

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, January 6, 2009 at 2:00 p.m.

PRESENT:

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

ALSO PRESENT:

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

Supervisor Cardinale: "How are we doing? All right. So we are ready? Okay. Then we will begin.

This is the January 6th— I know because it doesn't work, never has— this is the January— tell you that later.

This is the January 6th meeting of the town board, the first of 2009. We had a meeting on December 30th which means this meeting should be briefer than usual because it's only a one week interim.

We'd like to begin with the Pledge of Allegiance which Newsday's great reporter, Mitch, will lead us in."

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

Supervisor Cardinale: "We would like to begin with the approval of the minutes of the December 30th meeting but before that I should remind myself to ask for committee reports. So are there any committee reports or any announcements from the town board?"

Councilwoman Blass: "I do have a committee report, Mr. Supervisor. The energy committee is sponsoring a public presentation on the evening of Wednesday, September— no, right, September— January 20th at 7:30. It's a presentation by Clean Air New York which is actually an education and outreach organization looking to partner and share ideas with the town of Riverhead on clean air initiatives.

It's in this room, Wednesday, 7:30, Wednesday the 28th of January.

Thank you."

Supervisor Cardinale: "Okay, very good. And there's also going to be a five board meeting I guess, the ZBA, Planning, Architectural Review Board and what's the other board- Landmarks Preservation Board on the 20th at 7:00 in this room to talk about better coordination between the town boards in processing applications."

Councilman Dunleavy: "Could I just say something?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I just want to wish everybody in the town of Riverhead a happy new year and let this year be better than last year for everybody."

Supervisor Cardinale: "Good sentiment and I hope it is."

The first order of business is to approve the minutes of the December 30th meeting. Would somebody move them, please?"

Councilman Dunleavy: "I move the minutes for the December 30th meeting. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "The Reports, Notices, Correspondence, please."

Diane Wilhelm: "Okay."

REPORTS:

Tax Receiver

Utility collections report for
December, 2008 - total of
\$255,943.22

Total tax collections dated
January 5, 2009 - total
\$28,582,795.42

Supervisor Cardinale: "Hold on one second. Would you reduce that just a bit, the feedback? She's getting a ringing in her ear, yeah, for hers. Everybody's is a little too high."

Councilman Wooten: "Just turn the master down about two notches."

Supervisor Cardinale: "Thank you."

Building Department	Statement of money received for December, 2008 - total - \$85,698.00
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Town Clerk's Office	Monthly report for December, 2008 Total - \$9,366.40
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FIRE DEPARTMENT NOTICE:

Riverhead Fire District
Commissioner election results for
December 9, 2008 - Dennis Hamill
elected to a 5 year term starting
January 1, 2009

CORRESPONDENCE:

Letter of resignation Bingo
Inspector, Roberta Morrissey

Diane Wilhelm: "And as a reminder, our next regularly scheduled town board meeting will be Wednesday, January 21st, 2009, at 7:00 p.m. here in town hall.

And as usual, you can review— you can see our town board

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agendas, resolutions, minutes and upcoming meetings on our web site at RiverheadLI.com.

That's it."

Supervisor Cardinale: "Yeah. Okay, fine. We're going to take some initial comment on the resolutions because we'd like to open all of the hearings, the 2:10, 2:15 and 2:20 in eight minutes at 2:20 because they're all inter-related, so, Sal, if you had some comment on 1 through 38 of 2009, the resolutions."

Sal Mastropolo: "Resolution 15. Just insert a copy in the be it further resolved. You're not going to forward the resolution itself."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "No. 16, the same thing, a copy. No. 17, you don't want to send the certified copy so delete certified."

Supervisor Cardinale: "Right."

Sal Mastropolo: "No. 18, delete certified."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "No. 19, delete certified. No. 20, delete certified."

Supervisor Cardinale: "If you could make a note to take that out of the format. Thank you."

Sal Mastropolo: "No. 23, two comments. One is the first line to be is hereby reappointed bond counsel and do you want to copy anybody on that resolution?"

Supervisor Cardinale: "I suppose them. Yeah, they should be copied, let them know they're still bond counsel. Not a certified copy though, right. And the accounting department. Would you serve a copy on accounting and (inaudible)."

Sal Mastropolo: "No. 24. Do you want to copy anybody?"

Supervisor Cardinale: "The-- no, they pretty much know it but we'd have to send it to all counsel so we're not going to send it to any of them because it's the same as it was."

Sal Mastropolo: "25, delete certified."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Twenty six, delete certified. Twenty seven, delete certified. Twenty nine, delete certified. Thirty. Thirty and thirty one I read the five pages and I see nothing in here that mentions the contractor providing emergency service and I can't believe-- I mean there's only one spot where they even mention emergency service and the only mention of it is emergency service constitutes no heat, dangerous situations, etc. Normal service hours are Monday through Friday 8:00 a.m. to 4:30 p.m."

I would think that this contract should have some statement that says contractor will provide emergency service even if it's at a different rate. I mean what happens if you have no heat on a Saturday. Is he not going to show up until Monday?"

Supervisor Cardinale: "Yeah, I was looking at this earlier. This is a \$250.00 contract so I didn't want to get too carried away about it but you have a point there. If he's-- what about emergency services?"

Usually I have them review it before I sign it at legal so I'll make sure that I ask.

So there's no reference to emergency services."

Sal Mastropolo: "No. Thirty and thirty one. And there should be some kind of mention about the hourly rate for emergency services or what happens if he works after 4:30. There's nothing in there. It's just like normal work hours are eight to four-thirty."

