

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, June 5, 2007, at 7:00 p.m.

Present:

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

Also Present:

Barbara Grattan, Deputy Town Clerk
Dawn Thomas, Town Attorney

Absent:

George Bartunek, Councilman

(The Pledge of Allegiance was recited)

Supervisor Cardinale: "Okay. We have the Employee of the Quarter that we'd like to honor so we're going to go down and do that before we commence the meeting. Could we have the Labor Management committee members who are here come up please.

We have the Labor Management - Ray Coyne, Michael Reichel. We have Judy Doll, (inaudible), Mary Ann (inaudible), and I know- okay. All right. I'm getting better. I only missed one out of six."

(Some inaudible remarks)

Supervisor Cardinale: "She's not a member of the committee, I take that back, I didn't miss it. So we only have five members of the committee here, we have six members of the committee here and I have been asked by the committee on which I serve erratically to present this as we do each quarter, to the employee of the quarter.

And, actually I know Kathy because I get over to the town attorney's office more than I do to the garage and other places, I know she does a great job over there. And I think perhaps before I read the proclamation, demonstrating what a great job she's done, somebody from the committee other than me might want to say something kind and why she was selected. Michael?"

Michael Reichel: "Kathy was selected by her supervisor, (inaudible) a couple months ago and since that time she's done an excellent job. She started off as an employee in the accounting department moved over to the town attorney's office. And everybody who works for the town knows that she does an excellent job, she's very friendly, courteous, whenever you need anything, she's always

there with a smile. And she is very deserving of this award."

Supervisor Cardinale: "She makes that office hum. Right? Do you have anybody in the audience you'd like to have come up?"

Kathleen Schroeder: "No, unfortunately, they're at Little League."

Supervisor Cardinale: "Oh, then that's good. It's a beautiful night to be at Little League. So the proclamation recites pretty much that and it just says: Kathy has been a valued employee of the town since 1993, beginning her employment in the accounting department, and if you get through there (inaudible), and in February, 2005 working her way up to a position in the office of the town attorney.

Kathy (inaudible) transition from accounting to handling legal matters in a professional way and manages the public with ease, willingly assuming and handling FOIL applications, Freedom of Information applications, which are really difficult and you need patience, and other important tasks.

Kathy is a dedicated wife to her husband, Chris; mother to her son, Ryan, and is energetic, patient, considerate, and always accepting of new challenges.

And as a result of her hard work and dedication is now the employee of the quarter for the first quarter of 2007 and Dawn Thomas is the town attorney and her supervisor presently and I know wants to say something nice about Kathleen."

Dawn Thomas: "I think Kathy gives a new meaning to the term multi-tasking. I think- I sat down, it took me about a minute to give you an idea of what she can handle in about a 30 second period. She can handle the telephone, window visitors which are constant all day long; manage our FOIL applications, handle vouchers, balance our checkbook, do our filing, assemble litigation, manage equipment trouble shooting and deal with temperamental attorneys which is not always an easy thing to do, who are very busy and scattered and rattled a lot. So I think she's in a fabulous position to offer-- she does a wonderful job for us and we're very grateful to have her and we hope she enjoys the benefit of being employee of the quarter."

Supervisor Cardinale: "Kathy, on behalf of your immediate supervisor, Dawn, myself as the Supervisor of the town, the entire town board, I'm pleased to present this to you. Congratulations. Speech."

Kathleen Schroeder: "A quick one. I want to thank Dawn Thomas for nominating me and the Labor Management committee for voting for me. Thank you."

Supervisor Cardinale: "Thank you for doing the hard work you do

and we appreciate it and will continue to appreciate it so keep doing it. And I should mention that- Dawn got away without mentioning- that you are supposed to get a \$100.00 bond, right, and a day off with pay. So keep up the good work. Thank you."

Kathleen Schroeder: "Thank you."

Supervisor Cardinale: "Congratulations, you deserve it."

Okay, we're going to begin- I should note that we will be a board of four tonight because George Bartunek has had the good sense to take a well earned vacation this week.

I should also mention that the offers keep coming on the industrial side of the property including modification yesterday and an increase today on one part, so we are going to not have on the agenda if any of you are here for that purpose tonight, the resolution as to who we are selecting to negotiate with on the industrial side, the 300 acres. We're going to let the ball keep bouncing for a little bit.

But we are going to have a meeting, a special meeting at 10:00 a.m. on Monday in this room to consider that. But we won't consider it tonight. So if anybody's here for the industrial resolution, I wanted to mention that at the outset.

It was a resolution which authorizes the negotiation of one of the three bidders to get to contract. And that will be done on Monday after we have considered the new offers and their impact.

Can we have a motion, please, to accept the town board minutes of May 15th and the special board meeting of May 24th?"

Councilman Densieski: "So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Densieski: "Yeah, I'm going to abstain on the minutes because there were some items that weren't quite right, they didn't have a chance to correct them, so I'll abstain."

Supervisor Cardinale: "Okay."

Councilman Densieski: "Nothing major."

Supervisor Cardinale: "Okay, good. If it is, let me know. We'll look at it."

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

Supervisor Cardinale: "Okay. Congratulations again to Kathleen and can we have the Reports, please?"

REPORTS:

Tax Receiver Total collections to date:

\$65,872,478.73

Town Clerk Monthly report for May,

2007 - total collected
\$10,678.11

Building Department Monthly report for March,

2007 - total \$142,403.00
Monthly report for April,
2007 - total \$101,255.75
Monthly report for May, 2007 -
total - \$156,848.75

Volunteer Ambulance Corps. 2006 annual financial report

Police Department Monthly report for April, 2007

Sewer Department Discharge monitoring report

for April, 2007

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. Applications, please"

APPLICATIONS:

Special Permit Verizon Wireless - s/s Old

Country Road, 1200 feet west
of Mill Road - install 12
panel antennas

Special event Abbess Farm - April 23-Sept.

3 - Abbess Farm children's
festival

Martha Clara Vineyard - Aug.
11 - North Fork Craft Beer &
Wine Festival to benefit
Peconic Bay Medical Center

East End Arts Council - July
21, 2007 - wine press concert
series - Paumanok Vineyards

Old Steeple Community Church
August 25th - annual antique
fair

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "The next is Correspondence, please."

CORRESPONDENCE:

Petition43 residents and businesses to

have a change in traffic
control made at the inter-
section of Raynor Avenue and
Pulaski Street

Robert Kozakiewicz:Regarding special permit of

Carpet One Floor and Home
Corp.

Regarding 626 West Main Street
Citgo Gas

Robert BidwellThanking the Water Department

for responding so quickly to a
water problem at this
residence

Jonathan BrownRegarding application of

Ottoman Enterprises

Tom LossandroLetter which I am requested to read which is to the:

Supervisor of Riverhead and all the Town Board Memers: Barbarie
Blass, Eddie Densieski, John Dunleavy and George Bartunek:

On May 28, 2007, it was Memorial Day. I was at Calverton
National Cemetery ceremony and since I have both parents there, I have
filmed this day. I am asking each of you if it is possible to view
this on Channel 22 so that the residents of Riverhead can see this.

Some of you may not remember me. I started with the videotaping
for all work sessions which I enjoyed doing. But something better
came along which I couldn't turn down. With this kind of work I'm
doing now, it makes it impossible for me to be here to ask this from
all of you.

Thank you. Tom Lossandro. May God bless Riverhead and America.
And I have the tape which I will give to you."

Supervisor Cardinale: "Good. I would be- I don't think the

Board would certainly— would be delighted to show it. We have in the past actually done that and I'm pleased to have that tape. So unless there's an objection, we'll get it on Thursday when we put on the new weekly CD's and tapes. Okay. And thank you.

The evening includes seven public hearings. The first is scheduled for 7:05. It being 7:24, we can begin."

Public hearing opened: 7:24

Supervisor Cardinale: "With the consideration of a local law Article VI agriculture protection zoning use permit; Article V residence B-80 zoning use district; Article VA Residence A-80 zoning use district Article XIX cluster development.

This is a repeat in order to correct a technical error in an already heard hearing and involves— since the town attorney is not here, I will tell you or remind you what it involves.

It involves existing golf courses and it was unclear whether they were permitted any yield and we set the terms so that existing golf courses and enjoy some residential yield so long as they meet certain conditions, specifically, that the yield be 66%, the underlying yield allowed on the property, that they be limited to a homeowner association realty subdivisions and that the units be restricted to age 55 or over. With that— with those conditions, and we heard this extensively and then we thought we had passed it but there was a technical glitch that required a rehearing.

If anyone would like to comment on that, please come up. Yes, please, come to the microphone. I know you commented last time and feel free to comment again."

Richard Feldman: "My name is Richard Feldman. I appeared before the board on March 20th when this came up and the point I made then and presented to you was that it was my reading of this proposed amendment, that it applied not just to golf courses, but to any recreational facility. And you stated that it was clearly not the intent to apply to other recreational facilities other than golf courses, and that you would refer the matter to legal to look at the language and modify the language.

I have looked at the language of the proposed amendment and it is the same."

Supervisor Cardinale: "Yeah. I don't have an attorney in the room but we did discuss that and if you can— as long as she's— she's out, she'll be back, but tell me what language you feel is not clear."

Richard Feldman: "You've incorporated in paragraph g, that it

is--"

Supervisor Cardinale: "I think that's crossed out. Is it not?"

Richard Feldman: "No, it's underlined."

Supervisor Cardinale: "No, actually it's crossed out in my copy."

Councilwoman Blass: "There is one that's crossed out and then the amendment is underlined."

Richard Feldman: "The amendment is underlined and it says to be used as golf courses, playgrounds, tennis facilities, or any other outdoor recreational facilities. So the language has been carried forward which you said did not meet with your understanding of the purpose of this proposed amendment and, therefore, my question at this public hearing is why has it remained unchanged, if that's not the intent."

Supervisor Cardinale: "Hold on a second, let me look at it. Because we-- we intend I think to do exactly what's stated. We're stating the purpose of-- the purpose of this article is to conserve agricultural lands to the greatest extent practical. The planning board shall not-- we're directing them-- shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities, or any other outdoor recreational facilities."

In the review of applications for cluster subdivisions which preserve existing golf courses or other outdoor recreational activity, the planning board shall observe the following guidelines.

In their new subdivisions where they-- say a fellow has 100 acres and he says-- they say I direct you to cluster the 40 lots, two acre zoning, 20% to roads and infrastructure, the 40 lots must be on 30 acres; the other 70 are open.

We mean to say exactly what we say there. In fact, it's a repeat I think from previous language, that that open space is not supposed to be used as golf course, playground, tennis facility, or any other recreation facility. That's just open space for farming and open (inaudible).

In regard to the existing golf courses, there are I think three of them that are applicable, we say those existing ones which-- in reviewing an application for a cluster subdivision which preserves an existing-- an already existing golf course or other recreational activity, and there isn't any except golf courses, the planning board shall observe the following guidelines.

So we mean to say what we said there and, therefore, that's why

we didn't change it."

