

1/03/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, January 3, 2006 at 7:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Is Cablevision ready to rumble? Okay. I'd like to begin the meeting, this first meeting of the new year. Rise and start with the Pledge of Allegiance. John- where's the flag? Okay. Ed you're closest, why don't you lead us?"

(At this time, the Pledge of Allegiance was recited, led by Ed Densieski)

Supervisor Cardinale: "Okay. I want to welcome John Dunleavy to the board and John it wasn't intentional- (inaudible) the flag. We're going to move it back to the- can you hear me better? I was welcoming John Dunleavy to the board and indicating it was not intentional that we moved the flag away from him for the first meeting. In fact, I think it's on the wrong side for purposes of- what is it- the rules that it's supposed to be on the right side, I believe.

But in any event, we will verify and get it back.

We have an organizational meeting this evening and I'd like to begin it with the approval of the minutes of the last town board meeting of December 28th. So could somebody offer them and somebody second, please?"

Councilman Densieski: "I'd like to move the minutes. So moved."

Councilman Bartunek: "Second that."

Supervisor Cardinale: "Moved and second. May we have a vote, please approving the minutes of December 28th."

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

Supervisor Cardinale: "Okay, Barbara, could you tell us what Reports we received?"

Barbara Grattan: "Sure."

REPORTS:

Town Clerk
Monthly report for December.
Total collected was
\$7,944.98

Building Department
Monthly report for December.
Total collected was
\$64,662.50

Supervisor Cardinale: "Applications."

Barbara Grattan: "None."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

James Fetten
Letter of resignation from the
Architectural Review Board

Daniel Ruthinowski
Letter of resignation

Sal Mastropolo
Regarding the town code

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Okay. We have— I guess it's seven public hearings but— so we should get started.

The first is scheduled to begin 7:05, it being 7:14, I'm going to declare that open."

Public hearing opened: 7:14 p.m.

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Supervisor Cardinale: "This is a public hearing regarding the purchase of development rights for agricultural lands owned by Daniel G. Donahue, Jr. and Sean Walter is going to present it."

Sean Walter: "Sean Walter, town attorney's office. For the record, I've submitted affidavits of publishing and posting to the clerk's office."

Mr. Supervisor, Members of the Board, Mr. Dunleavy, congratulations.

This is for the sale of development rights on the lands of Daniel Donahue. The sale is roughly 20.5 acres. It's comprised of three separate parcels, 2.9 acres are RLC zoning along Middle Road. That's being excluded from the sale of development rights to accommodate the existing home and barns. An additional two acres is being excluded along Riley Avenue, are being left out for possible future home sites. The price is \$70,000 an acre for a total of \$1.435 million dollars.

An appraisal was completed by Patrick Gibbon Associates on November 9, 2005 and supports the price of \$70,000 an acre.

For the record and we've had a few conversations along these lines. It is two acre zoning in the area and the appraisal— they are keeping out two one acre building lots. The appraisal does reflect a discount in the purchase price based on the two acre zoning. So had they— Mr. Danowski may not realize this, but had they kept out two acres, the purchase price may roughly be the same because there is a discount here because of the zoning as discussed.

The tax map number is Suffolk County tax map number 0600-99-1-p/o 11.1; 99.1-14.1 and 99-2-p/o 6.1. The properties are located on the north and south side of Riley Avenue and the east side of Edwards Avenue. It's planted in field crops.

As Mr. Dunleavy pointed out correctly there is a small sliver at the top that's one acre. That is continuously farmed through the LIPA easement and that's why there's three tax map numbers because it does pick up that top piece.

I don't have anything else. If questions or comments."

Supervisor Cardinale: "Is there any comment from any member of the public in regard to this proposed purchase? Yes, Barbara."

Councilwoman Blass: "Mr. Walter, in your opinion, do you think there could ever be a building envelope situate on the 14 point— or lot number 14.1?"

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Sean Walter: "In my opinion, it would be a very creative application. I can't- where's my glasses- at the sliver at the top?"

Councilwoman Blass: "Yes."

Sean Walter: "It would be a very creative application. The applicant would have to show access to a public road or something, I'm not sure. You don't really have- you have a tax map so you don't have a sense of really what his access might be. If he did that, it would be a 50% variance request at the zoning board just for lot area, not to mention setbacks and things of that nature. It would be a very creative application to make. I'm not sure it would go through but I couldn't pass judgment one way or the other."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Have you- the right of way that is in front of that small one acre parcel of 1.9 acre-- that is not being purchased?"

Sean Walter: "Correct. We don't purchase property in the right of way."

Supervisor Cardinale: "And why is that?"

Sean Walter: "Because the way the Farmland Select money is set up through the CPF fund- "

Supervisor Cardinale: "Yeah."

Sean Walter: "-- you know, right of ways, driveways to, you know, not farm roads but driveways to access people's homes, things of that nature, it's my interpretation of the CPF law that we are not supposed to be buying those- "

Supervisor Cardinale: "Right. And I presume that's because it's not developable property. Because it's subject to the right of way."

Sean Walter: "Well, you know, a roadway wouldn't be undevelopable property and we wouldn't purchase it either because you could pull the roadway out. It's just basically we're buying the property used in farming and from my perspective, even though we know it's planted in row crops, that particular strip of land is the LILCO easement and it's not used for farming just as a driveway entering a piece of property or a parking lot wouldn't be used for farming."

Supervisor Cardinale: "On that have you considered the purchase without this strip on the top? Will the sellers consider that?"

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Sean Walter: "The seller's attorney is here. He could comment on that."

Peter Danowski: "This was one of the negotiated points. It is farmed and you're buying farmland and when the suggestion of-- the appraised value came down, I clearly pointed out that this was one of the items that we wanted to agree on, that that would be included on this."

And certainly anybody that's surrounded with a LILCO easement has a right to request LILCO to grant them an easement to travel over and I don't think they can prevent us and I don't think it's actually landlocked by law. I think we'd have a right to travel out to a public highway. I'm not trying to push the point about buildability on the parcel, but I just think our agreement and Mr. Donahue's understanding was that that area would be included and that's why it's part of the subject-- to this public hearing. So I would ask you to continue that at least tentative agreement. Mr. Donahue is not getting any younger and we'd like to conclude this with this agreement.

The reason for the building envelopes-- meanwhile our-- you have separate parcels and in the future someone may want to farm one particular parcel and another farmer farm another particular parcel. They may want to have their farmstead house on the parcel, that's why we kept the building envelope on each parcel.

So I would just ask you to include that. It's not a tremendous amount of money. A lot of times we get into negotiating prices and all I'm asking is just for that extra strip to be included in the sale of development rights."

Supervisor Cardinale: "Okay. Again, you had indicated it is farmed which is good but we're not buying the farming, we're buying the development rights. If it's not developable, I'm concerned."

Peter Danowski: "I understand that. If you didn't do anything, obviously we could count that toward yield and have, you know, an extra yield depending on how you rounded out the numbers to include an extra house somewhere."

Supervisor Cardinale: "So even if it's-- is this a contiguous piece?"

Peter Danowski: "Well, it's not contiguous except for the LILCO easement."

Supervisor Cardinale: "That's my point."

Peter Danowski: "We're saying even under town law, if you went into a subdivision application and did a non-contiguous cluster,

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you're allowed to do that under the state law. If I had 20 acres and 20 acres, I'd say I had 40 acres even though they're two distinct parcels if I wanted to cluster them on one. If the planning board wanted to approve that, they could. So all I'm saying is it has development rights on it. I'd ask you for Mr. Donahue's sake to complete this sale including that as part of the sale."

Supervisor Cardinale: "Is that part of the subdivision? It appears from that particular depiction."

Peter Danowski: "I don't know about the definition of subdivision but you know- "

Supervisor Cardinale: "It looks like there's some- I don't know, we can't see it but I saw it before. It looks like it's part of the developed piece."

John Dunleavy: "I think that adjoins the developed piece."

Supervisor Cardinale: "Yeah, it looks like it backs up to the backyards of the development."

John Dunleavy: "Yes, it adjoins it."

Supervisor Cardinale: "But is it part of that map? So that is not part of the map, it was cut out just before we got to the right of way?"

Peter Danowski: "That's correct."

Supervisor Cardinale: "Okay."

Peter Danowski: "And I'm not sure the history here, whether it got cut out by the creation of the easement or not. I know the Donahue family has been there a long, long time as Dan would tell you, maybe he already has. And we're trying to preserve farming in the area and help out a local farmer. So I just ask you to include that in the sale."

Supervisor Cardinale: "Okay. Anybody have any other questions? Sean, could you- the- how many lots is this going to be? I can't read this from here."

Sean Walter: "Let me move it closer."

Supervisor Cardinale: "Yeah. How many lots are going- is going to result from this? I know they're not subdivided lots."

Sean Walter: "What we've got here is this is a 12.7 acre piece that they'll be selling and is taking out one acre which would be

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bordering I believe that is the sump— that's probably not the politically correct term."

Supervisor Cardinale: "Right. Recharge basin, right."

Sean Walter: "Then there is seven acres here where the crosshatch is. That seven acres will be-- the development rights will be purchased, he's going to keep one acre out here. And he's going to keep the 2.9 acres out here which is where he's got his farms and his houses and that incidentally probably is going— that line is going to reflect that RLC zoning. Had he included that, the price would have been significantly higher. (Inaudible)."

Supervisor Cardinale: "What is RLC? Oh, rural corridor zoning."

Sean Walter: "We did try and put it on the overhead, but I'm not sure that's working."

Supervisor Cardinale: "Now, for the— this is a question we had explored before but just as long as we're on it. You had mentioned there's a one acre— these are not lots but let's call it a building envelope."

Sean Walter: "Correct."

Supervisor Cardinale: "But it's two acre zoning. What is your thinking on that?"

Sean Walter: "What the appraisal has done— when we discussed this, the appraiser said we have to— even though they're taking out one acre, we're going to discount the appraised value based on them taking out two acres."

Supervisor Cardinale: "Okay."

Sean Walter: "So— "

Supervisor Cardinale: "So, that's what you were saying before?"