Supervisor Cardinale: "Yeah. This seems to be for 250 a year, he's going to do a-- he's going to tune up the burners in each of these places and not much more. But we'd like him to be available if he breaks down, too, if your point. Okay."

Sal Mastropolo: "Yes. And the other thing, too, is I mean, a lot of this stuff says if applicable. That's baloney. If he's going to do it, he should be vacuuming the unit every year including the smoke pipe and the chimney base."

Supervisor Cardinale: "Yeah. I don't think we used this firm last year so I'll check into that. I'm going to find out why we're making a change and find out-- make sure we've got the same service."

Sal Mastropolo: "Thirty six."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Delete the word certified."

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Supervisor Cardinale: "Okay."

Sal Mastropolo: "And on 36, on the notice of public hearing, change Barbara Grattan to Diane on the public notice. It was going out under Barbara's name."

Councilman Wooten: "Where was that?"

Supervisor Cardinale: "On the public notice. Okay. You've got that, Diane? Very good."

Sal Mastropolo: "And one other question."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I wasn't going to touch on it but on these salaries- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I noticed that we still have an accessory apartment review board."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Have we gotten any applications?"

Supervisor Cardinale: "Very few but we did discuss that during budget time. I expressed my view that we should make it 500 and the board said no, let's leave it and take a look at it after first quarter to see if we got better applications."

I thought we were paying him 35. I did notice that it's 4,000. Is that accurate? What?"

Councilman Wooten: "It's 35."

Councilman Buckley: "I thought it was 35."

Supervisor Cardinale: "Yeah. Could you do me a favor, Christine? I noticed it but I didn't check. Would you ask Trina to have Rothaar check that? They're listed, the accessory review board, as 4,000 annually and I thought it was 3,500. That might be a typo. Thank you."

And they're going to be reviewed after the first or second quarter, after the first quarter apparently to make certain that if we're not getting applications, asking them to bring it back to something appropriate for the number of applications they're looking at."

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Sal Mastropolo: "I'm making a suggestion. Why don't you pay them by the application?"

Supervisor Cardinale: "That's right. And they can-- "

Sal Mastropolo: "They get an application, they get paid "X" amount of dollars."

Supervisor Cardinale: "That's right. Because we'd like to have more activity. Yes."

Councilman Dunleavy: "Well, they've been getting two applications a month. What's been happening is that the building department sends them through. If they don't qualify, the building department doesn't send them through for their review. They only send the ones through that are capable of being reviewed by them.

So what we're going to try to do also is sit down with the building department and see what we can do to get more applications approved from the building department."

Sal Mastropolo: "Okay, thank you."

Councilman Dunleavy: "For their review."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "And is there any other comment on resolutions? If there is, we'll take it. If there isn't, we thank you for it."

We are now at 2:20. We have with us, Dan, would you come forward? Dan McCormick is our deputy town attorney who is familiar with the three here, the public hearings we are about to open, one at 2:10, one at 2:15 and one at 2:20. Wow. We're going to open them all together and let Dan introduce them."

Public hearings opened: 2:20 p.m.

Supervisor Cardinale: "The first is to consider a local law to amend Chapter 108 entitled zoning Article V RB-80 cluster development and additional subdivision requirements."

The second, the 2:15 hearing is to consider a local law to amend Chapter 108 zoning Article V-A, RA-80 cluster development and additional subdivision requirements."

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And the final, to consider a local law to amend Chapter 108 zoning Article VI APZ.

So in those three zones we're making certain changes, RB-80, AS-80, that would be receiving 80 and non-receiving 80 thousand square foot zones, residential, and the APZ, agricultural protection zone.

So would you introduce them and tell us what changes are being made here so that the public can comment, Dan?"

Dan McCormick: "Okay. The first is (inaudible)."

Councilman Dunleavy: "You have to bring the mike over, Dan."

Dan McCormick: "Is it on? Yeah, that's better."

The first is in regard to 108-19.1. Specifically the changes refer to the discretion of the planning board with regard to approval. Under subsection D, the planning board may approve a cluster subdivision with a reduced percentage of preserved prime agricultural soils or open space based upon the unique characteristics of the land such as public utility streets, arrangement of lots of existence of natural features require development with less than 70%.

So the overall tone of this is to require in any scenario which they wish to approve open preservation of land beyond 70%, or below 70%, they must necessarily justify that particular reduction in written form regarding those considerations I just referred to.

And that's 108-19 subdivision 1."

Supervisor Cardinale: "Okay. And the other I think significant thing, Dan, is that E, Subdivision E, 108-19.2, the guidelines."

Dan McCormick: "Yes, specifically regarding agricultural lots, there is a proposed requirement that the individual agricultural lot must be laid out so as to provide a minimum lot size of 10 acres. An agricultural lot with a lot size greater than 20 acres shall only be divided if required to ensure appropriate arrangements of lots, streets and public utilities, or preserve or highlight existence of natural features."

An agricultural lot shall prohibit erection, construction, placement of any structures, permanent or temporary, without prior approval of the planning board.

So that's specifically with regard to lot dimension size."

Supervisor Cardinale: "Okay. Thank you. The— and each of these zoning districts are AB-80, two acre zone; RB-80, two acre zone; and the APZ, another two acre zone.

What the board is trying to do is to make clear that they would like the clustering mandatorily to be at 70% or very close thereto and if it isn't, we'd like to— they want to— we want to make sure as legislators that the reasons are duly noted, and we also want to make certain that the agricultural lots are truly agricultural lots and not farm— for McMansions, by making certain that they are at least 10 acres and that if there is a larger lot available, that it stays large unless there's legitimate reason.