Richard Feldman: "So the intention on March 20th was to limit it to golf courses but that intention has been changed between now and then."

Supervisor Cardinale: "No, no. The intention was always since 19- 2000--when was this passed, Barbara, 2003, 2002- that when they set aside open space, you don't get to put a golf course on open space and then put 40 houses on the 30 acres. You get to have open space and then put the 40 houses you would have put on 100 acres, on the 30 acres. That we're making clear.

But what happens if there's an existing golf course as in this instance. In that instance, you can enjoy some yield in the cluster but it is diminished and it is restricted."

Richard Feldman: "I've moved beyond golf courses. I'm dealing with other recreational facilities."

Supervisor Cardinale: "Okay."

Richard Feldman: "You had said that the intention was to deal with this issue vis a vis golf courses but this is much broader than that and the language has not been restricted from the last meeting."

Supervisor Cardinale: "Because we mean that there will be in open spaces no recreational activities whatsoever. We mean that it should be farmland or open space. We don't want to see pools, tennis courts or jacuzzis or saunas or athletic clubs. So that language has been in the statute since 2002 or 3.

The only thing this statute deals with is if there's an already existing golf course on a piece and the option is either tear out the golf course and put in 40 homes on 100 acres, that seems rather foolish. We lose a golf course and we also lose- we have 40 homes. So we're saying if you're going to do that, consider a reduced yield, the homeowner association and over 55 and we'll let you keep the golf course. It's just that simple. And it applies to three golf courses."

Richard Feldman: "So does it mean, therefore, that any cluster zoning now requires that it be age 55 or older?"

Supervisor Cardinale: "No, only as stated that in the review of applications for cluster subdivisions which preserve existing golf courses that are on it already, the planning board shall observe the following guidelines. Only in that review.

The second sentence is what is being outlined in one, two and three. That's what's being- "

Richard Feldman: "No. It says existing golf courses or any other outdoor recreational activity."

Supervisor Cardinale: "In review of applications of cluster subdivisions which preserve existing golf courses or other outdoor recreational activity, the planning board shall determine the following guidelines.

Now where is Mr. Hanley? Are you here? Well, I will ask them again that question- she's coming in, she will answer it. But we definitely mean golf courses. In review of a subdivision- an application for a cluster subdivision which preserved any other outdoor recreational activity, I don't know honestly and so now we finally got there- why they included that language because we are dealing as a board with three existing golf courses. So let me ask her?"

Dawn Thomas: "I'm ready."

Supervisor Cardinale: "Okay. The gentleman is asking in the- in g, in this, yes, here you go. Got it? In g, just above 1, 2, 3, he wants to know why it reads in the review of applications for cluster subdivisions which preserve existing golf courses or other recreational- outdoor recreational activity, why or other outdoor recreational activity is included in that sentence, since the purpose of the legislation has to do with lots in which we have existing golf courses on 150 acres and we want to define the terms of what your alternatives are besides tearing the golf course out and putting in 40 lots. What did we have in mind there? Rick, if you know, please tell me. Otherwise, if it serves no purpose, we can take it out and make the guy happy."

Richard Hanley: "Phil, this was (inaudible) for a number of months with respect to the APZ district."

Supervisor Cardinale: "I know what it is, Rick. I just want to know about those words, why are those words in there? That's is only concern. Other recreational activity. What have we got in mind? If --we're saying the review of an application for a cluster, we're directing the planning board- when we have a cluster subdivision on one of those three golf courses, and we're saying, yeah, you can approve it but these are the conditions. But you also said or any other outdoor recreational activity which preserves- what do we have in mind? What outdoor recreational activity?"

Richard Hanley: "I guess it could be a tennis club or anything else that could be a private operation apart from the ownership of th subdivision."

Supervisor Cardinale: "I'm not sure- "

Richard Hanley: "We've already adopted this in the APZ. All

we're doing tonight is putting it into the cluster ordinance and any other district that had- this was approved already for the APZ."

Supervisor Cardinale: "Wait a minute, wait a minute. It was approved but we- this ordinance was- there was a question on the 66% amendment and that's why we're doing it again. We're repeating ourselves because there was a question as to whether we could move- "

Richard Hanley: "Oh, I'm sorry, I apologize."

Supervisor Cardinale: "So that's why we're hearing this."

Richard Hanley: "Okay, I'm sorry."

Supervisor Cardinale: "So this is a re-hear. He asked the same question the first time. I want to- before we pass this statute, hopefully for the second and last time, I want to know if that language has any meaning. So take this gentleman's number and address- "

Richard Hanley: "Sure, okay."

Supervisor Cardinale: "Because if it doesn't, I want it out."

Richard Hanley: "Okay."

Supervisor Cardinale: "And if it does, I want to be able to tell him what- "

Richard Hanley: "Very good."

Supervisor Cardinale: "Because right now, I think you're right, we should take it out."

Richard Hanley: "Okay."

Supervisor Cardinale: "Because there's no reason to be in there. Okay. Any other comment on this- yes, Larry."

Richard Feldman: "That's all I have."

Supervisor Cardinale: "Thank you."

Larry Oxman: "Larry Oxman. Just so that I'm clear. When you say other recreational, you are not referring to equestrian uses? Because clearly an equestrian use was contemplated to go in the APZ."

Supervisor Cardinale: "Yeah. But remember what he's talking about is we're just saying in the- if you're going to do a new subdivision, okay, cluster- when we say open we mean open, we mean farmland, we mean open. Nothing on it.

If you're going to do a subdivision- attempting a subdivision of

a golf course, rather than being told on the three golf courses that exist, tear your golf course out and then you can subdivide, we're setting the terms, yeah, you can leave the golf course there and in the review of the application for the cluster subdivision, we're telling the planning board if there is an existing golf course that's being preserved, the planning board shall observe the following guidelines.

But we add if there's an existing golf course being preserved or any other outdoor recreational activity, we don't know how that or any other outdoor recreational activity applies. What's it there for? What are we talking about? If you know, please tell me, because I don't know and I'm supposed to have written this thing."

Larry Oxman: "So, again, you have a 100 acre piece of property in the PAZ, not one of the three parcels with the existing golf courses, and you want to do a cluster, on the area that is not going to be developed for homes, one wanted to do something with an equestrian use."

Supervisor Cardinale: "That would be fine because we're precluding- "

Larry Oxman: "Yes?"

Supervisor Cardinale: "Yeah, it says, if you look at the sentence above, we're going to conserve agricultural lands to the extent practical. The planning board shall not approve cluster subdivisions which set aside open space to be used as a golf course, playground, tennis facility or any other outdoor recreational facility. No outdoor recreational facility is going to be on that open space."

Larry Oxman: "Well, I'm concerned- "

Supervisor Cardinale: "Can you ride horses? Yes."

Larry Oxman: "If you have a riding corral, if you have an equestrian center, is that considered outdoor recreational? It shouldn't be because I think you talk about-- "

Supervisor Cardinale: "Yeah, please address that. I think the answer will be satisfactory for your purposes."

Richard Hanley: "Phil, I looked at that. If one were to inspect the APZ district, you will see that a permitted use is equestrian facility which is ag and markets. So clearly that would be allowed. It's not a generic outdoor recreational use. It's a specific use."

Supervisor Cardinale: "It's- in other words, it's an agricultural use."

Richard Hanley: "Yes. Which is part of our agricultural clustering."

Supervisor Cardinale: "What we don't want to have, Larry, is a jumping facility or something like that. That's a recreational facility that is being precluded. You want to raise horses, great. You want to ride horses, great. We don't want to see structures that are recreational facilities, not open space."

Because this, you've already enjoyed the yield for this land with the 40 lots you got on the 30 acres."

Larry Oxman: "Well, that's- I guess, that's my point. In other words, Rick is saying that an equestrian facility is permitted as a permitted use in the APZ. But if you wanted to develop houses and an equestrian center- "

Supervisor Cardinale: "It's not going to happen. Exactly. Because that's double dipping. Is that correct?"

Larry Oxman: "I don't think that that was the intent."

Supervisor Cardinale: "Well it is mine but what is yours? If you are going to have open space- I don't want to put a parking lot and an equestrian facility there. No."

Larry Oxman: "You shouldn't be able to farm it either. That's not open space."

Supervisor Cardinale: "Well, that's an interesting question which you can take up with the farm committee. But open space- it says right here, that we're trying to preserve farmland. I guess that's why they figure you can farm in open space. But that's what it's for. It's for farming. It's to preserve open land, farming, not to have recreational facilities for people who want to be entertained."

Larry Oxman: "I think equestrian uses has always been from the day when the master plan was discussed as a good use in the APZ."

Supervisor Cardinale: "I think you make- it's a good question because it has to do with horses and horses have to do with farming. But I think it's- and it's a helpful comment. But we should make very clear what we intend and if you intend to take your yield and put it on the 30 acres and then make an equestrian facility where people are invited in to park their cars and ride their horses and learn to jump, that's not what I have in mind."

Larry Oxman: "But that's a permitted use."

Supervisor Cardinale: "On- yeah, when you haven't used up the

yield for the houses. You can't have a double dip. You used up the yield to put the houses on the 30 acres. You don't get a double dip to do it twice. That's the whole thing this statute is designed to avoid. And incidentally it's not this statute, the statute was passed. This is just alluding to that.

This isn't the purpose of this hearing. The hearing has to do only with the preserving of golf courses. But that's correct. So that's what I understand our statute that exists already to say. That's— and if I'm wrong, somebody tell me. But that's what I understand. If you think it says something else, the ZBA interprets it and then if we don't like their interpretation we get to change it."

Larry Oxman: "Okay."

Supervisor Cardinale: "Okay. Any other comment on the proposed statute. Yes, go ahead."

Councilwoman Blass: "If horse farms are an acceptable use of agricultural properties under ag and markets, how is it that we would not provide for that agricultural use in a cluster subdivision that's meant for agricultural purposes?"

Supervisor Cardinale: "You would have to supply it to the extent that it protects farming. But I don't think the farming statute protects the kind of rink we're talking about where people are learning to jump, they have these huge interior stadiums and they have people come and they watch shows. But you're right, if farming— is horse farming, whatever the state permits in horse farming, you get—the statute permits."

Councilwoman Blass: "Right."

Supervisor Cardinale: "So to that extent, that concession is clear, Larry, and maybe I overstated. Whatever the farm-- right to farm law protect on horse farming or raising horses, you get to do. You don't get to have a big rink though, invite all your friends and make money.

Yeah, okay, whatever ag and market allows. I won't interpret them. But if they interpret it that way, that's very surprising."

Larry Oxman: "But I go back that that is a permitted use."

Supervisor Cardinale: "Yeah. And I go back to saying that we're not talking about a permitted use on property whose yield has not been used. You're talking about open space resulting from a cluster subdivision where the land that you're talking about here, its use has been used up. It has no use left because you've got the 40 lots on the 30 acres."

Larry Oxman: "But yet you are permitted to farm it which is also a permitted use."

