

2/22/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Wednesday, February 22, 2006 at 7:00 p.m.

Present:

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

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Absent:

Barbara Grattan,	Town Clerk
------------------	------------

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "February 23rd— that's it— 22nd excuse me, February 22nd Town Board meeting to order and begin with the Pledge of Allegiance which— Vince, why don't you lead us?"

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

Supervisor Cardinale: "Okay. Is the Rottkamp family here? Would you please come up and let's go down and greet them.

It's appropriate that this evening just as we're about to begin the hearing for the purchase of some farmland from the Harbes family that we take a moment to honor Jake Rottkamp and the Rottkamp family who have been very, very helpful to this town over a long number of years in our farmland preservation program and particularly in general.

So I'd like to— on behalf of the town board, read this proclamation which as with so many things in life, we should have given it last year, we didn't get to it so we're doing it posthumously for Jake and it reads as follows:

WHEREAS, it is fitting and proper for the town of Riverhead to recognize the contributions of those who have helped to better our community. The town posthumously recognizes the late Jacob Rottkamp, owner of the Fox Hollow Farm in Calverton;

2/22/2006 minutes

WHEREAS, Mr. Rottkamp fondly known as the Corn King was named Farmer of the Year, the Grand Marshall of the Riverhead Agricultural Heritage Parade; and

WHEREAS, Mr. Rottkamp served on various farming organizations including the Town of Riverhead Farmland Preservation Committee, the Long Island Farm Bureau which he served as Vice-President and Treasurer, Suffolk County Farm Preservation Committee, Cornell Cooperative Extension, and the Long Island Antique Power Association; and

WHEREAS, Mr. Rottkamp also served the religious community as an usher for St. John the Evangelist Roman Catholic Church and aided in that Church's restoration; and

WHEREAS, because of Jake's pride and love of the land his legacy will live on due to his dedication to agriculture and the preservation of Long Island, the Town of Riverhead is a better place for all of us here today.

THEREFORE, BE IT RESOLVED, that I Phil Cardinale, Supervisor of the Town of Riverhead, with my town board express our deepest appreciation and that of the entire board to the family.

We are going to try and get your son on one of these boards soon so he's got to be prepared to- okay, thank you.

Yes. Okay. We have a couple of- if I can find the top of my program, here it is, it's got to be in here someplace. Well, it was in there.

So we'd like to approve initially the minutes of the town board meeting of February 7th and the public hearing of February 15th. Do we have those?"

Councilman Densieski: "So moved."

Supervisor Cardinale: "Okay. Second please."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Second to approve the minutes of the board meeting of the 7th and the public hearing of the 15th regarding the Wal-Mart store."

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

Councilman Densieski: "I'm going to abstain. I wasn't here for the Wal-Mart hearing."

2/22/2006 minutes

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

Supervisor Cardinale: "Yes."

Barbara Grattan: "The minutes and public hearing are approved."

Supervisor Cardinale: "May we have the Reports, please?"

Barbara Grattan: "Sure."

REPORTS:

Receiver of Taxes
Total collections to date
\$54,222,219.82

Town Historian
Annual report for 2005

Sewer District
Discharge monitoring
report
for January, 2006

Police Department
Monthly report for
January,
2006

Jamesport Fire District
Annual financial report
for
year 2005

Open Bid Reports
Work clothes - opened
2/9/06
Three bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. Applications, please."

APPLICATIONS

Special Permit
Mitchell Meyerson -
corner of
Roanoke Avenue & Duryea Street
convert to a medical office

2/22/2006 minutes

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

Service

Aparo Crane & Cesspool
Regarding bid opening

Greg Fischer
Regarding request for
community representation at a
meeting of EDDA and the Town
scheduled for February 17,
2006

Sal Mastropolo
Regarding recreation fees

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you, Barbara. And welcome back."

Barbara Grattan: "What?"

Supervisor Cardinale: "Weren't you away last week? We missed you."

Barbara Grattan: "I bet you did."

Supervisor Cardinale: "We have three public hearings scheduled, the first to begin at 7:05 and it is now 7:13, so we'll call it."

Public hearing opened: 7:13 p.m.

Supervisor Cardinale: "For the consideration of a proposed local law to amend Chapter 52 Building Construction. Could you tell us what this is about, Dawn?"

Dawn Thomas: "Yes. Sorry. This public hearing is to consider a local law which would amend Chapter 52 which is our building construction code to add fees for agricultural buildings, specifically farm buildings constructed solely for the purpose of wholesale agricultural use. A flat fee of \$200.00 would be applied for building permit construction of 2,000 square foot or less. Structures larger than 2,000 square foot would be \$.06 per square foot in addition to the flat fee."

2/22/2006 minutes

This amendment would also apply a nunc pro tunc to any building which was issued a permit under the ag building discount for any building which was subsequently used for non-agricultural use at a later day. So it reinstates the— it would create a penalty for buildings that were subsequently used for non-agricultural purposes who had taken advantage of the reduced fee.

And in addition, this amendment would add a flat fee for the building permits for the construction of any residential or commercial energy conservation device such as solar panels. That would be a flat fee of \$150.00."

Supervisor Cardinale: "Okay, thank you. Is there any public comment in regard to those proposed changes in the local law? Please come up."

Nancy Dillingham: "I'm Nancy Dillingham. I live in Aquebogue on Shade Tree Lane. And I was the one that came to talk to Barbara Blass about solar power. I just had solar installed on my house. LIPA gives you a rebate, the federal government gives you a tax credit, the state government gives you a tax credit, and the county and the state give you— there are no sales tax. And the town doesn't do anything. They charge me \$985.00 for a building permit. And I was a little concerned about that. So I came up and spoke.

And if you pass this, which I hope you will, that you might consider retroactively for a period of a few months or a year."

Supervisor Cardinale: "We also— there was another person that's also caught in that between so we might— we can consider that, and we will."

Nancy Dillingham: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment? Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. I sent an e-mail to the town board."

Supervisor Cardinale: "Yes, I got it."

Sal Mastropolo: "Regarding this with a schedule and I'd like to know what you did about the schedule and if you accepted my recommendations or if you want me to discuss it again in public."

Supervisor Cardinale: "I have your memo. It was very thoughtful and but it would be well to read it into the record."

2/22/2006 minutes

Sal Mastropolo: "Okay. Dear Members of the Riverhead Town Board: Please accept the following comments and suggestions as my preliminary input to the scheduled public hearing on the subject building permit fees. I am providing these comments so you have sufficient time to investigate them prior to the public hearing.

No. 1 - Section 52-10 C3B previously included plastic greenhouses and has been deleted. The new proposed section D-1 addresses permanent greenhouses but makes no mention of plastic greenhouses or temporary greenhouses. The proposed code needs to include a section that specifically addresses plastic and temporary greenhouses. Failure to do so will make the new code vague.

No. 2 - Section 52-10 D1 states a flat fee of \$200.00 for any structure 2,000 square feet or less. For structures larger than 2,000 square feet, \$.06 per square foot in addition to the flat fee. This is vague in that it begs the question is the \$.06 per square foot on the entire square footage of the proposed building or just the square footage above the initial 2,000 square feet?

Section C needs to be clarified also in that the \$12.00 per \$1,000 of construction costs, assuming \$40.00 per square foot of construction costs is for the construction costs after the initial \$1,000? A flat fee of \$100.00 per Leroy Barnes assumes the initial construction cost of \$1,000. This may be a moot point if you accept my proposed fee structure which follows.

No. 3 - For agricultural buildings up to a maximum of 1,000 square feet, the fee is a flat \$200.00. For all agricultural buildings larger than 1,000 square feet, the fee is made up on the flat fee of \$200.00 plus \$.20 per square foot on the entire building square footage. This will provide the agricultural community with a fee structure that is generally less than 50% of the fees- fee costs assessed against a resident that wants to construct a private garage/building. See table below for examples of the comparative fee structures.

And I provided, you know, square footage starting at 500 going all the way up to a thousand. Then I went in 500 square foot increments all the way up to 2,500 and then I upped it to 2,500 square foot increments all the way up to 20,000.

The bottom line is if you look at a thousand square feet, a resident would pay 568; a farmer would pay 200. If you go up to 2,000 square feet, a resident would pay 1,048; and if you accepted my recommendation which is \$200.00 plus \$.20 a square foot, the farmer would pay 600.

