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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, January 19, 2005, at 7:00 p.m.

Present:

Philip Cardinale,
Supervisor
Edward Densieski,
Councilman
Barbara Blass,
Councilwoman
Rose Sanders,
Councilwoman

Also Present:

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

Absent:

George Bartunek,
Councilman

(There was a CD error and the beginning of the meeting was not recorded)

Supervisor Cardinale called the meeting to order and the Pledge of Allegiance was recited, led by Vince Tria.

Senior Citizen Advisory Council - John Huck; Bernadette Vooras.

Ed Carey - Policeman of the Year

Supervisor Cardinale: "Okay, they are working and we're going to begin the meeting of January 19th- is it? Yeah, January 19th."

Can we approve the minutes of the first meeting of January 4, 2005? Would somebody offer the minutes for approval and second, please?"

Councilwoman Sanders: "So moved."

Supervisor Cardinale: "Moved by Rose."

Councilwoman Blass: "And seconded."

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Supervisor Cardinale: "And seconded by Barbara. Can we have a vote, please, to approve the minutes of January 4th?"

The Vote: "Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. 4 yes and 1 absent."

Supervisor Cardinale: "We have— would you read to us the Reports, please, Barbara?"

REPORTS:

Receiver of Taxes
Utility collections
report for
the month of December, 2004
Total collected: \$299,701.47

Total collections of taxes to
date:
\$46,013,417.62

Police Department
The monthly report for
November, 2004

Juvenile Aid Bureau
The monthly report for
December, 2004

Sewer Dept.
Discharge monitoring
report
for November, 2004

Animal Control
Statistics report for
Jan.
2004 to December 2004

Open Bid Reports
Janitorial bid, food bid
and
meat and poultry bid

Barbara Grattan: "That concludes Reports."

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

APPLICATIONS:

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Special events
East End Olds Club -
August
14, 2005 - car show and swap
meet

Wading River Civic Assoc.
May 1, 2005 - duck pond
day

Cooley's Anemia
Foundation October 1, 2005
- bike-a-thon
4 mile walk

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Thank you. Correspondence."

CORRESPONDENCE:

Peter Danowski
Re proposed transfer of
development rights law and
supplemental environmental
impact statement (Tanger)

Re SCTM# 0600-101-01-08 -
property owned by Carmine Dell
Aquila

Vintage Group, Inc.
Re court house parking

Peter and Joanne
Re zoning Board of
Appeals
Desposito
appointment

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Do we have announcements from any Board
member?"

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

Councilwoman Sanders: "I'd like to announce the Riverhead- the
second annual Riverhead Idol auditions will be held on Saturday,

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February 5th, at 9:00 a.m. here at Riverhead Town Hall followed by a second audition at 4:00 on Monday, February 7th at the Vail Leavitt Theater and the finals will be conducted on Friday, March 4th, at the Vail Leavitt Theater.

And we would like as many participants to attend and participate this time. It was a very successful event last year and we're hoping to make it bigger and better this time around. Thank you."

Supervisor Cardinale: "Yes, Barbara."

Councilwoman Blass: "Yes, thank you. Also this Friday, January 21st at the Henry Pfeiffer Community Center in Calverton, there is a hearing awareness outreach program that's being conducted by a licensed audiologist, Gerry Competello (phonetic). There are 15 minute screenings that she is prepared to provide from the hours— between the hours of 9:30 and 1:30. They are free of charge to anyone in the community for ages three to adult. That's this Friday at the Henry Pfeiffer Community Center. It's a hearing outreach awareness program. Thank you."

Supervisor Cardinale: "Thank you. Any— okay. The good news on this stormy winter night is that there are no public hearings scheduled which means that we can take comment right now on any of the resolutions. Then we can move onto the resolutions and then we can take comment on any matter of— within the board's authority or otherwise, I've learned by experience, that you'd like to comment on.

So how about on the resolutions before us? The other good news is that there aren't a lot because we've had so many meetings of late. They are, I guess there are about 37 of them. So if you have any comment on any one of them, I'm all ears. Yes, Tim."

Tim Yousik: "Tim Yousik. I'd like to just comment on Resolution #70, that's awarding the bid to pave the lot on Griffing Avenue for the courts."

Supervisor Cardinale: "Yes."

Tim Yousik: "We're also going to go out to RFP to see if anybody would be interested in putting a garage there. Is that correct?"

Supervisor Cardinale: "That is correct."

Tim Yousik: "So we're going to spend \$760,000 to pave it, to potentially tear it right back up so somebody can put footings in?"

Supervisor Cardinale: "Right. And I would like— if you have a solution to that dilemma, that is a possibility, yeah. And I've

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talked about it, heard about it, talked to the engineers about it. If there's a solution to this dilemma, I'd like to know it.

But as far as I've been told by my engineers, there isn't, because we don't— if you don't know exactly what you're going to build, to put any footings in would be unhelpful and the only way we can put footings in on the pretext or on the possibility that we'll need them, is if we know basically what we're putting in."

Tim Yousik: "I agree with that part."

Supervisor Cardinale: "Yeah."

Tim Yousik: "My question. Before this T-21 grant money was allocated for this parking project, where was the money first allocated? Because if I recall properly, correctly, it was changed from one thing to this. Do you remember what that would be?"

Supervisor Cardinale: "Andrea— I don't. But Andrea is here— not here because she's at that meeting where George is. I believe— I honestly don't know if— I believe part of it was— at least part of it was for sidewalks. And, do you know anything else that it was allocated for?"

I also know— one of the other problems— "

(Some inaudible discussion among the Board members.)

Supervisor Cardinale: "-- and part of it— part of this grant was but he's interested in— this is part of more than the— "

Tim Yousik: "It was like a three step grant— you know— "

Supervisor Cardinale: "Right. I am honestly not sure. However, part of the monies— this money that we're spending in asphalt was a grant that could have been made— it could have been used for not only this but for other similar projects, sidewalk projects, improvement projects. And we moved in that direction, that I do know."

Tim Yousik: "No. I just— it bothers me that we're going to spend \$760,000 to potentially tear it up when the money could have— at one point was allocated to do other things like desperately needed sidewalks."

Supervisor Cardinale: "Yeah. We're not going to tear up the entire parking lot. It bothers me, too, and that's why I've been talking about this, I guess, since May. I just— I know we have a commitment to move forward with this and I know that— I talked about and thought about putting in the footings, you know, because they're

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not going to be that expensive to put in, but putting them in without knowing the building design doesn't- is not- doesn't help."

Tim Yousik: "You asked for a- if I had a comment on something that might be a better choice which I'm going to address during public comment because it really has nothing to do with the resolution. But I just want you to know my concern that we're potentially spending \$760,000 to have somebody tear it up if we award an RFP, well if we accept an RFP for a parking garage."

Supervisor Cardinale: "A portion of it would be tearing out- yeah."

Tim Yousik: "Quite a bit of it. They'll hold perimeter."

Supervisor Cardinale: "The perimeter, yeah."

Tim Yousik: "Thank you."

Supervisor Cardinale: "Thank you. Yes, Bernadette."

Bernadette Vooras: "Bernadette Vooras, Riverhead. #69."

Supervisor Cardinale: "Yes."

Bernadette Vooras: "I know that from the work session it is the turn of the Traveler Watchman, I believe, to become the official newspaper of the town for this year."

Supervisor Cardinale: "That's right."

Bernadette Vooras: "And I was just wondering, does that mean that in the News Review for Riverhead, there will not be legal notices anymore? That they will go to the Traveler Watchman?"

Supervisor Cardinale: "Yeah. The official paper where we put routinely all of our advertisements as I understand it will be for this year the designated paper. However, there are other papers that we can use alternatively when we have short deadlines and we have to get it in quickly or when else do we use them, Barbara? When we- "

Barbara Grattan: "Actually your short deadlines is when- "

Supervisor Cardinale: "Pretty much that."

Barbara Grattan: "-- and then- bids, which need to go into the city, so then you would put- "

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Supervisor Cardinale: "Or when we wished to go to a wider— we need for bids to go to a wider audience. But mostly they will be in Mattituck Traveler— or Traveler Watchman, I'm sure. Sorry."

Bernadette Vooras: "Okay. Then just by way of a comment, I would like to be on record. I don't like that idea because I consider the Traveler Watchman as a fine paper, but it is the Southold paper. I know that it puts in a few articles about us but the News Review is the Riverhead paper and it has everything in there. Okay? Every jot, every period, comma, question mark, everything is in there."

And I've seen the Traveler Watchman a few times because it was sent through the mail freely and as I say it's a fine newspaper but 99% of that paper is about Southold, as it should be, and the News Review is 99% if not almost 100% about us here in Riverhead.

But I do understand, you know, about the year, every year that somebody should have a chance. It's almost as if I wish there were two local papers."

Supervisor Cardinale: "Thank you. Any other comment on any one of the resolutions? Yes, sir. And then, ma'am, if you could comment right after his. Yes, sir."

Greg Grazziano: "Greg Grazziano. I have a comment regarding Resolution 70 also which ties into the resolution that I have a problem with dated 2000, Resolution #822 in regards to the town board commitment to parking."

In the face of the resolution— "

Supervisor Cardinale: "822 of what year?"

Greg Grazziano: "2000. Correct. In the face of the resolution, 822, it states a minimum allocation or construction for 600 parking spaces in the Griffing Avenue, Railroad Street area, to resolve parking difficulties for not only the Supreme Court, but the Long Island Railroad station, the overflow for Atlantis Seaquarium and other downtown and Polish Town attractions, but in the resolution itself it states that the minimum of the 600 that you stated for the previous five that I have mentioned, was strictly for the Court Street, the Suffolk County eight court extension. I just don't understand how a resolution passed in 2000 on its fact that represents more than five areas of concern from the town is— just allocated for the Suffolk County eight court extension."

Supervisor Cardinale: "I don't have the resolution in front of me. If you have it, I'd like to see it. It's a— that's a resolution of 2000, the year 2000."

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Greg Grazziano: "Right."

Supervisor Cardinale: "Thanks. Okay, I guess you are— the resolution— the resolution— resolution Resolve clause which is the operative clause in the resolution, reads: Now, Therefore, Be It Resolved, that the Town Board of the Town of Riverhead hereby commits to allocating a minimum of 600 parking spaces for the proposed Suffolk County eight court extension on the Court Street, Griffing Avenue site. Period."

Greg Grazziano: "Period. Without recommendation for any of the other overflow parking for the concerns in the fact of the document."

Supervisor Cardinale: "And actually Eddie was asking if I voted for that because I was on the Board. I did not."

But I think what you— your question if I understood it is was the 600 parking spaces contemplated for the court parking or was it for the other things? And the confusion is this: it says in the Whereas clause, we're committed—

Whereas, the Town of Riverhead is committed to constructing or allocating a minimum of 600 parking spaces in the Griffing Avenue, Railroad Street area to resolve parking difficulties in this— for the Supreme Court, Long Island Railroad station, overflow for Atlantis and other downtown and Polish Town attractions.

Whereas, the Town Board of the Town of Riverhead has been in contact with the Suffolk County Department of Public Works and agrees it is necessary to be able to allocate parking— it is necessary to be able to allocate parking for Suffolk County proposed eight court extension and to conduct a study to analyze parking and traffic flow in order to appropriately address the needs of the town.

Be It Resolved, the Town Board commits to allocating a minimum of 600 parking spaces for the proposed Suffolk County eight court extension.

I was on the Board at the time, I did not vote for this because I had difficulties with why if we were going to get eight stations— eight courts, we needed to have 600 parking spaces. I thought we needed less; I still do.

But the difference between the Whereas and the Resolve is that— is that they're saying that these will be used for all those purposes but we wouldn't do them and we wouldn't do them there for sure if it was— if not for the fact that we are committing to allocating a minimum of 600 parking spaces for the Suffolk County extension— for the Suffolk County eight court extension.

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So we were doing it to— because we were compelled in effect to do it in order to ensure the courts would come there. But we would use the spaces at other times for those other purposes. The only operative portion of the resolution is the resolution Resolve clause itself.

There were four votes for it, one vote, mine, abstaining because I thought then and I think now— I have not yet seen and I talked about this, you'll be interested to know and so will Tim, because he's interested— today at length about this with my staff, Cullen— Dave Cullen.

I have not yet seen a reasoned analysis of how they come up with 600 spaces being necessary. I'm perfectly willing to stick by whatever commitment the Board made but I want to see a reasoned analysis of why 600 are necessary for the court."

Greg Grazziano: "Right. When it's required by as far as judicial law 393A requires the county to furnish all goods, services and facilities that the state did not assume under the provisions of the United Court Budget Act of 1976. The county is supposed to bear the burden of providing for their employees and it's noted in that judicial law that it's strictly for their employees and not the end user."

Supervisor Cardinale: "Right. I know that argument because Tim has advanced it. So has Mr. Burke and others. That pre-supposes no underlying commitment to provide parking for that site. But I have a different question.

Even if we have committed to providing the parking as an inducement, bad or good, smart or dumb, thoughtful or thoughtless, if we're committed to producing the parking that is necessary for the eight or nine new, you know, courthouses— courtrooms, I don't— we— I don't understand— I have not yet seen a reasoned analysis of why that is 600 instead of 300.

And there is a— we recently came across a book, a source book, for how you ascertain how many spots are necessary."

Greg Grazziano: "Correct."

Supervisor Cardinale: "And instead of using five per thousand square feet, they suggest 3.02 is the appropriate number for courthouses in suburban facilities. And that's a dramatically different number. It would reduce it by 40%.