Supervisor Cardinale: "That's correct. That's because we prefer farming. You see, that's what it says. The whole idea is to preserve farming not to preserve golf, not to preserve tennis, but to preserve farming. The stuff really does make sense if you read it."

Larry Oxman: "I read it."

Supervisor Cardinale: "Okay."

Larry Oxman: "And--"

Supervisor Cardinale: "It may not be what you want to do but it does make sense."

Larry Oxman: "Going back to the master plan, clearly the intent was to foster equestrian development out here."

Supervisor Cardinale: "Fine. So the extent that equestrian is farming, you get to preserve it."

Councilwoman Blass: "Actually, if you look in the APZ zoning use district and you look under number #4 under permitted uses, it says riding academy, corral or facilities for the training of horses including but not limited to even private polo- "

Supervisor Cardinale: "Right."

Larry Oxman: "Absolutely."

Councilwoman Blass: "That's a permitted use."

Supervisor Cardinale: "But don't you get it? It's a permitted use when you haven't used up the yield, not when you've used up the yield. Then it becomes double. If you use it in both places, you're allowing a double use."

Councilwoman Blass: "I'm suggesting to you that ag and markets provides for livestock including horses, okay."

Supervisor Cardinale: "I know you can have horses. Yes."

Councilwoman Blass: "Okay."

Larry Oxman: "Well, maybe it's a non issue because it says it's specifically permitted. I guess I was concerned that by the definition of other outdoor recreational, that somehow it might encompass this."

Supervisor Cardinale: "Yeah, it's specifically permitted in the

zone so anybody can do it. The question is once you've used up your yield, what can you do. And we have to refer to state right to farm laws to find what you can do. We'll leave it at that. Because I don't know and probably you don't either know exactly what they permit. But whatever is permitted is permitted in the open space."

Larry Oxman: "I just would hate to see the town lose the ability to develop equestrian center."

Supervisor Cardinale: "No, that's definitely still preserved, as Barbara just read."

Councilwoman Blass: "It even provides for-- a commercial horse boarding operation is considered an agricultural use, a commercial horse boarding operatio."

Supervisor Cardinale: "Yeah. A commercial horse boarding operation, yeah- "

Councilwoman Blass: "Is considered agricultural- "

Supervisor Cardinale: "-- if they define that- "

Councilwoman Blass: "As a permitted use, agricultural production."

Supervisor Cardinale: "But that's not- the permitted use is one thing but the use of- agricultural use is defined in our statute, is what it is, and it includes that."

Councilwoman Blass: "Includes commercial horse boarding."

Supervisor Cardinale: "What's relevant, I think, is what the state right to farm defines it as because that- if you want to have 20 lots instead of- if you want to have 30 lots instead of 40 on the 30 acres, okay, then sure, set aside 20, 30 acres, you can have a principal use of an equestrian facility of any size you want. But once you've used up the use by throwing the lots on the 30 acres, the 40 lots, you will be restricted by the state right to farm as to what the uses are."

So even if we were very liberal, it depends on what they say. Why? Are you an equestrian now or- you seem deeply concerned about this. I didn't even know you (inaudible) horses.

It's all going to work out. Trust me. Any other comment on this? If not, we're going to call the hearing closed at 7:45 for verbal testimony, keep it open until a week from Friday which is the 15th for written submissions if any."

Public hearing closed: 7:45 p.m.
Left open for 10 days for written

comment to June 15, 2007

Supervisor Cardinale: "The second hearing is scheduled for 7:10, there's two actually scheduled for 7:10. Which one should we do? How about the consideration of a local law to amend Chapter 108 Article XLIII planned industrial park (PIP) district. This one is- I am not sure honestly, I have to look but I know we just heard what we heard. We may have to have another one as well.

Okay, the second hearing is adding- yeah, take it away in one place, add it in another. In the Planned Industrial Park District, which is the Berman subdivision, we once had outdoor sports- outdoor recreational use as a use. We took it out a while back in '04. We are now bringing back as a special permitted use, or proposing, bring back outdoor sports facility as a special permitted use.

There's also a hearing on the agenda for, let's see, 7:20, which is the consideration of a local law to amend this chapter in which outdoor sports facility is defined I believe. They're related. Can we hear them together, Dawn?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Okay. So I'm going to open the 7:10 and the 7:20 hearing. The outdoor sports facility is being suggested as an addition to the permitted use by special permit, you have to go before the town board and get a permission, in the Planned Industrial Park District.

There is also further on at 7:20, if I can find it, a hearing, do I have it- a hearing that defines sports facility and-- outdoor sports facility and it reads a place designed, improved and equipped to allow playing of both team and individual sports including but not limited to baseball diamonds, football fields, soccer pitches, tennis courts, basketball courts and swimming pools. The recreational use of motorized vehicles is not considered to be an outdoor sports facility.

Okay, so- and there is an indoor sports facility out there. You'll see it advertised in your local paper, Sportsplex, is that what it's called?"

Councilman Dunleavy: "Sports Plus."

Supervisor Cardinale: "Sports Plus, and this particular owner also owns other property up there in this zoning district and he's proposed that we propose to allow outdoor sports facility. So we're suggesting it as a special permit use and we're defining it and we'd like to hear your comments. Come up, please."

Bill Burke: "Good evening. I'm Bill Burke. I run South Bay

Sportsplex. Sports Plus is up the island."

Supervisor Cardinale: "Sports Plus, I thought I had it right. You know, I'm very athletic. But go ahead."

Bill Burke: "We do have the indoor facility which is up in the old enterprise or up in Calverton, the old Grumman facility. It's a hanger that we restored, put down turf. We have basketball courts down right now. But what we're looking to do is be able to use the outdoor fields that we have up there as well. Right now they're used for employees.

What we'd like to do is be able to have our summer camp again. We had a camp last year for the Riverhead kids. We'd like to do-- we're going to be doing that again this year. But with the outdoor use it allows us to be able to use the fields when we'd like to.

And I'm here to ask if there are any questions."

Supervisor Cardinale: "Okay. The-- this is actually-- because the owner up there asked us to consider it, and we thought well, it's not such a bad idea because we once had outdoor recreational use which is a little different up there. We proposed that the board as a change to the text, so the real question is not whether you like Sportsplex, it's whether you like the use and you think the definition of the use is adequate. So we'd like to take comment on this. Yes? Come on, please, come to the microphone. Make a comment. Let us know your name, too, you could become famous, you're on TV."

Mario Carrera: "My name is Mario Carrera (phonetic). And I'm really here for something else."

Supervisor Cardinale: "Okay."

Mario Carrera: "But this came up. It's-- it really should include lacrosse fields also."

Supervisor Cardinale: "Okay."

Mario Carrera: "You don't have that in the definition. Lacrosse is up and coming in Riverhead."

Supervisor Cardinale: "It certainly is. Let me just see what-- I'll make a note of that and I thank you."

Councilwoman Blass: "I have a question for Rick."

Supervisor Cardinale: "Rick, if you'd come up, we have a question from a board member. Oh, Rick, in regard to the last comment, you're right, lacrosse is a big up and coming sport and we hope to see it up there but we do say place designed for the playing of-- equipped to allow the playing of both team and individual--

including but not limited to, and then we list, so we intend lacrosse. We have a question from a board member."

Councilwoman Blass: "This is on the outdoor sports facility, the definition."

Rick Hanley: "Yes."

Councilwoman Blass: "The definition is conditioned or says it shall not-- motorized vehicles, recreational use of motorized vehicles is not considered to be an outdoor sports facility."

Rick Hanley: "Yes."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "That doesn't make sense English-wise but we can get to that later."

Rick Hanley: "Well, you're better at that than I am, Phil."

Supervisor Cardinale: "Yeah, it should be-- it should read at a minimum that a recreational facility for the motorized vehicles-- for the recreational use of motorized vehicles is not considered a sports facility."

Rick Hanley: "The legislative intent is not to allow motorized vehicles."

Supervisor Cardinale: "i.e. racetracks."

Rick Hanley: "ATV tracks."

Councilwoman Blass: "ATV-- all of that. That was my concern, my question really. In the sports park subdistrict, in the PRP, right-- "

Rick Hanley: "Yes."

Councilwoman Blass: "The purpose is to create publicly accessible primarily outdoor instructional sports oriented recreational facilities."

Rick Hanley: "What are you reading from?"

Councilwoman Blass: "The sports park subdistrict purpose."

Rick Hanley: "Purpose."

Councilwoman Blass: "In the PRP."

Rick Hanley: "Right."

Councilwoman Blass: "So that district is specific to outdoor recreational sports facilities. Correct?"

Rick Hanley: "I don't know."

Councilwoman Blass: "Well, okay, I'm just- "

Rick Hanley: "What I tried to do-- "

Councilwoman Blass: "I read the intent here and it reads that way."

Rick Hanley: "Okay."

Councilwoman Blass: "So my question is twofold. I know that we- the town currently has an application for a site plan which is a modification to an existing site plan to provide for ATV use and if you're telling me that outdoor sports facilities does not include ATV, then I would imagine it would apply to this district as well."

Supervisor Cardinale: "No, it wouldn't."

Rick Hanley: "What I tried to- "

Supervisor Cardinale: "Let me answer that question. It's a legal question not a planning question. We're defining it for purposes of this statute and not- it doesn't go over, jump the zoning line and it's not used for the other- "

Rick Hanley: "I was very careful to use specific language in the definition in terms of the term of art of this thing. I don't think you will see the same term of art anywhere else in the ordinance. Whatever the title is of this definition- what is it again- it's outdoor- "

Councilwoman Blass: "Outdoor sports facility."

Rick Hanley: "I don't think you're going to see that anywhere else in the PRP."

Councilwoman Blass: "Okay. So the outdoor sports facilities that are described in the sports park subdistrict would not necessarily be the same as what's described here."

Rick Hanley: "Correct. Yes."

Councilwoman Blass: "Are there any customary uses- accessory uses that you would expect to be associated with this specially permitted use because there aren't any listed?"

Rick Hanley: "Well the ordinance has the generic language with respect to customary accessory. At this point in time, I really

couldn't imagine one but are you thinking about sales- retail sales of refreshments and something like that?"

Councilwoman Blass: "All of the uses that are customary to these other recreational facilities- outdoor recreational facilities, they define- "

Rick Hanley: "In the PRP sports- "

Councilwoman Blass: "That's correct. And I just didn't know if those are considered customary to an outdoor recreational facility- if they would be the same."

Rick Hanley: "I would have to look at that, Barbara, specifically."

Councilwoman Blass: "And if that's the case, then we're talking about things like ticket sales and pro shops and sports equipment sales and the like. I just didn't know if that was considered customary to this use in the PRP."

Supervisor Cardinale: "Let's- we- when you dealt with accessory uses- we're adding a specially permit use. Okay. To that special permit use, you are relying upon- I don't have the statute in front of me- but the usual accessory language that says that this use is permitted if we give them a special permit, and then those uses- customary accessory to such use is- you don't define any specific uses as customary to the use which leaves it open. You should take a look at that and see if that is good practice to make more clear than relying on the general, although as you pointed out many statutes simply reply on the general. For example, you can have a house, they don't say you can have a garage but that's customarily incidental to having a house."