2/22/2006 minutes

At 10,000 square feet, the resident would pay 4888; the farmer would pay 2200, less than 50%. At 20,000 square feet, the resident would pay 9688 and the farmer would pay \$4,200, again less than 50%.

These rates are far more equitable to both the farmer and the resident and provide a significant discount to the farmer over the present rate structure.

Please feel free to call me at 929-3058 if you would care to discuss these comments with me."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Appreciate it. Yes, sir. Please."

Bud Papish: "I just want to say two or three words here. What happened to- Reeves Avenue East and Reeves Avenue West?"

Supervisor Cardinale: "Oh, you- what I meant is in regard to this hearing we can take testimony now. But unfortunately in regard to that subject, the general subjects we've got to wait a little bit because we've got to have the hearing record include only comment on the hearing subject. So I misstated when I said come up. Yes, you can come up and talk about this hearing but not about other things."

Bud Papish: "Is that right?"

Supervisor Cardinale: "Yeah, sorry. That's the way they make me run the place."

Councilman Dunleavy: "You have to wait until after the resolutions."

Supervisor Cardinale: "Right after the resolutions I'll call up general comment and then I'll give you an opportunity to speak."

Bub Papish: "Okay. Thank you."

Supervisor Cardinale: "Thank you. Anybody have anything else to say about this particular hearing? Yes, come up, Mr. Wells."

Lyle Wells: "Good evening. Lyle Wells, Phillips Lane, Aquebogue. I'm a vegetable grower."

While I would agree with the previous speaker, I think if you think about it in a more realistic sense, the chances of a residential homeowner putting up a 10,000 square foot building is very improbable. While at the same time, farmers, a 10,000 square foot is a fairly small building in relation to an agricultural operation.

2/22/2006 minutes

And that's why I think the fee schedule was proposed to you as it's presented here at the rate that it is, because generally the construction of agricultural buildings are much larger in size and the fee schedule in a lot of cases was close to half of what the construction cost of an agricultural building was.

So that's why these rates were put in and the schedule was proposed as it was. And I would support it as it is written.

Thank you."

Supervisor Cardinale: "Thank you, Lyle."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. Is there any further comment on the first hearing? If not, I'll- it being 7:23, I'll call the hearing as closed and move to the second hearing."

Public hearing closed: 7:23 p.m.

Public hearing opened: 7:23 p.m.

Supervisor Cardinale: "Which is scheduled for 7:15. Which is for the consideration of a proposed local law to amend Chapter 108 Article XLVI - Destination Retail Center Zoning Use District Section 108-258 - Uses.

Could you tell us what this is about, please?"

Dawn Thomas: "Yeah. This proposed amendment to Chapter 108 Section 258 would add as a permitted use a car- car dealerships."

Supervisor Cardinale: "To the destination retail center-- "

Dawn Thomas: "Correct."

Supervisor Cardinale: "-- zoning. I believe this may have been an oversight from the original and we're going back to the statutes and trying to correct oversights.

Anyone have a comment about this including the car dealerships as a use within the destination retail center? Okay, if there is no comment, we will take the change under consideration and be discussing it at the work session- the next work session coming up."

Public hearing closed: 7:25 p.m.

Supervisor Cardinale: "The third hearing is schedule for 7:20 and it being 7:25, I'll close the second, open the third.

I think, Barbara, before I open that hearing you had an announcement that you wanted to make."

Councilwoman Blass: "Well, I thought that it would just be timely in that we were going to be hearing a matter having to do with preservation of lands in the town. I just wanted to remind everyone that the town, the county and the Peconic Land Trust will be sponsoring a land conservation option seminar on Wednesday March 8th from 8:00 until 2:00, with free breakfast and lunch I might add, to discuss the town's transfer of development rights program, open space and farmland preservation programs as well as the county programs.

And also have individuals on hand to answer individual questions about the appraisal process and anything else you may need to know if you are contemplating taking advantage of any of those options. So there are cards out in the lobby if anyone is interested on the further details.

I thought it was a good time to mention that. Thank you."

Public hearing opened: 7:25 p.m.

Supervisor Cardinale: "Thank you. And I'd like to now open that hearing and I believe our Deputy Town Attorney Marty Hartill is going to present it."

Mary Hartill: "Thank you. Before us is a map of the proposed lot that's under question now. It's regarding the sale of development rights of approximately 29 acres of a 35 acre parcel owned by Edward Harbes III. Four acres along Sound Avenue has been left out of the sale to accommodate future agricultural structures and improvements.

There's also two residential lots created on the north end of the property. The price is \$75,000 an acre for a total of \$2,175,000. An appraisal was updated by the Gibbon Association on December 15, 2005 and supports the price of \$78,000 an acre.

The property description is tax map number 600-8-3-5 located on the northerly side of Sound Avenue in Jamesport and is adjacent to Maidstone Landing.

And it is currently in production of pumpkins and corn."

2/22/2006 minutes

Supervisor Cardinale: "Thank you. Is there anyone here who would like to comment on this proposed purchase? Yes, sir."

Ken Ackley: "Good evening. My name is Ken Ackley and I'm at 9 Tall Tree Circle in Riverhead."

Supervisor Cardinale: "Yes."

Ken Ackley: "And I think- I'd like to say that I approve of the Board's idea of continuing trying to keep Sound Avenue more rural and this project goes along the same lines. So I'd like to tell you that I'm in favor."

Supervisor Cardinale: "Thank you. Any other comment in regard to this? Okay, we will- "

Councilman Dunleavy: "There's one more."

Supervisor Cardinale: "Yes."

Diane Tadara: "I'm Diana Tadara, Maidstone Landing, Jamesport. Can somebody explain for the \$75,000 an acre, are you going to be developing this with homes or is it going to stay preserved as a farm? I don't quite understand."

Supervisor Cardinale: "Yeah. The proposal is that the town would purchase the right- or the development rights so that the parcel could not be developed in the 30 acres that would be purchased."

Diane Tadara: "Okay."

Supervisor Cardinale: "Which would mean that that entire parcel could have no development on it except that at the front or in the two lots in the rear."

Diane Tadara: "Okay. That's all. Thank you."

Supervisor Cardinale: "Thank you. Okay. If there's no further comment on this hearing, I'd like to close this hearing at 7:28."

Public hearing closed: 7:28 p.m.

Supervisor Cardinale: "And open up the- for comment in regard to the resolutions that we're considering this evening which are 749- I'm sorry, 149 to 181. We are also going to have two add ons which I hope are available out there."

2/22/2006 minutes

182 is a budget adjustment to set up a budget for the enhancement of security at the Justice Court. And 183 authorizes the acceptance of the offer on this project we just discussed.

We are also going to consider tabled resolution 123 which we tabled last meeting which relates to the reclamation project at the old landfill. And withdraw 112 which is being considered in a different- I think it's- it's being considered in a different manner this evening by resolution.

So with those comments, I'd like to take comment. Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Resolution #149 needs a date."

Supervisor Cardinale: "149 needs a date?"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "151, 152 and 153- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- I just want to question whether '05 is right or it should be '06 on the budget adjustments, is the question. I would think the '05 budget is closed."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "So it's just a question as to whether that's a mistake or not."

Supervisor Cardinale: "150- "

Sal Mastropolo: "151, 152 and 153, all say '05 budget adjustments."

Supervisor Cardinale: "But they may- they are alluding to I think a budget which was passed on '05."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "And they're adjusting it. So that's correct."

2/22/2006 minutes

Sal Mastropolo: "All right. I just wanted to make sure."

Councilman Dunleavy: "Sal, Sal, 149 needs a time, not the date. It's the time when we approve it."

Sal Mastropolo: "No, no, no. 149, the resolution itself has no date on the top corner of it."

Councilman Dunleavy: "Oh, he means up here."

Supervisor Cardinale: "I understand. Okay."

Sal Mastropolo: "154."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "That \$28,000,000 number."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "Did that go up or down?"

Supervisor Cardinale: "That went up."

Sal Mastropolo: "By how much?"

Supervisor Cardinale: "About \$3,000,000."

Sal Mastropolo: "Is that the landfill?"

Supervisor Cardinale: "Yes, it is."

Sal Mastropolo: "All right. 155."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The second Whereas, the second line. It says with said funds for the repainting."

Councilman Bartunek: "It should be replacing. Right here. Replacing."

Supervisor Cardinale: "Okay, so we'll make that replacing. Instead of repainting. On the second Whereas."