Sean Walter: "So mathematically he might have been able to take out— and this was again negotiated in this— mathematically he might have been able to retain two acres and still only put one house or structures, take out two acres and arrive at the same overall figure for purchase."

Supervisor Cardinale: "What is the full acreage we'd be purchasing at \$70,000?"

Sean Walter: "20 point— roughly 20.5 acres."

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Supervisor Cardinale: "Thank you. Anybody questions? Yes, Sal, come up. Anyone else have a question, please follow. Thank you."

Sal Mastropolo: "Sal Mastropolo, Calverton. Phil, you just zeroed in on the one acre thing, okay. And he's answering from a point of view of the assessed value. My question is if you're selling the development rights on all the rest of the land and you're leaving two one acre pieces, how is he going to put a house on that when it's two acre zoning? Is he going to buy development rights?"

Supervisor Cardinale: "Yeah. I'll let- no, what he's- explain that, please, as you did to me, Sean."

Sean Walter: "In order to have a legal subdivision of property, town law and the town code requires you to submit certain applications to the town to file a subdivision map. They're not doing a legal subdivision of the property so if you look at that map, what will happen is and, Sal, I don't know if you want to look at it closely, I can't see- "

Supervisor Cardinale: "I can't either. I can't see it at all from this angle."

Sean Walter: "I have to get up here, I hope you can hear me. What is going to happen is-- "

Barbara Grattan: "You're not getting on tape, Sean."

Sean Walter: "You're not getting it on tape?"

Barbara Grattan: "You're not getting on tape. Why don't you take that over there."

Sean Walter: "I'm going to bring this to Sal. We'll bring this over here for the moment, Sal."

What's going to happen, Sal, and what we described to the board, is Suffolk County tax map is going to look at this as if it's- they're going to assign a tax parcel number to this and to this and to this and to this. So when you look at the Suffolk County tax map book, it may look like it's subdivided but it is not subdivided. When you do what's known as a single and separate search in the county clerk's office, you're going to find that they're all held in common ownership.

So this one acre is not really a one acre building lot. It's an eight acre building lot. It just has a one acre building envelope. So the owner could put, they could put the house right in this corner

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of the property here and their setbacks according to the town law and the town code would be to this property line and this property line. It would not be to this little edge because this is just the envelope that you would construct in, not a subdivided parcel."

Supervisor Cardinale: "Could I see that for a second, please? I just want— this is an issue not only with Mr. Donahue's piece but in general. This particular piece is separated by Riley Avenue so we have one acre over on one side, one acre over on the other side as part of the larger piece, and then two acres where the development rights were never sold, right, on the bottom there?"

Sean Walter: "Correct, 2.9 acres. Correct."

Supervisor Cardinale: "So the one on the 25 is clearly a retained two and a half acre of whatever it is lot—"

Sean Walter: "Correct."

Supervisor Cardinale: "The other one is a large lot with a small building envelope and the other one is a large lot with a small building envelope. Right?"

Sean Walter: "Right. To make farmsteads, I think that's what—"

Supervisor Cardinale: "Do you agree— I can see how it might work in this instance, I'm not sure in every instance. Does that make sense to you, Rick, or do you have another theory on this?"

Rick Hanley: "No. (Inaudible)."

(Some inaudible discussion)

Supervisor Cardinale: "Right. You'd have to own the whole eight acre piece or the whole eleven acre."

Sean Walter: "And we won't allow, even if you reduce the zoning to half acre or one acre or something, if you reduce the zoning to half acre, our deed is not going to allow them to split that in half nor is it going to allow them to split if off of this. So if a future town board could say we want half acre zoning here for some reason, they can't do anything with it."

Supervisor Cardinale: "Do they— since there's a road in between, they don't have to subdivide at all, do they?"

Sean Walter: "From here? No. These are separate tax lots."

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Supervisor Cardinale: "Let's assume that they're the same tax lots and they wanted to do the same thing, that would require a subdivision, would it not?"

Sean Walter: "Correct."

Supervisor Cardinale: "But this will not because of the intervening road?"

Sean Walter: "Correct."

Supervisor Cardinale: "Okay."

Sean Walter: "And that's Harbes. That's why Harbes has a subdivision in place or moving forward."

Supervisor Cardinale: "All right. I think I get it. I hope you do, Sal. It's a little convoluted but basically it's a large lot with a small envelope and they've discounted the value based upon a two acre lot but they've chosen to select a one acre."

Sal Mastropolo: "I guess what he's saying then is if you have two acre zoning, the whole two acres don't have to have— don't have to be zoned for building."

Supervisor Cardinale: "Right. No, he's saying something close. He's saying that if you have two acre zoning, the whole two acres— you don't have to have a two acre building envelope if it's an eight— if seven acres of the piece have development rights sold. That's really the policy issue that you kind of circumvented."

Sal Mastropolo: "See, I was under the impression that if we had two acre zoning, the whole two acres had to have development rights. And in essence the two acres there do not have development rights. Only one acre does."

Supervisor Cardinale: "Right. That's correct. That's right and although it doesn't make any financial difference in this instance, the real issue is just what you're saying."

They took out one acre, I presume Joe is here, when it was one acre zoning, you took out one acre because it's one acre. The question is do you need to take out two acres now that the zoning has changed and it's rather— I'm at least getting paid correctly because they're— it's coming out of the assessment— "

Sal Mastropolo: "Are we setting any dangerous precedents here?"

Supervisor Cardinale: "Well, that's what the board was discussing briefly before— before we were talking about this, whether we need to make any consideration now that the zoning was changed to

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two acre. I don't think it makes a lot of difference frankly because if we're getting the value— if we're getting the piece assessed as if two acres was coming out, whether the guy has a one acre piece or a two acre piece is of no real consequence to me. In fact, I think we're better off getting a two acre piece as long as that extra acre is in farming. You know, if he's in effect paying for the two acres and allowing it to stay in farming, we're actually better off. So that's what you told us."

Sean Walter: "You're better off under— "

Supervisor Cardinale: "Under this theory."

Sean Walter: "-- under this scenario."

Supervisor Cardinale: "Yeah, because that other acre is committed to farming as opposed to a house."

John Dunleavy: "Right. He's using the whole on one side of the road all seven acres. They're not separate pieces of property. It's all one piece of property. He's just taking out this envelope. So when he sells— when someone builds on that, actually he's building on a seven acre piece of property and not a one acre piece of property."

Supervisor Cardinale: "Right. The key to this is the appraisal that— how many acres is in that piece fully? I know 20 acres is going to be what we're buying."

Sean Walter: "The entire— the entire property tax map number— I'd have to do it by tax map number, let's see, 25.4 acres it looks like if I'm reading this matrix correctly. The tax map number 11.2 is 13.7; 14.1 is roughly .8 acres according to this. According to that, it's 1. Until we survey it we don't know. It may be under one acre. And tax map number 6.1 is 10.9. So I think that comes out to 15.4 acres."

Supervisor Cardinale: "So we're getting the little on the top. On the 13.7 acre piece, there's going to be one lot taken out or is that the 11— "

Sean Walter: "On the 13.7 there will be a one one acre lot taken out."

Supervisor Cardinale: "Okay. So that's 11 point— and on the 10.9, they're taking off the 2.5 at the bottom, right?"

Sean Walter: "Correct. 2.9 on the bottom."

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Supervisor Cardinale: "2.9 and they're taking off- that brings it down to 9 and 7, so then we should be- if your theory is correct, we should be purchasing 18.7- 19.7 acres."

Sean Walter: "Right. It's somewhere- I put 20.5 because we don't- these are not accurate- "

Supervisor Cardinale: "But that's what we're buying?"

Sean Walter: "Correct. It may be under 20 acres."

Supervisor Cardinale: "Okay. Thank you. Any other questions from the public, from the board. If not- "

Sean Walter: "I just want to make one comment- "

Supervisor Cardinale: "Yes."

Sean Walter: "-- for the board. There's a resolution which is very uncharacteristic for the board to do to accept the development rights sale today."

Supervisor Cardinale: "Yes."

Sean Walter: "That's due to some issues that I don't- "

Supervisor Cardinale: "Right."

Sean Walter: "-- so but the resolution is backwards. You're adopting the budget before you- "

Supervisor Cardinale: "We should reverse it?"

Sean Walter: "You have to reverse it."

Supervisor Cardinale: "Okay. I appreciate that. I understand the reason. There is one other question I wanted to ask you and that is the appraised value on this of- that we came in on per acre is 70."

Sean Walter: "It's just under 70. It was 69,980 or something like that. It's just a hair under 70."

Supervisor Cardinale: "Thank you. Okay. Anybody have any other questions? If not, it being 7:32, I'd like to close this hearing and move to the second hearing."

Public hearing closed: 7:32 p.m.

Public hearing opened: 7:32 p.m.

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Supervisor Cardinale: "Which is for the consideration of a proposed local law to amend Chapter 108 of Article— Chapter 108 Article I general provisions, Section 108-3 Definitions Word Usage. Could you either Barbara or Dawn, could you tell us what this is about? Okay, thank you."

Dawn Thomas: "This is one of our clean up resolutions where we're adding to our definition section— to the definition of professional offices a catch all definition which basically includes any other professional office which by determination of the town board through a resolution would have similar impacts."

So you may not know or recognize the profession now. As long as you agreed that it has similar impacts to the other professionals that you've identified in the definitions, you could allow them."

Supervisor Cardinale: "We've had a similar zone that has the same— the same approach. What zone is this?"

Dawn Thomas: "This is in the definition section."

Supervisor Cardinale: "Just in the definition sections."

Dawn Thomas: "So you could include acupuncturist or massage therapist or something that's not included in the typical— "

Supervisor Cardinale: "Okay. So this is definitional section change and what is the— you're just adding that language to professional— "

Dawn Thomas: "That's it. Right. It's giving you more flexibility in that regard."

Supervisor Cardinale: "Okay. Anyone have a comment in regard to this proposed change to 108 Article 1, Section 108-3 Definitions?"

I think this is one of a series and the next several that are technical and need to be adjusted in view of the new zoning that we passed last year. Okay. It being 8:20— I guess we opened it at 8— 7:32, it's now 7:35— "

Public hearing closed: 7:35 p.m.