Rick Hanley: "Okay. We can look at that. I think that's a good thought."

Councilwoman Blass: "There is no reference, however, in this for any accessory because there's no other special permit use- "

Supervisor Cardinale: "That's a good point. We should add something."

Rick Hanley: "Keep in mind, however, that the special permit procedure- "

Supervisor Cardinale: "We'll have a hearing, I understand."

Rick Hanley: "The special permit procedure would require a conceptual site plan so all uses, all structures would have to be shown on that. So I don't think one could come in for a special permit, one of these facilities, and then come back and try and get a

use permit for an accessory. I think the accessory would have to be part of the special permit site plan."

Councilwoman Blass: "Could I just ask the individual, do you intend- Mr. Burke, do you have an idea of any accessory uses that you anticipate in connection with this special permit request?"

Bill Burke: "No. We just want to use the outdoor fields for the kids."

Councilwoman Blass: "Okay."

Councilman Dunleavy: "Okay. The indoor facility, you don't sell anything there, equipment or- "

Bill Burke: "No."

Councilman Dunleavy: "So the same would go for the outdoor then?"

Supervisor Cardinale: "You're not going to sell the kids like t-shirts or food or something like that? They're not going to like you if- "

Bill Burke: "Inside? The indoor?"

Supervisor Cardinale: "Yes."

Bill Burke: "We could do that."

Supervisor Cardinale: "How about the outdoor?"

Bill Burke: "No. The outdoor- I'm looking for outdoor use so we can use it legally. We want to have camps. We get the permits, like the free camp we were doing, but I'm looking to have outdoor use."

Supervisor Cardinale: "I think, Rick, are you- he disappears, he doesn't like me. I think you better go back and make sure because, for example, there's a building on that piece."

Bill Burke: "Yes."

Supervisor Cardinale: "You are going to run around the fields and do your thing if we pass this, if you get a special- we've got to pass it, you've got to get a special permit. But what are you going to do with the building?"

Bill Burke: "It's not up to me."

Supervisor Cardinale: "But that's my point. There may be some accessory uses--"

Bill Burke: "I'm looking to use the outdoor field."

Supervisor Cardinale: "Yeah, there may be some accessory uses. Wait a minute. This is sports facility. It includes everything, you know, the physical building. So I think it's a very good question she's asking and it may be something that we would like to address which is what are the accessory uses to the outdoor use of the field. What can be done within the building? Can you sell shirts? Can you feed the kids- the people that are out there doing their competition, because we want to make that relatively clear. Right?"

Councilman Dunleavy: "Can you sell water? You know- "

Rick Hanley: "Are you asking specific questions with respect to accessory uses?"

Supervisor Cardinale: "I'm asking whether- if we approve this as an addition, this special permit use outdoor sports facility- "

Rick Hanley: "Right."

Supervisor Cardinale: "And we approve the definition of what that is- "

Rick Hanley: "Right."

Supervisor Cardinale: "-- that outdoor sports facility."

Rick Hanley: "Yes."

Supervisor Cardinale: "That's a building. On this property there is a building- "

Rick Hanley: "This particular parcel which is already improved- "

Supervisor Cardinale: "Right. Big fields."

Rick Hanley: "Yes."

Supervisor Cardinale: "I know what they're doing on the fields. I don't know what they're doing in the building but I need to know- whatever they're doing in the building is presumably an accessory use to the use on the field- "

Rick Hanley: "Or another principal use."

Supervisor Cardinale: "Or another principal use."

Rick Hanley: "Yes."

Supervisor Cardinale: "But that gets a little tricky since this is a planned industrial park so really only sports uses are going to be accessory to the outdoor field use and we have not defined it. So she's pointing out- "

Rick Hanley: "So we should think about enumerating accessory uses. There's the point. I understand."

Supervisor Cardinale: "Okay?"

Rick Hanley: "Yup."

Supervisor Cardinale: "Thank you. Any other comment on this particular- these two public hearings, the addition of a special permit use and its definition?"

Councilwoman Blass: "Thank you."

Martin Sendlewski: "Good evening. Martin Sendlewski. I have a concern about the definition issue."

Supervisor Cardinale: "Yes."

Martin Sendlewski: "Because that is found in 108-3 which is general provisions of the code. So that would affect, that definition will affect many, many other areas within the town code and one concern I have- "

Supervisor Cardinale: "That was my point, and he said no- hey, don't disappear, you've got more questions."

Martin Sendlewski: "Well, one concern I have is an application we've had pending for almost two years which is (inaudible) cart facility. That's an outdoor sports and recreation facility permitted in a zone. If you change the definition, there's got to be a way to make sure it does not affect that application."

Supervisor Cardinale: "Okay. He thinks he has the answer. Please come up and give it to us, Rick."

Rick Hanley: "I tried to be very careful with this definition. The term of art is nowhere else in the ordinance. So we're not dealing with other zoning districts. We're strictly dealing with the PIP district."

Supervisor Cardinale: "I think it's called outdoor recreational use, the other one."

Rick Hanley: "It doesn't relate to any other zoning district."

Supervisor Cardinale: "So this is called outdoor sports facility."

Rick Hanley: "So because someone thinks about something as an outdoor sports facility but if it's not defined as that in another district, this doesn't apply to that."

Supervisor Cardinale: "Okay. So what do you think about his point that it's in the general section? Does that disturb- "

Rick Hanley: "Which general section?"

Supervisor Cardinale: "I don't know. He just said it."

Councilwoman Blass: "It's in the definition."

Martin Sendlewski: (Inaudible comment)

Rick Hanley: "Definitions are in the definition section, 108-3. We write a definition; we call something out as a term of art, we define it."

Supervisor Cardinale: "Why don't we make it clear by saying that the definition that you are defining here applies only to this- only to the PIP?"

Rick Hanley: "We could do that."

Supervisor Cardinale: "Yeah. It keeps him happy, it keeps me happy."

Rick Hanley: "Right. Okay."

Supervisor Cardinale: "We all want to be happy. Anything else- oh, it wouldn't be without Rex having something to say."

Martin Sendlewski: "Just one other issue and it has to do with many, many, many times in this town when we are talking about uses and permitted uses, etc., there's always this, you know, whether it's accessory and is it permitted, etc."

When the zoning was being adopted, there were recommendations which I think the town should look at again. Southampton town has a use schedule and what that is, is across the top of the page, it has every zoning district and down the side of the page, it uses every use you could think of and in the chart it says "P" for permitted, "NP" for not permitted, "SP" for special permit or "A" for accessory. You could take all of these uses in all of these zones and create this chart in a matter of a few reviews and meetings of the code, and clarify all of this so that you look at the use chart, you look at the dimensional chart, and you know exactly where you stand with all your zones. And it's really something you should look into."

Supervisor Cardinale: "Right. That would be an aid to

understanding and I think it's a good idea but it wouldn't change the law any, it would just be a compilation of what the law is."

Martin Sendlewski: "Right. But there are a lot of times where a use is like accessory to let's say a sports facility, and you question whether or not they could have- sell certain things, well, when you put that use in- on the chart, you would go across and write whether it's "A" accessory and that way people would know, yeah, I can have a, you know, up to "X" amount retail, or percent retail in this sports use as an accessory because it's right on the chart. There's no question about it."

Supervisor Cardinale: "Okay. Thank you. Yes, Rex."

Rex Farr: "Well actually on that note, Marty, we might take a look at some of the permissible uses and see if we can't eliminate them altogether. That's another way of looking at it."

But a question on the last issue. Number one, we are talking about only inside the PIP area, right?"

Supervisor Cardinale: "Correct."

Rex Farr: "Okay. This whole thing makes me nervous because I know how sometimes it changes and all of a sudden, you know, if we're looking at certain things inside this area, are they going to apply to the 755 acres later on down the line. I just don't want to open up the door for something that there's some people out there just don't want in permissible use. Do I make any sense? I would really like you guys to come back with more specific wording then. How's that? In definition."

Supervisor Cardinale: "Okay. It does apply only to the planned industrial park district and we'll take a look at the language. That's what the hearing is for, to make sure we get it right."

Any other comment in regard to this proposed hearing of 7:10 and 7:20? If not, I'm going to leave this open until the 15th at 4:30 p.m. as I did the other for written testimony- written inclusions into the file for review and consideration."

Public hearings closed: 8:05 p.m.
Left open for written comment for
10 days to June 15, 2007

Public hearing opened: 8:06 p.m.

Supervisor Cardinale: "And I'm going to move to the 8:15 hearing which is to consider a proposed law to amend Chapter 108 Article 35 of the Riverhead town code entitled outdoor lighting. I

know Ed has worked, did you have a comment on something else?"

(Inaudible comment)

Supervisor Cardinale: "Yeah, I told you that, but then I missed it. Okay, which one was that? We're going back to 7:10 folks, because we did a 7:10 and 7:20 together. Now we're doing a 7:10. That 7:10 hearing is for the consideration of a special permit of Ira Chernoff and Mr. Cuddy, the attorney I presume for Mr. Chernoff, will be presenting. And we need to swear you in because you're an attorney. No, no, we swear all people in on special permits."

Charles Cuddy: "Special permits, I'm aware of that."

Supervisor Cardinale: "Although we didn't do that for 20 years even though it said so in the statute. We learned a lot from the Riverhead Center experience."

Charles Cuddy: "I will affirm my testimony, yes."

Dawn Thomas: "Mr. Cuddy, do you swear the testimony you about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Charles Cuddy: "I do."

Dawn Thomas: "Thank you."

Charles Cuddy: "I represent Ira Chernoff who is a medical doctor. He's an orthopedist. He'd like to come to Riverhead and practice with his brother on the site on Main Road in Aquebogue. The site is in the RLC district and that requires, and that's why I gave you a copy of the map, requires that you be within a quarter mile of the hamlet center. This is just within one-quarter of a mile of the hamlet center, that's up near Edgar Avenue and the school, and it just makes that distance.

The site is just east of Shade Tree Lane, it's 40,000 square feet. On the east of this site is the veterinary office, on the west of this site is a vacant lot and right next to that is another medical office which is the office of an Ear, Nose and Throat specialist. Directly across the street on the north is an insurance company.

The site, I think, is particularly suitable based on its size and the location of the surrounding area, that is the surrounding businesses.

The- I gave you a copy of it, but the planning board has recommended approval of this use at this site and cited a number of reasons for it. I believe that the site meets the requirements of the code, which is 108-33.5. It's suitable for the use in the community. The plot area is sufficient. It's not near a church or a school or a

place of public assembly. It has adequate access, it's on the Main Road. It will have a sufficient buffered area both front and back. The setbacks will be met. There shouldn't be any generation of either noise or odors or anything else that's adverse. And I think under subsection 7 of 108-33 it meets the requirements that the use doesn't impair other properties, that it won't adversely affect the health, safety or welfare of the community, and it's certainly in harmony with the code.