Sal Mastropolo: "Yup. 161. The attachment. I guess my first question is— does the town assessor agree with those proposed new numbers? I know Scott De Simone recommended them. And I find one of them seems a little bit out of line. I mean 2005/2006 it went down almost 50% for Taco Bell."

2/22/2006 minutes

Supervisor Cardinale: "Yeah. I had the same question and I met with Laverne at the request of the Town Board. Laverne is here so she may wish to state something. If she does, please come forward. But she indicated that these assessments were recommended by the assessors and by the counsel— their counsel in regard to this matter. And I think she also said that she wasn't happy about it either."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "But they're settling litigations that challenge the initial number."

Sal Mastropolo: "I just hope it doesn't open up Pandora's Box in the rest of the town."

Supervisor Cardinale: "Yeah, I think we've kind of let that cat out of the bag because one of the first things I learned when I got here was that because of the differential in the increase in the values of the residential and commercial property, in the— what do they call it— in the community of lawyer who do assessment challenges, it's basically malpractice not to yearly challenge your tax. And that's not in this town, it's the entire downstate area."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "That's the long story why but they won't get any ideas because they already have them is my point."

Sal Mastropolo: "All right. 162. Exhibit A. Is that a typo for clerical?"

Supervisor Cardinale: "Is that a typo did you say?"

Sal Mastropolo: "Yeah, that's a polite way of saying aren't we getting ripped off? \$85.00 an hour for clerical? They're charging \$85.00 for a draftsperson."

Supervisor Cardinale: "Yeah, that's right. There's a problem with that rate schedule. We have had-- I think it's Exhibit A you're looking at?"

Sal Mastropolo: "Yeah, Exhibit A."

Supervisor Cardinale: "Yeah. I looked at that earlier this evening. We made it clear to Araiys that we would accept them as the engineer on this project but they would have to accept our standard rates. So that schedule of standard rates I expect to have at the work session and that they will not— we will not be signing it with that schedule. It will be less than this."

Sal Mastropolo: "Okay. 173."

2/22/2006 minutes

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The first Resolve, I think you're missing a word. The next to the last word in the line, you're missing the word notice."

Supervisor Cardinale: "The first Resolve, the Riverhead Town Board declares itself to be lead agency?"

Sal Mastropolo: "No. 173, Resolved the Town Clerk be and is hereby authorized to publish the attached public- to consider a local law."

Supervisor Cardinale: "Yeah, I was looking at 163, sorry."

Sal Mastropolo: "173."

Supervisor Cardinale: "The attached public notice, yeah. Okay, the word notice needs to be placed after public, first line."

Sal Mastropolo: "175."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is that for the basement?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "The good news, the basement and also the building department building and the good news is that it's insured so we're doing that remediation. The bad news is we don't have- Barbara just points out the bad news is we don't know how to spell remediation. So let's correct, too. The "i" should be an "e" the first."

Sal Mastropolo: "Right. 178."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Authorization to publish advertisement for outboard motors."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "For what?"

Supervisor Cardinale: "That's for that- the Bay Constable's boat. One of his engines which is I think six years old conked out at

2/22/2006 minutes

the end of last year. We declined to replace it, told him to stay out there with one, and now he's going out for the new year and he'd like engines that work.

I always wondered why in that Bay, particularly in the Riverhead portion of it, you couldn't just have one engine, to tell you the truth. Because all that's going to happen if you get stuck in the Riverhead portion of our Bay, is you're going to float to either side. I mean you're not going to the ocean, I guarantee you.

But, so we— (inaudible). We'd have to pay overtime as they float though. But that's John, being the sensible member of the (inaudible), points out that the justification for having two engines is that they use it in the sound as well."

Councilman Densieski: "That boat doesn't go to the sound. They have a Zodiac that goes to the sound."

Supervisor Cardinale: "So what do we need two engines?"

Councilman Densieski: "Well, the Bay Constable's boat stays at East Creek. I think that's what you're talking about. That doesn't go to the sound."

Supervisor Cardinale: "Well if it doesn't go to the sound maybe we could get away with one engine."

Sal Mastropolo: "Generally what you do is instead of having say a 150, you'll have two 55's. Okay? They're a little bit more economical to run. The only problem is then you're maintaining two engines. Okay?"

Supervisor Cardinale: "Exactly. Yeah."

Sal Mastropolo: "And you always fall back on one if one goes out but everybody else out there is running on one engine."

Supervisor Cardinale: "What are we looking (inaudible)."

Sal Mastropolo: "And he has a radio."

Supervisor Cardinale: "Jack, what are we looking for? Two what? Probably two 200's."

Sal Mastropolo: "Probably."

Supervisor Cardinale: "That's what they think they're going to get? Let's talk about this. Thank you."

Sal Mastropolo: "That's it."

2/22/2006 minutes

Supervisor Cardinale: "Thank you, Sal. How about one 200 and a pair of oars? Okay, good line, Ed."

Okay. That means we can now look at the resolutions unless anyone else has a comment. If you do not have a comment, we'll consider the resolutions and then take your general comment.

Could you call the resolutions, Barbara?"

Barbara Grattan: "Resolution #149, Councilman Dunleavy."

Supervisor Cardinale: "And before we do that, Barbara is pointing out, we'd like to start with the withdrawal of #112 because after we're withdrawing it, we're going to treat it differently later in the evening. So could you call that?"

Barbara Grattan: "Sure."

Resolution #112

Councilman Dunleavy: "Would like to withdraw Resolution 112, classifies action and declares lead agency and determines significance of action and site plan of Raymond Cassavado (phonetic) Zenith Building."

Supervisor Cardinale: "Okay, motion to withdraw. Second please."

Councilman Bartunek: "Seconded."

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

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

Resolution #149

Councilman Dunleavy: "Resolution 149 authorizes subject to permissive referendum, the purchase of dump trucks for the Highway Department in and for the Town of Riverhead, Suffolk County at a maximum estimated cost of \$440,000. So moved."

Councilwoman Blass: "And seconded."

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

2/22/2006 minutes

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

Councilman Densieski: "I just want to point out by doing this now we'll have them probably next October, November, just in time, so that's why we're acting on this now. Yes."

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

Resolution #150

Councilman Bartunek: "Landfill reclamation project 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 #151

Councilman Densieski: "Town of Riverhead 2005 West Land Road improvement project 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 #152

Councilwoman Blass: "This is a budget adjustment in connection with the 2005 Pulaski Street Road Improvement project budget adjustment. 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 #153

Councilman Bartunek: "2005 recreation improvement capital project budget adjustment. So moved."

2/22/2006 minutes

Councilman Dunleavy: "Second."

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

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

Resolution #154

Councilman Dunleavy: "Amends Town Board resolution 03-213. This is the landfill reclamation project. So moved."

Councilwoman Blass: "And seconded with a further amendment in the final paragraph. We should put a period after the word accounting. That last- "

Supervisor Cardinale: "Just delete it, right?"

Councilwoman Blass: "Should be deleted, will be (inaudible) upon. Doesn't pertain to this resolution. Okay, with that amendment, I will second it."

Supervisor Cardinale: "Okay. Moved and seconded as amended. Vote please."

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

Resolution #155

Councilwoman Blass: "This is an order calling for a public hearing for the replacement of the belt filter press for the Riverhead Sewer District. 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 #156

Councilman Bartunek: "Order calling public hearing Riverhead Sewer District lateral sewer main Best Western Hotel Complex. So moved."

Councilman Densieski: "Second the motion."

2/22/2006 minutes

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

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

Resolution #157

Councilman Densieski: "Approves requested leave of absence. 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 #158

Councilman Bartunek: "Ratifies the appointment of part time clerk in the nutrition department. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #159

Councilwoman Blass: "This resolution appoints K. Massoud to the Farmland Preservation Committee. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Yes. This is to fill the unexpired term of Jake Rottkamp and I think the Supervisor summed it up very well how the entire board, the community feels about all Jake's efforts and we thank him and we welcome Kareem. I vote yes."

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

Resolution #160

2/22/2006 minutes

Councilman Densieski: "Accepts the resignation of a public safety dispatcher. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "Yes. Thank you for his service."

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

Resolution #161

Councilman Bartunek: "Authorizing compromise and settlement of tax certiorari proceedings against the Town of Riverhead. 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 #162

Councilwoman Blass: "Authorizes the Supervisor to execute a contract with Araiys Design for Calverton Park Recreation project. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote yes with the amended price list when Supervisor talks to him."