We are working to develop those facts to see what we really need to produce. Dave Cullen is the point person we're working with, others, Charlie Bartra at the county, Kevin Law at the county, the

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Commissioner of Jurors for the state, Judge Leis. But we have still— we're still in the— we're doing it but we're not yet there. We don't have an— we don't have a developed argument but we are curious as to how they came up with the 600 to begin with.

And I've never seen— we know that the engineers who gave us that number back five, six years ago, did not calculate it. They took it from correspondence that the court gave them and they simply took their figures. But there must be a better way to do this."

Greg Grazziano: "Okay. Also in connection with this, an article in the Suffolk Life last Wednesday on January 12th, it was printed that Mr. Cardinale said that he was informed by the county last week that Riverhead must provide free parking at the garage, an issue that has been discussed at several board meetings and work sessions previous to finding out for sure.

I would like to know who provided you with the information that free parking must be provided and who the free parking must be provided to."

Supervisor Cardinale: "Yeah. We— we have received a letter just this past week pursuant to our request because their— the Burke group has consistently said, they've quoted the law what you're quoting, okay? Which is absent any agreement, those are the rules.

They've consistently indicated that they— the county has indicated as recently as May, that the courts aren't coming here unless we assume the parking obligation. So we said, okay, as a Board, 5-0, said okay. We'll continue the commitment of the previous administrations, we'll bring the parking— we'll provide the parking so that there will be enough parking, but we wanted to get a clarification on free to whom. Is it free to anyone that uses the court or is it free simply to the jurors and employees? Who is it free to?

They gave us a letter. It's sitting on my desk. I'd be glad to give you a copy. You have it? Timmy has it. Which, of course, indicates to them— is their view that free means free to any court user. So now they're really saying to us we have to provide free to any court user parking which they deem to be 600.

I'm not arguing with them at the moment because the board has not instructed me to do so and, in fact, at a meeting in May, we said we would pay for the parking. But I don't understand why it's 600 instead of some other number. It's free according to them to any user of the court system during court days. On holidays, weekends, non-court hours, we can use it, we can do with the parking lot or building anything we want.

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But I don't understand why we need to produce 600 yet. That's the case."

Greg Grazziano: "And as far as the resolution itself on its face, as I said, it designates a minimum of 600 for those five or six different things that you stated-- "

Supervisor Cardinale: "Right."

Greg Grazziano: "-- and then in the resolution itself-- "

Supervisor Cardinale: "Right."

Greg Grazziano: "-- it designates a minimum of the 600 for strictly the court."

Supervisor Cardinale: "The court. Yeah. Now, I can tell you-- I explained that the Whereas clause was suggesting it was going to be used for all those purposes but the reason we're resolving to do it is to provide the 600 they said was necessary for those eight courtrooms during the court day.

And the reason I abstained from that vote is Bob and I at the time were having an argument because this is the-- they told us at the time 10 courts would require 600. They cut us to eight but they didn't cut the number. And I-- my position in abstaining five years ago was that doesn't make sense. If we're losing two courts, shouldn't we lose 120 spots?

That was-- that's never been satisfactorily resolved and that's one of the reasons, Tim, that we're not moving as quickly as I'd like to on the RFP. Because at this point, the only RFP I can give out is for 600. But I'm still working on that number and if it's 300 or 400 or 480, it would make a significant difference to a potential builder of an atrium as to what they can give us as an idea. The less they have to produce for the court, free, the better from the standpoint of the economic development-- the developer's perspective.

It is a problem. I appreciate, I appreciate, you know, your concern, I share it."

Greg Grazziano: "Okay. Just the last point. Once again, I reiterate that Judicial Law 39-3A requires that the county furnish all goods and services and facilities and parking was considered a facility for its employees."

Supervisor Cardinale: "Right."

Greg Grazziano: "Strictly its employees. No and user."

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Supervisor Cardinale: "Yeah. That it would be a more restrained definition. Not all users, but simple- specific users.

I understand what you're saying. And I'm glad we're having a discussion now that the courthouse is going up instead of before it started."

Greg Grazziano: "Well, as far as- again, my concern is is that the county is supposedly responsible for the parking facilities for their employees."

Supervisor Cardinale: "Yes."

Greg Grazziano: "Now how is it turned to the Town of Riverhead residents to providing that parking to the county when they're required by law to provide the parking?"

Supervisor Cardinale: "They- the county, fairly or unfairly, demanded that in order to get this urban renewal project, this court here, we had to in effect you're correct, I think, in pointing out, assume an obligation which would otherwise have been theirs.

Now smart- thoughtfully or unthoughtfully, foolishly or wisely, the previous- administrations as far back as 2000 and I think- and before that, and this one in May, committed to assume that burden. They've defined the burden at 600 parking spaces. I have not agreed with that definition of the burden but as far as providing the parking spaces, that's the position that this Board and others before it have taken.

So I think it's going to be very difficult for Mr. Burke, Vintage Group or any other group, to be able to- to get a reversal of that and to keep the courts here. Frankly, if he can do that, I'm all- I'm excited about the prospects. But I don't know- I don't see how he's going to do that because the county has taken a position as has the state, and they're being pretty difficult about it, that they expect this commitment to be fulfilled if we expect the courts to be here.

On the other hand, as Tim has pointed out and as I will point out, in 19- late '80's was it, Barbara? Her husband, now Judge Blass, sitting as county legislator, brokered a deal whereby every third court, one out of every three courts, was going to come to the Riverhead County Center and not to Islip or Hauppauge. And that hasn't happened if you observe the realities of life. So they're asking us to stand by our agreement while they have not stood by theirs."

Greg Grazziano: "And by standing by their agreement, your agreement is referring to Resolution 822?"

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Supervisor Cardinale: "Yeah, providing parking. The other thing that was asked, I want to bring this up as long as we're on the subject, Burke's letter makes a point that, you know, where's the formal- the formal approvals here.

Here's the reality. The previous three administrations, not yet mine but I guess, yeah, tonight mine, has committed- they bought \$3,000,000 worth of property. They've condemned it in that 80,000 square foot area across from the library.

Each time that they bonded to purchase the property, they formally and fairly and fully told the public we're going to- we're building this parking garage here. We're condemning property to build parking facilities for a transportation center and the public supported it by not objecting to it within the constrained time.

Now, if in fact we're going to move forward, they're either going to have to build a building- if it's 600- if it's 300, we're there. If it's 600, we're going to have to either build a building on that site, an atrium, or we're going to have to pass additional purchase bonds as Tim pointed out to buy property and then asphalt it if we're going to do surface. And each of those bonds is going to have to be passed.

If the public rejects it, I can't control the public. If they reject the bond, then we're- I only have 300 places. That's the only thing I can do. But each of the first 300 that are at that 80,000 square foot, have been legally done.

But he correctly points out, if we do surface parking, there's going to have to be more resolutions and more bonds for the additional 300. I'm trying to hope- I'm hoping and trying to have them acknowledge it's less than the 600. That would help an atrium because I don't know how an atrium operates on that piece and makes any money if they have to put 600 parking lots- parking spaces. Particularly if it's free most of the time.

Because there's not enough space to get the retail and commercial office use to support the parking lot. But if I only have to put 300 spaces in a building, then it might work. So that's what I'm working on. It is a difficult problem. Dave Cullen is more expert than I at it. He's doing this as a good part of his duties. I'm open for any good ideas but that's where we are right now."

Greg Grazziano: "Just one last thing. As far as the verbage on Resolution 822, it specifically states the allocation of 600 parking spaces. The allocation is construction because in the face of it, in the beginning paragraph it says construction and/or allocation.

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So are— is there a distinction between the construction and the allocation and the resolution strictly states the allocation to where if it's existing parking and that's what should be allocated to the court parking or you're changing the word allocation to the construction of additional 600 parking spaces."

Supervisor Cardinale: "I think the allocating was— I don't know why it was used but it's a nice merely (inaudible) word because we were trying not to— we were trying to call— at the time I recall that we were trying to give the minimum commitment necessary to get them to continue with the project and I think that's probably why we used allocating instead of construction. It's a less strong word.

And the reason they lost my vote on this and I abstained was because I would have supported it with I think 480 as the number that I thought it should definitely have been reduced 120 because we were only getting, you know, if we were getting eight courts, we should get— it's 60 per court, that's 480, not 600."

Greg Grazziano: "So there's no way to go back and rescind and revise the resolution that is providing for the 600 parking spaces?"

Supervisor Cardinale: "I— this resolution could be rescinded tomorrow if five people want to rescind it. We can rescind any resolution we pass. The problem is what the county— what the county would react, lawsuits, and otherwise. And I don't even think they'd win the lawsuits necessarily.

It's really a question of our commitment as a community which was made repeatedly and then again in May of this year, that we were going to begrudgingly but we were going to, to get that complex of courts here we were going to provide parking necessary to accommodate the additional courtrooms. That's it."

Greg Grazziano: "Okay."

Supervisor Cardinale: "We were going to accommodate the additional courtrooms."

Greg Grazziano: "So I'm aware of the Vintage Group was here. They wanted to propose a parking garage that could accommodate the additional parking but as of yet they have not moved forward with that, or— "

Supervisor Cardinale: "Yes. The Vintage Group is one— is a proposal but the Vintage Group proposal doesn't come to terms with the issue we've been discussing for the last 10 minutes or 15 minutes, which is that their quoting what you're quoting, which is that it is— if we had made an intervening commitment or agreement as a town, they should come and pay for their own parking and thank you very much,

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nice to see you here, just as Tim came and paid for his construction of his business.

But we made in this and previous administrations, a commitment to provide the parking and now we're more or less reduced to arguing well, how many are really necessary for these eight or I guess it's nine courtrooms now that are going to be provided.

Now I'd be glad to have an atrium. The problem is I've got only 80,000 square foot of space, surface space, and if they build an atrium and try to accommodate all this parking, 253 can go on the surface. So if you build a second floor you can put in— that gets up to about 400 and change. You're going to have to build a third floor to get anywhere— to get near 600 and then what are you going to— where are you going to make the money from?

You're going to have to have some retail, some office space. You've only got two floors left at most, even if you steal some space at the ground floor for retail, it's going to be awfully difficult to accommodate a project and carry that parking on non— on court days. If I can— if it's less parking I have to accommodate, I have a better chance of that developer or any other in an RFP responding with something that he can make some money on and the town can live with.

I'm probably going to have to send the RFP out, this is not going to be resolved for the next month or two easily with 600. If I send an RFP out with 600 parking free during the court holidays, court days, I don't know, I'm not optimistic about the kind of response I'm going to get even from Burke. Because Burke's offers are always premised on not having the free parking commitment. That's a real problem."

Greg Grazziano: "And once again it comes back to the issue. The free parking for whom? The county employees?"

Supervisor Cardinale: "And that's what that letter that Timmy can show you, he has it. They're telling me clearly that free parking is free for any court user in their interpretation."

Greg Grazziano: "As far as the ruling in— 30-3A, it was determined that it was strictly for employee parking and not for the end user."

Supervisor Cardinale: "That's correct— that's one of the things we tried to wedge. Was it just employees and jurors? That's what we would like. And if it's employees or jurors, it doesn't need to be 600, maybe it's 380."

Greg Grazziano: "Right."

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Supervisor Cardinale: "But we got a letter back, nor surprisingly, ask a question and you often get the answer they want to give you, not the one you'd like to hear. They, of course, say no, it's 600 and it's for the end users. So anybody walking into the courtroom is not supposed to pay, much like in Islip where they have the parking fields. And they go in, they park, and they walk into the courtroom. It could be some guy who's- "

Greg Grazziano: "And also in Central Islip they have a paying parking garage."

Supervisor Cardinale: "Where?"

Greg Grazziano: "In Central Islip."

Supervisor Cardinale: "No, they don't, do they? They don't have it for the courts. In the courts- that's right near where the baseball field is there."

Greg Grazziano: "I believe so."

Supervisor Cardinale: "Yeah, they have court- they have surface parking, fields of it. Of course, I don't think the town of Islip paid for it."

Greg Grazziano: "And that's county land, right?"

Supervisor Cardinale: "The county paid for it but (inaudible)."

Greg Grazziano: "So now the county is providing for their Central Islip employees, they're providing free parking or whatever it is and now they're requiring the town of Riverhead because of its commitment in Resolution 822- "

Supervisor Cardinale: "Yes. Right."

Greg Grazziano: "-- because of its commitment in that resolution, and you're telling me that you can rescind that resolution any time if you have the five votes- "

Supervisor Cardinale: "Yes."

Greg Grazziano: "-- if there's strong enough community awareness for it and there's as far as I'm aware that there was a 1200 person petition that wasn't submitted correctly on a public hearing for allocation - "

Supervisor Cardinale: "Well, they still could do that. I mean they could have a permissive referendum on any bonding that is

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associated with this. You can always challenge it. I know, I challenged the theater bond which ultimately was defeated. You could do that on the next \$3,000,000 if we have to, you know, go up another \$3,000,000.

But the practical reality is if we don't work out some kind of an accommodate with the county, that is satisfactory to the county and the town, they'll get us. Trust me. They are the higher level of government. They are the larger subdivision of the state and we're all subdivisions of the state. They will get us. We're not going to get the \$50,000 they just threw at us for beautification grants downtown. We're not going to get other cooperation from them if we double cross them now. And they will consider this a double cross if we rescind this resolution. That's the real problem.