So I would ask the board based upon the place where it is, the type of use that's going to be there, that the orthopedist be permitted to proceed and have a site plan and get approval for this site."

Supervisor Cardinale: "Thank you for that presentation and I'd like to take any other comment that anybody would like to make about Dr. Chernoff's proposal to get a special permit for the use indicated. If there is no such comment, I'm going to leave it open until the 15th at 4:30 for any written comment and then we'll take it under consideration. Yes."

Charles Cuddy: "Just one other thing. If the board could consider this favorably, we'd be most appreciative because our contract runs out in another three weeks."

Supervisor Cardinale: "Okay. Actually we can and I would expect to consider this at the work session Thursday and the following Thursday and to have it on the agenda for the 19th."

Charles Cuddy: "Thank you."

Public hearing closed: 8:09 p.m.
Left open for written comment for
10 days until June 15, 2007

Supervisor Cardinale: "All right. Okay. Yeah, I want to make an announcement. It was pointed out that the- on- that the final edit of the Headriver resolution was not in the package. There was an earlier edit. It is now outside on the desk, the proper- John Stefans pointed it out having seen an earlier one, that we- so we went out and made copies of the one that is actually being considered in its final form, so if you want to pick it up, it's on the desk outside, anybody that's interested."

Public hearing opened: 8:10 p.m.

Supervisor Cardinale: "Okay. Next one is the 7:15 hearing I alluded to earlier which is to- proposed local law to amend Article 35, outdoor lighting. Ed Densieski has, I know, worked hard on this. I know with his- what do they call it- dark skies--"

Councilman Densieski: "Dark skies."

Supervisor Cardinale: "-- dark skies committee, some of whom may be here. I know Ed may have something to say. I know Kenny Testa in engineering had some concerns, Ray Coyne and Rick. So before we get to the department heads, is there any member of the public that would like to place anything on the record? Yes."

Councilman Densieski: "Yeah, Phil, I just want to point something out first. The chairman, Mr. Slezik (phonetic) is in New Jersey with his father today, he was unable to attend. So we have Susan Harder who is probably not only nationally known but probably globally known for her work in dark skies and she donates a lot of time and energy to Riverhead town. So go ahead, take it away Susan."

Susan Harder: "Thank you. Good evening. Members of the town board, Mr. Supervisor, and residents of Riverhead. I'm here as a member of the town's dark sky committee. I'm Susan Harder, I'm a dark sky advocate. I do work full time on this issue of light pollution.

The committee is- was charged to help the town conserve natural resources including the night sky while providing better lighting for residents and businesses. It's been a real privilege to work with the committee under Jim Slezik's chairmanship.

As stated, the hearing tonight concerns amendments to the dark sky code which was passed a number of years ago. Since that time, similar laws have been passed in East Hampton Village, Southampton, East Hampton Town, Brookhaven and for Suffolk County facilities.

These amendments are primarily refinements and corrections concerning procedure, terminology, to resolve inconsistencies based on input from your code enforcement, your planning department review or for site plans, electrical contractors, local lighting suppliers, your engineering, building inspector, and public input.

And I'd like to thank you in advance for considering tonight a resolution in support of the pending New York State light pollution bill. It's sponsored locally by Assemblyman Alessi and Senator Ken LaValle.

However, remaining is an issue which is not in this pending legislation and it's an important one to consider in the future. We hope to get this resolved soon. Which is the continuation of automatic installation of street lighting in new subdivisions without any reviews as to what is needed for safety.

The committee hopes to produce a warranting policy soon that can be adopted and instituted by the town board for street lighting. These will be standards based on professional guidelines.

Also, the committee would like to help produce information for the public and to the town departments charged with administering the code. I did prepare a short slide presentation about the reasons for controlling light pollution and I would like to possibly enter it into a work session. And also I'd be happy to help resolve any of the issues that may be raised tonight concerning the legislation prior to its adoption at a work session.

So thank you again, and especially to Councilman Ed Densieski who brought this issue originally to the town. Thank you."

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

Gene McSherry: "I'm only coming up, believe it or not I have to go to a wake right after this for a World War II veteran, so that's why I'm kind of like- I'm going to make this rather quick. But I did some research and first of all to let everybody know Veterans of Foreign Wars as well as every person would be considering lowering their electricity bills by narrowing their lighting down and so forth, but the Veterans of Foreign Wars and also the American Legion which I am part of and the Combined Veterans, we state here to you from the 106 Congress First Session October 25, 1999, and this particular session involved the American flag and the uses and how it's flown and so on and so forth. And what I did was, I kind of like got it into what they call a time and occasion for display of the American flag.

I'm going to read you this very quickly and it's Article 6 of this particular and it says: it is the universal custom to display the flag only during sunrise to sunset on buildings and on stationary flagstuffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

The reason why I'm saying this is because several years ago, actually when it came down on June 14, 1954, one of the articles the Congress passed is that the flag of the United States of American should have direct lighting on it. All garrisons and posts in the United States Army, Navy- not the Navy, I'm sorry, Air Force and Marine Corps all raise and lower their flags day and night as per custom. But the people outside of these garrisons kept the flags up at night and the requirement was that the flag would have to have a permanent light attached to it all the time during the hours of darkness.

Now on 1999, October 25th, they changed the wording of it to use the word illuminated. Illuminated merely means that the flag can be readily seen by the normal person's eyes from a distance of anywhere from 100 to 200 feet was considered to be within the practice of the Congress of the United States and their attempt to make sure that the American flag that was flown at night would be visible to the general public or for anybody else to see.

So figuratively speaking, some of these particular flags that are flown on schools, whatever, should be illuminated at night, that may not be close to a streetlight or some other type of device that would illuminate it, it would have to have its own illumination.

So just to clarify this, is that sometimes they use ground lighting or side lighting to illuminate the flag and we want to make sure that that doesn't get entered into the dark skies initiative which we basically approve of, but we want to make sure that the American flag— and this also includes the homeowner. Any flag that's flown from the house or whatever, if they don't take it in at night, it should be illuminated to some degree so it's basically visible from the street.

And that's all the Veterans of Foreign Wars, Combined Veterans, want to make sure on the dark skies initiative, that the American flag doesn't get drawn into the vacuum of trying to have a lot of darkness especially for streets. And the (inaudible) there that said that crime was reduced in certain areas while darkness was— we just wanted to make that particular point. Okay. And thank you very much."

Supervisor Cardinale: "Thank you. Yes, this, I'll take this comment and then that comment, please."

Cliff Baldwin: "Hi, I'm Cliff Baldwin. I'm on the dark skies committee. I've been asked to read a few points regarding the proposed ordinance in lieu of Jim Slezak who isn't here tonight.

Okay. As Susan said, primarily the amendments have been made to correct conflicts that existed with the current town code as well as correctly terminology and typos. The DSC (Dark Skies Committee) recommended the planning department reconsider the automatic installation of street lighting in new subdivisions so the streetlights would be installed only when the installations met certain warrants based on real need, i.e., safety.

A compromise with engineering was suggested that would require the developers to pay for the infrastructure, about 90% of the costs of streetlights, but not the fixtures, until and unless the warrants were met. This would save municipal resources from maintaining unnecessary streetlights as well as the savings of electrical energy to support them.

Engineering has objected to this recommendation. However, the DSC will continue to propose commonsense recommendations about revising street lighting policies within the town to remove unnecessary street lighting to save taxpayers money while providing appropriate street lighting where needed for safety.

Private property lighting from public utility pole floodlights leased from LIPA, were regulated under the current town code. The amendments make these regulations more clear and while some said their

use with certain allowances, LIPA no longer installs unshielded floodlights and allows for free exchange to- "

(At this time, the CD ended)

Supervisor Cardinale: "Arise, yes, okay, you're all set. We'd like to take comment. Go ahead."

Thomas Shaffrey: "Thomas Shaffrey, Reeves Park, Riverhead. I'd like to go on record in support of the dark sky initiative and thank everyone involved, especially Councilman Ed. The night sky is what separates- "

Supervisor Cardinale: "Reeves Park likes you, this is unusual."

Thomas Shaffrey: "The night sky is what separates rural communities from urban. Take away the night sky and starts from the kids and watch the crime rate rise. Watch the country rabbits turn into urban rats.

Riverhead is at a crossroads in its evolution. To the east, we have some of the wealthiest tourist economies in the world. In East Hampton, you cannot have a lit soda machine anywhere. To the west, we have very poor urban planning, a sea of well lit asphalt. As an elected town board, it is your choice which of our neighbors to emulate.

It is my hope that in passing this dark sky initiative, that it will not merely be a bone to toss to the environmental groups, but a conscious choice in creating a Riverhead we will be proud to leave our grandchildren. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Densieski: "Thanks, Tom."

Supervisor Cardinale: "Come up, please."

Dan Zaweski: "Hi, good evening, Supervisor, Members of the Council. My name is Dan Zaweski, I'm with the Long Island Power Authority. I'd like to offer this following statement on behalf of the Power Authority.

Long Island Power Authority supports dark sky friendly outdoor lighting initiatives to help preserve and restore one of our most precious resources, the dark night sky. In 2003, LIPA created a new outdoor commercial lighting program called Light Solutions that over time will replace utility pole mounted floodlights with dark sky friendly full cut off lighting fixtures. (Inaudible) for example, LIPA has installed more than 600 of the new dark sky friendly fixtures at all nine of our operation yards across Long Island, including one right here in Riverhead.

LIPA is recognized as a national leader to protect the dark night sky. A model outdoor lighting ordinance is being developed by the International Dark Sky Association and the Illuminating Engineering Society of North America. These two groups are experts when it comes to outdoor lighting. They're expected to release their model outdoor ordinance by the end of this summer. This model ordinance will be a landmark that shows municipalities the way to do a dark sky friendly-- a way to a dark sky friendly future.

We recommend that the town of Riverhead postpone changing its outdoor lighting code so it can review the model ordinance and consider it for use in the local law. Thank you."

Councilman Densieski: "Excuse me. Where do you live, Mr. Zaweski?"

Dan Zaweski: "Jamesport."

Councilman Densieski: "Oh, thank you."

Supervisor Cardinale: "Mr. Zaweski, thank you for that comment. As long as I've got you here, I understand that you are on an unrelated topic the expert for LIPA. We had passed earlier in the year the Energy STAR requirements by-- that LIPA favors by resolution such and such of December 28, 06. We understood that the Long Island Power Authority would provide a \$25,000 grant to any Long Island town that adopted mandated energy STAR home requirements in their building code and we forwarded the code to Bill Davidson. He said that you were the expert. When do I get my \$25,000 now that you're here?"

Dan Zaweski: "It's interesting you say that, Supervisor. I spoke with the town attorney at a baseball game last week to start making arrangements for that to come across."

Supervisor Cardinale: "Oh, good."

Dan Zaweski: "We can do that in a number of ways."