Pete, I had some feeling that you might want to say something, so go right ahead."

Peter Danowski: "Pete Danowski. I think this is implicit in the language that was there before as well as what's continued here now.

One of the concerns I've always had is when you talk about receiving areas for the transfer of development rights, and in particular, let's talk about RA-80, I always understood implicit, but I didn't read this in the language before or now, that if you encourage someone to buy land in the sending area and they preserve a chunk of farmland that could no longer be developed and transfer the land into a receiving zone, say for instance RA-80, that the 70/30 rules— 70/50 rules would not apply because you should be credited with that land that you preserved in the sending area.

And I think if Mr. Hanley was here or the planning staff were here, they'd probably support that position. When I read the ordinance, there was nothing that clearly said that.

So I think when we're considering any amendments to the code as it deals with a receiving zone, that we should recognize that there should be language clearly put there that says if someone buys and transfers development rights, that in computing that 70% of open space or 50% of open space, that that should be allowed to be counted.

And I've never seen that clearly spelled out."

Supervisor Cardinale: "I'm not sure I understand you or agree with you."

Peter Danowski: "Okay."

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Supervisor Cardinale: "The latter doesn't surprise me but I want to get through to the former."

Peter Danowski: "Well let's talk about that. We will disagree on many things, but- "

Supervisor Cardinale: "I don't understand what you're saying. In other words, RA is receiving, right?"

Peter Danowski: "Right."

Supervisor Cardinale: "Okay. So you have a two acre receiving zone which means that it's two acres but they could actually have a house on every acre if they paid for it. Okay. I get that.

So we have mandatory clustering in that zone and I think what you're saying, it's becoming to come to me. So if you have two acres zoning and you make it one acre by receiving, you think that there shouldn't be a 70 acre cluster so that if there's a hundred acres, you could have let's say 40 houses usually. If you double it up you have 80 and if you had 70 acre cluster, you'd have to put the 80 on 30 acres."

Peter Danowski: "I think what I'm really saying is if you're doing a two acre zone and you're building out at a two acre yield, then you've got sufficient land there to cluster down to 70 to 50% open space and you'll still have a relatively large lot to build on.

But once you protected farmland and created additional agricultural open space in a sending area by buying the development rights off of it, unless you credit that open space preservation, you're going to end up with 7,000 square foot lots or condominiums because you're squeezing the lots to smaller and smaller shapes on what turns out to be a one acre yield.

So I'm just suggesting as we re-write anything- any zoning that's in a receiving zone, that we should exempt that particular cluster provision from that particular receiving zone on a transfer."

Supervisor Cardinale: "Now I understand you. I'm not sure I agree with you, but I do understand you. The- "

Peter Danowski: "Otherwise there's no motivation for a landowner, a developer, to go to a farmer in the APZ zone, a sending area, and say I'd like to buy your rights, transfer them over to my property, and then get told by the town that you've got to shrink the size of your lots down to very, very small lots and you're going to be building out at a one acre yield now with the transfer but you

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can't do in essence half acre lots which would normally talk about doing. You'd have to shrink them down to very small lots.

And I think that will just push you into a condominium form of ownership."

Supervisor Cardinale: "But if you were going to do that, I understand what you're saying. If you get a little arithmetic for the public out there, if I get it right. If you've got a hundred acres you've got a 40 acre yield arguably on two acre zoning. If- with rights being received on that parcel, you would have 80- and you would have to put them on 30 acres so you'd basically have third of an acre lots at most.

I understand- I understand that but one of the problems if you're ever going to do that is that most of these parcels in the receiving zone are not a hundred percent upped by the receiving zone.

So I don't want to- in other words, most of the receiving areas that are built out are built out at two acres or they're not receiving 100% of the credits that they could receive.

So I do agree with you that it may pose a problem on those that receive 100% doubling of credits on the parcel. But I would like to make sure that the clustering at less than 70% is limited to those parcels and not given to the entire zone as a zone."

Peter Danowski: "Well, I'm appreciating that but I'm also saying you could work this out after today's session to talk about language that credits the acreage that is preserved and build that into your formula to allow a credit for the land that's been preserved from development rights.

So if you only preserve 10 acres, you're going to get 10 acres worth of credit toward that 70%.

All I'm saying is there should be- otherwise, you're never going to have the transfer program work where you're asking someone to, especially in light of financing today with the town and the county where the development rights purchase programs have slowed down, you know, the transfer program is a good alternative.

But it's not a good alternative if you're going to force people into very small lots in the receiving zone and it will be, you know, smaller and smaller lots depending on the amount of transfer that's allowed.

So I just ask you to consider that otherwise we're going to have opportunities in the receiving zone that will go by and people

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will not buy and transfer rights if they're going to be stuck to very small lots."

Councilwoman Blass: "I actually thought you were going to ask a different question being that if you are utilizing transfer of development rights, should you be required to cluster on the receiving end because you are already preserving in some cases 100% in the sending area. Should you be relieved to the requirement to cluster to 70/30 in which case you'd have preservation at both ends.

I thought that was actually the question you were asking, but it's not. Okay."

Supervisor Cardinale: "Well, yeah. Well he is in a way. He's asking for a consideration but not for an exemption so he's asking the same question. He's just not bold enough to place- to say exempt me. You're saying he wants consideration- "

Peter Danowski: "Well, I'm bold enough. Yeah, I'm very bold in the sense of- "

Councilwoman Blass: "Well, I think we know that."