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

Resolution #163

Councilman Densieski: "Classifies action and declares lead agency and refers special permit petition of Kar-McVeigh LLC (Jamesport Manor Inn) to the Planning Board. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #164

Councilman Bartunek: "Amends the site plan of Sunken Ponds Estates, Inc. 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 #165

Councilman Densieski: "Approves the amended site plan of Liz Strebel. 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 #166

Councilwoman Blass: "Approves the site plan of the Zenith Building. So moved."

Councilman Bartunek: "And seconded."

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

Councilwoman Blass: "Just a word- "

Supervisor Cardinale: "Yes."

2/22/2006 minutes

Councilwoman Blass: "-- for the board. The amended site plan is coming in tomorrow. That was per Mr. Sendlewski's discussion with this office today."

Supervisor Cardinale: "Okay, good. That was to correct that typo."

Councilwoman Blass: "Just a correction on the front, yes."

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

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

Resolution #167

Councilman Bartunek: "Accepts 5% certificate of deposit of Maryann Diliberto. 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 #168

Councilman Densieski: "Adopts a local law to amend Chapter 95 entitled Taxation of the Riverhead town code exemptions granted: veterans. So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Yes. And I think we did note that this is the maximum relief we could grant and we're taking that opportunity because of inflation having ravaged this particular exemption. It still does not bring them all the way back. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #169

2/22/2006 minutes

Councilman Bartunek: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code 108-97 Major Subdivisions. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #170

Councilman Dunleavy: "Adopts a local law to amend Chapter 95 entitled Taxation of the Riverhead town code un-remarried spouses of members of volunteer fire companies or volunteer ambulance services killed in the line of duty. And that's to give them the same exemption to the taxes as the fireman or volunteer medical officer. Yes. Oh, no. 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 #171

Councilwoman Blass: "Authorizes the Supervisor to execute a license agreement with AEROS Cultured Oyster Company to allow the installation of a floating upweller system (FLUPSY) in East Creek. 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 #172

Councilman Densieski: "Authorizes the Supervisor to execute a license agreement with Twin Fork Oyster to allow the installation of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Bartunek: "And seconded."

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

2/22/2006 minutes

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

Resolution #173

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 14 entitled Community Preservation of the Riverhead town code. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #174

Councilman Dunleavy: "Authorizes town clerk to post and publish public notice for public hearing regarding a local law to amend Chapter 108 Zoning of the Riverhead town code Supplementary Use Regulations. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Yeah. I just saw this for the first time today, I guess we didn't get a chance to discuss it. It's only for a public hearing. I did try to get a hold of Rick today to find out what the implication would be to local businesses. But I will examine that in the next couple weeks and I will vote yes to this resolution."

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

Supervisor Cardinale: "I vote yes."

Barbara Grattan: "The resolution is adopted."
Resolution #175

Councilman Densieski: "Authorization to publish an advertisement for remediation and/or restoration of town hall facilities. So moved."

Councilwoman Blass: "And seconded."

2/22/2006 minutes

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

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

Resolution #176

Councilwoman Blass: "Mr. Supervisor, I understand we're tabling this resolution pending submission of further information? Is that-- this is the transportation--"

Supervisor Cardinale: "Yes. Yeah, 176."

Councilwoman Blass: "I'd like to make a motion to table Resolution #176."

Councilman Bartunek: "I'll second that."

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

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

Resolution #177

Councilman Bartunek: "Authorizes the Supervisor to execute agreement between the Town of Riverhead and Thomas P. Parris for the entertainment/music at the senior center. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #178

Councilman Dunleavy: "Authorization for publish advertisement for outboard motor boat engines. 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."

2/22/2006 minutes

Councilwoman Blass: "Is this going to be in tomorrow's paper or did we ratify this?"

Barbara Grattan: "I don't know if it's in tomorrow' paper or not, Barbara. I'm not- I wasn't here."

Councilwoman Blass: "It indicates the 23rd."

Supervisor Cardinale: "If it isn't in the 23rd, then we should change the notice date. So let's make sure of that."

Barbara Grattan: "All right. And if it's not, then I can change the date?"

Supervisor Cardinale: "Right."

Barbara Grattan: "Okay."

Supervisor Cardinale: "And the other ones were the 17th, right?"

Barbara Grattan: "I'll check the date tomorrow."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "21st I should say. Okay, so 178 has been called and we need a vote, right?"

Barbara Grattan: "I thought we called the vote but that's okay."

Supervisor Cardinale: "Oh, you did the vote. I was going to point out also it's just for motor boat engines. We're not getting another boat."

Councilman Dunleavy: "Engines."

Barbara Grattan: "So that's going to be changed to engine?"

Councilman Dunleavy: "No, engines."

Supervisor Cardinale: "Outboard motor engines."

Barbara Grattan: "Okay."

Supervisor Cardinale: "But no boat."

Barbara Grattan: "I think I need your boat."

Supervisor Cardinale: "Yes."

2/22/2006 minutes

Barbara Grattan: "The resolution is adopted."

Resolution #179

Councilman Densieski: "Authorization to junk fixed assets. 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 #180

Councilwoman Blass: "This resolution adopts the findings statement and authorizes the town clerk to publish and post public notice of public hearing for certain zoning amendments at EPCAL- Light Industrial Zoning Use District and the Calverton Office Complex Zoning Use District. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I thought we were going to get a copy of this zoning. I never received a copy of the zoning."

Supervisor Cardinale: "That's right. Yeah, and I had the same- this is simply adopting the finding statement but they do not attach- didn't attach the zoning."

Councilman Dunleavy: "No."

Councilwoman Blass: "We're going to hearing on the zoning."

Supervisor Cardinale: "Yeah. We're actually just going to hearing. I can get you a copy of it but the code revision committee reported it out- "

Richard Hanley: "If you read- is there an attached notice on that?"

Councilwoman Blass: "Yes. And it says--"

2/22/2006 minutes

Richard Hanley: "Because it indicates when it can be inspected at the town clerk's office. We're still working on the details on the map."

Supervisor Cardinale: "It has to be 10 days- it has to be by the 27th."

Richard Hanley: "Whatever the 27th- the 28th it should say?"

Supervisor Cardinale: "The 27th is Monday. It has to be available by Monday."

Richard Hanley: "Okay."

Supervisor Cardinale: "John wants to see it too."

Councilman Dunleavy: "I want to see it too. Yes."

Supervisor Cardinale: "We can show you an early draft."

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

Resolution #181

Barbara Grattan: "Resolution #181 is to pay bills."

Councilman Dunleavy: "181 to pay bills."

Councilman Densieski: "Seconded."

(Some inaudible discussion among the board members)

Supervisor Cardinale: "The hearing isn't going to be until the 21st so actually it doesn't have to (inaudible) until the 9th is what was just being pointed out. Okay."

Barbara Grattan: "All right, it's (inaudible). Shall we call a vote?"

Supervisor Cardinale: "Okay, we're going to call a vote."

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

Resolution #182

2/22/2006 minutes

Barbara Grattan: "182 is the budget adjustment. Councilman Bartunek."

Supervisor Cardinale: "This is budget adjustment to permit the enhancement of the security at the Justice Court."

Councilman Dunleavy: "I'd like to move the budget adjustment from the approved fund balance to the police court complex security services. So moved."

Councilman Bartunek: "I'll second that."

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

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

Resolution #183

Barbara Grattan: "Resolution #183 is for Harbes. Councilwoman Blass."

Councilwoman Blass: "This resolution accepts the offer of sale of development rights from Edward Harbes III. So moved"

Councilman Dunleavy: "Second."

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

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

Barbara Grattan: "Now we have the tabled resolution which is Resolution #123."

Supervisor Cardinale: "We need to take it off the table. Motion to take it off the table, please."

Councilman Dunleavy: "Ed?"

Councilman Densieski: "One second, John."

Barbara Grattan: "Are you taking it off the table?"

Councilman Densieski: "Hold on one second, Barbara, please. Discussion, Supervisor."

Supervisor Cardinale: "Yes, go right ahead."

Councilman Densieski: "So what was the— what did we finally decide with this?"