Supervisor Cardinale: "Good. Okay. So I'm looking forward to the check and it's nice to meet you."

Dan Zaweski: "Okay, thank you."

Supervisor Cardinale: "Yes."

Sally Hopson: "Hi. I'm Sally Hopson of Riverhead, Aquebogue. I'm a member of the committee, Dark Skies. I would like to say first that I do not believe the committee supports this sort of delay. We would be glad to meet again and forward our reasoning on this but, please, consider alternatives like adopting it now rather than waiting. I don't know that it makes much sense after so much work but

we would be glad to forward you a more coherent formal reasoning within the comment period."

Supervisor Cardinale: "Thank you."

Sally Hopson: "Secondly, what I would like to say which is what I was going to say anyway, that one of the main reasons, certainly not the only one, we certainly wanted to bring the code into compliance. We wanted more efficient lighting but I think also more generally going with the rural character of Riverhead is the notion that we are creatures that evolved in a world of day and night and it is certainly our duty to protect all God's creatures from too much light. So there is a bigger biological issue I think here.

Do we— we certainly don't want to become a sea of— what did Tom say— of well lit asphalt, okay. And we want to encourage the wise use of electricity and energy and that means less and that means we're going to have to re-think in my judgment anyway anything that encourages more street lighting in new developments. We're probably overdoing it so we don't want to just put fixtures in the ground ahead of time. I think we should re-think that. Thanks so much."

Supervisor Cardinale: "Thank you."

Councilman Densieski: "Thank you very much."

Supervisor Cardinale: "Thank you. And thank you to this dark skies committee who I know works very hard and very often I see them at this table here working with Ed, so thank you for your efforts. Come on up, please. Kenny."

Ken Testa: "Ken Testa, Riverhead town engineer. One of my responsibilities as town engineer is to oversee the town Street Lighting District and one of my primary concerns is that over the years there have been several subdivisions that have put in petitions for streetlights that didn't have streetlights initially installed and in each of those cases the cost of providing the streetlights far exceeded what were annually budgeted for the maintenance of streetlights.

So I think the board should just be aware that there are people that are going to come to you if you don't put lights in subdivisions and they're going to want lights in subdivisions and you're going to have to consider that in future town budgets, because we typically don't have enough funding to put streetlights in at a large quantity in any single place."

Supervisor Cardinale: "So why don't we just collect the money and then hold up on the lights until they tell us they want them and then keep the money if they don't want them."

Ken Testa: "You could do that. One of the suggestions we had

is there was a gray period back in the late '80's where the town started to require underground utilities in subdivisions but had not yet required streetlights. So we found ourselves in a situation where if you go into an older subdivision, like Rolling Woods where you had wood utility poles, it's very inexpensive to put on lights on existing wood poles. It costs us a couple hundred dollars per fixture.

However, when you go into a subdivision like Deer Run in Wading River, which was one of the subdivisions that did submit a petition to us and you have underground utilities, you're talking about having to trench the roads, tear up people's front lawns, go under their driveways and put in all the infrastructure to put the lights in, and in that particular instance, the cost is if I recall correctly around \$300,000 in that subdivision, Deer Run in Wading River. And, of course, it didn't happen because we didn't have sufficient funds.

So I just wanted you to be aware of that, if we do get a lot of requests for additional streetlights in subdivisions, we're not going to have the funding in our current street lighting maintenance budget to undertake that. And that's one of my concerns.

We had made a suggestion that perhaps sub-dividers put in the underground pipes, put in the wires, put in the bases of the poles. You would never know they're there. But if somebody requested a light and it was warranted, it would be very inexpensive for us to go, find the box, put the pole in and connect it. So that's a suggestion that we have made because it's a reality, you're going to get petitions from future subdivisions that people are going to want lights. It's happened before."

Supervisor Cardinale: "Anything else you'd like to say?"

Ken Testa: "Christine has some other suggestions."

Supervisor Cardinale: "It's nice to see you, Ken, because I haven't seen you for a while. I thought that you- I know that you're at the landfill all the time, I thought that you had fallen in and were covered over or something. But it's good to see you. Yeah, we can't lose you. Stay well; stay above ground."

Christine, tell us what you'd like to tell us."

Christine Fetten: "We have several comments and I did a thorough review of the legislation proposed changes and I just wanted to preface it by saying I'm excited about dark skies in many of the aspects including energy conservation and light pollution. I just think that we need to really consider the safety aspects as well. And there's a number of issues that I just have some concern about and I'd like to submit to the clerk a memo with several concerns posted and this was also given to the committee previously."

There's the section with the residential streetlight. Actually

the infrastructure is included for installation- that the luminaires and the poles have been vague. It doesn't- there was a previous move to exclude the poles and the luminaires and now it's been crossed out so it's vague whether the installer has to provide them or not. So I just think it needs to be a little bit more clear on that.

I just- in Section 250B, it refers to municipal sports fields as well as 250C-11 and the luminaires used for playing field and outdoor recreational uses shall be exempt from restrictions and light levels on the ground but I think as long as all other provisions of the legislation are maintained, and I think for municipal sports fields, it's important that they also be exempt from full cut off fixtures due to safety during play and this is very important when you're talking about baseball fields when there's high speed bat play at night. The speeds of the ball are very excessive and if you have a full cut off fixture, you're eliminating any up lighting which in the event a ball is hit and it goes above the light, it leaves the line of sight for the player and the catcher and it's difficult to follow the ball. And when it's traveling over 100 miles an hour, it's a safety concern. And I have great concerns for the liability of the town in that manner.

There's partial- there's shielded fixtures that prevent light spill from the perimeter of the fixture and I think that that would be a more appropriate use for municipal sports fields and I think that the full cut off fixture should be removed from the municipal sports fields. I'd like to see an exemption for that.

In addition, there's another provision in the code that removes or prohibits metal halide light bulbs and I think that metal halide light bulbs are for a specific use. They're energy efficient, they provide bright light and I think it would be very limiting to prohibit or not permit the use of metal halide lights within the town. I just would like to have that left in.

There's also some grammatical errors that we'd like to see changed with the terms of the wattage and just some minor revisions that we'd like to enter in."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Chris, can I ask you a question?"

Christine Fetten: "Yes."

Councilman Dunleavy: "It was mentioned that the other towns have adopted dark skies. Have you been to athletic fields at other towns that have adopted this and how are they lit?"

Christine Fetten: "Yes. Southampton has the municipal playing fields exempt so they don't have full cut off fixtures on their playing fields."

Councilman Densieski: "Okay. Thank you."

Supervisor Cardinale: "Ray, did you have a comment?"

Ray Coyne: "Good evening. My name is Ray Coyne. I'm the Riverhead Recreation Superintendent. My concern is what Christine just mentioned- can you hear me- is really the change to the code when it comes to sports lighting. You know, as the Administrator of all the programs, especially with the build out of our new Calverton complex which is the four softball fields, my biggest concern as Administrator is the safety.

And what's happened with the sport of softball on all levels, including high school, college and even olympic- and men's softball which we do have here in Riverhead is that the game, the speed of the game has increased. And what I mean by saying that is that they introduced the bat with the composite material or the composite bats.

And basically those bats hit the ball at about 100 miles per hour. Now pitchers in slow pitch softball are 50 feet away. Okay.

And you're thinking about a ball coming back at you at 100 miles per hour, with inadequate lighting, because what ASA and also little league guidelines require is that all lighting have 50 to 30 foot candles, which is the beam of light that comes down. The introduction of this code would eliminate, it wouldn't cover the 50 to 30 foot candle. So we're putting our pitchers not only in little league but also in softball at risk.

Think about it this way. Standardization from ASA and (inaudible) is something called BPF, bat performance standard of 1.2. That equivalates to a reaction time of- it's .42 seconds. That would be a regular pitcher's reaction time. With the lighting and the bats, the reaction time goes down 18% to .35. And that would pose tremendous liability to us because if somebody got hurt because we didn't have the proper lighting, not having the right foot candles that could hurt us in liability.

Plus, I don't want to see when I'm in charge anybody getting hurt on my field, especially the kids. So, that's from that standpoint. I just want to make sure that you know that, that little league sanctions, NASA sanctions a 50 to 30 foot candle and we have to make sure- I just want to make sure that we have that and the lighting does do that.

That's my comment. Thank you."

Supervisor Cardinale: "Thank you. Any further comment in regard to this? If not, please."

Susan Harder: "You can absolutely achieve the light levels with full cut off light fixtures, the same as any other. I'm really

surprised to hear them say this. The full cut off light fixtures in no way diminish the amount of light on the field.

The light on the field is actually prescribed by-- like you said, the Little League and also the recommended practice of the Illuminating Engineers Society of North America, it's an RP-6. So all those light levels can be met for safety, you know, with the full cut off light fixtures.

Another advantage is the combination of high pressure sodium and metal halide which is allowed for sports fields. You can have better energy use. With the high pressure sodium, you change the bulb less frequently and you can save energy. Metal halide has more mercury in the bulb which adds to, you know, landfill problems.

So in terms of safety, you would have absolutely no safety issues if you keep the full cut off light fixtures.

We had a presentation that was given here to the town board and I felt-- I feel like that's something that this town should really consider and it should be based on performance. If you can get the same light levels and you can have full cut off and save energy, I think it's something that would really benefit the players and the town immensely.

So I hope you will consider it and I think that if the engineering is agreeable to keeping the infrastructure in for the streetlights but saving the installation of the poles and the luminaires, I think that's something that would be worthwhile to consider because when these small cul de sacs are getting, you know, streetlights, it's really not based on any particular need or for safety. So I think that would be a compromise, is to keep the infrastructure but yet refrain from putting in the poles and the luminaires until it's been determined it's necessary or desirable by the community."

Supervisor Cardinale: "Thank you. Yeah."

Ray Coyne: "I did see that presentation, I thought it was a wonderful presentation. The only question I have is does those lights which I was told no in the presentation, have the 50 to 30 foot candles for each field?"

(Inaudible comment)

Ray Coyne: "All right. But it doesn't do that, right?"

(Inaudible comment)

Ray Coyne: "Cannot use little league association on a field that doesn't have 50-30. ASA as well, which is all men's softball league. That's my only point."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "I think I was at that presentation, too, which was very good. And I asked the gentleman if there was any athletic fields on Long Island that we can go look at and there's none. He said this will be the first town to put these on athletic fields. And I just don't want us to experiment with our children without first seeing it on the fields. That's my only concern, is that there's nothing on Long Island with other lights like this on athletic fields."

Councilman Densieski: "I just want to add to that. There are plenty of places in California and other states that are more progressive with dark skies that have these fields in place and the kids, you know, are kind of okay."

Councilman Dunleavy: "Will you pay for me to go there to look at them?"

Councilman Densieski: "Only if I can go with you."

Supervisor Cardinale: "Are you sure you don't want to experiment with your children?"

Councilman Dunleavy: "Not with- "

Supervisor Cardinale: "There's a controversial position."