If anybody's got some ideas, let me know because I'm all- I'm working on it but it's a difficult problem."

Greg Grazziano: "Okay, thank you for the- "

Supervisor Cardinale: "Thank you."

Greg Grazziano: "-- ideas."

Supervisor Cardinale: "Thank you. Any other questions on the resolutions? If not, we'll attend to the resolutions and then we'll take comment on any matter you wish to comment on.

Barbara, I hear you are presenting the first two which are CDA because Andrea's at that meeting."

Barbara Grattan: "Okay."

Supervisor Cardinale: "That would be 1 and 2 and 3 it turns out is incorrectly noted as a CDA resolution, it's really a regular."

Barbara Grattan: "It is and it's at the bottom."

Supervisor Cardinale: "So we're going to call it 76."

Barbara Grattan: "Yeah, it's going to become 76."

Supervisor Cardinale: "So you've got 1 and 2."

Barbara Grattan: "You've got it."

Councilwoman Sanders: "That's the last one. It's not 75, it's 76."

Supervisor Cardinale: "Okay, so you're going to present #1."

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Barbara Grattan: "You're going to adjourn that meeting, the regular Town Board meeting?"

Supervisor Cardinale: "Oh, I'm sorry, yes. We are going to adjourn the Town Board meeting for a moment."

Meeting adjourned: 7:52 p.m.

Meeting reopened: 7:54 p.m.

Supervisor Cardinale: "That #3 that is listed on the CDA, we should list at 76."

Barbara Grattan: "Yes."

Supervisor Cardinale: "On the resolutions that we're about to look at beginning with Resolution 40. Could you call that, Barbara, please?"

Barbara Grattan: "Sure."

Resolution #40

Councilman Densieski: "The first resolution is 43."

Supervisor Cardinale: "Okay. Here you go. This is 40 and we have made— the changes have been made on this one which I'll hand— this resolution before you there is— this resolution concerns 590 acres in the first paragraph and in the notice that has been corrected. So you have it, so that's the one we're dealing with."

Councilman Densieski: "Okay. 450 went to 593."

Supervisor Cardinale: "Yes, in both the notice and the first paragraph."

Councilman Densieski: "Okay, very good."

Determines environmental significance and adopts notice of scoping hearing for zoning amendments at EPCAL. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #41

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Councilwoman Sanders: "Approves the site plan of Bonsal American. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #42

Councilman Densieski: "Approves the site plan of Robert J. Andrews for temporary greenhouses. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #43

Councilwoman Sanders: "Awards bid for annual construction contract. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #44

Councilman Densieski: "Accepts cash security of New York, Inc. d/b/a Nextel Communications, Inc. at Cherry Creek. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #45

Councilwoman Sanders: "Accepts 5% security bond of 23 West Second Street Assoc. LLC, Twomey, Latham, Shea and Kelley. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #46

Councilwoman Blass: "This is a budget adjustment in connection with the Calverton Community Center project. So moved."

Councilman Densieski: "Second the motion. Discussion."

Supervisor Cardinale: "Yes?"

Councilman Densieski: "I'm just curious. I wasn't at work session (inaudible) discussed. What's this for?"

Supervisor Cardinale: "Well, this was not discussed at such a busy work session."

Councilman Densieski: "Okay."

Supervisor Cardinale: "We just sent them out and everybody reviewed them and if they had questions, they asked."

This is- there was a memo attached which said that this was the final construction cost associated with the- that building and I guess they saved the landscaping 'til last. Jack is not here, is he?"

Councilwoman Blass: "He was here."

Councilwoman Sanders: "He was."

Supervisor Cardinale: "For further detail, we could- would you ask Jack if he can give any further detail to Council?"

Councilman Densieski: "Do you want to set this one aside and keep going?"

Supervisor Cardinale: "Yeah. Unless he comes right in, we should do- here he comes. Okay. He's going to come up and we'll address it."

Councilman Densieski: "We almost had him up."

Supervisor Cardinale: "And Matt Hattoff has arrived, too. How are you doing, Matt? Would you- good, thank you. Jack, you want to

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come up? We have a very simple question which even you should be able to answer.

No, I'm kidding, I'm kidding, I was only joking. I'm a nice person and I never make sarcastic comments, particularly to my trusted and loyal employees.

The question is what's- is this- this landscaping expense, \$2,500 to building construction regarding the Calverton Community Center. Could you give us any light on this? It appears that we're taking money from the landscaping line and going to construction. What are we constructing?"

Jack Hansen: "Part of the building. We're just adding onto the construction appropriation by \$2,500 because I spent that."

Supervisor Cardinale: "Right. Is that the last expenditure. Is that what you're saying?"

Jack Hansen: "It should close it out."

Supervisor Cardinale: "Isn't that like late? Or is it just because you're balancing the books and this is the last- "

Jack Hansen: "Saw that we had overexpended by \$2,500 and there was still money in landscaping."

Supervisor Cardinale: "So it's within the budget but it's got to be taken from that line because there was more in the landscaping line- "

Jack Hansen: "So I'm not increasing the overall budget at all. It's staying within the same budget."

Councilman Densieski: "When did we- I don't remember doing a landscaping line for that. Was that with the original interior renovations?"

Jack Hansen: "Original- from what I recall, the original interior renovations came in under budget so they wanted to build a playground and that was landscaping and they covered that with that."

Councilman Densieski: "Is there any resolutions for any of that stuff?"

Jack Hansen: "Yes."

Councilman Densieski: "There was? Thank you."

Jack Hansen: "The landscaping expense is a line I had money in."

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Councilman Densieski: "Thank you."

Supervisor Cardinale: "But there was a budget- this question is basically- there was a budget properly authorizing the landscaping expense."

Jack Hansen: "Yes. Yes."

Supervisor Cardinale: "So I trust you. You tell us- "

Jack Hansen: "That's why I'm taking it out- \$2,500 of it."

Councilman Densieski: "You answered my question. Thank you."

Supervisor Cardinale: "Okay, thank you. Okay. With that discussion, can we have a vote?"

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

Councilman Densieski: "Yeah, I didn't support the project so I'm going to abstain. But I appreciate the answers to my questions."

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

Resolution #47

Councilman Densieski: "Appoints Charlie Shear (phonetic), Mark Zaweski (phonetic) and Richard Wines as members to the Riverhead Farmland Preservation Committee. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Yes. I think it should actually say reappoints members because they are members already. We are reappointing them."

Supervisor Cardinale: "Okay, with that- "

Barbara Grattan: "All right. So we're going to put reappoints?"

Supervisor Cardinale: "Right."

Councilwoman Blass: "Yes."

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Barbara Grattan: "Okay."

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

Councilwoman Blass: "My vote is yes."

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

Councilman Densieski: "Yes. Three good members. Yes."

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

Resolution #48

Councilwoman Blass: "Authorizes attendance at the 2005 training school held by the Association of Towns. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #49

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post a local notice to consider a local law to amend Chapter 48 entitled Beaches and Recreation Centers of the Riverhead Town Code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #50

Councilwoman Blass: "Authorizes the umpire and referee fee schedule for the Police Athletic League (PAL) programs for the year 2005. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #51

Councilman Densieski: "Reduces the performance bond of the subdivision entitled Crescent on the Sound formerly known as Darren Development. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Yes. If it is formerly known as, shouldn't it read f/k/a instead of f/n/a?"

Councilman Densieski: "Probably. I'm assuming that it was formerly known as."

Councilwoman Blass: "I'm thinking— usually it's formerly known as, right? Okay. Thank you."

Councilman Densieski: "I assume that's—"

Councilwoman Blass: "I think so."

Supervisor Cardinale: "It could be I'm misspelling an initial. Okay."

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

Resolution #52

Councilwoman Sanders: "Order calling for a public hearing for Extension No. 1 in the Calverton Sewer District. So moved."

Councilman Densieski: "Second the motion."

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

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

Barbara Grattan: "Resolution #52, Councilwoman Blass."

Councilwoman Blass: "Fifty-three?"

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Councilwoman Sanders: "Fifty-three."

Barbara Grattan: "Yup."

Resolution #53

Councilwoman Blass: "Resolution authorizing multiple hook ups for the Cohen property, the Riverhead Sewer District. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #54

Councilman Densieski: "A 2004 Wading River Creek parking and boat ramp improvement budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #55

Councilwoman Blass: "Accepts the 5% security bond of Omnipoint Communications Inc. at the Riverhead water plant #9, excuse me. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #56

Councilwoman Sanders: "Approves the temporary sign permit of Michael Berglass. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #57

Councilman Densieski: "Town of Riverhead ambulance fund budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #58

Councilwoman Blass: "Sets the salaries for the office of the Town Attorney for the year 2005. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "In the future, I would ask the Supervisor present these separately so that I can vote on them individually but I will vote yes."

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

Resolution #59

Councilwoman Sanders: "Setting the terms and conditions of employment for Mary Hartill, Deputy Town Attorney. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #60

Councilwoman Sanders: "Authorizes Markowitz, Fenelon & Bank LLP to conduct an annual audit of the records of the Town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #61

Councilman Densieski: "Irma Murphy open space acquisition budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #62

Councilman Densieski: "Appoints the Senior Citizens Advisory Council. So moved."

Councilwoman Sanders: "And seconded."

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

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

Supervisor Cardinale: "Yes. And thank you for those who are willing to serve."

Barbara Grattan: "That resolution is adopted."

Resolution #63

Councilwoman Sanders: "Authorizes the Supervisor to execute lease agreement with Sprint Spectrum LP. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #64

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Councilman Densieski: "Is an order calling for a public hearing for extension #75, Riverhead Water District, for the Calverton water extension. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #65

Councilwoman Blass: "This sets the fees for usage of recreation and other town facilities. So moved."

Councilwoman Sanders: "Seconded."

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

The Vote: "Sanders, yes; Blass."

Councilwoman Blass: "Yes, with that correction under the East Creek portion, renewal fee thereafter, the words be it further should be deleted."

Supervisor Cardinale: "Okay. With that deletion- "

Councilwoman Blass: "Under East Creek dock- "

Barbara Grattan: "Okay."

Councilwoman Sanders: "Be it further- "

Councilwoman Blass: "The last one renewal thereafter fee, \$35.00, the words be it further- "

Barbara Grattan: "Be removed?"

Councilwoman Blass: "Please."

Barbara Grattan: "Got you."

Councilwoman Blass: "Thank you."

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

Councilman Densieski: "I don't agree with every- all of these fees, but I will vote yes."

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

Resolution #66

Councilwoman Sanders: "Extends the bid contract for work clothes. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Dawn, I've got a landlord/tenant relationship and should I abstain on that?"

Dawn Thomas: (Inaudible)

Councilman Densieski: "I'll abstain."

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

Resolution #67

Councilman Densieski: "Authorizes the Town Clerk to publish and post a help wanted ad for an account clerk typist. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #68

Councilwoman Blass: "This resolution appoints Kathleen (inaudible) as a senior account clerk typist. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #69

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Councilman Densieski: "Appoints the official newspaper. So moved."

Councilwoman Sanders: "And seconded."

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

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

Councilman Densieski: "In my opinion there are three papers that meet the requirements of the State of New York. We started a rotation a few years ago, each year a new paper would get it. I think that was fair. I'm not advocating for the Suffolk Life tonight because they endorsed me because they didn't. My favorite, the Traveler, did.

But I still think Suffolk Life should get it because I think the rotation system for all the qualified papers is fair and besides Suffolk Life is the only paper that actually pays taxes in the town of Riverhead.

I think we should have left it alone, left the rotation in place, and took the politics out of the decision. So I'm going to vote no."

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

Supervisor Cardinale: "I'm going to vote yes. There was much discussion at the work session on this. I think we would have included this paper in the— of eligible rotation had it not been for information received from it which moved several Board members in which they advised that they would not change the type size and column width in the Suffolk Life re publication so that it would only be seen in the legally demanded type face of 10 pica print size in the Suffolk County Life which is (inaudible) to person circulation. So I think that technical matter is really what turned this but I will vote yes to appoint the next on the rotation which is the Traveler Watchman."

Barbara Grattan: "Okay. That resolution is adopted."

Resolution #70

Councilwoman Sanders: "Awards the bid for Court Street parking municipal parking facility. So moved."

Councilwoman Blass: "And seconded."

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

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

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Councilman Densieski: "I think the best way that the taxpayers of Riverhead can be served is with a parking garage and a facility. I hope that government and private industry can work something out in the future that's- that works out the best for both and that's the way we should go. But in the meantime, I will support this resolution. Yes."

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

Resolution #71

Councilman Densieski: "Accepts the resignation of a detention attendant. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #72

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a notice of a public hearing with regard to the transfer of development rights local law. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #73

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post a notice to consider the final supplemental generic environmental impact statement for transfer of development rights. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #74

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Councilwoman Blass: "Authorizes the Town Clerk to publish and post a notice of public hearing to consider an amendment to the zoning use district schedule for the manufacturer's outlet center also known as Business F. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #75

Barbara Grattan: "Resolution #75 is to pay bills."

Councilman Densieski: "So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #76

Councilwoman Blass: "This resolution authorizes the sale of a portion of the Town of Riverhead public parking improvement district #1 to the Riverhead— the Town of Riverhead Community Development Agency, an urban renewal agency of the State of New York for redevelopment pursuant to the Town of Riverhead's East Main Street urban renewal plan adopted October 19th of 1993. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Okay. That completes the resolutions before us. We'd like to take comment on any matter anyone wishes to comment on. Let's see. How about Matt sitting so quietly back there."