Dawn Thomas: "I think the next— "

Supervisor Cardinale: "And we may be able to consider several of the next ones together."

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Dawn Thomas: "The 7:15 through 7:30, I think they're all adding the (inaudible). We could open them all together."

Public hearings opened: 7:35 p.m.

Supervisor Cardinale: "Okay. We're going to— it being 7:35, we're going to open those hearings that were schedule for 7:15, 7:20, 7:25 and 7:30 and, Dawn, if you could explain what these are about. They're all related."

Dawn Thomas: "This adds as an accessory use to the following districts: business center, commercial residential campus, destination retail and shopping— business center, commercial residential campus, destination retail and shopping center zoning use districts, drive thru windows for banks and pharmacies as an accessory use."

Supervisor Cardinale: "There was no such accessory use in the past?"

Dawn Thomas: "Previously they were not included although it was included in the business center district only for pick up of prescriptions for pharmacies. So now we've added banks to that."

Supervisor Cardinale: "Okay. Could you give us the zoning districts again? There's four zoning districts, we're adding bank and pharmacy drive up windows as an accessory use."

Dawn Thomas: "To business center, commercial residential campus, destination retail and shopping center."

Supervisor Cardinale: "Okay. Those are all open, that's the 7:15, 7:20, 7:25 and 7:30 hearings. That's what each of them does for the respective zoning district. Does anyone have a question or comment in regard to that proposed technical change? It being 7:38, I'll— having opened it at 7:35, I'll declare those four closed."

Public hearings closed: 7:38 p.m.

Public hearing opened: 7:38 p.m.

Supervisor Cardinale: "And move to the last hearing which is also I think technical in nature, due to begin at 7:35 p.m., for the consideration of a proposed local law to amend Chapter 52 of the building construction section 52-10 building permit fees. This is actually a little different but it isn't one of those technical housekeeping ones. Would you describe this change, please?"

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Dawn Thomas: "Yeah. This breaks out of our building permit fee section, a separate section for agricultural buildings for permanent greenhouses and any non- any structure utilized for agricultural purposes. It adds a fee of \$.06 or \$.06 per square foot for those structures.

The only change that needs to be made to this section which I discussed with Mr. Barnes earlier, is that we normally charge a base fee of \$100.00 and so these buildings would also be subject to that base fee. So the minimum would be \$100.00 plus \$.06 per square foot.

This also will be- this also would apply retroactively a standard building permit fee to any building that had originally been approved for agricultural purposes and permitted for that purpose which were subsequently used for non-agricultural purposes. So a retroactive penalty for lack of a better- recapture."

Supervisor Cardinale: "A recapture fee (inaudible)."

Dawn Thomas: "Correct."

Supervisor Cardinale: "Okay. I know there was some discussion of this. Sal, I remember had some good points prior to it going to hearing and we made it clearer. Sal, did you have another comment on this one? Come on up, please."

Sal Mastropolo: "Sal Mastropolo, Calverton. A hundred dollars definitely softens a little, okay, but I don't think it softens it enough. Okay? I worked up some numbers. If a homeowner was to put up a 22 by 20 which is a basic two car garage, that's 440 square feet, it would cost him \$299.20 for his building permit. If a farmer put up the same building, a 22 by 20, with the \$100.00 minimum, it would only cost him \$126.40, less than half of what the homeowner pays for his garage. Okay?"

If you go to a 22 by 40, the homeowner pays \$510.40. It's \$100.00 plus \$110 for the square footage calculation. The farmer, for a 22 by 40 building, assuming the \$100.00 minimum, pays \$152.80, that's less than one-third of what the homeowner pays. There's an inequity here. I mean why should a homeowner pay \$510.40 for a 22 by 40 garage when a farmer will only pay \$152.80? Okay?

Now if you're going to make the argument, well, you don't do as much inspections on a farmstand. That may not necessarily be true. You still have a foundation, most farm buildings have water and electricity and I could go one step further and say some ag buildings that house fertilizer may even require more attention, okay, for ways to control fertilizer leaching into the ground.

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So, you know, you guys have to do something. Six cents is too cheap when you compare it to you're charging \$12.00- you're charging- you're assuming \$40.00 a square foot for the garage and charging him \$12.00 a thousand."

Supervisor Cardinale: "Okay. You have a question or observation, Barbara?"

Councilwoman Blass: "Well, I just wanted to comment. You use the word farmstand. This would not be- "

Sal Mastropolo: "No, no, it's an ag building."

Councilwoman Blass: "Yes. But- "

Sal Mastropolo: "It's an ag building."

Councilwoman Blass: "-- you did use the word farmstand and that would not be appropriate in this case."

Sal Mastropolo: "Okay, I take it back, I'm sorry, an ag building, okay?"

Councilwoman Blass: "Okay."

Sal Mastropolo: "I'm trying to compare a two car or a four car garage that a homeowner would build to a two or a four car ag building, okay, and it's less than one-third the cost of the building permit for the homeowner."

Supervisor Cardinale: "Are those figures accurate, Leroy, what he- okay. And we have Joe Gergela, we're going to call you into service. You pose the issue well. Why is it necessary do you suggest, Joe, we do this? I assume you are in support of this? Why and could you- you want to answer that challenge that- "

Joe Gergela: "No, that's fine. One thing about this is that we worked with the Agricultural Advisory Committee for the last year on talking about alleviating some of the costs for agriculture in the town."

Supervisor Cardinale: "Right."

Joe Gergela: "And it's also a policy decision of the board to support agriculture in the town of Riverhead. We have to be competitive with other growing regions. Other growing regions many times they don't even charge building permit fees for agricultural buildings. This was a compromise. The Ag Advisory Committee worked on this, Councilman Densieski, Councilman Bartunek, and then we worked with Barbara, with the Code Committee and met with Leroy on this

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several times. This is a pro-agriculture permit fee as well as, you know, the gentleman raised a legitimate point as the difference. I don't want to get into that, that's your decision what you want to do on behalf of all your homeowners in the town.

From an agricultural standpoint, it's about competitiveness. Last year Mr. Bianchi (phonetic) built a new greenhouse in the town of Riverhead. The building permit was over \$10,000. If he did that in another town or another growing area, it would have been one-tenth of that but he wanted to locate here in Riverhead. He brought in a new business, put in a new greenhouse, etc.

Van de Weterings, I know that Mr. Van de Wetering, Peter Van de Wetering is going to be doing an expansion on his greenhouse range up in Jamesport. This will help him be competitive with other growing areas.

Agriculture in this past couple years has been really tough and we're trying to do all that we can to help them with the cost of doing business. So that is why this is very important to the farm community."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "The taxpayers of Riverhead shouldn't be subsidizing the farmer. It's costing the town more than what we're getting to do the inspections and we should at least be covering our costs."

Supervisor Cardinale: "Thank you. George."

Councilman Bartunek: "First of all, Sal, maybe the reduction in building fees is almost enough incentive to make us all become farmers, but quite honestly I checked with Leroy- I'm not being sarcastic. I'm not trying to be sarcastic, well, maybe a little. But I checked with Leroy and the fees that are being assessed, the town is not losing money. Leroy feels that the town could do the inspections and I don't know, at least we're breaking even. We're not making a great deal of money but we're not losing money either."

Supervisor Cardinale: "Angela, you have a comment? Please come up. And you, sir, please come up and make the comment right after Angela."

Angela DeVito: "Angela DeVito. I certainly agree with both the comments that both Joe and Sal have made regarding these fees and perhaps as a compromise if we are not losing money, and we are able to meet costs, the building department is able to meet costs at \$.06 per square foot, why don't we just give the \$.06 per square foot to everyone? If there is no loss there and we can do that or even just

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reduce it. I mean the difference between \$.06 per square foot and \$40.00 per square foot is immense.

I mean let's look at on the residential side bringing that down a little bit lower and at the same time balancing it with the commitment that we have made to Riverhead's agricultural community. I think we should stand up to that policy that we have laid out, okay, but at the same time we also should have a commitment to our residents and make this a little bit more equitable for everyone."

Supervisor Cardinale: "We're definitely not going to do \$40.00 a square foot. Even I won't do that."

Councilman Bartunek: "It isn't \$40.00 a square foot. There's a lot of other calculations that come into it, Angela, it would be- "

Supervisor Cardinale: "That would be \$40,000- "

Councilman Bartunek: "It's just not- "

Angela DeVito: "Well, I don't have the exact- the last time, well, that was based on so many square feet. The last time when we did- the last time actually I thought when I looked at the public hearing stuff it was in that, but I don't know how much per square foot is it? Leroy, how much per square foot for residential? \$12.00 per thousand- \$12.00 per thousand that you build. So if you build, you know, if you're building a \$250,000 home, okay, that's a large cost."

Supervisor Cardinale: "Square foot we're talking, aren't we? \$12.00 per thousand what?"

Angela DeVito: "(inaudible) square feet?"

Supervisor Cardinale: "Yeah. Well, if you are going to build a 250,000 square foot home (inaudible)."

Angela DeVito: "Dollar home. No. The thing is- in any event, okay, regardless of the price, okay, I have my prices wrong, I apologize for that. There is an immense disparity in it and I think that if we are able to meet the cost of the building department of \$.06 per square foot, we can also do something in residential and lower it a lot more. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Bartunek: "Sal, could I just have a word and I'd like to respond to what Angela just said and Leroy correct me if I'm wrong, I don't want to misspeak on this. But I believe the reference to Bianchi Davis (phonetic) greenhouse first of all that was about \$5,600, it wasn't \$10,000. It was around- it was just a little less

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than \$6,000 and I believe that that would have been the building department fees. It was about a 30,000 square foot greenhouse, maybe 29,000 square foot. And I think the building department fees that he was assessed would be the same as if it was a 30,000 square foot restaurant.

There are a lot more inspections that are going to be done of a restaurant than there are going to be required of a greenhouse or barn or some other kind of agricultural structure.

And the second point that I would like to make and again Leroy will correct me if I'm wrong on this. I think that the original fees that we had were the same as Southampton as- if I'm not mistaken, Leroy, originally, and Southold has a flat fee of \$150.00. Now that's a vast difference between two towns on the north fork and south fork and I think that what we're asking here is something which is in between those two differences in building department fees estimates."