Peter Danowski: "-- I would like - exempt it from it clearly is a word I would use but you raised a point about you think that there'll be opportunities where less than the doubling will take place, then I say think of a formula that credits it on an acreage basis."

Supervisor Cardinale: "Why don't you think of a formula?"

Peter Danowski: "Well, if I suggest it, it won't get voted on."

Supervisor Cardinale: "Why don't you propose, I'm sure you're there- I think you're there not only on behalf of your own self, your own thoughts but on behalf of some clients of yours, so why don't you give us some proposed language that you think would address the issue because we'd be very interested in considering it.

I'm not sure in principle I agree with the concept that because you're transferring- you're getting paid for development rights and, therefore, you're keeping the APZ, you know, free of development, that you necessarily have- are entitled to not cluster over here.

I've always wondered in the town, frankly, the best way to save open space and the cheapest for the public, is in fact the cluster zone. That saves 70% of the open space and we don't have to buy at 90,000 or 75,000 an acre development rights.

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So I'm very hesitant to give that up but I do think you have a point that when you get to 80- when you get to 80 units on 30 acres, that's a little tight and you might want to grant some relief there. So I think that's a valid point."

Peter Danowski: "Well, I think there is a criticism about we're seeing smaller and smaller lots in a very rural area and in many instances we have very large homes on very small lots and that's going to happen throughout the town especially if you consider trying to force the issue with what I regard as a legal position which is to abolish condominiums in the town. I don't think you can legally do that.

But it just seems to me that- just take a hypothetical. If I own a farm in a sending area and a farm in a receiving zone, I mean even the cluster zoning provisions under non-contiguous parcels, you'd allow me the credit of preserving that open space if I didn't build on one side of the farm, one side of the road.

You'd say you own it, you can count that toward yield, you can count it in your cluster and you could have a cluster map and put all the open space on one side.

The fact that I've bought from another landowner, a farmer in most instances, his development rights thereby preserving this open space agricultural land, should I not get credit for having preserved that? That's a goal of yours, it's a goal of mine and it would allow for a yield that's meeting zoning.

And all I'm saying, I would use the word exempt but Mr. Cardinale if you feel that you're afraid of an abuse of that word exempt, then I would say at least a credit for the open space that's preserved."

Supervisor Cardinale: "That's what-- I would like to see some language because it needs to address the issue that not everybody is going to develop the receiving zone at 100% doubling the yield. Many people will take or some people will take 20 instead of the 40 so it would have to be language that would address that and give some latitude or leeway.

But I certainly wouldn't want to exempt it because that would be- that- I know what would happen then. You'd have a lot of large lots and no open space."

Peter Danowski: "Except that you'd be credited with preserving all the acreage- "

Supervisor Cardinale: "Well, you're getting credit. But the concept of the rights of the transfer of development rights is what

it says. It's a transfer of the right to develop the unit that would have gone on the APZ farmland to another site. It does not give you the right to take- to be exempted from other rules when you're developing that second unit on those sites."

Peter Danowski: "But I think what you'll find if you're in the private sector is that when a developer looks to acquire rights, if he's being told that he's being severely limited in the size of the lot he can build in the receiving zone, the value of those rights are worth less and he's less apt to even bother to participate in the transfer program.

And so I'm just mentioning it- "

Supervisor Cardinale: "On the other hand, you're only talking about residential and we only have- of the 5500 in rights, 5500 rights that we wanted to move out of the APZ to keep it open and keep it the farm belt, only 500, one-eleventh of them is going to be in residential. So how much of a problem can this be if it's only 1/11 of all- the rest of them have to go to industrial and commercial locations."

Peter Danowski: "Well, you're going to be very optimistic if you think you can attract enough developers to acquire the rest of those rights but that's another issue.

The other questions are language here. Sometimes when you require covenants and restrictions at the planning board level and you make them specific to a lot, it's very difficult with the county clerk's office to put covenants on a lot that has not yet been created.

It would be much better to say that no building permits will issue on any lots on a filed map without these covenants first having been filed.

Also use language that the planning board shall require these covenants and restrictions to be filed prior to the issuance of final plat approval. Your final plat approval means the signature on the subdivision map.

I guess as an alternative I would take that language but as you know most planning board resolutions of final approval are conditional final approvals. So implicit in that final conditional resolution of approval is go file a covenant, go give us a deed, deliver your monies.

What do you mean by issuance of final plat approval? I think you might mean before the chairman of the planning board will sign the subdivision plat as opposed to the resolution."

Supervisor Cardinale: "What are you referring to?"

Peter Danowski: "I'm looking at any one of the paragraphs but on the particular one I'm looking at, it's paragraph B under guidelines."

Supervisor Cardinale: "Yeah, it's D. The planning board may approve cluster (inaudible)."

Peter Danowski: "I'm talking about when you are requiring covenants and restrictions to be filed. I'm saying the planning board you're now, by this language mandating that covenants and restrictions be filed before the map is filed and if you have specific covenants on a lot and I go to the county clerk's office and I say lot #13 on this subdivision which has not been filed with the county clerk requires this specific covenant and I'm filing that covenant."

The clerk says what lot 13? You don't have a map of that lot. And I don't want the covenant affecting the whole property because it doesn't. It only affects a lot that's going to be created.

So I think it would be better— my first point was to insist on the covenant to be filed after the map is filed but before any building permit issues for any lot.

The second point was just what do you mean if you insist on trying to require these covenants to be filed before the map is filed, what do you mean by the issuance of a final plat approval?

I would think that's the signature of the planning board because most every resolution coming out of the planning board, the final resolution of approval is a conditional final approval. And it includes all of these conditions."