Matt Hattoff: "Matt Hattoff, Riverhead. I was talking to the empire zone coordinator and I was informed that they're cutting her job back to nine hours a week effective March 1st."

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Supervisor Cardinale: "Yeah. The economic development zone board administrative zone board has— controls the budget. The budget is what it is and that board met on Friday, the chairperson is Kevin Law, there is eight or ten people on it. And they felt that they needed to cut it back in order to stay within the budget constraints. Miss— in fact, the coordinator was there during the discussion."

Councilman Densieski: "So they supersede the town board?"

Supervisor Cardinale: "Yes, they do. They control that budget."

Matt Hattoff: "But the Town Board is— they have to answer to the town board?"

Supervisor Cardinale: "No, they don't. Let me explain what I think you're getting at, okay."

Matt Hattoff: "You know where I'm going with this."

Supervisor Cardinale: "Yes. The EDZ board, the economic development zone board which administers the 1200 or more acres in the— the 1200 in our town and about 100 outside of our town in Riverside and Wyandanch and Gabreski Airport, they have to set a budget and they have to allocate the expenditures. We support the budget by 29— \$24,000 contribution. The town of Babylon supports it for \$25,000, the state of— the county of Suffolk with \$29,000, and the state of New York with \$15,000 guaranteed and then they'll add to it. This year they added 43. So I think that adds up to \$100— and then \$1,000 from Southampton. So that's \$122,000.

That board has to allocate— that board retains under the memorandum of understanding signed by the Kozakiewicz administration, they indicate that in the memorandum of understanding, that they're going to hire the CDA as their agent to administer the zone. And that's what the MOU says. But they have to supply— and in doing that, Tracy Stark is the coordinator. She's hired.

They have to supply from their budget the money to support the salary of the zone coordinator from the EDZ budget. What they made a— what they said on Friday was that they will support it effective March 1st, but only for the reduced hours of nine. That means that— that they will only give us nine hours. The town board— "

Councilman Densieski: "They being the zone board?"

Supervisor Cardinale: "The zoning board— the EDZ, the economic development zone board— "

Councilman Densieski: "Okay."

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Supervisor Cardinale: "Which is Kevin Law is the chairperson. There's Mark Miller- Miller Environmental serves on it, Ann Milowski serves on it, Jack Kennedy serves on it, the union leader, George (inaudible) serves on it, and I serve on it and there's about three or four others that serve on it. So they- they're cutting- they were paying the whole thing.

They were paying from their budget the entire salary and benefits of the zone board coordinator, the economic development zone coordinator. They have indicated they will not any longer pay benefits. The salary was I think about 56, the benefits were I think about 17, let's say and- "

Matt Hattoff: "I think the benefits are about 21%."

Supervisor Cardinale: "Okay. So 56 and 21 would be about 13. So 56 and 14 let's call it. So that's about what- they're saying I'm not going- we're not going to pay that anymore. We're going to pay nine times 31.50, whatever that adds up to, 31.50 per hour."

Matt Hattoff: "Right."

Supervisor Cardinale: "Which is \$270 a week."

Councilman Densieski: "So they think they're going to get a professional to act for nine hours? They think a professional out in fairyland is going to come here and work for nine hours? That's not going to happen. What are they proposing that we do with the money that was used for the salary? Did they state that?"

Supervisor Cardinale: "Yes. They're proposing that, well they are proposing in allocating their budget that they will- that they're going to allocate more of the budget to a marketing program for the economic development zone."

Matt Hattoff: "Who's marketing that now?"

Councilman Densieski: "Excuse me one second. That sounds like TV commercials to me folks. Here's the most important thing going on in Riverhead. EPCAL and downtown. I think what we should do as a board is pass a resolution for them to re-examine what they did.

To take a full time economic zone coordinator and cut her down to nine hours that we all know no one in their right mind would work is a sin. Is a crime. Riverhead is getting screwed again. I think we should stand up as a board and tell the EDZ we're not accepting that. I don't think we should accept it and I think we should remove any board members who are working against Riverhead."

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Matt Hattoff: "If- if the EDZ wants to expend funds, they don't have to come to the town board for a resolution?"

Supervisor Cardinale: "Not- the only thing- the only commitment of the town board under the memorandum of understanding signed by the previous administration, the only commitment of the town of Riverhead is to produce \$24,000 as their contribution and they- and as the CDA to- the CDA is nominated of our town, the administrator of the board and then once that- that's the only thing the agreement said. Then they have to say, from the sources of income that they have, how are they going to allocate the income. And the only change has been that they feel that if they pay- they have 100- there's more to this. There's \$122,000 that they have to spend."

Matt Hattoff: "Right."

Supervisor Cardinale: "However, not- the \$122,000, if we spent it on salary, fully \$70,000 of that would be gone. They feel that in order to get a good marketing program to get EPCAL- the EPCAL site properly marketed to those who would come there, that they- they want to spend more money and they're therefore taking the money from the salary to develop a marketing program."

The other thing that you should know is Babylon which is supposed to pay \$25,000 a year, has not paid what they- "

Matt Hattoff: "Babylon is supposed to pay \$25,000 a year because they have 25 acres."

Supervisor Cardinale: "They pay \$25,000- yeah, that's a great deal. And they put it in an agreement. But that's right."

Matt Hattoff: "They put in an agreement for 25 acres. It's \$1,000 an acre."

Supervisor Cardinale: "Right."

Matt Hattoff: "Why is Southampton only paying a thousand for nine acres?"

Supervisor Cardinale: "Because that's what was in the agreement signed by the previous administration and by the county and by the town of Babylon and by all the other towns. And they didn't- the town of Riverhead was not particularly pleased with that agreement but the Supervisor signed it."

Matt Hattoff: "I thought the original agreement was \$1,000 an acre."

Supervisor Cardinale: "It wasn't."

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Matt Hattoff: "For Southampton town also."

Supervisor Cardinale: "Well, I wasn't here. I shouldn't say."

Matt Hattoff: "No, I just- "

Councilman Densieski: "I have it right here."

Supervisor Cardinale: "Yeah, you have it. So you can certainly look at it. I have- I'll tell you what the- "

Matt Hattoff: "Who's going to- "

Councilwoman Blass: "They actually haven't paid anything. No one's paid anything. So that's- that gets even more complicated. Wyandanch never paid their \$25,000- "

Matt Hattoff: "They haven't paid it since 2003?"

Councilwoman Blass: "They have not paid."

Matt Hattoff: "So they owe- "

Councilwoman Blass: "They have not paid. That's correct."

Matt Hattoff: "So they owe from September- "

Councilwoman Blass: "Neither has Southampton."

Matt Hattoff: "They owe from September of 2003 to the present."

Councilwoman Blass: "That's correct."

Matt Hattoff: "So we're looking at about fifty some odd thousand dollars."

Councilwoman Blass: "That the town has actually (inaudible)."

Supervisor Cardinale: "That's correct."

Matt Hattoff: "We have this great team of attorneys here. How come we're not going after these towns for the money. Because then we wouldn't have to go after the employee to make up the shortfalls because of the budget."

Supervisor Cardinale: "Well, that's not accurate in two ways. Number one, it's the EDZ, the administrative board, Kevin Law being the chairperson, that would be compelled to sue under the memorandum of understanding. The board itself would have to sue, not us."

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And, secondly, this money that we're mentioning that was not paid, even with that money, even if they paid every single cent they were supposed to pay, we'd still only have \$122,000 and the board decided that that money could be better used by- for a marketing program than for a full time salary. So that's a policy decision."

Councilman Densieski: "I've got to make a point here. The town board clearly in your Supervisor's budget- "

Supervisor Cardinale: "Yeah."

Councilman Densieski: "-- you put in the EDZ coordinator at half salary. This town board clearly said we want that person to be full time because of EPCAL and downtown."

Supervisor Cardinale: "Right."

Councilwoman Blass: "Yes."

Councilman Densieski: "I don't know how you could go to a meeting and allow this to get railroaded through. We have got to take a strong position against it. And here's my nasty gram to Mr. Law. He's going to get it tomorrow."

Supervisor Cardinale: "Okay. We could take a strong position that we would prefer them to spend the money that they get from all these various places in a certain manner but they're not going to be controlled by it. That's simply my point.

If you really want to put your money where your mouth is, you could add the- you could retain them as a town. If you want to spend some more town money on this, you could retain Ms. Stark or any other person as a- on the town's coffers. But they're telling you they're not paying for it and you, therefore, have to justify the expenditure."

Matt Hattoff: "Well, who's going to do the work after the nine hours because it's obvious it's a full time job."

Supervisor Cardinale: "No, it is not obvious to be a full time job. In many economic development zones, there are part time administrators.

Also, Mr. Law has indicated that he will make available the county economic development office to pick up some- any clerical work that is not sufficiently done in the nine hours."

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Councilman Densieski: "The only problem with that, once again Riverhead is going to be at the bottom wrung. At least we have an EDZ coordinator from Riverhead in Riverhead working for Riverhead."

Supervisor Cardinale: "What you're missing is you are free to go ahead and add 20- how many hours would we have to add? Twenty-six hours to- "

Matt Hattoff: "Twenty-six hours."

Supervisor Cardinale: "-- to Ms. Stark's salary."

Matt Hattoff: "That's already been budgeted."

Supervisor Cardinale: "You could do that but they're telling you that it's going to be at the town's expense not at the EDZ expense. That's the decision that they have a right to make."

Councilman Densieski: "In my opinion, the EDZ board is expendable but the EDZ coordinator is not. Maybe we should go that way."

Supervisor Cardinale: "Well, you're not going to be able to control the board. You can-- under the MOU, the board is set. You could elect- if you want to make a proper motion, the proper motion seems to me to add 26 hours and pay for it out of the town. You have to justify what she's doing to the town."

Councilman Densieski: "I would personally rather prepare a sense resolution by this board to the EDZ board and asking them to respectfully reconsider because the ramifications of not having a full time coordinator are bad and dire for Riverhead town."

Supervisor Cardinale: "But the ramifications of not having a town marketing program in the view of the EDZ board is also bad for the EPCAL and other sites."

Councilman Densieski: "Yeah. They'll be nobody in the office to answer the phone when the television commercials are airing."

Matt Hattoff: "For lack of better words, where's- they said they had a budget of \$122,000?"

Supervisor Cardinale: "Yeah."

Matt Hattoff: "Where is that money?"

Supervisor Cardinale: "Where is that money?"

Matt Hattoff: "Where- who's accountable for that money?"

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Supervisor Cardinale: "When you say accountable, I don't understand what you mean."

Matt Hattoff: "Is that in the town of Riverhead's-- "

Supervisor Cardinale: "Okay. The- no- "

Matt Hattoff: "-- account? Who cuts those checks?"

Supervisor Cardinale: "The town of Riverhead at the moment pursuant to the MOU, again, signed in 2003, administers the budget of the economic development zone. They administer it pursuant to the direction of the economic development zone board of directors. Again- "

Matt Hattoff: "So basically your signature goes on every check, this year that goes out for that?"

Supervisor Cardinale: "My signature does not go on every check. My signature- because part of the allocation would be the salary, I presume I would- I don't think I would sign, but the machine signs my name on the check that goes to- "

Matt Hattoff: "I know my check has your name on it."

Supervisor Cardinale: "What you've got to understand, Matt, and we haven't discussed this previously, but you've got to understand that the employee, this is a unique employee the EDZ zone coordinator because that employee is first of all was a- is an employee that is- is hired- is a town employee, okay, but the funding for that employee was not coming from the town of Riverhead.

And what they're saying is that they will not fund 35, they will only fund nine hours now. So we can pick up the slack as a town but that is our only option- "

Matt Hattoff: "I think that would be the only right thing to do."

Supervisor Cardinale: "We can do a sense resolution, I'm glad to do it but we are- we are one vote on that board."

Councilman Densieski: "Let me ask you a question, Phil. Did the EDZ board recommend removing part of Andrea's salary, too, from the EDZ budget?"

Supervisor Cardinale: "I think that they reduced both salaries- structures. In other words, we weren't- they allocated a portion of Andrea's salary to their budget and the- and Tracy's full salary. And

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when they diminished it, they brought it down from this— there were three alternative budgets considered: nine hours, 20 hours, 35 hours. And they selected the nine.”

Matt Hattoff: “Well, the salary clearly the town pays the salary.”

Supervisor Cardinale: “The town pays her salary with money provided from the EDZ board. And the town can continue to keep her on. But you’re going to have to go into the town’s pocket and there’s going to have to be five members of this board or three that are going to want to go into the town’s pocket for the additional 26 hours.”

Matt Hattoff: “Well— ”

Supervisor Cardinale: “And benefits.”

Matt Hattoff: “How many acres are in that zone total?”

Supervisor Cardinale: “There are 1280 acres in the zone total.”

Matt Hattoff: “There are 1280 acres— ”

Supervisor Cardinale: “Yes.”

Matt Hattoff: “-- and out of that 1280 acres, I can assume that 1,000 of them are in Riverhead.”

Supervisor Cardinale: “Assume 1200.”

Matt Hattoff: “Twelve hundred acres are in Riverhead.”

Supervisor Cardinale: “Yes.”

Matt Hattoff: “That’s even better. It would be in the town’s best interest then to keep their own people in there to look after that instead of having the county or somebody else look after it who has 80 acres and it’s a lot easier to cut a deal to lose 80 acres somewhere else.”