Sal Mastropolo: "But all I'm saying is there should be a little bit more equity between the homeowner and the farmer building the same size building. It's ridiculous that the homeowner pays \$510 and a farmer pays \$152 for the same size building. That's my point."

Councilman Dunleavy: "Can I respond?"

Supervisor Cardinale: "Yes, go ahead."

Councilman Dunleavy: "Sal, I think what we're trying to do here is just support the farming. We want farming out here on the east end of Long Island and we're just supporting the farmer. Now if that is changed use, that building changes use to any other thing but farming, we recapture the fees that we're losing now."

Sal Mastropolo: "I understand that."

Councilman Dunleavy: "So we're just trying to support the farmer. We want farming on the east end of Long Island and that's what we're trying to do is help the farmers out."

Supervisor Cardinale: "Yes, sir, you had a comment."

Councilman Bartunek: "Thank you junior."

John Leuthardt: "Yes, my name is John Leuthardt and I have one of those Keyspan parcels over in Jamesport."

Supervisor Cardinale: "Yes."

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John Leuthardt: "And just as the town person was saying, I challenge you to say do you want to have more housing or do you want to have more farming and open space preservation.

And also that gentleman mentioned about fertilizers and buildings. We have to meet DEC and health department codes when it comes to all that. That has nothing to do with the building department. We have to follow, you know, a stringent line of rules and regulations. And I hardly think that the building department is subsidizing farming by allowing, you know, just charging us- I encourage that flat fee that the town of Southold has right now instead of doing square footage price but, you know, I'm all for encouraging the farmer to be able to afford to keep farming.

I have a building in the town of Brookhaven and they have a flat fee as well and it's nowhere near the cost the town of Brookhaven is currently charging."

Supervisor Cardinale: "Joe, does Southold town have a similar schedule?"

Joe Gergela: "To be honest with you, Long Island is about 10 times more than the rest of upstate New York when it comes to agricultural buildings."

Supervisor Cardinale: "And many other- "

Joe Gergela: "We're- "

Supervisor Cardinale: "But how about in Southold? Do they have a reduced schedule for farm- "

Joe Gergela: "Absolutely. Absolutely. Southampton, Southold. Even East Hampton and Brookhaven with the size of the towns, they give farmers a break on the permit requirements and permit fees."

Supervisor Cardinale: "Okay. Thank you. Okay, is there any other comment from any other member of the public? If not, we'll close this at 7:51, this public hearing. Thank you for your participation."

Public hearing closed: 7:51 p.m.

Supervisor Cardinale: "We have- we now have comment on the 36 resolutions or 37 resolutions that we have up for consideration this evening, so if anyone would like to comment on any one of those resolutions, now is the time."

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Sean Walter: "Phil, it greatly saddens me to do this."

Supervisor Cardinale: "I'll bet."

Sean Walter: "At 2:00 this afternoon and I don't mean to air personnel issues at an open town board meeting, but at 2:00 this afternoon I found out that a resolution was proposed that did not go through the work session which sets the terms and conditions for employment for myself. I understand the board's policy, I understand that the board has to look at it as a full board. I sat through the work session last Thursday. I know this was not discussed.

I also understand that I am the only employee in the town that is not listed in Resolution #2 with my salary. And then I've done a little further research and I spoke to somebody that would know who's been here 16 years and she said to me in the 16 years that she's worked here, she can't think of an instance where somebody wasn't— their salary was not listed in your reorganizational resolution #2 which sets the salaries of all the employees.

So then I went a little bit further and I spoke to an employee that's been here 28 years who seems to know a lot about what's going on and she says oh in 28 years only one person she can think of was not listed as a salaried— his or her salary in your reorganizational resolution.

So since the board has not had the opportunity to discuss Resolution #12, I would respectfully request that it be tabled until such time as the board has the opportunity to fully discuss it and all the issues are vetted. I found several mistakes with it which some of them I have spoken to Jack.

I mean the salary was reduced, my salary, by I mean, you know, it's pathetic to say this as an attorney standing here but you reduced my salary by a whopping \$3.50 an hour. That wouldn't have been caught had a friend of mine not told me that this was put up.

So what I'm requesting is that Resolution #2 be amended from the floor to include my salary in it because Mr. Hansen believes and I do think incorrectly so that if Resolution 12 is not passed or Resolution 2 doesn't have my salary in it, he can't pay me any longer and I don't think that would be the case, that you would have me come to the public hearing and not pay me.

The other issue is my original resolution is almost the mirror image of Resolution #12 with the exception of a few things you've taken out that have not been vetted through the board. So it really doesn't do anybody any harm to include my salary in Resolution #2 per hour as it's been done every year and then as we move forward, whether

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I come back full time or I'm terminated, we can discuss that later. But at this point I don't even know if I'm getting paid."

Supervisor Cardinale: "Thank you. You're getting paid. Jack, rather Peggy, did we— did Jack give us an amended first resolution— resolution indicating— you have to do it either of two ways, it incorrectly sets forth. If we're not going to pass the resolution specifically dealing with Sean's compensation, we have to put it in the list of town attorney and I thought they had done that this afternoon, but I don't see it on this version.

Jack, did you— did you ever amend the list— #2 which is setting the salary of general town employees to incorporate Sean's hourly as a part timer."

Jack Hansen: (Inaudible)

Supervisor Cardinale: "Yeah, I know it's not there but I thought that it— later in the afternoon— he is— it is accurate that if we're intending to table the resolution which sets the specific terms, that we must incorporate it into that one. You didn't type it up yet? Okay, we'll do one or the other, Sean. If there's a motion to table the resolution, then we have to incorporate it into #2 your salary so it's as it was last year."

Sean Walter: "Since we, since you as a board and since I have not had the opportunity to fully vet #12, I respectfully request that you table #12. There's no urgency here."

Supervisor Cardinale: "Right. Now if we table that, we have to— "

Sean Walter: "Amend Resolution #2."

Supervisor Cardinale: "What was it \$38.50? Is that the salary per hour?"

Sean Walter: "38.50, yes."

Supervisor Cardinale: "Okay, very good. Thank you."

Sean Walter: "Thank you."

Supervisor Cardinale: "Okay. Any other comments? Sal, please come up."

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution #1."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "Is there a reason why there's a difference in the four salaries for the four councilpersons? I noticed--"

Supervisor Cardinale: "Yes, I think there is. But I'll let the council people answer them. I think they rejected one of the raises over the last two years."

Sal Mastropolo: "Oh, okay."

Supervisor Cardinale: "Is that right? That's correct, yeah."

Sal Mastropolo: "Thank you. Resolution #13, be it further resolved. You want to forward a copy of that and include Bernadette Koch?"

Supervisor Cardinale: "Yeah. #13?"

Sal Mastropolo: "13."

Supervisor Cardinale: "Let me just get to it. Copy of Bernadette Koch. Yes."

Sal Mastropolo: "Yeah. A copy of the resolution, not the resolution."

Supervisor Cardinale: "Okay. Forward a copy of this resolution. Okay."

Sal Mastropolo: "#15. The first whereas, request that a three month non paid military leave of absence from January 6 to March 6."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "That's only two months. So either change the term from three to two or go to April 6. I don't know which one is right but the way it is, it's very confusing and it could cause problems in that he needs to give you 30 days notice."

Supervisor Cardinale: "Okay. January, two month on the beginning. Fred has requested a two month non paid military leave from January 6 to March 6. Okay."

Sal Mastropolo: "#16."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "A copy of the highway superintendent."

Supervisor Cardinale: "Okay. Let's see, would it be the highway superintendent? This is building and grounds, B&G. So that would be Ken Testa. Yup. Municipal garage, Jack Hansen. Okay, so

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we'll copy the-- okay, I can understand why you might get confused by that. Believe it or not this is a garage employee and for reasons of history if not logic our budget officer is in charge of the garage. It's a long story."

Sal Mastropolo: "Okay. I thought the highway superintendent was."

Supervisor Cardinale: "Yeah, it would make more sense, but-- "

Sal Mastropolo: "Okay, #20."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "On the be it further resolved, I think you want to say the Architectural Review Board not the Zoning Board of Appeals. Says forward a certified copy of this resolution to Ursula (inaudible)."

Supervisor Cardinale: "Yeah. Architectural Review Board, right."

Sal Mastropolo: "#21."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "I don't know if the Traveler Watchman still goes by the name of Traveler Watchman. I think they have a new name now but I'm not sure. I know they moved out of-- "

Supervisor Cardinale: "Yeah, you're right. It's called the Independent."

Sal Mastropolo: "So you want to change the second resolved and also change the be it further resolved."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "To reflect the new name."

Supervisor Cardinale: "Independent Traveler I think is what it's called. Okay."

Sal Mastropolo: "#22. The second line on the now therefore be it resolved."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You want to add the word attached agreement because if the agreement gets lost--"

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Supervisor Cardinale: "Okay."

Sal Mastropolo: "You won't know there's something missing. On the contract agreement--"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- second line, change it to 2006, not 2005. And I have a question about this."

Supervisor Cardinale: "This is on the contract agreement with--"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "What-- I take it that what she does is she listens to the tapes of the meetings and types them up."

Supervisor Cardinale: "Yes, that's what she does."

Sal Mastropolo: "Okay. If I'm not mistaken, you can probably buy programs that do the same thing, that takes voice recognition and creates hard copy."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "You buy the program once and you never pay for it again, you just execute it. And with today's technology, you probably just take the CD, throw it on the computer and it will just spit out the printed pages."

Supervisor Cardinale: "Yeah. We talked about this and I agree with you that there's got to be a better way. What happens to these transcripts and ever since Mr. Kasperovich became too old to attend meetings, we save a fortune, but what happens actually is that everything that's said is transcribed at \$3.50 a page with very wide margins and above and below margins so you get about a hundred words on a page I think. There's got to be a better way to do this in this age, but I just don't know it."

We've talked about it. Barbara and I have talked about it. We have certain constraints under the state laws that we have to have a record but if you can help us out there, you could save some money. Because what do we pay a year for these transcripts, Barbara?"

Barbara Grattan: "Oh, probably about 12."