2/22/2006 minutes

Supervisor Cardinale: "The Resolved-- if you look at the Whereas, what the board is doing here and I think the board has indicated in discussion with Eisler and others, that we would like Young & Young to draft new bid documents for a revised reclamation project that provides for a more rapid disposal of the sand suitable for recycling and to the extent most practicable by reuse on site as fill or transport off site for recycling in accordance with the beneficial use determinations.

In English what I guess that is saying is that we've got to move the sand out of there more quickly. We'd like to see some bids as to as to how that can be done and if it can be done more quickly and without the use of the asphalt plant."

Councilman Densieski: "Okay. I hope that's what it means. I'll move it."

Supervisor Cardinale: "Yes."

Councilman Densieski: "123- "

Councilman Dunleavy: "Ed, I just want to add another comment. I was up there today and with one change it can be moved a lot faster. Right now we're- they're- the sand has to go through two processes before we can move it out of that sand- that land- so if we do just one process and it will move it out faster. I got a good tour up there, he explained everything to me and this is good."

Councilman Densieski: "Good. Thank you."

Barbara Grattan: "Are you taking it off the table?"

Councilman Dunleavy: "I'll move it off the table."

Barbara Grattan: "And you're seconding it, Eddie?"

Councilman Densieski: "Yes."

Supervisor Cardinale: "So it's moved and seconded to untable."

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

Barbara Grattan: "It's off the table."

Supervisor Cardinale: "Could someone move it for consideration?"

Councilman Densieski: "Yeah, I'll move it. I'm sorry."

2/22/2006 minutes

Supervisor Cardinale: "Moved by Ed, second, please."

Councilman Densieski: "Moved 123. 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."

Barbara Grattan: "That completes Resolutions."

Supervisor Cardinale: "Okay, thank you. Resolutions have been completed. We now can consider general comment from anyone in the audience to us on any subject within our purview or some degree of concern or control. So if anyone would like to make a comment. Mr. Papish why don't you come forward and then Rolf."

Bud Papish: "My name is Bud Papish. I've been here probably longer than anybody. I'm still here. I'd like to know one thing. When you come down 25 and you hit that intersection there where the (inaudible) and you go straight into 58 and there's a big sign up there that says turn right only in this lane you turn right. And I tell you I go down there every day, I don't care if it's New Year's or what, I have to feed them damn horses, you know, and I go down Doctor's Path. Boy they go through there and they cut people off and they- we have a police force, right?"

Supervisor Cardinale: "Oh, yeah."

Bud Papish: "What- do we get- I remember when we had two guys on the police force, that was about '75. They go like a bullet through there."

Supervisor Cardinale: "Are you talking about the stop sign at- "

Bud Papish: "No. There's a thing there- "

Supervisor Cardinale: "What intersection are we talking about?"

Bud Papish: "I'm talking about where 25 goes into 58. And Doctor's Path goes north."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "There's a traffic light right there."

Councilwoman Blass: "At Edward's Sporting Goods- "

2/22/2006 minutes

Supervisor Cardinale: "Where the Edwards Sports store is, yeah. There's lights there."

Bub Papish: "Yeah, I know there's a light there."

Supervisor Cardinale: "Are you telling me people are running the lights?"

Bub Papish: "They're- no, they're running through there- I don't know how to explain this. The right land is for turning north or going into the Motor Vehicle Bureau- "

Supervisor Cardinale: "Right."

Bud Papish: "And then it curves over here. These guys, they speed up (inaudible)."

Councilman Dunleavy: "I think you're talking about the merge lane. Once you pass that traffic light, two lanes then will merge into one lane and the problem you have with a merge lane is always the people on the right hand side- "

Bub Papish: "They are not supposed to be there."

Councilman Dunleavy: "They're merging into the left hand side, want to beat the cars that are left, so they speed up a little bit."

Bub Papish: "You've got it."

Councilman Dunleavy: "That's the merge lane."

Bud Papish: "Right. I think the police department- doesn't the tickets go into the tax revenue?"

Supervisor Cardinale: "Oh, yes."

Bub Papish: "Well- "

Councilman Dunleavy: "No, it goes to the state."

Supervisor Cardinale: "Well, it comes back though, some does come back. But John's right. It goes to the state first."

Bud Papish: "Well, I tell you what. You can get a big number there because I go there every day for 20 years, I've never missed a day."

Supervisor Cardinale: "But more importantly, is it a dangerous situation because the guys on the right are trying to play chicken

2/22/2006 minutes

with the guys on the left. Okay. I'll ask- is the chief in the room? He was. Chief, why don't you see if you can do a little enforcement there?"

Bud Papish: "Another thing. How about Reeves Avenue East and West. I'll pay for the damn sign, I don't care. I think we ought to do that."

Councilman Dunleavy: "You mean on Roanoke Avenue?"

Bud Papish: "Yeah. Roanoke- Reeves Avenue East and I'll tell you what a sign- I just bought one, \$450 and I put one on Doctor's Path heading west on Reeves Avenue."

Supervisor Cardinale: "You want to separate Reeves Avenue East and West?"

Bud Papish: "Yeah."

Supervisor Cardinale: "What- and we're going to put two new signs up. Why?"

Bud Papish: "I'll put them up."

Supervisor Cardinale: "But what are we accomplishing? What's the purpose of doing it?"

Bud Papish: "Well, there's three golf courses down there with houses being built on one of them."

Supervisor Cardinale: "Yeah."

Bud Papish: "And there's my horse farm there. There's another farm over there that's still farming and guys don't know. Reeves Avenue- "

Supervisor Cardinale: "Oh, they don't know that it continues?"

Bud Papish: "No."

Supervisor Cardinale: "Okay."

Bud Papish: "Because it hits Roanoke- "

Supervisor Cardinale: "What do we got to do to do that, Chief?"

(Inaudible)

Councilman Dunleavy: "That's Roanoke and Reeves, where Reeves comes into Roanoke and then you have to make a little left and then a

2/22/2006 minutes

right to go down to Reeves East. See where he thinks the sign should be."

Supervisor Cardinale: "Rolf- thanks, Chief, and if the highway safety committee or the highways can help him, please get him to them."

Rolf Koesling: "Rolf Koesling, Wading River."

Supervisor Cardinale: "Yes."

Rolf Koesling: "I just want to get back to the Harbes land acquisition."

Supervisor Cardinale: "Yes."

Rolf Koesling: "When the lady asked what it meant, I think you were a little incomplete with your statement. You should have said there would be no residential development there. A farmer can put up a 20,000 horse farm and it will be all legal. He can go from one end to the next with temporary greenhouses and it will all be legal. So you still can develop."

Supervisor Cardinale: "That's true for agricultural purposes only. Yes, Sal."

Sal Mastropolo: "Resolution 149 that we discussed before."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "One of the things that I failed to mention was that the resolution doesn't mention how many trucks. It just says purchase trucks but it doesn't say- it just says purchase trucks for \$440,000. It should say purchase no more than four."

Supervisor Cardinale: "That's true."

Sal Mastropolo: "Okay? I also have a question. How and when do we report monies collected by the town justices for fines? You know, I read these things in the paper every week you collected \$625 for DWI and \$500 for this and \$400 for that. When do we report that and do we ever report it at a town board meeting?"

Supervisor Cardinale: "That's a good question and I don't believe we do report it. We probably should. Today I receive coincidentally across my desk, the quarterly payment from the state for the justice court for the third- fourth quarter. And it was \$118,000."

2/22/2006 minutes

I asked Jack who was here a minute ago, Jack Hansen, I said it's pretty good. So maybe we could make this a profit center. He said you've got a ways to go because the budget is about three quarters of a million, and their revenue is about 400 back, you know."

Sal Mastropolo: "So it goes to the state and then it comes back?"

Supervisor Cardinale: "Yeah. They won't let you divvy out the part they're supposed to get. They want you apparently to send everything to them and then they give it back to you."

Sal Mastropolo: "Even if- okay."

Councilman Dunleavy: "They give us a very small portion back. The only way we're going to get more money back is if we add court costs to that. The court costs will then come to the Town of Riverhead."

Sal Mastropolo: "Well, then why- it gets the question, why don't we add court costs? I mean if we're paying the bill for the court and the justices and now they want additional security, it seems ridiculous that we collect, you know, three quarters of a million dollars, we give it to them and they give us back let's say a quarter of a million when it's costing up three quarters of a million to run the court."