Supervisor Cardinale: "Right, but— "

Peter Danowski: "All I want to know is understand what you mean by issuance of final plat approval and I would recommend that you not require the covenant until after the map is filed."

Supervisor Cardinale: "Okay. On the— after the map is filed has got all sorts of problems but before final plat approval means before Dick signs off. So maybe we should make that clearer, Dan. That's what we mean. We don't have to do it before they give the final approval. You have to do it before the buy signs off on the map that all the conditions have been fulfilled and they're ready to get it filed."

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Peter Danowski: "Thank you."

Supervisor Cardinale: "Okay. Thank you."

Dan McCormick: "I'll address that with (inaudible)."

Supervisor Cardinale: "Thanks. Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. When these things went to public notice, I had brought up the concern about the combination of clustering and purchase of development rights."

Supervisor Cardinale: "Yes. That dovetails what he was talking about. Yes."

Sal Mastropolo: "What Pete's talking about. But what he brought about— he brings up the concern as if you're forcing the lots down to the small size. I look at it from the other side.

The developers will do whatever they can to get the maximum number of houses on the smallest lot sizes. Okay. So I still have a concern if you allow the combination of clustering and purchase of development rights.

I think there should be something in the code that says the minimum lot size of each individual lot for development has to be a certain size, be it half an acre or three-quarter acre. Okay. So you don't wind up with one-third and one-quarter acre lots similar to the development which was planned behind me. Okay. So that's the first thing.

The second thing is that there should be a clear definition of what you can use the open space for. For example, okay, if you take 100 acres and you wind up clustering, okay, there should be something in there that says you can't put greenhouses on the open space. Okay.

Or there can't be a building on the open space. Okay. So, for example, let's say a developer takes a hundred acres and the rule is 70/30, 70 open space, okay, can he take the 70 acres and break that down into seven 10 acre parcels and call it open space and put a building envelope of each of the seven.

Because that's what happened behind me. Okay. They clustered, they took 13 acres, they put a building envelope on six acres, a building envelope on seven acres, and 24 lots on the other 24 parcels. Okay.

So I mean you really have got to write a lot of things into law because a builder will find a hundred different ways to beat you.

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Okay. And wind up with small quarter acre lots and greenhouses on the open space and building envelopes on the open space, etc., if you don't put it in the code."

Supervisor Cardinale: "Yeah. Just what- what you are talking about is part of what motivated this change was just what you were saying that you have 80 acres of open space and what would happen would- let's say you had 130 acres, 50 was going to be developed. You put the 80 aside. I had thought that that would be an agricultural lot of 80 acres, so had Joe Gergela.

But what we're fearful of what will happen is that it will be cut into 10- eight 10 acre lots or more- seven acre lots, McMansions are built on them and farming really is not done on them.

Now nobody is building anything so it's a moot issue but that was one of the things that motivated this look at the statute."

Sal Mastropolo: "Thank you."

Councilwoman Blass: "I think there are really two things that may be underlining some issues here.

One is that there's some expectation that a receiving area can indeed accommodate 100% of the development that's being transferred and I think the planning board has discretion in that regard to say whether that receiving subdivision makes sense or not."

Supervisor Cardinale: "Right."

Councilwoman Blass: "And you know that's one. There's an expectation on the part of the owners that they can get 100% that may not result in- or the actuality is that may not happen.

And, secondly, unless you are clustering so tightly that you have attached units, there is at this point no policy as to how small those lots or how large those lots or what is the minimum lot size. So that is something that the planning board looks at in their discretion, their sole discretion, when they are designing or reviewing a proposed subdivision on the receiving end.

So there's no policy there necessarily or no legislative direction there. They have policies but there's also no expectation that 100% of the transferred rights can be accommodated in a parcel."

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

Anybody want to make any other comment in regard to the 2:10, 2:15 and 2:20 hearings concerning cluster development? If not,

we're going to leave this open for-- until Friday, a week which would be the 16th at 4:30 pm for any comment to the town clerk's office which will be made part of the file which we'll review before final determination of what we want to do.

Yes?"

Sal Mastropolo: "Can I offer one other comment?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "If you combine clustering and purchase of development rights, why can't you change the requirement for the amount of open space so you accommodate larger lots?"

For example, let's say you have 100 acres, okay, two acre zoning, so the yield out of that would be 40, right, because you lost 20% for streets and the sump."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Okay. If you bought development rights so that you can get 80 houses on there, okay, by saying 70% is open space, all right, now you're putting 80 houses on 30 acres. But if you do the math and let's say you have a requirement that the houses have to be on half an acre, a full half acre, okay, what you wind up with is 60 acres preserved, not 70, and the 80 houses on a half an acre."

Supervisor Cardinale: "Right."

Sal Mastropolo: "All right. If you change the number to three-quarter acre, you wind up with 40 acres preserved, okay. So you're still getting preservation on the-- you're still getting open space out of that 100 acres but at least you don't have postage stamp lots."

Supervisor Cardinale: "Yeah. But Barbara-- that's possible, but what Barbara suggested a minute ago is that when the approval of that subdivision is discussed in the planning board, they have the discretion to say 80 is too much to begin-- we believe that this piece can be aptly divided with only 62 houses on it so you don't have to go out and buy 40 development rights. You have to go out and buy 22. Which accomplishes the 62 houses, but also accomplishes a big swath of open space which is the whole idea in the RA-80 zones.

So that might be a better way to do it because if we go-- what you're suggesting which is a minimum lot size for non-attached units, exactly what you just said is going to happen. That you are

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going to wind up taking from the cluster area that amount of land adequate to bring you up to the lot size you want.