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Supervisor Cardinale: "We pay about 12 grand a year for the transcript of all the board- "

Sal Mastropolo: "There's got to be voice recognition that will take the tapes."

Supervisor Cardinale: "Yeah. Yeah. You've identified an issue. It's been discussed. It's never been resolved. I would love to save the money. If a voice recognition program would work, we would love to use one. So maybe if we could speak after the meeting or tomorrow, tell me what you know."

Sal Mastropolo: "Okay. Resolution #24."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "One of the pages, I guess it's the fourth page has a wrong date. Change it to January 3. It's the last page of the resolution."

Supervisor Cardinale: "Okay, thank you. We will do- we've got that, yeah January 3. It was January 3 for three pages. It became January 4- "

Sal Mastropolo: "Resolution #27, on the last paragraph you want to include the banks on the copy of the resolution."

Supervisor Cardinale: "It makes sense and named banks. Okay."

Sal Mastropolo: "And that's it."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Okay. Any other comment? Yes, sir, or yes, ma'am. Angela."

Angela DeVito: "On the resolutions regarding town salaries--"

Supervisor Cardinale: "Yes."

Angela DeVito: "Just an explanation. We list individuals not only by job title but by group and then steps. And my knowledge of civil service is that what you have are salary scales or salary levels and then there are steps within those. And some of the steps that we seem to see, like we have 19A, that's not a usual step that you see in civil service designations for that. And I'm just wondering if there can be an explanation on these groups. What is a group and for example your parenthetical step 21, I believe, whatever that is."

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Supervisor Cardinale: "Right."

Angela DeVito: "And how we arrive at those sorts of things."

Supervisor Cardinale: "Jack, do you want to come up? I know the answer to this-- "

Angela DeVito: "Oh good."

Supervisor Cardinale: "-- but I don't want to steal the thunder of our personnel officer here. He not only writes the garage and he's the budget officer but he's also the personnel officer. We get a lot out of you, Jack, we really do. Go ahead."

Jack Hansen: "Groups are where all the various titles fit into in comparison to other titles. They're (inaudible) of the CSEA contract. The step would go from step P through 19A and they're individual steps. So-- "

Supervisor Cardinale: "Let me help you out-- "

Jack Hansen: "There's like 38 steps."

Supervisor Cardinale: "You know what he's getting at, don't you? Okay. A group is the same as what you would call a grade. Okay? The group is the same as a grade in the county. But her question is this and I'd like to see you answer it because I asked the same one on work session a few weeks back, a few months back.

How come-- typically you would have a grade or a group and then you would have a series of say six or eight steps whereby if you come into a job at it's a \$40,000 job, you can move to \$46 or \$48,000 within the job and then there's no more promotion potential in that grade or that line. We have 19 and 20 steps.

That doesn't mean you're never going to get a raise after you get to that, but if you don't get a promotion after step six or eight at the county, then as I understand it and she understands it, you only-- your raises in that position would be inflation raises to make sure your earning power at the eight step, the \$48,000 step, was the same each year. And then if you got promoted to another step, to another group or another--what's the other one-- grade, you would get, you know, increase.

But we have 19 and 21 steps. How historically did that develop? And I wasn't here but how historically did this develop."

Jack Hansen: "We have 38 steps."

Supervisor Cardinale: "What?"

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Jack Hansen: "We have 38 steps."

Supervisor Cardinale: "Isn't that- "

Jack Hansen: "In 19- "

Supervisor Cardinale: "38 steps?"

Jack Hansen: "Yes. We have 38 steps because you've got A's. For every number you have an A."

Supervisor Cardinale: "What's an A?"

Jack Hansen: "A. It's alpha."

Supervisor Cardinale: "Okay. So then you have 19 and then a half step- another intervening- 19, 19A."

Jack Hansen: "You've got step 3, 3A, 4,4A, 5, 5A, etc. all the way up to 19. So you've got 38 steps."

Supervisor Cardinale: "Okay. Now what is- she's asking you isn't that- doesn't that turn- what's the word? Doesn't that turn upside down- the usual set up and the county set up. Why is it different from that? That's what she's asking."

Jack Hansen: "The county is independent from the town. That's number one."

Supervisor Cardinale: "No, really?"

Jack Hansen: "Yeah."

Supervisor Cardinale: "I know that but why is it that we have so many steps?"

Jack Hansen: "In 1976 when the town board adopted the salary structure that was devised by a consultant, there were nine steps. The nine steps were there because of the fact that in the tenth year, employees would enjoy longevity. But there was no automatic steps. So every year when we negotiated the CSEA contract, there would be requests because people wouldn't get an increase to have another step for them to go to."

Supervisor Cardinale: "So you used it as an inflation- "

Jack Hansen: "About six years ago or so, five years ago, the salary- the contract allowed for automatic step movement. Prior to that, there was no automatic step movement. So when we decided, the

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board decided, the union decided they were going to have step movement, we split the steps in half because each step represented about a two and a half percent increase. Now each step represents about one and one point two five percent increase."

Supervisor Cardinale: "Okay. So you have— that's how historically we have so many steps."

Jack Hansen: "That's the history."

Supervisor Cardinale: "But if you have 38 steps— "
Jack Hansen: "I've lived it."

Supervisor Cardinale: "If you have 38 steps, I know you did, but if you have 38 steps that average one and a quarter per step."

Jack Hansen: "Per step, right."

Supervisor Cardinale: "That would mean that your differential between the opening and the closing salary in a line would be like 50%. Right? Over— but by the time you get there, you're going to be retired or dead— "

Jack Hansen: "What I'm saying is about six years ago it was incorporated in the contract that there were automatic step movements."

Supervisor Cardinale: "Okay."

Jack Hansen: "Before that there were no automatic step movements. You had to negotiate each and every time for a step movement."

Supervisor Cardinale: "And we've not yet renegotiated the schedules so that they're a little less cumbersome."

Jack Hansen: "Yes."

Supervisor Cardinale: "There are 38 steps. So that's— if that made any sense to you, Angela, that's what I heard."

Angela DeVito: "It makes sense. It's amazingly convoluted."

Supervisor Cardinale: "Yeah."

Angela DeVito: "The way— in the civil service system and as Sean points out as someone (inaudible) has worked by entire work life for organized and with organized labor, I can understand the need to negotiate improvements for the membership but this is just something

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that creates tremendous amount of confusion when you try to figure out where people are and how to get there."

Supervisor Cardinale: "Yeah."

Angela DeVito: "With regard to some of where people are, I have a question. Our grants coordinator appears as a staff person in the supervisor's office. Why? I don't understand that placement at all."

Supervisor Cardinale: "Because the grant coordinator- that was deliberate. As you know, when we came in here we had a grant coordinator. She left. We had some grants that were not properly being administered and the town board wanted to make sure that the grant coordination, but the identification, the application and the administration of grants was properly done."

A lot of times what happens is that Jennifer will be asked- one of the department heads or one of the departments to get information for a grant application or get her administrative material and they have other priorities, like running their departments, so it allow her a little extra heat to place on them that this is a direct request from the supervisor who's implementing it from the board.

That's why we put her in the supervisor's office to make sure we could give her whatever authority she needs to get this done.

I think that will stay that way but it may change ultimately."

Angela DeVito: "And I think we- I don't remember from last year, us having a deputy town engineer job title. That is not a civil service job title. And I'm just wondering how it was created and why. I thought- the individual that's- "

Supervisor Cardinale: "It better be a civil service job title."

Angela DeVito: "No, it's not. I've checked."

Supervisor Cardinale: "You want to- "

Angela DeVito: "I went- Jack, I went through everything today. It's not there, doesn't exist."

Supervisor Cardinale: "Go ahead, Jack, you want- we have two deputy town engineers I think."

Jack Hansen: "You usually have three, no, two, I'm sorry."

Supervisor Cardinale: "Two. We have one town engineer, Kenny, two deputies, Dave and Dave."

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Jack Hansen: "By naming them deputy town engineers, those are working titles and that excludes them from the CSEA bargaining- "
Supervisor Cardinale: "Oh, so you're right."

Jack Hansen: "If they have the civil service title, they would fall in under the CSEA. The board at the time wanted those people- those two individuals outside of the CSEA bargaining."

Supervisor Cardinale: "Okay, so you're right. They're not CSEA titles. They're deputy titles. All the deputy titles are non-CSEA in fact. If you look at the deputy clerk, the deputy tax receiver, the deputy supervisor, they're all out of the CSEA."

Angela DeVito: "So we create these deputy positions in order to keep people out of the bargaining unit?"

Supervisor Cardinale: "No. I don't think so. They- I'd love to see- yeah, that's a good- she's a good union person and she wants to know, are you trying to break the union here?"

Angela DeVito: "No. Actually my whole point with this one- "

Supervisor Cardinale: "Defend yourself."

Angela DeVito: "-- my one thing with this one position is that my understanding is that Dave Cullen was a special projects person in your office."

Supervisor Cardinale: "Right."

Angela DeVito: "And he appears now in the engineering department."

Supervisor Cardinale: "Yeah, that was- but he's appeared over the last two years in the engineering department."

Angela DeVito: "Okay, then I must have missed that. Okay. Resolution 13, the volleyball official to the recreation department. As it reads it's \$9.00 per game. That's all they get paid? Or is it \$9.00 per hour per game?"

Supervisor Cardinale: "Yeah, you were asking- that's a bargain if that's what they get paid."

Angela DeVito: "Yeah."

Supervisor Cardinale: "Is that it? Does it really mean \$9.00?"

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Angela DeVito: "It says \$9.00 per game. Is that what it is? Boy, no one run to fill that job."

Supervisor Cardinale: "Oh yeah, volleyball games are— per game, that's quick sometimes. If you've got a lousy team you're playing, it could go like in 30 seconds. That's what it is."

Angela DeVito: "Okay."

Councilwoman Blass: "But they do play multiple games at a time."

Supervisor Cardinale: "Oh, it's four games an hour. Okay, four games a night. That won't make any money."

Angela DeVito: "And Resolution #26. The annual audit of the records of the town of Riverhead, what is the cost of that?"

Supervisor Cardinale: "Too much. How much, Jack? I think I know but I will not hazard a guess. Go ahead."