Supervisor Cardinale: "Well, the budget is about that I am told but when we signed up the revenues and fines, we get back around 450 a year. But we can't- Dawn will explain it. The amount that they take and the amount that we're entitled to is not changeable by us. Nor is the fine. So we're kind of boxed in, is that--"

Dawn Thomas: "The only fines that we have control over are town code violation fines, we collect those and we keep those, and parking tickets for the most part except for handicapped parking tickets, there's a surcharge that goes to the state and possibly the county. I don't remember if it's one or the other or both. But vehicle and traffic violations which we prosecute through the justice court are not town violations."

Councilman Dunleavy: "Yeah, Dawn, but I think we can add court costs to that."

Sal Mastropolo: "That's what I was just going to say. Could we add court costs?"

Councilman Dunleavy: "A lot of the towns do that."

2/22/2006 minutes

Supervisor Cardinale: "I think we do, too, but I think there are limits. But it's an area that I was thinking about today and that we could have greater communication with the judges. And one of the things we could do is publish their income through the justice court to the public."

Sal Mastropolo: "Well, I'd like to see it published but I'd also like us to pursue adding court costs so that we don't drain our funds paying for a court which the state gets the benefit for."

Supervisor Cardinale: "That's a good point."

Councilman Dunleavy: "You're right."

Supervisor Cardinale: "I will ask the judges tomorrow if- what control we have over enhancing our revenues over there. Could we add \$10.00 to each case for court costs, would that be legal?"

Sal Mastropolo: "Okay. Another thing is I watched your discussion on the reassessment- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- okay, and I realize it's not quote politically smart to do it but I'm totally in favor of it. I mean I think we've gone too long and to let it go any longer would be an injustice to everybody and just put us deeper in the hole.

The other thing that I started thinking about was what effect is the reassessment going to have on state aid to the school district? I think you need to get into a discussion with the school board because our state aid is based on the median income of the town plus the value of the land in the town. Okay?

And anything that could affect the value of the land is going to have a direct impact on the level of state aid that we get. And I don't know which way it's going to be but I think you need to discuss that and understand what the impacts are going to be."

Supervisor Cardinale: "The value- I certainly think we should discuss that among other issues, but actually we have kept up by the equalization rate with the devaluation (inaudible) the 100% that we valued at in 1979 and 2005. Because we are now at 13% of full value. Because what was taxed at full value in 1979 is now being taxed at 13% of its value.

What the revaluation will do is equalize- is make equal this practical reality that some houses during that period went up, you know, went up four times, some houses went up two times, depending upon where they were, where they were situated. Some commercial

2/22/2006 minutes

pieces went up at a greater or lesser amount or percentage and the revaluation would set everything as of the date of the revaluation.

But the valuation of the land in the town really wouldn't change because the state now says you take everything on our rolls right now, they believe it is being taxed at 13% on average of its value. So all we're doing is saying well, let's take a look at each piece and evaluate what 100% of real value is and use that as the assessment and keep that up to date for each year thereafter.

But they already know the value of the land in this town because they're saying it's 13% of the assessed value on the rolls."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Any other comment, Sal?"

Sal Mastropolo: "No, that's it."

Supervisor Cardinale: "Thank you. Any comment from— yes, sir. It's Ed."

Ed Purcell: "Actually the school district— that includes Southampton town also."

Supervisor Cardinale: "Yes."

Ed Purcell: "It's just not Riverhead. Southampton and part of Brookhaven. I used to work for the school district.

Also, what effect will what Southampton town does with the area near Riverhead town with the development of downtown Riverhead? From what I heard recently is that Southampton town is trying to buy or do something with the Peconic Paddler and make that parkland, and that would basically enlarge Grangebelle park to what-- double its size from what it presently is."

Supervisor Cardinale: "Yes."

Ed Purcell: "How would that effect the proposed— proposals that are on the board?"

Supervisor Cardinale: "Favorably because that parcel is in Southampton so that if they purchased it and then devoted it to park use it would have no negative impact on our tax base."

Ed Purcell: "No, I know that. I mean— "

Supervisor Cardinale: "But it would give us a beautiful park."

2/22/2006 minutes

Ed Purcell: "-- as far as what they have planned there to what each of the three developers have planned for downtown Riverhead. Because I know one of the developers-- didn't you say they wanted to raise up Peconic Avenue-- "

Supervisor Cardinale: "Yes."

Ed Purcell: "-- you know, I mean, that was my question."

Councilman Densieski: "All of the proposals were for Riverhead town. There was nothing on the Southampton-- "

Ed Purcell: "Oh, I know that, I know that. But I mean it really should be taken into consideration what's going on on the other side even though it doesn't directly affect us but it's-- most people think of Riverhead-- "

Supervisor Cardinale: "Yes."

Ed Purcell: "-- as what's across the river."

Supervisor Cardinale: "That's right."

Ed Purcell: "And like I mentioned before, if you straighten out Roanoke Avenue, you still have to run into that damn circle over there. So it's really, you know, it's a waste of time."

Supervisor Cardinale: "What's most remarkable about the other side, of course, is that hotel that's going to come in."

Ed Purcell: "That's right."

Supervisor Cardinale: "And it's just I think 400 yards off of the circle on the bay or on the riverfront and interestingly enough that is the-- that project which is going forward was what inspired the interest of Apollo-- "

Ed Purcell: "Oh, sure."

Supervisor Cardinale: "-- in Riverhead because several of the partners of Apollo have an interest in that project and they can see the potential for the development of the downtown Riverhead because that's 20 or 24 acres which would be the country-scape but the people want to come out of there and do something and they would come across the bridge into Riverhead's downtown. So, yeah, they are very intimately connected."

Ed Purcell: "Well, that's one of the reasons why I'm so dead set against having five stories and keeping things approximately what they are."

2/22/2006 minutes

But, anyway, you are only going to get one multiplex in Riverhead and I read in the paper that the Railroad Avenue possible multiplex, the guy still wants to do it. What is it going to be? A race to see which one comes first?"

Supervisor Cardinale: "Partially. And I think that everybody is aware of that, that they want- we want less talk, more action, and in all likelihood if one goes downtown, it won't go at the railroad, and if one is at the railroad, it won't go downtown."

Ed Purcell: "Absolutely- "

Supervisor Cardinale: "But we made that clear I guess the Board when we changed the zoning to permit it at the railroad, we said you want to put it here, put it here. You want to put it downtown, put it downtown, put it someplace and put in there fast."

Ed Purcell: "Yeah, I prefer it by the railroad just for ease of egress."

Supervisor Cardinale: "Yeah."

Ed Purcell: "Of the three plans, my personal opinion is probably the Kukla Contracting as opposed to I know you like Apollo Spector but they said they reduced their proposal but I think that was just a slick talk because as you said, all the plans will be phased in and what they propose from what I saw I suggest it's just a first phase of what the other plan was. You know, this we're going to start with because this we have absolute positive people we can fill it, and the other phases will come later but it will still be that original plan other than a little bit of a facade change."

Supervisor Cardinale: "Except that they received no commitment from the town- "

Ed Purcell: "Oh, I know that."

Supervisor Cardinale: "-- nor from- nor do we give any to- they received none from us nor us from them as to anything beyond the first phase."

Ed Purcell: "Right. And the other thing is any permanent buildings that close to the river because it is a flood zone really- that's why I think it's a moot point with that building down there."

But what could be done-- I think one of the plans mentioned kiosks and kiosks that could be moved out in bad weather with still all the- any electricals and everything put in by us, you know, spots such as like you have kiosks in malls and that would work out very well."

2/22/2006 minutes

Supervisor Cardinale: "Yeah. I think it's important to note too that each of the applicants- each of the three indicated a desire to be flexible and a desire- and a commitment to work with the town to change the plan and to blend the plan. In fact, we have a specific discussion with one of them about combining elements of the plan. There's no proprietary rights here."

Ed Purcell: "Right. Right."

Supervisor Cardinale: "If we see something good in Plan A, we can take it and include it- I think the key to the board's deliberation between now and the end of the month is what entity they want to initially discuss things with. I don't think that we should permit any of them to dictate a plan to us."

Ed Purcell: "Yeah. And the Parr organization, the only thing I didn't like about him essentially was the fact that he wanted to use eminent domain for a lot of property and that's a (inaudible)."

Councilman Densieski: "Phil, I think we got a correspondence from them."

Supervisor Cardinale: "Yes, we did."