Supervisor Cardinale: “That’s arguably right but that’s— I’ll take your opinion onto the EDZ board. But I think the town board has to understand that they don’t control the EDZ board and the EDZ board is telling you you’re not getting funding for 35 hours and benefits. You’re getting funding for nine hours and no benefits. You want to add them, go right ahead— ”

Councilman Densieski: “Phil, I recommend— ”

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Matt Hattoff: "Did anybody— I mean, did any of the board members go to bat for one of their employees? I mean we have the major interest here, not Babylon or Southampton or anybody else. We're talking about Riverhead, it's a major interest for Riverhead."

Councilman Densieski: "Phil?"

Supervisor Cardinale: "Yes."

Councilman Densieski: "Could we possibly invite the EDZ board to a work session and put it on the table and— "

Supervisor Cardinale: "Sure."

Councilman Densieski: "-- and maybe there's some reason that we're not aware of— "

Councilwoman Blass: "So this way we would all be aware of the facts and the reasons and details."

Matt Hattoff: "I mean, I can't see you letting somebody else do that job and it's definitely not a nine hour job."

Supervisor Cardinale: "What I want to also— well that job, in fact, was a part time job in all fairness before it became a full time job with the present occupant."

Matt Hattoff: "That job originally came— "

Supervisor Cardinale: "It was a part time job."

Matt Hattoff: "-- with— and the agreement in the grant was for a— for the salaries, was a full time employee and a part timer. And there's always been a full timer and I guess you could argue that the portion of Andrea's salary that goes— comes from there could be construed as the part time."

Supervisor Cardinale: "Mrs. Ingegno as I recall took that— the first occupant of the job as a part time position."

Councilman Densieski: "Downtown wasn't included then."

Supervisor Cardinale: "Well, that's true— "

Matt Hattoff: "There was a lot that wasn't included at that time."

Supervisor Cardinale: "But the only addition to Riverhead is the downtown area. Previously it was only at EPCAL. But I guess what I'm saying is, is that the position as a— it was a part time position

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until 2001 or '02 when it was made a full time position and has continued in that- would it be great- it would be great to have a- I would like to have four or five more people in your department, too, but it's a question of cost. And what the EDZ is saying is they're not carrying the fray. If you want to carry the fray, you're free to continue the employee. So it's really a question of this board, in that sense. If they want to carry the fray for this employee."

Councilman Densieski: "Phil, I think this board has a responsibility to ask that board why they're acting irrationally and not in the best interests of Riverhead."

Supervisor Cardinale: "I don't- well, I think this- "

Councilman Densieski: "TV commercials aren't the same as having a full time coordinator."

Supervisor Cardinale: "I think- "

Matt Hattoff: "Who's- right now, who's marketing that?"

Supervisor Cardinale: "Nobody very effectively because we're not getting the kind of response that the EDZ board wants. So, it's not working- if it isn't working- in their view it's not working presently."

Matt Hattoff: "But up until recently, and we're talking- "

Councilman Densieski: "We have 30 to 40 new businesses signed up."

Matt Hattoff: "-- a few months ago."

Supervisor Cardinale: "Their view is that it is not working presently."

Matt Hattoff: "I mean there is what, 14 businesses two years ago. There's 30 some odd in there now and there's another 12 or 13 on their way in."

Supervisor Cardinale: "Being in there, I don't think is the measure. The measure is whether they're getting the information they need on the EDZ program, how many of them are signing up into the EDZ program, how many of them are staying- are utilizing its benefits, how many of them are informed of their benefits."

Certainly it would be helpful to have somebody working full time on this and if you think it's that helpful, what they're telling you is good, pay for it."

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Matt Hattoff: "Up until recently though, the town board really didn't know in which direction they wanted to go with the Calverton at all."

Supervisor Cardinale: "I think the— I don't know how to respond to that except to say that the economic development zone has been in effect there for sometime, the benefits are clear. They're even clearer now because the EDZ was reformulated recently by the state and the rules were made clear."

Matt Hattoff: "Right."

Supervisor Cardinale: "I think— "

Matt Hattoff: "What--"

Supervisor Cardinale: "-- it's a tremendous thing. I was at the party store on Main Street just yesterday and they use the EDZ benefits. It's a great tool for the town."

Matt Hattoff: "Wasn't it not that long ago and I'm thinking within the last year, wasn't there problems with subdivisions in there and everything else that were just recently worked out? When I say recently, I mean within the last year."

Supervisor Cardinale: "There's no— I guess what I'm saying, Matt, is if I agree with you that's fine, but you have to convince the board that controls the money. You could ask us to supplement the 270 a week they're willing to pay."

Matt Hattoff: "It seems to me that if the town has 98% of the property or the vested interest in this, then the town should have 98% of say in what goes on and who comes in and who goes."

Supervisor Cardinale: "Well, it seems to me, too, that might be so but it isn't pursuant to the MOU signed by the previous administration that I have to work with. We have one vote."

Councilman Densieski: "I voted no on that, by the way."

Supervisor Cardinale: "Good for you. Good for you. And Dawn doesn't like it either, the MOU agreement."

Matt Hattoff: "And by cutting back— by cutting back the salary to a part timer, any grant money that was given towards salary for this year, that would have to be returned."

Supervisor Cardinale: "There was no grant money used for these salaries."

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Matt Hattoff: "There was no grant money this year at all towards salary?"

Supervisor Cardinale: "No grant money used for these salaries. The only thing— what paid these salaries was the EDZ monies and part of the problem to the extent that they don't collect the money from Babylon and we pay out the salary, they owe us the money.

What they're saying to us now--"

Matt Hattoff: "I think if we go after Babylon, we can secure that money, that takes care of the salary for the rest of this year and I'm sure— "

Supervisor Cardinale: "It will— first of all, we can't sue because we're simply administering the budget for the EDZ as a courtesy to them and in so doing, they have to instruct us how to allocate the money. They've instructed us that they want to— not to retain the coordinator for more than nine hours without benefits."

Matt Hattoff: "Is there somebody else that needs a job somewhere else that they're going to allocate those funds to?"

Supervisor Cardinale: "No. They haven't reallocated them— "

Matt Hattoff: "Because it's obvious--"

Supervisor Cardinale: "-- they can't do that. They could not do that but they--"

Matt Hattoff: "You said the guy, somebody from the county was going to pick up the slack on whatever Tracy can't get done in nine hours."

Supervisor Cardinale: "There is— the slack, the Office of Economic Development, they have an Office of Economic Development, they are not going— to the extent that they can assist with the— assist, they will. But they're not going to— they're not going to get paid."

Matt Hattoff: "Well, who's paying their salaries? Somebody— I know they're not working for free."

Supervisor Cardinale: "They're not getting paid by us either and they're not getting paid by the EDZ, I can tell you that."

Councilman Densieski: "Phil, I seriously doubt there's anybody I know that will take that job that's a professional for nine hours."

Supervisor Cardinale: "Well, I don't think that it would— I don't— I'm not particularly sure it requires a professional. That's a

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non-competitive job which does not have any— it's not a civil service job that you have to take a test to qualify for."

Matt Hattoff: "No?"

Supervisor Cardinale: "It's a job that somebody is just given without qualifications or with not necessary qualifications."

Matt Hattoff: "Well, I don't know if that's true. I wouldn't say that they're not qualified."

Councilman Densieski: "Well, I don't know if that's true."

Supervisor Cardinale: "It's a non-competitive job. There's no test for that job."

Matt Hattoff: "That's right. There's no test for the job."

Supervisor Cardinale: "Right."

Matt Hattoff: "But then somebody else is going to be doing that work."

Supervisor Cardinale: "No. Nobody else is going to be doing the work. If it doesn't get done, it's going to be— it's going to be done the next week in the nine hours she's there. That's them. I don't want to defend their action, but they're saying they would prefer to keep her 35 hours, but they can't afford it. That's what they're saying. They cannot afford it. Now I would urge them to look at their budget again. I will pass what do they call it, a sense of the board resolution, but the reality is just as I've described it. That if we want to keep her, then we're going to have to pay her."

Matt Hattoff: "Well, I— to me that would be a no brainer then because we have the biggest interest in this and if her salary is \$70,000 a year and they're picking up 25% of it, then, you know, it's really not that bad."

Supervisor Cardinale: "Well— "

Matt Hattoff: "And then— "

Supervisor Cardinale: "I think that the question is something of hours and benefits which are considerable. From your perspective as a leader of— incidentally one of the members of the union— one of the members that voted to do this regrettably because we could not afford it, was Jack Kennedy, who we well know is a major union leader. So we're not trying to con employees but there's a certain amount of money and we've got to figure out, you know, what they can do because

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they don't have all the money they'd like to have and that was the decision they made.

They certainly- they certainly weren't happy about it."

Matt Hattoff: "And everybody on that board voted yes?"

Supervisor Cardinale: "They weren't happy- every- it was a decision that was discussed for about an hour- "

Matt Hattoff: "So then there was no vote on it?"

Supervisor Cardinale: "There was a vote and it was unanimous that this is- that they cannot afford to continue a full time employee on the budget they have."

Matt Hattoff: "I just think, you know, you said this town board should consider it. It's really- they shouldn't. They should just go ahead and do it and take care of it and make things right. And go after the EDZ later."

Supervisor Cardinale: "We're not going to be able to go after them on anything. If we're going to continue the employee full time, the employee- it's going to cost us \$50,000 or \$45,000. That's what they have to consider, whether that makes sense.

And if we keep spending money, we're going to keep raising taxes. Every \$200,000 we spend raises the tax rate 1%. That's the reality. So now we're raising it a quarter percent. Is it worth the quarter percent? That's a policy decision."

Matt Hattoff: "Abslutely."

Supervisor Cardinale: "Well, yeah, you're speaking as honestly, Matt, I appreciate what you're doing."

Matt Hattoff: "I'm speaking as president of the union and I'm also speaking as a taxpayer. We have the biggest interest there. We should be looking out for ourselves and not counting on somebody else."

Supervisor Cardinale: "Well, I appreciate your opinion but it's still an expenditure and we have to make a determination if that's the question before us.

As far as a sense of the board resolution, that's fine. Tell me the sense of the board, and I'll bring it back to the EDZ."

Councilman Densieski: "I still recommend that we bring the EDZ board to a work session- "

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Supervisor Cardinale: "I don't think the EDZ board is going to come but I'll be very glad to invite them. They don't answer to us."

Matt Hattoff: "I'd like to be there, too."

Councilman Densieski: "I don't want them to answer. I want them to explain their rationale."

Matt Hattoff: "Even if you cut her hours back to nine hours, it still has to be passed by this town board."

Supervisor Cardinale: "No, it doesn't. Well, yeah, I guess it does."

Matt Hattoff: "Yes, it does."

Supervisor Cardinale: "That's correct."

Matt Hattoff: "You passed a resolution on that salary."

Supervisor Cardinale: "Because of the odd situation, because we're administering an employee for this EDZ which was a silly way to do it in the beginning and the MOU was flawed and the whole setup was flawed, but you're right. If this employee is going to— what this board has to understand is only one thing. Instead of getting \$70,000 to support this employee, they're going to get 270 times 52 which is something like \$14,000. If they want to supplement the \$56,000 great, don't do anything. If they do want to— if they don't want to do that, they're going to have to drop it back to nine hours, it's just that simple. So we should think about that and we'll be discussing it at work session and I appreciate your position and I would take the exact same position you're taking if I were the union leader."

Anybody— do you have any other thing you want to say or can we get on with some other comment?"

Matt Hattoff: "No. I heard enough."

Supervisor Cardinale: "Thank you."

Matt Hattoff: "Thank you."

Supervisor Cardinale: "Okay. Yes? Bernadette, you're going to share with us some of your— "

Bernadette Vooras: "Bernadette Vooras, Riverhead. On the matter of— just to revisit Walgreens and the— I know that they signed a contract and so forth but I was wondering about what's happening with the people, the folks that are in the mobile homes. I'm privy to

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a little bit of information but I'd like to have it publicly said. How is that progressing? Are those— I remember hearing that Walgreens was willing to help these people somehow to get settled somewhere. Is this going forward? Is it stymied? What's happening?"

Supervisor Cardinale: "Barbara, what do you know that's new and exciting?"

Councilwoman Blass: "Well, I do know that communication between the representative of the mobile home park and representatives from the Walgreens has been strained lately. I know there have been attempts by both sides to resolve this, actually we're all looking to come to a reasonable solution here.

But we do know that Walgreens had made an overture and we were all present when they said they would indeed assist these individuals even though they are legally not required to do that, but we intend to hold them to their word to the extent that they agreed to assist.

So I can't tell you that all of the issues have been resolved. It's something that we're facilitating more than we're actually a participant because, again, legally they are well within their rights to do what they are doing at that site.

As far as the site plan goes, that's a different issue entirely. That's proceeding through the process. But with respect to the homeowners, we have made contact and we will continue to make contact on their behalf and try to facilitate the resolution between the tenants and the corporate."

Bernadette Vooras: "I would hope that you would really do that. And also if you would recall that I had mentioned that someone had— someone who has been in this town much longer than I and I've been here for 25 years, had said that originally the mobile park on Mill Road had been in the way of the expressway exit and that the state came in at that time and took care of putting those mobile homes, they moved them to the spot where they are now and I just wanted to have you keep in mind as you pursue this, that perhaps maybe the state or the— it could be queried that the state have a piece of property somewhere, where if they could be moved these mobile homes could go where those people would have a place to go.