Jack Hansen: "Approximately \$80,000."

Supervisor Cardinale: "That's what I thought. \$80,000. And what you get out of that is a letter, a management letter telling you what you didn't do right."

Angela DeVito: "Okay. Is this a contract that we put out for bid or that at least we identify three possible contractors for this and then evaluated them?"

Supervisor Cardinale: "Yeah, we talked about this. Yeah, maybe Dawn can answer this question. First of all, I'm thinking about tabling that for other reasons because when we last discussed it, I had suggested perhaps it is a good idea not to use the same auditor each year. But Dawn, could you tell us, she— Angela's questioning whether we need on these to get three quotes."

Dawn Thomas: "Professional services such as accounting, attorneys and there's a number of others that are identified in the general municipal law as exemptions to competitive bidding requirements so any professional services that you or the town board wants to engage are exempt from competitive bidding requirements. They can hire any professional they want to without— "

Angela DeVito: "But wouldn't it be good policy to at least— "

Dawn Thomas: "That's a different question."

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Angela DeVito: "-- well, that's-- essentially that's the core of my question, is that isn't it just good policy. I understand the exemption and I am familiar with it but isn't it just good policy to at least see what other firms are going to charge you rather than-- and I understand we have utilized this firm more than one time and just blanket-ly whatever it is they charge, I mean you don't know.

I mean I'm not sure, maybe Jack knows, that any other firm would be, you know, \$50.00 less or whatever. I mean this is the average cost for it.

And the other thing is that it also should be good business and good policy for the town to utilize public funds to reach out to women in minority owned business enterprises and perhaps give them an opportunity to participate and provide services to the town. I mean just as a policy, it seems to be a good idea. That's all."

Supervisor Cardinale: "We didn't-- you don't do audits, do you? Jack, would you come up, we have a question. On the setting of salaries for the assessor chairperson, there's a salary and then there's the portion of the salary that is the chairperson's portion. What is the amount on that?"

Jack Hansen: "Ninety seven fifty."

Supervisor Cardinale: "Ninety seven fifty. Okay. And that you calculated by as we discussed?"

Jack Hansen: "Correct."

Supervisor Cardinale: "Thank you. Is there any other point-- yes, our CSEA representative. I was going to call you up. Do you have a theory on any of what we discussed or a comment?"

Matt Hattoff: "Well, I noticed that-- "

Supervisor Cardinale: "This is Mr. Hattoff, our CSEA representative. President of the CSEA, right?"

Matt Hattoff: "Right. I noticed that-- whenever you're ready."

(Some inaudible discussion)

Supervisor Cardinale: "I'm sorry, go ahead, Matt."

Matt Hattoff: "I noticed there was a resolution for Sean who for a lot of reasons asked for it to be tabled."

Supervisor Cardinale: "Yes."

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Matt Hattoff: "What about the other attorneys in the town attorneys office? Shouldn't there be a resolution for each of them also?"

Supervisor Cardinale: "Yeah, well, there are only two. We're funded for four full time attorneys. Mary Hartell is presently in the office."

Matt Hattoff: "She's full time."

Supervisor Cardinale: "Who is full time. And that's indicated as a salaried full time position."

Matt Hattoff: "In resolution #2, right?"

Supervisor Cardinale: "And Dawn has indicated, too, as a salaried full time position. We have not passed a resolution in regard to- I don't even know if we have the reappointment of a- of the town attorney because we have not had a discussion and I talked to Dawn about this today, shouldn't read anything into that. We have not had the board together as a new board with John and won't until tomorrow at an executive session. So we'll be discussing it for the first time Dawn's position or the town attorney position."

There's only one other deputy in there, Mary Hartell now, and then we're going to hire two more and we're doing interviews starting tomorrow at 10:00- 10:00. So we're going to hire at least two town attorneys."

Matt Hattoff: "Two more full timers?"

Supervisor Cardinale: "Two more full timers. So we'll have ultimately the town attorney and three full timers. That's what we're budgeted for and- "

Matt Hattoff: "Oh, oh, Sean."

Supervisor Cardinale: "Well- yeah, Sean is the part timer unfortunately, but- "

Matt Hattoff: "And- "

Supervisor Cardinale: "He could aspire to great things as a full timer. We're not sure yet."

Matt Hattoff: "I'm sure he would."

Supervisor Cardinale: "Yes."

Matt Hattoff: "And on the other- the employees that I do represent- "

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Supervisor Cardinale: "Yes."

Matt Hattoff: "-- have absolutely no problem interpreting the salary schedule the way it is."

Supervisor Cardinale: "They like it that way?"

Matt Hattoff: "Yes."

Supervisor Cardinale: "Okay, thank you. I thought that might be a reason why we have it. Because you're excellent negotiating."

Okay, I will move on now for consideration of the resolutions and then we'll take open comment unless there's any further comment now. You want to come up, Andrea, and we'll call-- I'll adjourn the meeting of the town board for a moment."

Town board meeting adjourned: 8:18 p.m.

Town board meeting reopened: 8:19 p.m.

Supervisor Cardinale: "Okay, we'll reopen the meeting of the town board and consider resolutions 1 through 36 beginning with the #1. Could you call that, Barbara, please."

Resolution #1

Councilman Densieski: "Sets salaries of elected officials for the year 2006."

Supervisor Cardinale: "Second please."

Councilwoman Blass: "Did you move it?"

Councilman Densieski: "I'm sorry. So moved."

Councilwoman Blass: "I wasn't sure. And seconded."

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

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

Councilman Densieski: "Apparently there's one change in here that I wish we could have discussed but apparently we didn't."

Supervisor Cardinale: "Oh, yes. That-- pointing it out, there was a movement as I just explained to Eddie because he was not aware of it, the 74430 reflects the stipend for the chairperson was \$8500

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last year. There had been a request by Laverne to go to \$12,500. We just-- inflation adjusted it since the last stage and we gave her 9750, not 125 as requested."

Councilwoman Blass: "But that's where I have the question."

Supervisor Cardinale: "Okay, now-- where is Jack, is he around? I'm not so sure his arithmetic is correct. But let's make sure and then you can-- is Jack out there, Rick? Jack, could you come to the podium for a moment?"

On the same question I asked earlier on the assessor chairperson, the assessor salary-- Eddie had asked about this, I wanted to clarify. The assessor's salaries and-- are 665. Hers is 74430. Okay?"

Jack Hansen: "Okay."

Supervisor Cardinale: "The difference is how much, Barbara?"

Councilwoman Blass: "The difference as it reads now is 8500. It doesn't reflect the 9750."

Jack Hansen: "There was a resolution e-mailed over to Peggy. I assumed that got into the packet."

Councilwoman Blass: "Okay, that didn't get in. That's the difference. It's not included in this. This is an \$8500 differential. That was the question."

Supervisor Cardinale: "It didn't get in."

Jack Hansen: "Got it in that packet."

Supervisor Cardinale: "So it's not (inaudible). We'll talk about it tomorrow and do it the next time. Thank you."

Councilman Densieski: "Yes."

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

Barbara Grattan: "So this resolution is incorrect?"

Supervisor Cardinale: "No, no, it's correct but if there's going to be an increase in the stipend for the chairperson it will be by separate resolution next meeting."

Resolution #2

Councilwoman Blass: "Sets the salaries of general town employees for the year 2006. Mr. Supervisor, did you want to-- "

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Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- amend this to reflect part time position in the town attorney's office?"

Supervisor Cardinale: "Right. We want to be able to pay Sean so we should add at what page is it-- page seven, we should add a part time position, \$38.50 an hour. And then we'll continue the same arrangement as presently exists."

Councilwoman Blass: "So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #3

Councilman Bartunek: "Sets salaries of various boards for the year 2006. So moved."

Councilman Dunleavy: "Second."

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

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

Resolution #4

Councilman Dunleavy: "Sets salaries of street lighting district for the year 2006. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #5

Councilman Densieski: "Sets salaries of sewer and scavenger waste district for the year 2006. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #6

Councilwoman Blass: "Sets salaries of the refuse and garbage district for the year 2006. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #7

Councilman Bartunek: "Sets salaries of water district employees for the year 2006. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #8

Councilwoman Blass: "Sets the salaries of the highway department for the year 2006. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #9

Councilman Dunleavy: "Sets salaries of police officers for the year 2006. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Yes. I just want to clarify, the captain and the chief's salaries are at the level last year. Is that what you listed for the '05 year, '04 year."

Councilwoman Blass: "Two years ago."

Supervisor Cardinale: "So we haven't addressed '05 or the new year? These are reflective on those top two of '04 salaries."

Jack Hansen: "All the asterisks, all the superior officers."

Supervisor Cardinale: "Are all '04 salaries."

Jack Hansen: "'04 salaries."

Supervisor Cardinale: "'04 salaries, okay. Thank you. Okay, that's #9- I don't think we voted on it yet, did we?"

Barbara Grattan: "Yes, you did."

Supervisor Cardinale: "Okay, then we voted- I wanted to vote yes then as well. I just wanted that clarification."

Barbara Grattan: "Resolution is adopted."

Supervisor Cardinale: "Thank you."

Resolution #10

Councilman Densieski: "Sets salaries of program employees for the year 2006. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #11

Councilman Bartunek: "Sets the salaries for municipal garage employees for the year 2006. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #12

Barbara Grattan: "Resolution #12, Councilman Dunleavy."

Supervisor Cardinale: "There's a motion on this I think to— "

Councilman Dunleavy: "I'm going to make a motion to withdraw it."

Supervisor Cardinale: "Okay."

Barbara Grattan: "Or tabled? Withdraw or table?"

Supervisor Cardinale: "We can do either because— yeah, we did it so we can either table it or withdraw it. It really doesn't make any difference."

Councilman Densieski: "Yeah, second to withdraw."

Supervisor Cardinale: "Okay. Second. Moved and seconded to withdraw. May we have a vote, please?"

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

Resolution #13

Councilman Bartunek: "Appoints a volleyball official to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #14

Councilman Densieski: "Appoints a crossing guard to the police department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #15

Councilman Dunleavy: "Approves request of military leave of absence. So moved."