Councilman Densieski: "I glanced at it quickly that said no eminent domain. I didn't read it thoroughly but- "

Ed Purcell: "Yeah. And he did propose an alternative road to run along the railroad tracks. And I think I spoke to Mr. Bartunek after that work session and why couldn't we put a- extend Court Street and then go up Northville Turnpike, and that could be an alternative egress from downtown Riverhead which wouldn't take a lot because most of the roads are there. And Northville Turnpike is underused anyway. So that would be a way of- "

Supervisor Cardinale: "But whatever you do- I follow that and I'm intrigued by it. Whatever you do coming- you've got to cross the tracks somewhere."

Ed Purcell: "Oh, you're going to have to."

Supervisor Cardinale: "So we did talk about Court Street, extending it right through the Cornell lot that is now the parking lot there and the county did not entertain that but that might have been a good idea, but they just didn't want to lose the parking spaces."

Ed Purcell: "Right. But I mean if you put in the other parking spaces, maybe they would. And I guess that's it. I was just wondering how you were getting along with Southampton town."

2/22/2006 minutes

Supervisor Cardinale: "Well, in fact, it is- I would be delighted if they would open up Grangebel Park by taking that parcel."

Ed Purcell: "You know, because really most of the old timers like myself because I've been here too long, maybe 50 years, know that really the downturn in downtown Riverhead really was accentuated and went seriously bad when Flanders Road went down the tubes in that area over there, Old Quogue Road and that area. And unless that's upgraded no matter- absolutely anything you do downtown is just a waste."

Supervisor Cardinale: "You're right. You're right. That's- "

Ed Purcell: "And are we going to go after some of these people that have these rooming houses now that we have a dedicated code enforcement."

Supervisor Cardinale: "Yes. We have Mr. Stuerwald (phonetic) started yesterday."

Ed Purcell: "Yeah, because I know there's a lot of places that people have bought just for making a rooming house which is not really a rooming house. Okay."

Supervisor Cardinale: "Right."

Ed Purcell: "Thank you."

Supervisor Cardinale: "Any further comment? If not- "

Councilman Dunleavy: "Someone in the back."

Supervisor Cardinale: "Oh, yes, there is a comment. There's two comments. So let me take Matt's comment and then the next comment, Mr. Fischer's comment."

Matt Hatoff: "Did-- were the volunteers granted an extension at the dog pound?"

Supervisor Cardinale: "They requested an extension. I think if you look at our resolution, Matt, I think it was passed November 20th or something like that."

Matt Hatoff: "For ninety days."

Supervisor Cardinale: "That there would be a 90 day time period to consider the changes that were made. They- that was November 20th I think it was passed. By the time- between Thanksgiving and the holidays, they didn't really get organized until the beginning of December so they asked if we would- would we be considering it immediately, you know, like on the first session which would have been

2/22/2006 minutes

Thursday, tomorrow and I said we'll reach it when we reach it. But we will consider how the success has been going. But they wanted an extra 30 days or so to show that this could work. We never passed a resolution, but they did request that."

Matt Hatoff: "And were they given an extension?"

Supervisor Cardinale: "They were not given an extension by resolution but the Board is going to be considering the success in the last 90 days and the Board may well simply allow it to continue for another 30 days to see if the kinks can be worked out.

One of the larger kinks the Board is not even aware of, which I will announce, is that the threatened public employee- public employee- public employment relations board that I guess the CSEA union which you represent has complained that it is an unfair practice to let the volunteers do what they're doing as you indicated you would be forced to do. So that's one of the considerations we will have to consider now as to whether this experiment should proceed or not in view of that allegation."

Matt Hatoff: "Well, as of last week you had 17 dogs. They haven't had that many in five years."

Supervisor Cardinale: "Yeah, I didn't know that."

Matt Hatoff: "And I listened to everybody's worried about the almighty tax dollar, it just seems like we're throwing good money after bad on something that's not going to work."

Supervisor Cardinale: "George, unfortunately for George, is the point person on this."

Matt Hatoff: "Everybody- "

Supervisor Cardinale: "I'm going to rely on what he tells us, when he gives us the data."

Matt Hatoff: "Everybody deserves a legacy and that's what this all boiled down to last year which is fine."

Supervisor Cardinale: "Are you talking about Rose's interest in the subject?"

Matt Hatoff: "Yes. Everybody deserves a legacy but that legacy should not break the taxpayers' backs down the road."

Supervisor Cardinale: "Definitely not."

2/22/2006 minutes

Matt Hatoff: "And that's what this is going to do. It's happened in Southampton. It's going to happen here. You really ought to talk to Southampton and find out what their costs are now as opposed to prior to the volunteers. It's— I had to come down and argue for an employee's job not too long ago to the tune of a quarter of a percent. The money we're going to waste down here at the landfill or at the dog pound, is going to far exceed that quarter of a percent."

Supervisor Cardinale: "Well, one thing I made to George and made clear to others, Rex I know is here and Connie who have taken a different view of this, is that I could not allow it to blow up the budget and they've assured me that that's not going to happen, that the presence of the volunteers will be a positive monetarily for the town. But that's the data we're getting in these 90 or 120 days. And if it comes out, it comes out. If it doesn't, it doesn't. We'll see."

Councilman Dunleavy: "Matt, I spoke to Sean. Now Sean was supposed to call RSVP because there's three—two dogs there that are over 90 days and-- there's three dogs. He was supposed to call them up and see if they would come and take them. Because I know Rose's discussion, what happens after 90 days and someone assured the town board at that time that somebody would take those dogs. I went past the dog pound today because there was volunteers up there feeding the dogs and playing with them outside, and I just didn't stop and see Sean. So I've got to see what RSVP said to him, if they were going to take these dogs or what. He said he was going to call them and tell them that we have three dogs that are over 90 days."

Matt Hatoff: "There are other employees down there besides Sean who are more than capable of making a phone call."

Councilman Dunleavy: "No, but Sean was the only one down there when I was there so I was talking to him. He's the only one that talked to me. The other one— there's another employee that came over and only said a few words and then he left and went back in the room. And I don't know what his name was but he just came over for a few minutes and spoke and then he went back into his office. So, Sean was the only one that said he would call them."

Matt Hatoff: "And the other issue is there was talk of adding to town hall. Is that at a stall now because we moved the employees out of the basement?"

Supervisor Cardinale: "No. We— as you know, we were flooded out and we moved to town hall west which I think is much better quarters for the employees but will cost the town about seventy grand a year. But obviously anybody that works for the town knows that we need to enlarge the town hall or move it. And that's one of the

2/22/2006 minutes

subjects of a- that might be a full afternoon if not a full day work session.

But, no, the plans for the consolidation and enhancement of the town hall, bringing us all back together as was recently done in Brookhaven, are still on- are still a big goal for this board."

Matt Hatoff: "I just wouldn't want to see it be put on the back burner for lack of a better word."

Supervisor Cardinale: "Yeah, and it was for about six months. But we are moving it forward."

Matt Hatoff: "And we just are throwing good money after bad on rent when we could do what we got to do, build a building and get our people back into our own buildings."

Supervisor Cardinale: "So, yeah, I think it's a better idea to not to rent if you can avoid it."

Matt Hatoff: "Thank you."

Supervisor Cardinale: "Okay, Mr. Fischer and Angela right after- Mr. Fischer is going to talk to us about a different subject, I think, but if you have a comment about the situation with the animal shelter."

Angela DeVito: "Yes, Angela DeVito. I'm here in my capacity as Chair of the Animal Shelter Advisory Committee for the Town of Riverhead."

And I think there's a bit of misinformation that floats around. First of all, the resolution 1095 that was passed, established new operating procedures and also established a basic list of things that volunteers could do and could not do at the animal shelter. The original period of evaluation that was set for it was to see how successful the new policies that the town put in place would work.

There was a request- I filed the request, because of the late start up for an additional 30 days in order to put together the information and make this report to the town.

With regard for concerns for the increased cost because of additional numbers of dogs at the animal shelter, there are things that have been done and should have been done for many, many years that would have kept costs down all along.

The first one being that there is free food that is available. There is no reason for us to buy any food whatsoever for that shelter. At this point with the policy that you all passed, this past summer, okay, we are what is defined as a no kill shelter. That doesn't mean

2/22/2006 minutes

that every animal that comes in lives forever. There is no euthanasia but we are defined as a no kill shelter. That qualifies us for free food from manufacturers of dog food. This has not been taken up by the shelter staff to avail themselves of this. For years-- "

(At this time the CD ended)

Angela DeVito (Cont'd.): "-- operating on misinformation. The-- it's not an extension of your resolution that was given. What was given was an allowance to be able to hand you a report that would allow you to properly evaluate what was going on subsequent to the creation of a new town policy. And that's all that was done. Thank you."