I do understand that they are an older version I know of, you know, homes. But I thank you for pursuing it. I wish you to continue and to be unrelenting, okay. I know that things have been stymied because of the group, the R&R mobile park had slowed this down for two months I was told and that's not an issue anymore. So I'm sincerely hoping that soon I could hear that these people in some way have a future."

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Councilwoman Blass: "Bernadette, I can assure you that. Sandy Sancheck (phonetic) whom I believe is on your senior citizens advisory- "

Bernadette Vooras: "Yes."

Councilwoman Blass: "-- serves with you, we're in constant communication- "

Bernadette Vooras: "Yes, I know that."

Councilwoman Blass: "-- and the supervisor was brought into the loop as well."

Bernadette Vooras: "Good."

Councilwoman Blass: "We are definitely trying to resolve the issue. We're not dropping the ball."

Bernadette Vooras: "I appreciate that. Thank you."

Supervisor Cardinale: "Yes, Tim."

Tim Yousik: "Tim Yousik again. A couple of quick issues. One, this move with the EDZ coordinator Tracy Stark, I think is a tremendous mistake. As someone who has walked several businesses to her and had her spend hours upon hours working with them to understand how all the benefits work, to trade that off for commercials to maybe attract somebody here that has nobody to talk to, is really foolish. Tracy does an outstanding job from that position. Maybe it doesn't warrant 35 hours, but it certainly warrants every bit of 25 if you ever sat in her shoes and watched what she does. She's done a fantastic job for this town and to put some of the responsibility back on Kevin Law who certainly hasn't been very helpful to us with the parking issue, that's a mistake.

It's an absolute mistake to lose Tracy and I think that maybe you as one of the board members for the EDZ could go back to that board and lobby for them to reconsider and if they met halfway, the town then maybe pick up the other half. Something should be done because that position needs to be what it is today. My opinion."

Supervisor Cardinale: "Thank you."

Tim Yousik: "Secondly, parking tickets that we've talked about several times. Have you moved forward with that at all on reducing the rates?"

Supervisor Cardinale: "Didn't we do that? We- we- I know we raised the- what I was thinking of is we had another problem wherein

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the parking ticket was cheaper than the— the parking ticket was cheaper than getting the permit and we raised that. You're talking about— "

Tim Yousik: "Well, what I'm talking about— "

Supervisor Cardinale: "You're talking about reducing it, aren't you?"

Tim Yousik: "Joe Customer that comes downtown that either wants to park and shop in Riverhead, one of two things can happen. If you get a ticket for no inspection or you get a ticket for parking out of your stall, it's \$100 fine. It went from \$35.00 to \$100. To me, you know, you want to act like Southampton, we should first look like it because we don't. One hundred dollars is brutal."

Supervisor Cardinale: "Yes. And we've instructed the— I don't know how much longer he can look into it."

Tim Yousik: "That was really not a hard decision. We're either asking too much money or we're not."

Supervisor Cardinale: "I instructed— in fact, another member— when you brought this up two weeks ago, I instructed him the next morning in the exact numbers that he was supposed to cut them to and give me a resolution but it wasn't here, was it? All right."

Tim Yousik: "I ask you to please try and pursue that because again something like an inspection sticker that costs \$37.00 to get beat up for a hundred, when most of the time with the average person it's just an oversight, I think it's a little unfair. It sends the wrong message."

Supervisor Cardinale: "Okay. I'll follow up on that."

Tim Yousik: "And I don't want to beat the parking issue to death but I just want to make my final comment on this thing."

As the BID president years ago when Vinny was in office and this was being discussed, it was my understanding then as the one who walked the parking lots with Gary Jochamin (phonetic) and counted spots and all that, the county had a \$5,000,000 budget line to build a garage on their property which they took out because the town of Riverhead was willing to step up to the pump and provide parking.

It was my understanding that we were to provide an additional 600 spaces at no charge to the county. What that meant was that purchasing the property, paving it, building a facility, should not cost the county a nickel. I still agree with that. But that doesn't

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mean to say that we can't bring private enterprise in, build a facility, and allow them to charge whoever parks there.

As far as free parking for employees, the lot that's being built alongside Griffing Avenue, the footprint that's still going to be behind the courts, the Cornell Extension property, that can house their employees real close. I mean we're probably within 40 to 50 employees away. It makes no sense to me to send out an RFP. I agree with you. We're going to send out an RFP that says come build a parking facility here that you can't make any money on. No one's going to respond to that."

Supervisor Cardinale: "Right."

Tim Yousik: "We've already spent \$3,000,000 to provide a couple hundred spots. To provide 600, we're going to be looking at potentially seven or eight million dollars?"

Supervisor Cardinale: "If we buy the spots I'm thinking of on surface, it would probably be more like two or three. But, yes, it would- "

Tim Yousik: "But we still have to pave them. We have to maintain them, insure them and everything else. And we've got to pay the bond back."

Supervisor Cardinale: "Right."

Tim Yousik: "So what do we ultimately spend and at what point did maybe this town board make a bad decision when they finally agreed to provide 600 free spots? I mean because it may be free to the county. It's not free to Riverhead taxpayers I can tell you that. And I am a restaurant that's a stone's throw away that might sell a couple extra lunches so I would like to think I have the most to gain, but at what point is the deal a lousy deal?"

And at what point are we misinterpreting what truly was meant? To me what was meant is the county should not have to lay out any money. It's free. That doesn't mean a lawyer that comes from Setauket should park there for free. It means that the county should not have to pay for this facility or the land. I still can buy into that because we have a way out with Vintage Group.

We can renew a blighted area, we can have a movie theater in this town, we can have a good looking business, another little business district which is part of the BID, and it doesn't have to cost the taxpayers of Riverhead a nickel, and it's a positive cash flow."

Supervisor Cardinale: "Of course that- that whole deal is premised upon them charging for the parking that the letter that we

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just got and that you have a copy of, says that they expect to be free. So if they're willing to take over that problem for us, I'm happy."

Tim Yousik: "It should be free to the county, the facility, not parking there."

Supervisor Cardinale: "Well, it's not free to the county anymore than it's free to the other people that park there if we're going to charge everybody."

Tim Yousik: "Well- "

Supervisor Cardinale: "The county doesn't care that it's- that we bought the property. They care that they have free parking for their employees and jurors at a minimum. And I agree there might be an issue as to whether they- and they want the attorneys for have free parking?"

They want to have a situation similar to Central Islip, where people go in and park and go to court. That's what they really want."

Tim Yousik: "At what expense do we say, please take your courts to Islip?"

Supervisor Cardinale: "Well, I don't know, but I would think that you being a spokesman for the downtown area would be the person that would be most enthusiastic about the major commitment that this town board and previous boards have made to revitalizing Main Street by going out and saying if they're not coming unless we entice them, we'll bite the bullet and do this. It's rather ironic- "

Tim Yousik: "Well, I can understand biting the bullet to a point. But at what point is it a bad deal? I mean \$10,000,000; \$15,000,000; \$20,000,000?"

Supervisor Cardinale: "It may be a costly deal to bring revitalization to downtown and it may be a foolish deal but the deal is made and to have the Vintage Group, Tim, say we can make money if you let us charge, well, yeah, so could anyone else. The question is how do we get to charge and not make ourselves (inaudible) to the county of Suffolk?"

Tim Yousik: "Okay. I'll finish this up because it's going nowhere. There is nothing, zero, in writing that says the town board made a commitment to give 600 free spaces at no charge because you can't produce that. It's been an oral agreement at best."

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Supervisor Cardinale: "Most recently restated in May of this year by this entire board to the county executive's chief deputy in this room."

Tim Yousik: "Okay. Then I'll ask you this question. When you made that commitment, did you make the commitment that the county can have 600 spaces at no charge to park there, paid for by Riverhead taxpayers? Is that the commitment that you made?"

Supervisor Cardinale: "Not only is that the commitment that was made, but that was the commitment that was made as far back as two or three administrations ago as evidenced by the board that I sat with and who discussed it with me. It may have been a costly deal to bring revitalization to the town of Riverhead, but it was that deal. So Vintage coming and saying they can make money if we had to made this deal, doesn't help me. The deal is there. Now working with it, can Vintage help us? Can any other group help us to- "

Tim Yousik: "You already know the answer to that."

Supervisor Cardinale: "Well, but that's why it's amazing to me that they keep saying they want- they keep saying they want to participate and assist us. In fact, Paul (inaudible) stood where you are and said he would guarantee that-- that he would guarantee any commitment we made to the county that we would lose no money. Well, if he wants to sign that deal, I'm all for it if he's got the money to back up."

Tim Yousik: "All right. I think he first wants you to show them that you made this commitment in writing. I mean, to me, like I said and I'll leave it alone after this- "

Supervisor Cardinale: "Yeah."

Tim Yousik: "-- to me the commitment was that the facilities- the spaces would be provided by the town of Riverhead. We would buy the land, we would pave it. We'd buy the land, we'd build a garage. There's never a commitment that says that nobody will have to pay to park there."

Supervisor Cardinale: "How is that- "

Tim Yousik: "They just won't lay out- they wouldn't have to lay out the \$5,000,000 that initially was in their budget."

Supervisor Cardinale: "How is that different than- what difference of commitment is there between what we said to the county and what we said to John Q. Public because we're going to be charging the county and charging John Q. Public the same amount to park there under your plan? In other words- "

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Tim Yousik: "Because you're got private enterprise that wants to buy the property from you."

Supervisor Cardinale: "No. But I'm saying, it's a meaningless promise to the county to say you don't have to pay to put it up. I'll put it up but I'm going to charge you just like I'm charging John Q. Public because it doesn't do anything for them. They don't get anything that I'm not giving to the public and they were out there lobbying for a deal, something to induce them. If I'm giving them the same deal I'm giving to John Q. Public, I didn't do anything to induce them. That's what I'm getting at."

Tim Yousik: "The problem I have with it, Phil, and Eddie Densieski can tell you because he actually came to Digger's for lunch today. By 9:30 in the morning, there's not one parking spot to be had in that parking lot that several of us businesses have to share, that we all pay parking district taxes."

Supervisor Cardinale: "Behind you. Yeah."

Tim Yousik: "Right. There is no parking after 9:00 in the morning, 9:30. Zero."

Supervisor Cardinale: "Yeah."

Tim Yousik: "I sit there on a cold day like today where no lunch customers walk in because no one's going to walk in that weather. There is no parking. Where is my parking? I already paid for it."

Supervisor Cardinale: "Well, that's another issue and a good one."

Tim Yousik: "Yeah, but it's an issue that never gets answered because I've had that business for 11 years and I've been asking for 11 years let's work to find a- some sort of a cure to the problem. Because it's not just my business, it's the Chinese Restaurant, the barber shop, anybody, (inaudible). All of us have the same parking lot, with no parking. And you know what? It's been ignored for way too many years. It's been 11 years for me of being ignored. It's not all your fault- "

Supervisor Cardinale: "Yeah."

Tim Yousik: "-- but it's starting to get under my skin. And now, now we're going to spend \$10,000,000 to give parking to the county and using Riverhead taxpayer money to do it. It's wrong. If that's the deal you made, it's a lousy deal. Because you didn't solve the problem that we already have. You can't even maintain the parking

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lots that we already have. You drive to Woolworth's; they're full of potholes."

Supervisor Cardinale: "Yeah- "

Tim Yousik: "And we're going to build 600 new spots."

Supervisor Cardinale: "But if we go build more for the parking district, which we will also do, it's going to be paid for by the parking district as you point out. So are you prepared to accept the increased expense associated with the parking?"

Tim Yousik: "I'm willing to pay for parking that my customers and I can use. I am not willing to pay for parking that we're giving to the county. That was a mistake. And eight new courts does not revitalize downtown. We don't even have a sidewalk that's worthy of walking on."

Supervisor Cardinale: "I think- that's interesting because that was a different- the Main Street community was very anxious to have these courts brought to the town of Riverhead and every town board since- for years, for decades, has been anxious to bring them."

Tim Yousik: "I think that's before they knew it was going to cost upwards of \$10,000,000."

Supervisor Cardinale: "It's not going to cost upwards of \$10,000,000. It's going to cost, properly done- I- we've expended nothing except for this asphalt job- "

Tim Yousik: "Wait- we've expended \$3,000,000 already."

Supervisor Cardinale: "Previous administrations have committed properly legally to \$3,000,000."

Tim Yousik: "Well, who's paying for it?"

Supervisor Cardinale: "Okay. Yeah, we know who's paying for it but previous administrations have done that and this administration is going to locate the necessary parking for those courthouses and to provide the necessary parking for the addition of civil courts to the town of Riverhead to revitalize the area is in my judgment and in the judgment of every member of this board, a good bet."

Tim Yousik: "Okay, then what I will ask you to please do since I'm going to be one of the people paying for it, I'd like to see when we don't get an answer to this RFP, the parking plan and where these lots will be located. Because no one's made that available. In fact, there hasn't been an answer yet whether this money is going to be

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spent and charged to the parking district or to taxpayers as a whole for the whole town. Who's paying for it?"

Supervisor Cardinale: "The- Jack will tell you how- we're going to do the same thing, the program was started six years ago when they started condemning that property which we are now making into a parking lot. And those monies were general obligation funds I believe with the town. Jack, is that correct?"

Tim Yousik: "Right. General obligation funds."