Councilman Bartunek: "And seconded as amended."

Supervisor Cardinale: "Moved and seconded as amended with the first line should read two months."

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

Councilwoman Blass: "Did he-- can we just ask, did he request a three month as opposed-- okay, so we should not change-- "

Supervisor Cardinale: "Then let's re-vote that, Barbara, with the-- we corrected it wrongly. It should remain three months but go from January to April. Is that correct? April 6th."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay, so the amendment is three months, January 6 to April 6. Can we have a re-vote?"

Councilman Bartunek: "Before we do that, Jack, there's a difference in the dates of the whereas and now therefore be it resolved. The second paragraph, military leave from January 1st instead of January 6th."

Jack Hansen: "I just don't recall. I know he asked for a three month and he's been on a leave of absence for the last three years now."

Supervisor Cardinale: "Okay. So here's his question. Frederick has requested a three month leave from January 6 through March-- April 6 or is it January 1 through April 6?"

Jack Hansen: "Just to cover. January 1st-- "

Supervisor Cardinale: "Okay. So let's make it consistently, January 1 to April 6, that's the leave we're granting."

Jack Hansen: "Yes."

Supervisor Cardinale: "Okay, so those corrections are made to make it January 1 through April 6, three months. Can you call it again?"

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Councilman Bartunek: "I'll second it."

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

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

Resolution #16

Councilman Bartunek: "Accepts the resignation of maintenance mechanic IV. So moved."

Supervisor Cardinale: "Yes."

Jack Hansen: "I hate to interrupt but I apologize. The position is auto mechanic III- IV. Not maintenance mechanic IV."

Councilman Bartunek: "Oh."

Supervisor Cardinale: "Auto mechanic IV?"

Jack Hansen: "Right."

Supervisor Cardinale: "Okay. Okay. With that modification, would you call it?"

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

Councilwoman Blass: "Yes. Unfortunately, I'm going to accept this resignation with regret. This employee has really served the town well over his years, many years of service. We'll miss him but we do wish him a lot of good luck in his future aspirations. I wanted to thank him publicly. My vote is yes."

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

Councilman Densieski: "Yeah, I too, would like to thank Danny has been a hard worker for many years in this town and all his workers appreciate it. So I'll vote yes."

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

Supervisor Cardinale: "Yeah. I would echo the sentiments of both Barbara and Ed. I remember one of the first weeks or so I was here, the radiator in my office blew up in the cold and it was Saturday and I was in and the only guy that responded was Danny because he was always on duty, and he actually stopped the water which was a blessing because my office was much improved because of that.

So I wish him well in his new endeavors and I'll vote yes."

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Barbara Grattan: "The resolution is adopted."

Resolution #17

Councilwoman Blass: "This approves a stipulation of settlement. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #18

Councilman Densieski: Reappoints member Joe Baer to the Planning Board. So moved."

Councilman Dunleavy: "And second."

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

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

Resolution #19

Councilman Dunleavy: "Appoints member of the Zoning Board of Appeals, Fred McLaughlin. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #20

Councilman Bartunek: "I would like to move that this resolution be tabled for further discussion on Thursday at work session."

Supervisor Cardinale: "Okay. Yes. I want to make sure that the person named understands what she's getting into, right."

Councilman Densieski: "I will second that."

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Supervisor Cardinale: "Okay. I will moved and seconded for tabled for further discussion at work session on Thursday. Vote, please."

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

Resolution #21

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

Councilwoman Blass: "And seconded as amended."

Supervisor Cardinale: "Moved and seconded as amended with the correction of the Traveler Watchman to Independent Traveler and vote please."

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

Resolution #22

Councilwoman Blass: "Authorizes the Supervisor to execute an agreement with Jacqueline O'Sullivan for board transcribing. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #23

Supervisor Cardinale: "Are we going to table this for further discussion as well?"

Councilwoman Blass: "Please."

Supervisor Cardinale: "All right, Barbara has moved to table it. Can we have a second?"

Councilman Dunleavy: "Second."

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

Barbara Grattan: "Okay. Are we doing 23?"

Councilwoman Blass: "To table. Yes."

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

Barbara Grattan: "And that was Blass and who else?"

Councilwoman Blass: "And Dunleavy."

Resolution #24

Councilman Bartunek: "Reappoints legal representation, planning consultants, engineering, computer, court reporting, board transcription, appraisers, land surveyors and interpretation consultants. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #25

Councilman Densieski: "Sets standard legal counsel hourly rate. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #26

Councilman Bartunek: "Authorizes Markowitz, Fenelon & Bank LLP to conduct annual audit of the records of the town of Riverhead. So moved."

Supervisor Cardinale: "Yeah, I'd like to discuss this tomorrow as well, is possible."

Councilman Bartunek: "Okay. I will make a motion to table this resolution 26."

Councilwoman Blass: "Second to table."

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

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

Resolution #27

Councilwoman Blass: "Designates banks as official depositories for town funds. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #28

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

Councilman Densieski: "Second the motion."

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

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

Resolution #29

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

Councilman Bartunek: "And seconded."

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

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

Resolution #30

Supervisor Cardinale: "We'll take 31 before 30, Barbara, please."

Barbara Grattan: "Resolution #31, Councilwoman Blass."

Resolution #31

Councilwoman Blass: "Accepts offer of sale of development rights for D. Donahue, Jr. farm. So moved."

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Supervisor Cardinale: "Second please."

Councilman Dunleavy: "Second."

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

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

Resolution #31

Barbara Grattan: "Resolution #31 the budget adoption."

Supervisor Cardinale: "Yeah now go to the budget adoption. That's #30. Oh, so we're going to renumber. The one we just did was renumbered 30 and this is 31. Okay."

Councilman Bartunek: "Daniel Donahue, Jr. farmland development rights budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #32

Councilman Dunleavy: "Accepts 5% performance bond for Malvese Equipment Co., Inc. for a storage building."

Supervisor Cardinale: "Moved and seconded, please."

Councilman Densieski: "Second."

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

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

Barbara Grattan: "#33 is a duplicate so we have 34."

Resolution #34

Councilman Bartunek: "Approves the site plan of Riverhead Commons Sports Authority. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Abstain because I did not see the site plan or approve it."

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

Resolution #35

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

Councilman Dunleavy: "And seconded."

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

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

Resolution #36

Barbara Grattan: "Resolution 36 is to pay bills."

Councilwoman Blass: "So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Right. We have a tabled resolution on-yeah, can I see that for a second? A tabled Resolution #1151 which had authorized the release of a certificate of deposit of Tru Tech. We want to withdraw that. Somebody call it and withdraw that. And we have an amended- we have- well, I guess, yeah, I have the amended in front of me. Do you have it?"

Does everyone here have a copy of the amended on that was prepared?"

Councilman Densieski: "No."

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Supervisor Cardinale: "Okay, so I need- Peggy- yes apparently there was a snafu. Okay, let me read it- you have it in front of you? Okay, good."

This is- we were going to release the bond of the Tru Tech bond, it has been hanging since December. Let's see, what was it, December 6. They went out and did an inspection and they recommended that work is done but they asked for a maintenance bond of \$5,000."

Councilwoman Blass: "There is a correction in the first- "

Councilman Bartunek: "Second line."

Councilwoman Blass: "Second line. The numbers indicate a million but it's \$100,000."

Supervisor Cardinale: "Yes. Okay. So conform the amount of \$100,000 and let's make that number \$100,000."

Councilman Bartunek: "It's 5%, so I think what we agreed on (inaudible)."

Supervisor Cardinale: "Rick, you want to come up? We have a question on this final resolution. This is on Tru Tech bond. It's actually a CD. The work was- the CO was issued- "

Rick Hanley: "I believe it was."

Supervisor Cardinale: "Right. That's why they told us to release and then you went out and did an inspection."

Rick Hanley: "Right."

Supervisor Cardinale: "Do you have a question, Barbara?"

Rick Hanley: "They in fact performed under the old approval. In fact it was the amended approval for landscaping. However, we're taking essentially a maintenance bond here for 5% to ensure the health and longevity of those plants through the winter."

Councilwoman Blass: "Okay."

Rick Hanley: "What I've written here is you shouldn't release the \$100,000 security until you get \$5,000 security to the satisfaction of the town attorney."

Supervisor Cardinale: "Okay. So the proposal as I understand it is that 1152 which was tabled on December 6 would be withdrawn and this would be #37 tonight."

Barbara Grattan: "This will be #37."

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Supervisor Cardinale: "Okay. So could I have a motion to withdraw 1151?"

Councilwoman Blass: "So moved."

Councilman Densieski: "Second."

Supervisor Cardinale: "Moved and seconded to withdraw 1151."

Barbara Grattan: "Who seconded? Eddie? Vote."

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

Barbara Grattan: "Now we have Resolution #37."

Resolution #37

Supervisor Cardinale: "Somebody call please 37 and second that."

Councilman Bartunek: "Authorizes the release of a certificate of deposit site plan of Tru Tech Ins. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Okay, we've done the resolutions that we had to consider tonight. We are now open for comment from the public on any matter within our purview. Rex- "

Sean Walter: "Thank you."

Supervisor Cardinale: "Thank you. Okay."

Sean Walter: "And regardless of what happens, I hope we have a cordial relationship and I intend to keep that if I'm made full time again, if I'm made part time. And incidentally, Phil, sitting here I just realized something. I can practice zoning and planning in the town of Islip and Brookhaven and I bring a lot of stuff back to the town which I don't charge you for you, you know, in terms of things other towns do and that is a benefit of being part time. But from now on, I'm going to let you know what we've brought in from other towns that's good. But I thank you very much and have a good evening."

Supervisor Cardinale: "Thank you. Yes, you too. Rex, you want to comment?"

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Rex Farr: "Good evening, Rex Farr, newly reelected president of the Greater Calverton Civic Association."

Supervisor Cardinale: "Again."

Councilwoman Blass: "Congratulations."

Rex Farr: "I'm back, Phil."

Supervisor Cardinale: "And they say people learn from their mistakes. I don't understand this. So you're again the president of Calverton."