Councilman Dunleavy: "I've played little league and I've played and those balls with the metal bats that they play with today, the metal bats move them balls a lot faster where New York City wants to do away with the metal bats because of the speed of the balls. So I just want to make sure the kids can see them when they play at night."

Supervisor Cardinale: "Why don't you experiment with my children? No. I withdraw that. I would like to suggest the following: 1 - that we get onto the next hearing because it's getting late. 2 - that you know how they do in Congress, they have a compromise committee when the Senate passes law A and the House passes law B, they have to come together- what do they call that- anybody know here- conference- conference for a compromise committee."

So why don't- since I have an advisory committee which is good because I don't have to pay them and I like to take their advice, and I have you guys who I pay, could you maybe sit down and get together on this because she's saying you can do it, you're saying great but let's make sure that the language reflects what's doable and what is safe. I think you can do this better than the town board. In fact, I'm convinced of it. So why don't you get together some time between now and say a week from Thursday and do that.

Is there any other comment? If not, we're going to keep it open for written to the 15th, at 4:30."

Public hearing closed: 8:43 p.m.
Left open for written comment for
10 days to June 15, 2007

Public hearing opened: 8:43 p.m.

Supervisor Cardinale: "And move on to the next hearing which is a hearing scheduled for 7:25 p.m. to hear all interested persons to consider a local law to amend Chapter 52 entitled Building Construction of the town code as follows: this defines construction contract and the contractor or subcontractor's terms and it requires a contractor under certain contracts to enter into a contract with the town of Riverhead as defined, to have an apprenticeship agreement appropriate for the type and scope of work to be performed which have been registered and approved by the New York State Commissioner of Labor under New York State labor law.

Alluding to #b on the second page, when they say a contractor or subcontractor who is entitled to receive less than \$250,000 from a construction contract is exempt from having an apprenticeship program, that's right.

But the following part of that sentence should have been deleted where it says: and said provision shall not be applicable to any work-road work or a sidewalk in the town of Riverhead. Because the construction contract includes that as part of the definition.

So, with that note, would you please come up and comment if you'd like to on this proposed Chapter 52 amendment. It's 8:40- I don't know, what is it- it's 8:44 and we're going to take the first comment. Yes?"

Kevin Soyka: "I'm Kevin Soyka (phonetic). I'm a resident of Riverhead. I've lived here since 1981. I graduated Riverhead High School. I'm a member of Heat and Frost Insulators Local 12 (phonetic). I just want you to consider my point of view on the subject.

Long Island is a very expensive place to live. You know, I could count off the top of my head probably 10 kids right now that graduated from my class that have moved away because of the high cost of living, because they can't find good jobs here. If they're college graduates, they can't find good high paying jobs- not high paying jobs, but good jobs. They can't afford to buy a house on Long Island, you know he whole nine, and I went through a four year apprenticeship program. I

make a real good living. I bought a house in the town of Riverhead. I want to stay here on Long Island and I think a good way to keep the kids of Long Island on Long Island is to consider something like this.

A kid that doesn't want to go to college can afford to go to college like myself or something along those lines, then building trades, construction, an apprenticeship, is a good alternative for them and I think you should be trying to keep the kids on Long Island and encourage, you know, a union apprenticeship, or just apprenticeship programs in general and I'd just like you to consider that. That's all."

Supervisor Cardinale: "Thank you."

Kevin Soyka: "Thank you."

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

Councilman Dunleavy: "Yeah, I just want- apprenticeship programs are going to stay. It's just that do we want to force people when they build or work for a municipality, to have apprenticeship programs. We're not doing away with apprenticeship programs, but the thing is I want to raise it to 500,000 and they- I don't know if we can make it stricter after the public hearing. So--"

Supervisor Cardinale: "Yeah, we can, John. The reason we made it 250 is that it would be less restrictive at 500 than 250, so we can go up, we can't go down. So it depends upon where the board comes together on this and it may not come together at 250.

This would capture those contracts made by the town of Riverhead in excess of \$250,000 but it could be that we don't have agreement on 250 and it's higher at the time we consider passage."

Kevin Soyka: "\$250,000 is a pretty low number and, you know, that's just any (inaudible), it's going to cost you 250 minimum--"

Councilman Dunleavy: "We're not doing away with it. It's just municipal buildings. So anybody that wants to go into an apprenticeship program, can go into an apprenticeship program. So, you know. I think you think we're saying we're going to do away with it. We're not. They're good programs and they're here to stay. It's just that the- "

Kevin Soyka: "Just keep in mind that they're good jobs, very good jobs, good wages, you know, it's the whole package, you've got extremely good benefits. You've got a retirement fund, health benefits, the whole nine, and I don't think there's enough apprenticeship programs- I don't think enough contractors out there to go for apprenticeship programs. To go for union contracts I should say, whatever, and I think it's a good idea."

Supervisor Cardinale: "Thank you. Next comment, please."

Dave Soyka: "My name is Dave Soyka. I'm the apprenticeship coordinator for Asbestos Local 12 in New York City and Long Island, and I'm in charge of training the apprentices that you're talking about. And one thing you have to keep in mind which, whether you know or not, is that the union factor that we have an apprenticeship program, a four year program, that maintains 160 hours of training, classroom training, every year for a four year program.

The non-union factor does not have that. They have programs certified by the Department of Labor in the past that have been de-certified because it was proven that they did not follow the guidelines.

So just as far as the training factor goes, a union job is 99 times out of 100 a better job. You're getting a much better quality job. And like my son there, that's my son, and I'm from Riverhead also, and we've got three boys that are involved in all this. And I'd just like you to give that good consideration and union is good for everybody, and the training is above and beyond what the non-union factor gets. Thank you."

Supervisor Cardinale: "Thank you. I want to point out two things, correct me if I'm wrong, Dawn. One is that this would capture the contracts depending upon the level of a certain dollar amount that the town enters into.

The second is that it would require the contractor to have an apprenticeship program as set forth in the law. It doesn't have to be a union apprenticeship program. It could be an apprenticeship program sponsored by any other contractor and, in fact, there are more of them than there are of union programs as I understand it.

The third thing is, the town of Riverhead, and you know more about this than I, the town of Riverhead when it does its contracts for anything, has to pay prevailing wage rate. So you are going to have to pay the prevailing wage rate anyway so the question is you are going to pay it whether the people have been-- received the benefit of an apprenticeship program or not as I understand it because you are required to do that.

This would say and while you're at it, as long as we're paying prevailing wage rate anyway, we want to encourage that all contractors over a certain level job have an apprenticeship program available. Doesn't have to be union, it can be contractor sponsored."

Kevin Soyka: "That's what I was getting at is that the union contractors are better trained--"

Supervisor Cardinale: "Oh yeah, I've seen-- I know what you're saying because their programs are well respected."

Dave Soyka: "We have like I said 160 hours a year that goes on for four years just with our trade alone and we have other trades and it's for all the building trades, unionized building trades, not just us. Thank you."

Supervisor Cardinale: "Thank you."

Kevin Soyka: "Just one comment. You said that there's more non-union apprenticeship programs than there are union. That's because there's only 15 building trade unions and every one of them has an individual craft, you know, so they have their own apprenticeship."

The non-union, every- it's all contractor sponsored. Like you just said. Big contractors. Every contractor, you know, so and so mechanical company has his own apprenticeship program, the next mechanical contractor has his own program. So just keep in mind that if they're all the same, you know the 15 building trade unions, they're all very well run. Every local around the country has basically the same program. It's the same trade. Everything else, the non-union aspect, you know, whatever they feel like training basically. You know, they train their trade but it's not the same as the next job's apprenticeship program. It's not, you know, so-

Supervisor Cardinale: "They may be more numerous but your point is you don't believe they're as good."

Kevin Soyka: "I don't want to say they're not as good but with the union you get a real good job. You get a quality job."

Supervisor Cardinale: "Okay, thank you. Yes, sir."

(Inaudible) - with Chesterfield Associates: "Supervisor Cardinale, you brought up a good point. All the contracts that are put out by the town of Riverhead are required to pay prevailing wage. We have stayed non-union since 1968. I'm the son of my dad who started this business. We've done a lot of work for the town of Riverhead as well as Suffolk County, New York State, and many other municipalities."

But we are required to pay our employees the same rate and the same benefits as any union employee and we train our men well. I have 40 employees, most of which have been with us for over 10 years. Many of them started at 19, own their own houses now, are licensed crane operators, CDL drivers, dock builders, all of them trained through just learning to go up through our business and we have one approved apprenticeship program, which is a labor program. We're trying to get through the operator apprenticeship program which is an arduous routine through the state. We have yet to be approved and we're fighting with them to get their personnel up to speed with us."

For us, as a non-union contractor, we would have to have probably 12 different apprenticeship programs as one contractor because our men do many different tasks during the day. And they're all trained in those tasks specifically so for us to go through that program on a job that's small as a \$250,000 contract with the town of Riverhead, a local east end contractor having 40 employees out here would get paid the same amount of money as a union contractor, it's just a very arduous situation for an east end town.

We're not in Hempstead where things are much bigger, larger and, again, we've been in business since 1968 and this would put a very large burden on our employees as well as a lot of other local contractors who I see here tonight. There's many, many contractors here tonight that are non-union because we are a local east end town with family owned businesses, and this would put a big hurt on our guys.

I mean a couple of my employees have showed up tonight, I see employees of other local businessmen. This would be a hurt on them. I've done a lot of work for the town of Riverhead in addition to East Hampton, Southampton, Suffolk County, the State and we are trying through the State to obtain these apprenticeship programs and still maintain the quality of work that we do and our men getting paid the prevailing wage. And it would just put a hurt on a lot of our local guys."

Supervisor Cardinale: "Yeah, I understand what you're saying and I'm aware of the issue but I think Bob Panchak behind you is going to make the same point among others. However, are you a member of ABC?"

Chesterfield Associates: "Yes, we are."

Supervisor Cardinale: "And what I've never been able to understand is why they don't run the programs for the contractors that are their members instead of leaving you to bear the burden you just described."

Chesterfield Associates: "I would leave that comment to Ruth Mulford (phonetic) who I see here. My partner, Jeff Gruby, in Chesterfield Associates is a very active member with ABC and he's on vacation tonight. I'm not as much involved with that, but Ruth Mulford I'm sure will speak this evening as to that question."

Supervisor Cardinale: "Good. I'd like to hear the answer to that."

Chesterfield Associates: "Thank you."

Supervisor Cardinale: "Thank you, sir. Bob."

Bob Panchak: "Bob Panchak, Riverhead. First of all, I'd like

to say that I'm in favor of well lit asphalt."

Supervisor Cardinale: "You're in favor of what? I'm sorry, I missed that. Unlit asphalt, huh? Oh, yeah, that was that most recent hearing crack, yes."

Bob Panchak: "The- first of all, I'd like to ask, does the town of Riverhead have an apprenticeship program for their people?"

Supervisor Cardinale: "Does the town of Riverhead have an apprenticeship program for their people?"