Another option is reduce your units down to what allows a 70% cluster."

Sal Mastropolo: "Yeah, but there's only one problem, see. You keep saying the discretion of the planning board."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "And the problem is if it's not written in the law- "

Supervisor Cardinale: "Well, you're right."

Sal Mastropolo: "Okay. The builders see it as their right, okay. So if it's not in black and white in the law, okay, they're going to claim that you're taking away their rights."

Supervisor Cardinale: "Or more significantly the planning- one of the reasons we're looking at this is because, for example, when we say in the beginning, you want to go to 50% cluster, we understand the real world that might be necessary, give us some real good reasons. We're not impressed with the reasons we've seen on the approvals.

Because what we are saying to the planning board is we as the legislators want to see good clustering, a lot of cluster space. And if you can't just decide we're going to make it 50 instead of 70. You've got to have good reason.

The same is true of your situation. We're saying a gain here. We want to see 70% cluster. If you can't put 80 houses on that put 62 instead but give us the 70% cluster.

Maybe we should strengthen the language in here to make- because we started on this by- what the point was, was if we don't like the exercise of discretion of any board such as planning or ZBA, the only alternative this board has is to make very clear in its legislation what the will of the board is. And that's what we're trying to do here.

So your point is well taken. You're saying if we leave it to the discretion of the planning board, we may be disappointed. In fact, in the past we have on occasion.

The problem is we also are wise enough to understand that if we think we're all knowing and leave no discretion in the zoning board of appeals or the planning board, the whole process doesn't work.

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They have to have some discretion. So that's what we're really trying to balance here.

In an ideal- in a theoretically ideal world, you wouldn't have any discretion on any other board but the legislative body. We would make the law so clear that they didn't need to exercise discretion but it just doesn't really work that way. So it's an interesting question whether we should- "

Sal Mastropolo: "A builder, okay, if you tell a builder, you know, instead of 80 go to 62, he's going to cry the blues. He's going to say that's where all my profit is in those 18."

Supervisor Cardinale: "That's right."

Sal Mastropolo: "Because I've got to cover the infrastructure, okay, the purchase of the land, etc. So he doesn't want to go to 62. He wants the 80."

Supervisor Cardinale: "Okay. Even if he has to pay for them. But remember, he doesn't pay for them unless he's really out of his mind until he knows what the unit yield is going to be that the planning board is going to give him."

So it's not like he went out and bought 40 units and then could only use 22 of them. He's only going to buy the number of units that they give him the right and what was unclear from what Pete said is that you would think that if I say I'm in an RA-80, he can go as much as RA-40, have double the yield. You can but it's not an absolute entitlement.

You have to get by the planning board. They could say on this piece you can only have 22 more units. If they don't use their discretion wisely, we will have no choice but to do what you're saying. That, wait a minute, you're going to give this guy 80 units and have quarter acre lots, maybe we have to make a rule which is what you're telling us we should do, that no lots shall be less than half acre."

Sal Mastropolo: I mean I would rather preserve 50 acres and have every house on half an acre than preserve 70 and have every house on a third of an acre. Because I think it's just too small."

Supervisor Cardinale: "Okay. Well that's a very well thought out point. We will consider it."

Anybody else? If not we are open for written comment until 4:30 on the 16th, Friday the 16th."

Public hearings closed: 2:50 p.m.

Left open for written comment for 10
days at to January 16, 2009, at
4:30 p.m.

Supervisor Cardinale: "Okay, we have taken comment on the resolutions. If there is no further comment, we'll consider them and then take general comment.

Diane."

Resolution #1

Councilwoman Blass: "Resolution #1 of the year 2009 sets the salaries of general town employees. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "I'm going to vote yes, but I still think that some of these part time salaries should be looked at and adjusted to where they should be. I think some are high and some are low. I vote yes."

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

Resolution #2

Councilman Dunleavy: "Sets salaries of various boards for the year 2009. So moved."

Councilman Buckley: "Seconded."

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

The Vote: "Wooten."

Supervisor Cardinale: "I was able to get a confirmation that that was a correct number on accessory apartment. I remember 3,500 too so I'm surprised."

Councilman Wooten: "Can we approve it but still look into this?"

Supervisor Cardinale: "We could amend it."

Councilman Dunleavy: "Where's our building department? Leroy would know."

Councilman Wooten: "I just remember it was 35."

Supervisor Cardinale: "Is Leroy in the room? And if he's not, would you send Trina in?"

Councilwoman Blass: "Did we confirm it by calling over to accounting to say-- "

Supervisor Cardinale: "Well, Rothaar did confirm it but he could be wrong. Yeah, he probably confirmed he sent it."

Leroy, would you come forth? Do you recall-- we think there might be a typo on the accessory apartment review board. What is the amount that is being paid to the members?"

Leroy Barnes: "I believe that it is 4,000."

Supervisor Cardinale: "Okay. Bill, would you confirm that? We'll set it aside. We'll do it as the last one. Rothaar said it was confirmed but maybe we're all recollecting incorrectly but we thought it was 35, maybe the chair was 4. But if it's right, it's right; if it's wrong, it's wrong. Just let me know."

And I don't want to know what he sent over. I want to know that he checked our resolution that we passed. Thank you. Okay. Let's hold it aside for a minute. Can you hold it until the last one?"

Diane Wilhelm: "Sao we're holding it."