Rex Farr: "I am, yes, at least one more year. I'd like to welcome Councilman Dunleavy to the board and we look forward to working with you. We have some issues in Calverton needless to say EPCAL being one and so on and so forth. Again, let's look for a good 2006. Thank you."

Supervisor Cardinale: "Thank you, Rex."

Councilman Dunleavy: "Thank you."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Yes, sir."

Hawk Woodson: "Good evening members of the Town Board and to you, Mr. Dunleavy. First of all, I'd like to mention- you mentioned something about Dan- Danny, he was my boss for many years when I was with building and grounds. He was one of the best bosses I ever had. Whatever he plans to do in the future, we wish him the best of luck."

Supervisor Cardinale: "Thank you."

Hawk Woodson: "Now what I'm really here for now I asked Mr. Dunleavy about a couple weeks ago about who's in charge of cleaning up the leaves off the sidewalk and he said it would be taken up at the next work session which will be sometime this year."

Supervisor Cardinale: "Thursday. Yeah. Thursday."

Hawk Woodson: "When I was working with the town, the buildings and grounds, Danny (inaudible) and the whole gang, we used to be out there 6:00 in the morning, 6:00, 7:00 in the morning cleaning those leaves up. Now since we don't do it or the town doesn't do it, there's another gentleman who used to take care of it. His name was Ron, he used to work for Ivy Acres on Sound Avenue and he doesn't do it now either. Now nobody does it especially from Woolworth's east to

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East Avenue, it's all full of leaves and it looks terrible. And around the corner from the Riverhead Savings Bank, Main Street into Peconic Avenue. It looks bad. Tell somebody— tell me who's in charge of cleaning up the leaves."

Supervisor Cardinale: "The— I'll let the town attorney. Would that come under maintenance? Yeah, the sidewalks again."

Dawn Thomas: "I think the town code addresses this probably more clearly than any other issue we have had dealt with sidewalks and I would say that removal of leaves would certainly come under maintenance which would be the responsibility of the abutting property owner."

Supervisor Cardinale: "Yeah. The abutting property owner or possessor in the case of a tenant would be responsible for clearing them from in front of the sidewalk of his own place. I think you're pointing out that the town in its earlier days actually provided that service. That's— that's probably true but the law actually— absent our providing that service at taxpayer expense, requires the adjacent property owner to do it."

Hawk Woodson: "Yeah, but at Woolworth's, there's nobody there."

Supervisor Cardinale: "Maybe we should give them a gentle reminder to do it— what do you think, John?"

Councilman Dunleavy: "I agree with the gentleman and I was going to bring this up Thursday at the work session. Where the leaves are, are now vacant stores. So I want to— just like we do with cleaning out property, is discuss cleaning it out and billing the property owner for cleaning it out on his tax bills."

Supervisor Cardinale: "Yeah, well, that makes sense. A good deal of sense. And I think we can do that, too. I think it not only makes good sense, but it's legal. So we will talk about that again at greater length on Thursday but you're right, it should not be left."

Hawk Woodson: "On another issue. When you're going on 25— "

Supervisor Cardinale: "Yes."

Hawk Woodson: "-- West Main Street, when you get up to Mill Road and 25 where you make— right by the post office— "

Supervisor Cardinale: "Yes."

Hawk Woodson: "-- that road is very, very bad. It's got— every time you go in there, it's got a dip before you hit the railroad track

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and when you hit the railroad track, it goes down again. That road is in bad shape."

Supervisor Cardinale: "On- "

Hawk Woodson: "Mill Road."

Supervisor Cardinale: "Mill Road, yeah. Well you're well aware of that, aren't you? Yeah, he's been talking about that, that that's going to be a site for accidents unless we can- well that's a different location, same road, different problem though."

Hawk Woodson: "Yeah. You come off 25, make a right heading north. Right there. It's got the dip. You hit the railroad tracks, you go down again."

Councilman Dunleavy: "I was also going to bring that up. That's a spur that I don't think is being used anymore. It goes into Riverhead Building Supply."

Hawk Woodson: "No, no, no, no."

Councilman Dunleavy: "That's the one."

Councilman Densieski: "That's the main railroad track."

Hawk Woodson: "You make a right on Mill Road off of 25, you know- "

Councilman Dunleavy: "And you go over the railroad tracks, then you have the little spur."

Hawk Woodson: "No. Just as you're going over the railroad tracks, you go down. The second set of tracks."

Councilman Dunleavy: "Well, that's the spur. It's the spur that goes into Riverhead Building Supply. I don't think that spur has been used for years and I want to talk to the town attorney and find out that- if that spur can be blacktop over seeing that it hasn't been used and who owns that spur. But it's the one just as you go over the tracks, there's a spur that goes into Riverhead Building Supply, there's a big bump there. So that's the one you're talking about and I was going to also discuss that on Thursday, too, because that is a dangerous situation."

Hawk Woodson: "Thank you very much. Have a good night."

Councilman Bartunek: "Mr. Dunleavy the spur actually is still used. They still use that. But just for your information, that bump there and the terrible road is Riverhead's answer to a traffic calming measure."

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Supervisor Cardinale: "It's a speed hump. Would you come up, Angela?"

Angela DeVito: "Angela DeVito, South Jamesport."

Supervisor Cardinale: "Yes."

Angela DeVito: "As you head into the new year, there's several things that perhaps in work session you may consider. I have some suggestions.

The first is that as you I'm sure many of you are aware, towns in Suffolk County under town law were exempted from being considered first class towns and were relegated to second class town status. And I think seeing the point at which we are in our history and moving forward in the town of Riverhead it would be prudent to explore the advantages and disadvantages of seeking either a first class town status or suburban town status.

And towards that end, I would like the board to consider setting up an advisory council to explore this, setting a specific time period for them to do this. And I have some suggestions as to— obviously that advisory council or task force whatever you'd like to call it, should be small in numbers so they can do their charges well and it should be made up of individuals that have legal experience, either business or development experience, someone from an NGO, a non-governmental organization, and then individuals who have experience in public administration particularly there.

It's my first suggestion for you to consider.

The second one is that in 1969, the town enacted a narcotics guidance council and I don't know if this council— on that there are to be seven members. And I don't know if this council, it's Chapter 25 of the code, I don't know if this council is active but it may be something again to look at and see if it has any merit with regard to having this council become active again with regard to concerns that we have in the town for drug and other substance abuse control issues.

My third suggestion stems from actually a town employee during I believe either early or late spring brought to the attention of the town the fact that our assessments were out of line with regard to occupation of single family dwellings. Many of them were multiple family dwellings or two family dwellings that were not appropriately assessed. And I was wondering if the board could secure from the assessor's office what they have done to date with regard to this initiative that they said they were going to start with reassessing so we would know whether or not how many investigations have been done and how many reassessments by that department have been done to date.

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Thank you."

Supervisor Cardinale: "Thank you. Three good issues. I intend to bring up the first which is top- one of the top items on the initiatives of '06 with the board as early as Thursday, that's the classification of our town and what it might be.

The narcotics guidance council I don't think is active and I'll look into that. And it actually wasn't an assessor's move, it was Madelyn Sendlewski in a- who brought it up and she's ill right now and in the hospital and will be for several weeks. So I'll see if I can get that information for you as to what has happened in the last several months.

I know that there's an initiative that we'd like to emulate. I mentioned it in my inauguration remarks. I mentioned it to the board in the last month or so in Babylon that has an enforcement program along the lines you're talking of and it's very effective. And Ed is working with John on it and I am working with both of them and I hope we'll have some success.

Any other comments? Yes, please come up."

Patricia Holland: "Patricia Holland, Riverhead. I was just wondering if the town had any pull with LIPA. I know we all wish we had."

Supervisor Cardinale: "Go ahead."

Patricia Holland: "I know that the highway department is in charge of taking down trees that are on town property but are dangerous and semi-dead but they can't do it until LIPA comes and tops the tree. So last summer a hunk of a maple tree on Sound Shore Road fell down, it was- when someone picked it up it was taller than I was so it's a pretty big thing. So I asked the highway department to please take care of that, which they did, and I went and asked could they please take it down and they said I'm on the list. So now that's since July, okay. I went to the highway department last month and I was told I was number three on the list and I was also told that that list doesn't mean much until LIPA comes to the town and then they will tell them who, where they have to go.

After we had the lighting problem last night, I don't know if you were affected by it. My first reaction was to look outside and see if the tree fell down and brought the wires with it. I really, really would like somebody, somehow, to have some pull. Do we have any pull?"

Supervisor Cardinale: "We have a- LIPA is off and on cooperative and uncooperative but we do have a liaison, a government

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liaison at LIPA, Mr. Davidson. I also have— what's I have Vinny (inaudible) who is another contact there, and the big guy, what's his name? Richie— Richie Kessel. I have his cell phone number because we need it if there's storms. So if you will speak with Peggy and give her the specifics, I will make a call tomorrow to them and see if we can get them to come out and do this if nothing else."

Patricia Holland: "Thank you so much."

Supervisor Cardinale: "These are easy— we can solve this problem because it's so simple and straightforward. The little stuff I can do."

Patricia Holland: "Thank you very much."

Supervisor Cardinale: "Thank you."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Yeah, and the other option Eddie says is that if it's not too— if it's not really in the wires and greatly dangerous, highway is a very— how shall we put it— they're a very daunting group and they'll go and take it down even if there are a few branches in the wires."

Patricia Holland: "There are a lot of branches in the wires."

Supervisor Cardinale: "So— "

Patricia Holland: "Highway has been there and investigated."

Supervisor Cardinale: "We don't want to do that then. We'll get LIPA out there first. Thank you."

I should point out to the public, Pat, also as long as you're up today. You may recall from the last meeting that Molly Roach was in and concerned about a student who needed a tutor and wasn't going to Huntington School because they didn't have any funds. Pat saw that on TV and volunteered as a tutor for that student. Yeah, yeah, you volunteered that night. So you are now tutoring that student who would otherwise not get tutored. See, at least some good things are done by the town board meetings as a conduit for good people to get together. Thank you, Pat."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comments? If there is no further comment, we'll call the meeting and we'll see you tomorrow or actually Thursday at what time, Peggy? 10:00 for work session. Thank you very much."

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Meeting adjourned: 8:55 p.m.

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