCILMAN DUNLEAVY: Yes.

10 MS. WILHELM: Blass.

11 COUNCILWOMAN BLASS: Yes.

12 MS. WILHELM: Cardinale.

13 SUPERVISOR CARDINALE: Yes.

14 MS. WILHELM: Resolution  
15 adopted.

16 COUNCILMAN DUNLEAVY: I have one  
17 more, taken off the floor. What number would  
18 that be?

19 MS. WILHELM: That would be  
20 number 142.

21 COUNCILMAN DUNLEAVY: 142. We  
22 had a audit done by an outside consultant of the  
23 books of the Town of Riverhead.

24 Because the books were not in proper  
25 order, it took them a little longer for him to

1 certify our books. This was discussed and he  
2 worked over \$100,000.00 worth of time, so we  
3 could get our books certified for the Town of  
4 Riverhead.

5 We negotiated an agreement with him for  
6 \$30,000.00 for settlement. This resolution is  
7 to pay the \$30,000.00 for the settlement for him  
8 to certify the books for the Town of Riverhead.

9 So, an amendment to 207 audit financial  
10 statement fees. So moved.

11 COUNCILMAN BUCKLEY: I'll second.

12 SUPERVISOR CARDINALE: Moved and  
13 seconded. Vote, please.

14 MS. WILHELM: Buckley.

15 COUNCILMAN BUCKLEY: I spoke to  
16 Bill Rosart (phonetic) today at length about  
17 this. It is his strong recommendation that we  
18 do approve this.

19 So based on that I vote yes.

20 MS. WILHELM: Dunleavy.

21 COUNCILMAN DUNLEAVY: Yes.

22 MS. WILHELM: Blass.

23 COUNCILWOMAN BLASS: Yes, I  
24 spoke with Bill during an executive session, as  
25 well as private conversation today, and I feel

1 comfortable that he's making the right  
2 recommendation, and that it's the proper thing  
3 for us to do.

4 My vote is yes.

5 MS. WILHELM: Cardinale.

6 SUPERVISOR CARDINALE: As the  
7 Board notes, I disagree with their position on  
8 this. I also disagree -- I don't disagree with  
9 anything they just said, I believe it is all  
10 accurate.

11 The financial director does recommend it.  
12 However, I see the facts as follows:

13 I don't believe there is any legal  
14 obligation to add \$30,000.00 to the agreed  
15 \$135,000.00 fee for this matter, which was the  
16 annual audit by an outside firm.

17 The firm is a good firm. We wanted to go  
18 with this firm. And we signed an agreement with  
19 this firm which includes in part this line, "We  
20 agree that our gross fee, including expenses,  
21 will not exceed \$135,000.00".

22 So, I don't believe legally we are under  
23 any obligation to give them another thirty,  
24 because it took them longer than they  
25 anticipated. I don't believe that under those

1       circumstances, we should spend, particularly in  
2       these difficult times, and additional  
3       \$30,000.00.

4               Furthermore, I don't believe in any  
5       equitable sense, we should pay this \$30,000.00  
6       to the \$135,000.00.

7               I note that the fee schedule for these  
8       accountants, just as it is with lawyers, is  
9       quite high. Partners get \$325.00 an hour.  
10      Principals \$250.00 we did negotiate them down 17  
11      percent of that, so it would be \$225.00 and  
12      \$175.00, respectively. But the point is, if we  
13      don't give them this, then they actually on this  
14      assignment may have made \$175.00 or \$150.00.

15              As a professional practicing in this  
16      community before I became Supervisor, it was  
17      not infrequent that I took a deal for a flat  
18      fee, not to exceed. And I see Mr. Secunda  
19      (phonetic) out there, he's seeing the same  
20      thing.

21              And you honor that deal. You show the  
22      client just as they've done a hundred or more  
23      hours, more than they anticipated, but you don't  
24      change the fee. You simply eat it and say " I  
25      would like to keep your account".

1           This is in no sense of the word, a true  
2           settlement agreement because no litigation was  
3           threatened or commenced. What they really said  
4           is, "We want to keep your account and if you are  
5           not too offended, would you give us a break and  
6           give us thirty of the hundred that we hoped we  
7           would make".

8           Well, if they were to threaten me with  
9           litigation, I would not use this firm again.  
10          They know that. They are never going to  
11          litigate. So, I think this is a \$30,000.00  
12          gift, which I would not make.

13          I vote no.

14                           MS. WILHELM: Resolution is  
15          adopted.

16                           SUPERVISOR CARDINALE: That's  
17          the last resolution.

18          I would give the opportunity for any other  
19          comments. If there is any general comments,  
20          please come forth. If there is not, don't. I  
21          will go home and eat dinner.

22          So, I'm going to do that, and I'll go talk  
23          to my friends in the back there. And I thank  
24          you for coming out.

25          We'll be here 10:00 tomorrow morning for a

1 work session. And I'm sure that will be its  
2 normal fun time.

3 Thank you.

4 COUNCILMAN DUNLEAVY: Thank you.

5 COUNCILMAN BUCKLEY: Thank you.

6 (Whereupon, the above proceeding  
7 was concluded.)

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C E R T I F I C A T E

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I, Peggy Schiefer, a Court Reporter  
and Notary Public in and for the State of New  
York, do hereby certify:

THAT, the foregoing contains a true  
and correct transcription of the audio CD, to  
the best of my abilities.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 10th day of March, 2009.

  
PEGGY SCHIEFER