Supervisor Cardinale: "General obligation funds and every taxpayer of the town, not the parking district, participates in to revitalize its Main Street. So actually, you're getting a huge benefit because you are one of the businesses in Main Street that is being- and you're not paying a loan for the parking everyone's sharing including me out in Jamesport and the people in Wading River."

Tim Yousik: "I as a restaurant owner, I want the eight courts, don't get me wrong. But I don't see your plan alleviating a parking problem that already exists, number one, and I don't see- I don't see the justification for the amount of money that's being spent. My opinion."

Supervisor Cardinale: "Appreciate your opinion. Yes, sir."

Bob Tesoriero: "Bob Tesoriero, Vineyard Way. I'd like to know was any progress made on the drainage and easement violations on my property. Dawn Thomas and John Stefans are working on it. I spoke- I called John and left him a message on Friday in all that rain and as of today he hasn't responded back. I left messages with- "

Supervisor Cardinale: "What's your name, again?"

Bob Tesoriero: "Bob Tesoriero, Vineyard Way."

Supervisor Cardinale: "Yeah. We've had a lot of discussion on this, far more than necessary. We have resolved the issue- the position of the town very clearly and I hope John has conveyed it to you. We met with the town attorney on it and- did you?"

Bob Tesoriero: "He hasn't- "

Mrs. Tesoriero: "I spoke with John many times."

Bob Tesoriero: "This is my wife."

Mrs. Tesoriero: "Ann Tesoriero."

Supervisor Cardinale: "Yes."

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Ann Tesoriero: "And I've spoken many times to John and he's been very cordial and very, you know, working on this for me but I feel very brushed off, very brushed off as far as the town doing anything."

Bob Tesoriero: "As far as communications."

Ann Tesoriero: "Right. It's gotten to the point now where no one's answering— the last time I called, no one responded."

Supervisor Cardinale: "Well, I believe that— "

Ann Tesoriero: "It was January 4th, I think."

Supervisor Cardinale: "I think the— I don't know the phone calls. I do know there's been a lot of time spent on this and essentially this is a— the bond as I recall and, Dawn, correct me, the bond that was— has been released on this matter and has been released in the— sometime back, two years ago as I recall and it was released at the recommendation of the engineer, that no engineering problems existed, and it was released after discussion with a number of people in the community including your neighbor.

And that subsequently your neighbor placed a dike or some sort of a device in the area in the back of his yard which creates a problem for you and that is— if it does create a problem for you, either of two things can occur. One, you could challenge your neighbor because he's breaching, I think there's a covenant that there be no disturbance in that area. Or the Planning Board which insisted upon that condition being placed on the subdivision, could elect to enforce it through their attorney, Richard Ehlers. Those are the two alternatives that I discussed at some length with the town attorney and John. I hope he conveyed them to you. If he didn't, I'll convey it to you, that the only alternatives I see here— we checked to see that the bond was properly— the bond was, in fact, properly handled and released after discussion with the engineer.

The only options are— if this guy built something in the area that he wasn't supposed to disturb or make anything in, he violated his covenant."

Bob Tesoriero: "Right, but the— "

Supervisor Cardinale: "That covenant benefits you, you could sue him."

Bob Tesoriero: "Right. But the violation was originally done by the builder. The building department approved the— "

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Supervisor Cardinale: "What violation?"

Bob Tesoriero: "To cut through the easement to allow the sod water to come onto the property and cut across the back of my property and my neighbor's property straight into a low area- "

Supervisor Cardinale: "But according to the information I've received from our engineer, that problem was resolved adequately to reduce- in my previous administration before I was here, they released the bond. There's a letter. John received it. I looked at it, that released the bond on the recommendation of Vinnie Gardiello (phonetic) the outside engineer. That the problem that you discussed has- had been resolved. That was in 2003, was it? A year ago- okay.

Now, then apparently your neighbor, in self-helping, he perceived that even though the problem was not sufficient for the engineer to hold the bond, he was going to get all the water off of his property as I understand it and he builds this- the barricade. That barricade pushes the water onto your property. That's a civil matter between you and him that he has worsened your position because of his action. To help himself, he hurt you. And you do have a lawsuit. But it no longer- it is no longer- it's nothing that we as a town can do in that instance because of what he did is a violation of your rights. But you have to defend your rights."

Bob Tesoriero: "But in the restriction that's on this easement in an agricultural area- "

Supervisor Cardinale: "Yes."

Bob Tesoriero: "-- okay. That was done and put into it by the planning board."

Supervisor Cardinale: "Right."

Bob Tesoriero: "Now, the planning board and the building department, the builder is the one that created the problem and made the easement and cut and removed soil from the easement across the back of the two lots."

Supervisor Cardinale: "Yeah. But that problem as I understand it was resolved in 2003."

Bob Tesoriero: "How was it resolved if the water is still coming onto my lot?"

Supervisor Cardinale: "Because what I am advised by our engineer who we paid for his services, that the complaint was made that there was corrective action taken- there was some corrective action taken, he went out and reviewed it and he spoke with your

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neighbor, among others, who assured that the correction was adequate and then we released the bond. That's what I heard happened before I got here.

At that point, the bond's gone and the town is— has no further source to go to and the matter is ended."

Bob Tesoriero: "Why did the town building department allow the builder to disturb the easement area?"

Supervisor Cardinale: "The builder— now that's new information as long as we're on the subject. I— it is my understanding the builder did not disturb the easement area but that the area of non— was disturbed by the neighbor."

Bob Tesoriero: "No. The lot— the area was disturbed— the back of my lot is where the sod field and the water enters the property of the subdivision."

Supervisor Cardinale: "And who put that barricade there?"

Bob Tesoriero: "There is no barricade there."

Supervisor Cardinale: "Who put the dike or whatever the water— "

Ann Tesoriero: "The builder."

Bob Tesoriero: "No, there is— "

Ann Tesoriero: "The builder did."

Bob Tesoriero: "It was a flat piece of land, okay?"

Supervisor Cardinale: "Yeah."

Bob Tesoriero: "The water's running across the development. The builder dug a hole through the area across the back of the easement, two lots, across my lot, across my neighbor's lot, to divert the water from going across the development into the street while it was under construction."

Supervisor Cardinale: "Was that part of the— was this part of the— this all happened before I was in office."

Bob Tesoriero: "Well, two thousand— "

Supervisor Cardinale: "Two thousand three. Was that done, that particular construction as part of the resolution of the problem?"

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Bob Tesoriero: "That was done at the time— that was there when I took the CO on the house."

Ann Tesoriero: "When we bought the house."

Supervisor Cardinale: "But do you know who built that thing you're talking about, the dike, in the back of the property? I thought it was the neighbor who put it up."

Ann Tesoriero: "No. It was the builder."

Supervisor Cardinale: "And why are you complaining now that the neighbor did something?"

Ann Tesoriero: "Because— "

Bob Tesoriero: "It was draining across both lots and going into a lot spot on the side— "

Supervisor Cardinale: "Right."

Bob Tesoriero: "-- the neighbor filled in his lot which is now backing the water up onto my lot."

Supervisor Cardinale: "Okay."

Bob Tesoriero: "I'm trying to enforce the easement restriction that the builder violated, that the town allowed the builder to disturb the easement area and to divert the water which he wasn't supposed to do."

Dawn Thomas: "And the builder allegedly did this prior to your purchase?"

Ann Tesoriero: "Right."

Bob Tesoriero: "Prior to my purchase."

Ann Tesoriero: "We did not even know it was there until after we moved in."

Bob Tesoriero: "It was there across the back of the property and that's basically, you know— "

Dawn Thomas: "Did it show up on your survey?"

Ann Tesoriero: "No."

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Bob Tesoriero: "All it shows on the survey is a scenic agricultural buffer. There's no mention of any type of drainage or anything."

Supervisor Cardinale: "Well, is it on your property?"

Ann Tesoriero: "Yes."

Supervisor Cardinale: "Well, then why didn't it show on your survey?"

Councilwoman Blass: "And your title would indicate--"

Bob Tesoriero: "That's all that's on there, okay."

Supervisor Cardinale: "That's great. But it should show it if it was there."

Bob Tesoriero: "No, it doesn't show."

Supervisor Cardinale: "Why didn't it? Then your surveyor should have showed it, is my point."

Councilwoman Blass: "Did your title report indicate that there were filed covenants with respect to that parcel?"

Supervisor Cardinale: "I think what we're saying is number one, we're not denying that there's a problem. Number two, nor that we didn't spend-- that we spent a good deal of time, and, in fact, this town attorney in 2003-- and when did you move into the place?"

Bob Tesoriero: "February, 2002."

Ann Tesoriero: "Two thousand two."

Supervisor Cardinale: "Okay. During the time that you were in the place, they were-- there was private litigation apparently you did not participate in it, between the owners and the builders, the builder, and the town attorney and the town engineer were on a very frequent basis in touch with the neighbors at that location, and they thought they had resolved it. They got permission from the various neighbors who were affected that were participating at that time, 2002, 2003, and I'm reciting what she's telling me-- told me, that they got permission and acknowledgment the problem was solved.

They released the bond and at that moment, the town's responsibility ends because if I were-- if we were to do anything further, we have no source of funds to go to except your funds, general fund taxes, and we're not allowed to spend them in this way. So I don't have a solution and I don't know if anybody else does, but

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if you do, chime right in here, but I've got no bond money to go to and I'm getting a long story from Dawn that they worked through to a solution. The solution was implemented, the bond was released- "

Bob Tesoriero: "The solution was to allow basically to fill that in which now- "

Supervisor Cardinale: "Well, no. Actually the solution was the dike that the builder built apparently. Your neighbor took action without- "

Bob Tesoriero: "Well, he diverted the water and dug a hole- "

Supervisor Cardinale: "Yeah, the diversion of your neighbor was without the consent of the town or you. And that was the wrongful act that you would have a lawsuit against him for if you care to bring it.

The only other solution that you might want to consider is this. The planning board thought it important that there be a covenant not to disturb, right. If they think it's important to put it onto the property, that nobody disturb, then they might think it important to defend the covenant at the- for some matter of significance or importance.

If the planning board and the counsel to the planning board which is independent of us because they're appointed for five year terms and we can't control their actions, if they elect to enforce the covenant against your neighbor, they could do so at their expense. Alternatively, you could do so at your expense.

So there's no question your neighbor did a bad thing. The question is who's going to spend the money to call him out on it. And I don't have money to spend because I don't have a bond left. That's the unvarnished truth of it."

Ann Tesoriero: "I was also told that the builder submitted plans, I mean this was when he first built the property, that he submitted plans for drainage and the plans he submitted, he never followed through on. He did totally different than the plans he submitted."

Supervisor Cardinale: "I don't know, again, but Dawn had followed this and she indicates that there was a problem, that there was a civil lawsuit, a private lawsuit between the builder and the community members, and that there was a hold up of the bond and the engineer of our time became involved, and the bond was held to 2003 when it was finally released after the problem was solved.

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I think probably thereafter from what you're describing, your neighbor thinking it not adequate for his purposes, made it better for his purposes but worse for yours."

Ann Tesoriero: "Exactly."

Supervisor Cardinale: "That was not nice. And he's to be called on that."

Ann Tesoriero: "It also floods the road. I mean, the last hurricane in Florida, it came right through our back yard, down the side, into the road, and up over the curb."

Bob Tesoriero: (Inaudible)

Supervisor Cardinale: "Yes."

Bob Tesoriero: "And you see the situation there."

Supervisor Cardinale: "I wish there were more I could offer in the way of resolution. Barbara, I hope you have something."

Councilwoman Blass: "Well, just last week a situation probably similar to your was brought to our attention by code enforcement, who has said that this indeed is a problem. You know, the planning board takes great pains to put for reasons that they believe are very necessary, covenants and restrictions on- against non-disturbance- to provide for non-disturbance area, etc., and there is actually nothing legally in our code that would allow code enforcement to write a ticket to someone who violates that.

It's unfortunate but that is what's happening and we've been now, unfortunately been made aware of the fact that it happens quite frequently and unless we change the code to provide a mechanism to allow him to write a ticket to say that a planning board covenant here has been violated or a covenant that becomes a part of a signed subdivision map with, you know, filed covenants and restrictions.

Dawn, code enforcement, counsel to the planning board and I and the planning director met on this very issue and are proposing code changes that would at least allow the enforcement by code enforcement of planning board covenants and restrictions against illegal clearing, disturbance in areas that are clearly marked areas of non-disturbance.

But we also pointed out the fact or illustrated the fact that there is somewhat of a communication gap between planning and building and they, you know, these department heads were there and they acknowledged the fact that when someone comes with a survey, they don't necessarily have- the building department is not necessarily equipped with a copy of the covenants that are filed with that property.

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So we also need to tighten up who gets that information, what relevant departments need to have that information. Building and planning certainly should have it as well as town attorney. So it is an issue that we are aware needs correction and we are working on it. I don't know how that would help your immediate situation right now. It probably doesn't."

Bob Tesoriero: "If you're putting an easement restriction, you've got no way of enforcing it, is that what you're telling me?"

Councilwoman Blass: "There is- "

Supervisor Cardinale: "Well, there is no way- "

Councilwoman Blass: "-- that's correct now."

Supervisor Cardinale: "Well, it's not entirely correct. Yeah. It's not entirely correct."

Councilwoman Blass: "The planning- "

Bob Tesoriero: "But that's what you're saying."