Resolution #3

Councilman Buckley: "Sets the salaries of street lighting district for the year 2009. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #4

Councilman Wooten: "This sets the salary of the sewer/scavenger waste district for the year 2009. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #5

Councilwoman Blass: "This sets the salaries of refuse and garbage district for the year 2009. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #6

Councilman Dunleavy: "Sets salaries of water district employees for the year 2009. So moved."

Councilman Buckley: "And seconded."

Supervisor Cardinale: "Did we just do that one?"

Councilwoman Blass: "No."

Supervisor Cardinale: "I'm ahead of you. Moved and seconded. Vote please."

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

Resolution #7

Councilman Buckley: "Sets salaries of elected officials for the year 2009. So moved."

Councilman Wooten: "Seconded."

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

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

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Councilman Dunleavy: "I have to stick by what I've been saying and it's no."

Diane Wilhelm: "No?"

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

Resolution #8

Councilman Wooten: "Sets salaries of highway department for the year 2009. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #9

Councilwoman Blass: "Sets the salaries of police officers for the year 2009. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #10

Councilman Dunleavy: "Sets salaries of program employees for the year 2009. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #11

Councilman Buckley: "Sets salaries of municipal garage employees for the year 2009. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #12

Councilman Wooten: "Ratifies budget transfers from municipal fuel and municipal garage to town of Riverhead general fund. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #13

Councilwoman Blass: "Appoints official newspaper which is the News Review. So moved."

Councilman Dunleavy: "And the Times? And seconded."

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

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

Councilman Dunleavy: "Yeah. This one has to be amended because there's no more Traveler Watchman."

Councilman Wooten: "Well, it is. It's part of the Independent."

Supervisor Cardinale: "Yeah, that's correct. I would-- why don't we do that, John? I think that was an oversight. Independent."

Councilman Dunleavy: "It has to be a paid subscription."

Supervisor Cardinale: "All right. Then we should cross it out."

Councilman Dunleavy: "That's right. It has to be a paid subscription."

Supervisor Cardinale: "Thank you. So the only-- if the News Review is not available, we need something quickly, our alternate is the Newsday and the Times, right. Those are the only ones we can use because those are the only ones that are paid. Too bad."

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You've vanquished all the competition. It goes to tell you it doesn't take much."

Councilman Dunleavy: "On the amendment, I vote yes."

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

Resolution #14

Councilman Dunleavy: "Maintains policy of nondiscrimination. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #15

Councilman Buckley: "Appoints a call in assistant recreation leader to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #16

Councilman Wooten: "Appoints a call in recreation aid youth bureau cafe, Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #17

Councilwoman Blass: "Appoints a part time court officer to the police department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #18

Councilman Dunleavy: "Authorize the town clerk to publish and post a help wanted ad for an executive assistant. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #19

Councilman Buckley: "Accepts the resignation of bingo inspector. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #20

Councilman Wooten: "Appoints a part time crossing guard to the police department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #21

Councilwoman Blass: "Ratifies the approval of a leave of absence for a police officer. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Yes. And just to let everybody know. This is the second police officer we're losing this year because of these leave of absences. So when we add police officers we do save money because we only pay 22 vacation days for these people that are leaving. So I vote yes."

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

Resolution #22

Councilman Dunleavy: "Reappoints town historian. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #23

Councilman Buckley: "Appoints bond counsel. So moved."

Councilwoman Wooten: "Seconded."

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

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

Resolution #24

Councilman Wooten: "Sets standard legal counsel hourly rate, \$1.75, I'm sorry, \$175.00. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #25

Councilwoman Blass: "Approves the highway superintendent expenditures. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Dunleavy: "Can we have a discussion on this a minute?"

What happened to the 70,000 that he has to go buy used equipment?"

Supervisor Cardinale: "You're talking about this 25, John? This one in front of us."

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "This is a-- that-- this is an annual one we do every year which I think we have to do by statute. Do you remember this? Yeah, we have to give them a certain amount for equipment which we then-- he actually has about 200,000 more plus 70.

This is the form that we pass every January to show that we're giving him some authorization to spend for equipment, tools and implements.

However, we-- you're right. We've given him 70,000-- "

Councilman Dunleavy: "We increased that to 70."

Supervisor Cardinale: "-- yeah, we've indicated 70,000 for used equipment and we also I think passed 200,000 for real equipment annually later. But this is a pro form that we use every organizational meeting. So he's getting this and that to answer the question."

Councilman Dunleavy: "So we should have another resolution for them to-- for 70,000 to buy equipment and get a check."

Supervisor Cardinale: "We may have to do that again because we did it on an annual basis. That's correct.

We passed the budget. Unless it's in the budget, it may have been passed that way. I'll check that."

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Councilman Dunleavy: "Okay."

Supervisor Cardinale: "All right. Yes."

Councilman Dunleavy: "I vote yes."

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

Resolution #26

Councilman Dunleavy: "Designates banks as official depositories for town funds. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #27

Councilman Buckley: "Sets towing and storage fees. So moved."

Councilwoman Wooten: "Seconded."

Councilman Dunleavy: "I'd like to make an amendment to this."

Supervisor Cardinale: "Yes, go ahead, John."

Councilman Dunleavy: "Seeing we increased our fees, the 270 flat fee has to go up to \$310 and the per day storage fee \$35.00."

Supervisor Cardinale: "Okay, that's fine. I think we used last year's so those are the correct figures."

Councilman Dunleavy: "You used last year's figures which are the decrease in the hourly rate."

Diane Wilhelm: "Three ten and thirty five?"

Supervisor Cardinale: "Yes. Three ten and thirty five as opposed to 270 and 30."

Okay, with that amendment, can we have it offered and seconded?"