Supervisor Cardinale: "Thank you. Mr. Fischer."

Greg Fischer: "Hi, I'm Greg Fischer from Calverton. Thank you for allowing me to speak and thank you, Mr. Cardinale, for representing the Manors at a recent meeting regarding a group home proposed for 94 Southfield."

There are two issues that 94 Southfield's application presents. One is a long term issue for the town and the other one is a short term issue relating to the Manors.

The long term issue for the town is that there is still no procedure or code related to how we handle group homes and my first question would be, is that on the agenda to be resolved? To create a procedure for group homes and what we do about those notifications when we receive them."

Supervisor Cardinale: "Yes. We've done a lot of thinking, talking with both the town attorney and the public about it. We don't-- the procedure that we-- we've had various procedures. You know that we've had public hearings."

At this point, one of the things I learned, I learned that even the state is considering that whether this law works in its present format. But what happens so the public that's watching knows and I remember, you get a notice and it says they're interested in this particular location for a group home which under the state law, correct me if I'm wrong, Dawn, is the same as a single family residence. Okay? So they want this particular location--"

Greg Fischer: "From four to 14 residents."

Supervisor Cardinale: "Right. From four to 14. The one that we're speaking of in your neighborhood is eight."

Greg Fischer: (Inaudible)

2/22/2006 minutes

Supervisor Cardinale: "Okay. You can approve. That's not going to happen. You can-- you can-- advise as to other locations which is not going to happen either. Or you can advise that you protest because it is saturation which it isn't unless in a neighborhood of 20 there are 11 group homes by cases.

So, what do you do? Initially we started having public-- first we (inaudible) when I was on the Board in '98. We had a big blow up in Aquebogue about that. The next thing that happens, we had a public hearing on everything. That doesn't work very well either because if you have a public hearing on every home, the people come to the public hearing thinking that you can actually accomplish something, do something for them, and they can vent but that's all they can do because there's nothing we can do about the location.

The third thing that we finally settled on and I don't like it much but it's the best I can come up with. If you can come up with a better thing, I'm all ears. Is we send a notice, when we receive a notice of the location, to the civic immediately and the civic usually has a hearing and invites the IGHL whatever the home is down, and they discuss it with the civic association.

That didn't work in Mesa Vista either because they weren't generally civic association members. So I don't think it's perfect but I don't know what else to do so I'm all ears as to a change of procedure.

I talked to our town attorney, talked to my Board members. Nobody has a real solution."

Greg Fischer: "Well, I actually gave at the last Town Board meeting a written suggestion from the town of Buste or Buste (phonetic)."

Supervisor Cardinale: "Yeah, the statute."

Greg Fischer: "And they have a list of things they do. They publish promptly. They provide it to the planning board promptly, they have a public hearing. The publication would probably serve the purpose you have in mind at the moment because on the issue of venting, there are a lot of strategies no matter how obscene the group home proposal might be, if it was 14 people in a three room place, it's still, you know, you couldn't necessarily stop it. But there are other procedures that could make it fairer to the residents and the community. And I'll talk about those in a minute.

But we do need publication, publication so that everybody knows. Because in the case of this group home, there was no-- the notice given to the Calverton Association again, at that time the Calverton

2/22/2006 minutes

Association was very weak, there were very few members. Nobody found out until way after the 40 day statute for that expired.

Now, what you're reading also is the exact letter of the law. There are other options. Generally if you get an application that's filled with errors, omissions, frauds, whatever, those applications of any nature are challengeable. If the— if it's modified later on and there's nothing in the law that says they can't modify it. It doesn't say that it has to be modified in writing. You could start the clock again. And that's what's happened here several times. The clock has started again.

So I understand with you meeting with EDDA, they said that they were going to have people in this group home that were physically challenged. Physically disabled."

Supervisor Cardinale: "Yes. I think three female and five male."

Greg Fischer: "But they would be physically disabled."

Supervisor Cardinale: "They said they did not handle mentally disabled."

Dawn Thomas: "Mentally ill."

Supervisor Cardinale: "Mentally ill."

Greg Fischer: "So they said at this time that they would be physically challenged."

Supervisor Cardinale: "They indicated that they do not take patients that are mentally ill."

Greg Fischer: "Right."

Supervisor Cardinale: "That much they did indicate."

Greg Fischer: "Okay. And everybody's certain about that and there couldn't have been an error based on what you're saying. This is not what they told the Civic Association and this is not really consistent with their letter. And as I pointed out earlier, that their letter contains a misrepresentation that they were taking the property from six to eight bedrooms. That's not the case either. So we have fraud and misrepresentation now on that application. The clock has started over.

There is a strategy which we've not considered. Because the town is very, very afraid of being sued and held liable under Civil Rights

2/22/2006 minutes

Law or for legal fees if they lose. This is the strategy to deal with that. You will not be held for civil penalties or legal fees.

This is the layman's version of a declaratory judgment. And I'm just going to read this quickly for the camera. Which is a declaratory judgment is a court decision in a civil case that tells the parties what their rights and responsibilities are without awarding damages or ordering them to do anything. Unlike most cases where a Plaintiff asks for damages or other court orders, the Plaintiff in a declaratory judgment case simply wants the court to resolve an uncertainty so it can avoid serious legal trouble in the future.

In this case, you can assert that they did modify they request. You can assert that there was fraud committed and you can ask for the clock to start again. That's at minimum. There are many, many other legal issues in the law and in this particular citing that we can address. But this provides a strategy where the town has no risk of an award against them for civil rights violations.

But the worse thing to do is to do nothing because what has happened here is unfair. If we think about people with physical disabilities and when you start to measure out what might be required of this house to house eight people in it when the house is already even with a modest driveway in violation of impervious surface limits, that it can't be expanded beyond the footprint because of its proximity to the property lines that this is the wrong house for that development.

If you add up the space that they would need to have larger bathrooms for people that were physically disabled, handicapped bathrooms, the hallways, the kitchens, the staff area, I don't see how they could- even though we don't have plans yet, I don't see how they can do it. So I think on the surface, this fails.

But even for what has been done so far, we should take action. We should not put ourselves in a position of doing nothing. We should have the option to file declaratory- for declaratory judgment and have some time to think this over and put in a correct policy.

As well- there are some of us in the community that really object to having what will be in effect a very, very active bus service, treatment center, rooming house, next to our single family homes.

We bought into this community because it was quiet, it was dark, it was peaceful and I want my peace and quiet. Just that simple. There is a lot of law that talks about it's not appropriate to put these homes in places where it would significantly disturb the community, the nature of the community. In this case, it absolutely would and I would file a suit in federal court to ask that this law be

2/22/2006 minutes

declared unconstitutional. There is no due process. You don't have to tell any neighbors anything and in this case no neighbors got told anything. So there's no due process. There's no equal protection. They're giving one group rights that another group doesn't have. They're squashing the rights and taking value away from the direct neighbors there at least for some what might be remedial purpose or affirmative action purpose and that's not fair either. Why should those people have to pay. Why should any of us have to pay with having a bus service, a treatment center. These places become incredibly busy with therapists and traffic. You know, I want my peace and quiet. I want what I bought.

So this is a way for the town to proceed. In cases where there are important constitutional rights courts will step in to clarify the legal landscape. That's all in here. This is an important and- this is an important way that you could deal with the scenario and we could take some time to put in the proper- we could suggest alternate sites. We could help them get the house sold, you know. It's not going to work based on their plan anyway. So why don't we just do the right thing all around. Come up with a policy and address this issue.

And this handles the fear of a civil rights lawsuit."

Supervisor Cardinale: "Thank you."

Greg Fischer: "Thank you."

Supervisor Cardinale: "Is there any other comment from members of the audience? If not- oh, there's one more comment from Matt, a reprise. Yes, Matt."

Matt Hatoff: "One thing I'm not is misinformed. And I would use everything that is at my disposal to protect the employees that I represent and I clearly- I am definitely not misinformed."

Supervisor Cardinale: "Appreciate that. Okay. We are going to end the meeting, it being 8:40 and I thank everyone for attending and I invite you to our work sessions."

Meeting adjourned: 8:40 p.m.