Supervisor Cardinale: "Well, no- "

Councilwoman Blass: "The planning board- "

Bob Tesoriero: "It's not in town- "

Councilwoman Blass: "Code enforcement cannot write a ticket now. Is that- "

Dawn Thomas: "Yes, correct. We could take them to Supreme Court and ask them to enjoin- "

Supervisor Cardinale: "That's right."

Councilwoman Blass: "Right."

Dawn Thomas: "-- their activities. But that's a much bigger process for a small violation. So we tend to use that process for life safety matters versus smaller non-life safety issues."

Ann Tesoriero: "Can I ask a question? When you decided the problem was resolved, how was that decided?"

Dawn Thomas: "Our engineer visited the properties, inspected the work that was done, spoke to several of the neighbors. We were in touch with some of the lawyers who represented both parties in the

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civil lawsuit between the developer and those parties and everyone was clear, we had no further complaints. In fact, you're the first complaint in the last year."

Bob Tesoriero: "We had the complaint because he went and he fills it in."

Dawn Thomas: "I understand. But what I'm saying to you is in 2003 when the bond— when he developer requested that we release the bond, we had already been through six months to a year of debating the issue whether it should be released or not, investigating the complaint, verifying the correction of the problem through our engineer, and confirming that everything was satisfactory to the town to accept ownership of those structures and the roadway, and that's what we did. So unfortunately you're here, you know, a little too late."

Ann Tesoriero: "It would have been nice though, well, this isn't feasible I guess, but if the town somehow, you know, came to us because the town went behind our house to look at where the problem originated and it originates right behind our house."

Dawn Thomas: "Well, your comment leads me to another comment which was when we had attempted to work with your neighbors at the time to correct the problem, we had suggested the installation of several drainage structures which at the time the town was willing to take ownership of and maintain to correct the problem."

None of the neighbors— because the properties were privately owned, were willing to accept or allow us on the properties to create those structures. So at that point, they resolved the matters themselves without our help. They wouldn't let us help them."

Ann Tesoriero: "Right."

Dawn Thomas: "And you know our hands were tied."

Ann Tesoriero: "Right."

Dawn Thomas: "So we did not release the bond until we were— we went around the block about a thousand times on this one, we had so many complaints. And now a year after the fact, we hear from you. So your problem is clearly created by your neighbor's activities which we're trying to develop a new way to address but which currently would require a major— "

Supervisor Cardinale: "A lawsuit."

Dawn Thomas: "-- a lawsuit from my office to deal with."

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Ann Tesoriero: "Right."

Dawn Thomas: "Which it's not top of the priority. We have many other life safety matters that we are dealing with."

Ann Tesoriero: "Right."

Dawn Thomas: "So from a code point of view, we'd like an easier way to deal with it and we have been trying to create that situation and, hopefully, shortly we will but today there's nothing that I can do short of commencing a Supreme Court action to enforce that."

You do have the right yourself to do that. You are a beneficiary of that covenant and you could address it yourselves."

Ann Tesoriero: "To the neighbor?"

Dawn Thomas: "Yes. That's one of the reasons I suggested when you came in August that you need to talk to your own lawyer about it right away for several reasons is that and in addition to the fact that there's a new home buyer's warranty that's provided to you under the general business law which I wasn't sure and I can't tell you, give you legal advice, but whether you had some warranty and some claim against the builder for having sold you a defective product."

Ann Tesoriero: "Right."

Dawn Thomas: "So those were the reasons I suggested very strongly that you contact your own counsel and that, you know, we would continue to investigate (inaudible) to what, if anything, could be done."

Ann Tesoriero: "Right."

Bob Tesoriero: "As far as code enforcement, if say we don't go (inaudible) just basically what he did. Fill it in?"

Dawn Thomas: "You would have the same— you would be violating the covenant and I'll explain to you what— "

Bob Tesoriero: "Well, the covenant's in violation from the beginning by the builder."

Dawn Thomas: "I understand that's your neighbor and that's their problem. But what I will say to you is that when there's a covenant on the property that's violated, it changes the condition of your title and it could create a cloud on your title and you could ask your lawyer to fill you in about those facts. But you are compromising the title to your property by violating that covenant. And your neighbor has done that if, in fact, he has created a

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structure on the property in the non-service area which I'm not personally aware of."

Bob Tesoriero: "On the survey, it does not show- "

Dawn Thomas: "I understand that. But many times the survey will show a berm and indicate the height of the berm when that is present on the property. Unfortunately your survey- and I'm not sure who did the survey- but doesn't indicate anything topographically. But if there is an obvious- if there's a pipe or anything- "

Ann Tesoriero: "It's a gully."

Dawn Thomas: "-- obvious on any survey to indicate that. So I can't help you with that."

Bob Tesoriero: "No. What I'm saying is he created a trough or a gully. If I were to fill it in at grade it would basically solve my problem."

Dawn Thomas: "Well, I'm not going to give you legal advice and I've said that before and- "

Bob Tesoriero: "Right. Right."

Dawn Thomas: "-- that would be between you and your lawyer to decide and resolve, but being aware of everything that affects your property including the covenants, you know, that would be a--"

Bob Tesoriero: "Well, what I don't understand. If you've got easement restrictions, how come- why do you write them when you can't enforce them?"

Dawn Thomas: "That's exactly what we talked about and we addressed to you is we are developing new ways- "

Bob Tesoriero: "Right. So I have to be- "

Dawn Thomas: "Well, unfortunately- "

Bob Tesoriero: "-- be on the short end of the stick because of that shortcoming?"

Dawn Thomas: "Frankly, yes. But we are addressing it and I- "

Bob Tesoriero: "That doesn't help me."

Dawn Thomas: "Well, we're going to try to help you but it isn't an overnight process."

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Bob Tesoriero: "No. I understand that- "

Dawn Thomas: "So and as the town has developed and as the planning board has increased the use of non-disturbance areas which for years and years wasn't done, now it's a very common thing, and when we started to step up and increase code enforcement in the last couple years, these issues became apparent. They weren't always apparent. So we try to address things as they come to us and I think we do a good job of it.

Unfortunately we don't have anything to help you right now but there are ways you can help yourself. And we did address this with many of your neighbors and we felt that we had adequately dealt with it last year and we never had a complaint from you until this year. So unfortunately our- the traditional ways we had handled this which was holding the bond back which we had done to this developer at the time, is not available to us anymore.

So we are trying everything we can to help you and I understand your frustration, but I can't give you an instant result. You know, within the next several months, I hope we'll have something in place that we can use to enforce this but in the meantime your property, you know- "

Supervisor Cardinale: "And what you're not mentioning which is worthwhile for you to know and then I'd like to take the next comment is this. Let's assume you got the language in and they- and let's assume that they came down and gave the guy a ticket for building it in the non-disturbance area, and they're going to go next door to the judge and the judge is going to give him a fine, maybe 50, 100, \$500. And that's going to be the end of it.

The only way you're going to get him to take it out is to bring it to a court and get a mandamus action, that is a command from that court that he remove that structure which is in violation of the covenant which benefits your property as well as his. So I don't think that the solution of, you know, getting a ticket is going to really help you either."

Bob Tesoriero: (Inaudible)

Supervisor Cardinale: "It could help a little but it isn't going to be totally effective. The only hope I could leave you with is this. The planning board is the one that insisted on the covenant in the first place. The planning board has counsel, Richard Ehlers. You could ask them if they think that the violation is sufficiently significant that they would like to enforce this covenant at this time. And if they do, you win the lottery. If they don't, you either have to live with it or sue this guy to stop him from dumping property- dumping water on your property."

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Bob Tesoriero: "It's either that or I could fill it in to prevent the water from coming onto my property just like- "

Supervisor Cardinale: "Yeah. Well, you should talk with- she told you to talk with your lawyer because it's a tricky area of law and both Dawn and I are lawyers. But, yeah, it's possible but you should talk to your lawyer first whoever it is, and I am glad we got it talked through because I know John was concerned about it. He was spending a lot of time with me on it but I think it's because, most things that we really can't give you a dynamite favorable answer, you tend to- what can we do that we haven't thought of? Well, we thought it through right here at the meeting and that's where we are."

Bob Tesoriero: "So I should talk to the planning board about it?"

Supervisor Cardinale: "Yeah. Dick Ehlers is the attorney and if you stop in tomorrow- "

Bob Tesoriero: "I talk to John- "

Supervisor Cardinale: "Sure. And thank you for coming in. Sorry we couldn't be more help. Larry, you've got a question."

Bob Tesoriero: (Inaudible)

Supervisor Cardinale: "Why don't you give him the phone number. Okay, great. Thank you, Mr. Tesoriero. Yes."

Larry Oxman: "Larry Oxman. It's been a very long non-public hearing meeting."

Supervisor Cardinale: "Yes."

Larry Oxman: "I hope there's not a foot of snow."

Supervisor Cardinale: "Yeah, I thought we were going to be out of here by 8:30."

Larry Oxman: "Exactly, so I'll try and make it quick. The TDR language, is that moving along nicely?"

Supervisor Cardinale: "Yes. We're going to have it posted for a new public hearing. It needed a lot of work, they've given it a lot of work. When is it- "

Councilwoman Blass: "I think it's the 2nd- oh, it will be in the Clerk's office by February 4th and the meeting is- "

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Supervisor Cardinale: "Yes. By February 4th it will be in the Clerk's office. They're working on the language now. Any help you can give or others can give, we're more than happy. My bet is that it will be a lot better, a lot more accurate. I wouldn't doubt that it might not need another public hearing after this one. But we'll get it right and we'll get it done, hopefully, in the month of February."

Larry Oxman: "Good. Good. I just learned today that Eric Grossman (phonetic) is leaving."

Supervisor Cardinale: "He's left."

Larry Oxman: "Or he's left."

Supervisor Cardinale: "Yeah, he's left. Two Fridays. He's coming in to wrap up."

Larry Oxman: "Any plans to bring in someone else to help Rick?"

Supervisor Cardinale: "Yes. Desperately. We should advertise on national TV here or at least local. We're looking for an assistant planner with site planning capacity. We need help. Eric went to the NYU to- he went to the dark side you will appreciate. He's taking a masters in real estate finance. So he's going to be like a guy like you looking to make a few bucks instead of planning for the community."

Larry Oxman: "A couple other things. The mobile homes on the property, the estate of whatever her name is where Walgreens wants to go."

Supervisor Cardinale: "Walgreen's site plan."

Larry Oxman: "I forgot the last name. Yes. How much acreage (inaudible)? The whole property was only like two acres, two and a half acres and it wasn't completely filled. So acreage-wise to satisfy relocation."

Supervisor Cardinale: "Well, they need zoning. They need zoning is what they need."

Larry Oxman: "That's your job. You can take care of that."

Supervisor Cardinale: "You can't just- nice try. You cannot create a new mobile home park. You've got to find space in an existing one. That's the problem."

Larry Oxman: "How much acreage are we talking about? Ballpark. Half acre? To- how many- "

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Councilwoman Blass: "There are 11--"

Larry Oxman: "-- units."

Councilwoman Blass: "-- sites and actually I think maybe 10. I think one has already relocated voluntarily."

Larry Oxman: "So 10 pads roughly."

Councilwoman Blass: "Yes."

Larry Oxman: "I can figure out what that would be. Okay. I have here just simply off the internet tonight, although I think this board has not come to a public determination on their stand, on groundwater, these are publications from Connecticut from the Middletown Press, from New Haven Register and a group called Save the Sound based in Connecticut and another group.

Well, all of these articles are clearly not in favor of this proposal."

Supervisor Cardinale: "What a surprise."

Larry Oxman: "What a surprise. Anyhow, if I guess the town ultimately determines that they're not in favor of the proposal so that they might consider reaching out across the Sound to form some type of coalition, you know, I think from some of the articles it sounds like New York and Connecticut don't have the best relationship which is probably from the border, you know, by Westchester and going up.

But this is clearly a different issue and basically the comments that are coming from Connecticut are almost word for word the comments that are coming from Long Island."

Supervisor Cardinale: "Yeah. I would anticipate proposing a resolution for board consideration possibly as soon as the February 1st meeting."

Larry Oxman: "And I also agree very much with your comments. I'll give this to Barbara. I agree with your comments that now is the time, you know, not to wait until further action is taken. So."

Supervisor Cardinale: "Yeah. Thank you. Yes, sir."

Greg Grazziano: "Greg Grazziano, again. I believe there's a discrepancy on Resolution #2. I'm not sure what Barbara had mentioned as the owner of the land on that resolution on the paper that's printed the agenda for us. It was also the Riverhead Enterprise and I thought she had stated it was a different landowner. Resolution #2, the first, the second, the transfer from Community Development--"

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(Some inaudible discussion)

Greg Grazziano: "Riverhead Enterprises and Shelley Gordon are the same?"

Supervisor Cardinale: "Yes."

Greg Grazziano: "Okay. And then as far as I think it was Resolution #76, which was the transfer of- from the public parking. Is that- is the sale amount from- I saw your particular verbage and I got the town was acquiring the land from the Riverhead Enterprises lot size 653 square feet for the price of \$24,000 and then they were buying from the parking- the public parking district a lot size that was 10 times the size."

Councilman Densieski: "That's open space and one is the structure."

Greg Grazziano: "Open- one is open space and one is a structure?"

Councilman Densieski: "Yeah, right."

Greg Grazziano: "Okay. I just wanted to verify as far as the difference in the price and everything. Okay."

Supervisor Cardinale: "Thank you. No further comment, mercifully we will end and we adjourn the meeting and looking forward to- "

Meeting adjourned: 9:30 p.m.