Councilman Buckley: "I move as amended."

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Supervisor Cardinale: "Did you want to make a point?"

William Rothaar: "Yeah. We looked it up. It was Resolution 312, April 15th. It was 4,000 across the board."

Supervisor Cardinale: "All right, thank you. Okay. So we'll put that up at the end and can we have 27 moved and seconded?"

Councilman Buckley: "I move as amended."

Councilman Wooten: "I'll second it."

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

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

Resolution #28

Councilman Wooten: "28 authorizes budget modification to the 2008 community development block grant program. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #29

Councilwoman Blass: "This awards bid for HVAC improvement project at senior citizen center. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #30

Councilman Dunleavy: "I'm going to call this one but then the supervisor is going to check on it."

Authorizes the supervisor to execute an agreement with Len Rempe, Inc. to provide oil burner maintenance service at the Jamesport volunteer ambulance facility. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #31

Councilman Buckley: "Authorizes the supervisor to execute an agreement with Len Rempe, Inc. to provide oil burner maintenance service at the town of Riverhead buildings and grounds facility. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #32

Councilman Wooten: "Ratifies addendum to lease between the town of Riverhead and the Division of Military and Naval Affairs for the armory. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #33

Councilwoman Blass: "Appointment and approval of the fee schedule for the Raynor Group P.E. & L.S. PLLC as consulting engineers and land surveyors. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #34

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement with Jacqueline O'Sullivan for board transcribing. So moved."

Councilman Buckley: "Second."

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

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

Resolution #35

Councilman Buckley: "Authorizes expenditure for support of Dr. Martin Luther King Jr. memorial event. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #36

Councilman Wooten: "Ratifies the publication of a public notice for public hearing to consider a local law which would adopt a map designating non-disturbance areas pursuant to the Pine Barrens Overlay District, Riverhead town code Article XXXV for the former naval weapons industrial reserve plant now known as Enterprise Park at Calverton. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. I'm voting for the public notice but I actually have some concerns about the map as presented. But I'll vote yes for the public hearing."

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

Resolution #37

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Councilwoman Blass: "Accepts and replaces irrevocable letter of credit of M-GBC, LLC Calverton Camelot II. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #38

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

Councilman Buckley: "Seconded."

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

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

Resolution #2

Councilman Dunleavy: "Sets salaries for various boards for the year 2009. So moved."

Councilman Buckley: "Seconded."

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

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

Councilwoman Blass: "Mr. Supervisor, could I just make a quick comment about Resolution #7.

This— I did not support raises for elected officials in the budget and I did support this resolution, however, since that resolution prevailed.

But I just wanted to make certain that you knew that I did not accept my raise although others are free to do what they are doing but I believe that my vote is consistent."

Supervisor Cardinale: "Thank you. Is there any other business or is that the end of the resolutions? Okay.

Is there any comment from the public on matters of general concern to the board, please come up. Yes."

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Sid Bail: "Sid Bail, president of the Wading River Civic Association.

Is the town contemplating dredging the creek this winter?"

Supervisor Cardinale: "We have- I've had a discussion about that with Ken. He's spoken with LIPA. I've spoken with- I don't know who the people- what's the guy's name that we always deal with?"

Councilwoman Blass: "Vinnie Frageria (phonetic)."

Supervisor Cardinale: "Vinnie Frageria. I would say it's pretty likely it's not going to get dredged because it has to be dredged by January 31st and they've been dancing and we haven't been pressing because the last time we dredged it, it didn't do much good because it came back in by the time they were ready to use it.

What they're trying to focus their efforts on are- is a long term problem as you know- a long term solution to the problem which itself is becoming a long term problem because there's dissent within the community as to whether the jetty will work and whether it will be fair to the people to the east of it as far as (inaudible).

We've spent- we are authorizing- as you know, we've authorized \$75,000 for an engineering study by an independent firm to determine whether this is viable and a solution. Even if they come back and they tell us yes it is, and we quell the concerns of the east and west of the community, then we still have to get the DEC to break a long term disinclination despite the history here of utilizing jetties on the waterfront.

But the idea now is to get a solution, Sid, for the long term which means it doesn't look good for this year."

Sid Bail: "The engineering report, I think you had mentioned a couple of months ago that he was going to make a presentation to you at a work session."

Supervisor Cardinale: "Yeah, that was authorized, the \$75,000 was authorized."

Sid Bail: "Right. But the actual study."

Supervisor Cardinale: "Yes. And when the study is ready and I wish it was here. Bill, you know when that study is going to be ready? Let's assume it to be in a few months. Yeah, I'd like to get that widely disseminated so I'd like to see it presented at a work session."

Councilwoman Blass: "I actually think we had made representation as well that when it was ready we were going to have a specific presentation at the Wading River Civic meeting. We had talked about that and I represented that when I addressed the committee- addressed the meeting."

Supervisor Cardinale: "This is an area where everybody is well intentioned but there has to be a lot more life and less heat. So we would like to present to the Wading River Civic. We'll also do a presentation for the TV at the work session."

But I don't know what it's going to say. If it says that it's not viable, then we're really back down to- then, if that's the case, we're going to try to- we'll probably try to get the couple hundred thousand that we're still owed by LIPA for the dredging, get them to give us the money equivalent and continue to dredge as best we can each year to get some access."

Sid Bail: "Thank you very much."

Supervisor Cardinale: "All right. Thank you. Any other comments? If there's no other comment, we're going to be here at Thursday at 10:00 for a work session. We'll see you then. Thank you."

Meeting adjourned: 3:10 p.m.