Bob Panchak: "For their employees."

Supervisor Cardinale: "I'd love to have one. I don't think the union would like me to have one though because they are a civil service union that controls us so if we need somebody, we have to proceed to go through the union- go through the civil service procedure. I don't think they include apprenticeship."

Bob Panchak: "But as an advocate of apprenticeship programs, wouldn't you think- "

Supervisor Cardinale: "Yeah, advocated to civil service and they disregard what I say all the time. I don't think- if you want to hear what I'd like to say about the civil service system, stick around a while. And I think they should have an apprenticeship program because it would be cheaper and we could pay people while they're learning more appropriately."

Bob Panchak: "I don't think that's necessarily so because I know that when Newborn (phonetic) did 25 a few years ago, they had an apprentice on the roller but next to the apprentice on the roller was a journeyman, so you're not saving any money when you've got two people doing one person's job even if one person is only making a percentage of the full salary."

Supervisor Cardinale: "That's for sure."

Bob Panchak: "And the other day you had a carpenter was here and he's telling you how you can put all these people on but I'm sure they have a similar thing. They don't just send apprentices out and say go ahead. They have somebody that's watching them, not working, but getting paid. So that's not really a saving unless your apprenticeship programs are there to save people money. They're there for a purpose, and that's to train people. And you're not saving any money by having an apprentice."

Supervisor Cardinale: "Well, they do make that argument if you have a good project labor agreement, I think you'd have to be crazy to let a journeyman work beside an apprentice and pay both for the job, you know, for a job that could be done by one. If you had a good

project labor agreement, that wouldn't happen."

Bob Panchak: "Well, if you're an operating engineer and you're an apprentice on a roller, you're not there by yourself."

Supervisor Cardinale: "Yeah."

Bob Panchak: "As the Supervisor of the town, I would think that you'd be looking for the well-being of the town and its residents. I don't know of any union contractors in the town though I don't know everybody, but I would think that the vast majority of contractors in the town are going to be non-union and as the Supervisor, I don't know why you'd want to cut all these people out of work and send all the money up west which doesn't really do the town any good."

Supervisor Cardinale: "Well, we just heard from a young man who was a member of the apprenticeship program. More importantly, this is not union apprenticeship, it's any apprenticeship program."

Bob Panchak: "Correct."

Supervisor Cardinale: "Take your pick; let ABC run one. I don't care who runs it. I don't even- I don't know which is better. But I do know that- I do advocate for an apprenticeship programs because they add safety and stability to the work force and that's in the interest of the public."

Bob Panchak: "I understand that and I don't think there's anybody that isn't trying to get an apprenticeship program but it's not something that you do overnight. It's something that you do in your lifetime."

Supervisor Cardinale: "Yeah, but that's why I want to talk to ABC. Because when was the law passed which I had nothing to do with, it was a state law that got passed five years ago, I think, and what's happening over that period- not a lot."

Councilman Dunleavy: "Bob, can I just ask you one question?"

Bob Panchak: "Sure."

Councilman Dunleavy: "It's for my clarification. Do you have an apprenticeship program? You did have one."

Bob Panchak: "We are in the process of- all our paperwork is in Albany."

Councilman Dunleavy: "Okay. Now, if you have a program but you don't have an apprentice, does that mean that you cannot bid on a town job? Because you're a small job, you may have an apprentice for four years and then he becomes an operator and you don't have any room for another apprentice- "

Bob Panchak: "Correct. Right now we have a guy who is finishing up his operating apprenticeship program. If our apprenticeship program gets approved, we will- he will be an operator. However, the law says that you have to maintain this program which means that we have to put somebody else in the program. We only need two operators. We need a spreader operator and a roller operator. So what do I do with the third guy? I have no use for the guy. But in order to maintain my program, I have to hire somebody that I have no use for or fire somebody else."

Supervisor Cardinale: "Which is why ABC and these should be running your program."

Bob Panchak: "Correct. Thank you."

Jeff Delandro: "Hi. My name is Jeff Delandro (phonetic), property owner on Roanoke Avenue. Also, I'm president and owner of Ocean Electric Corp. based in Southampton. I have an apprenticeship program that is sponsored through ABC. I have three apprentices there now. It's a very good program. I just don't think it's right for the town to, again, there's a prevailing rate structure that's already costing the town taxpayers additional dollars that's been forced upon us previously."

I don't think there's need to mandate, even though I have an approved apprenticeship program, that would maybe give me a competitive advantage. But I'm really not looking for a competitive advantage. I'm looking for a fair playing field. And I don't think it's right to mandate, have the town mandate, that, you know, small east end contractors- I happen to be a fairly good size contractor, but the smaller competitors I have, I don't think it's right to say- close the book on them.

You are really just looking to get larger contractors from the western part of the island to come out and do this work. What I'm saying, I don't think \$250,000 is very much money. I mean we have houses that we're doing that are over \$250,000 just on the electrical portion. So it just doesn't make sense.

The other thing I would also say is I've been doing this trade for 24 years and I will tell you, I think I have some of the finest craftsmen that have ever been on Long Island and we do incredible work and I would say that that's why you pay engineers, that's why you pay people to do quality inspections and the good companies are going to be the ones turning out the good work.

So I think we do an excellent job, but in my opinion, I don't think you need to have to mandate an apprenticeship program and certainly \$250,000 does not seem like a very, you know, it doesn't seem like a lot of money. It should be at least a million dollars in my opinion, but I'm not sure if it's even needed. That's just my

opinion."

Supervisor Cardinale: "Thank you. Appreciate it."

Bob Panchak: "Thank you."

Supervisor Cardinale: "That's what it's for, this hearing, to express your opinion and your reasoning. Yes, go forth."

Christopher Kelly: "Good evening, members of the Town Board and Mr. Supervisor. My name is Christopher Kelly. I am a training director for the Joint Apprenticeship and Training Committee for the Electrical Industry of Nassau and Suffolk County.

For a matter of record, I would like to read from Article 23, Section 810 of the New York State Labor Law, that's entitled Statement of Public Policy. Skilled manpower constitutes a great resource in this state. Apprenticeship programs through supervised training and education develops skilled craftsmen and help meet the increasing needs for such workers in the state's labor force.

The continuing development of skilled manpower is essential for individual self-realization and for an expanding industrial economy. To these ends, it is declared the public policy of the State of New York to develop sound apprenticeship training standards and to encourage industry and labor to institute training programs.

The mission of the Joint Apprenticeship and Training Committee for the Electrical Industry of Nassau and Suffolk Counties is to develop and educate the members of the IVW ensuring and providing the electrical industry of Long Island with a sufficient number of highly trained skilled workers to meet any challenge that currently exists or may exist in the future.

The apprenticeship consists of on the job training and related classroom instruction. This assists the apprentice in learning the theory of the work processes and other trade knowledge which is not conveniently or economically taught on the job location.

There are advantages of apprenticeship. Apprentices are employed workers, they are indentured to a sponsor and are given regular wage increases and diversified training. They learn the how along with the why of their trade. Apprentices are paid fair wages while they learn and they learn a skill that lets them and their family enjoy a good standard of living.

Make no mistake. Being an indentured apprentice, certainly has its obligations. It is a no nonsense system. The apprentice must get to work every day and on time, any non-compliance will result in the apprentice being placed on probation or suspended or terminated from the program. They must attend school and maintain a passing grade or suffer the same consequences.

The apprentice must dedicate his or herself to the term of the apprenticeship and must learn the trade to the best of their ability so they can become an asset to themselves as well as the industry they belong to.

On behalf of the electrical industry of Nassau and Suffolk Counties, I, Christopher Kelly, training director for the Joint Apprenticeship and Training Committee, fully support the proposed change to the building code requiring contractors to have a registered and approved apprenticeship program in accordance with Article 23 of the New York State Labor Law for projects \$250,000 or more.

I would, however, I would like to see the threshold lowered to \$100,000. I'll tell you why. In my opinion, job site safety, safety, we heard about safety before— safety should never have a price tag attached to it. Each New York State registered apprentice is required by law to receive safety training, mandated classroom related training as outlined in their appendix A and B of the State register that they are registered with.

With regards to on the job training, they are required to have topics on safety awareness, safety process, process safety management paperwork, job site conditions. Within the classroom, the related instructions require them, New York State law, to have safety and health awareness; OSHA safety awareness, fall protection, confined space, ladder safety training, asbestos safety, first aid and CPR requirements.

It is the obligation of each program's sponsor to provide OSHA safety training. A sponsor's failure to comply with this training would result and jeopardize their program.

In conclusion, by requiring contractors have a State registered apprenticeship program, the town of Riverhead is, in fact, creating a safer work environment for all workers involved as well as the public that they would be serving."

Supervisor Cardinale: "Thank you. Appreciate the comment. Next comment, please. If there are no further comments, please, all right, then— those of you who wish to make comment, if you can get ready to make the next comment, I'd appreciate it so we can move to the next hearing which we'll complete. Yes."

Bob Terry: "Is it your intention, the whole purpose of this, to have a safer workplace?"

Supervisor Cardinale: "I think the— yeah, the purpose of it I think it set forth in the preamble to the State law that he just alluded to which is safety stability within the workforce are two prime components."

Bob Terry: "If safety is the issue, why not make it as it is on many of our federal contracts, (inaudible) on your worker's comp to be below 1.5 or 1.25 or 1. If you're really looking for safety, look at the track record of the people you want to have hired and just make that a requirement.

I'm a Riverhead contractor, Bob Terry. We just worked for you at the Riverhead waterfront. We have an apprenticeship program, the only one in the town of Riverhead that's approved. We wouldn't have been able to do that job for you because they would have had to have a carpenter's apprenticeship program, operators, laborers, masons, dock builders, electricians. We're a small company, too. We couldn't work for you. I'm a local company in Riverhead. I wouldn't be able to work for you.

This is a very serious problem. We're running out of towns that we can, you know, I mean the east end is where we're from and I don't understand why you would consider this. I don't get it."

Supervisor Cardinale: "Why are you unable to run a- "

Bob Terry: "I have an apprenticeship program for the primary trade that we employ which is operators."

Supervisor Cardinale: "Right."

Bob Terry: "We have it. But on a job like the river front, we have carpenters that work for us. I don't need to train new ones. I can't have a carpenters apprenticeship program. I don't have the need for new carpenters."

Supervisor Cardinale: "Which is again the reason why- "

Bob Terry: "ABC runs my program. ABC runs the program- "

Supervisor Cardinale: "Then why not have a program for each of the skills? Why not have a program or go to ABC for those workers from a program for each of the skills instead of just one?"

Bob Terry: "You would need an apprenticeship program recognized by the Department of Labor. It is a long process. We went through it. ABC provides the training, they cannot- they're not a union. The only one allowed in New York State to provide it for a number of contractors is to become a member of a union and then you can fall under their blanket and call up and get whatever trades you want.

That actually doesn't provide for a safer workplace because you end up with guys who work together maybe once every five years. They're not a crew that's together every day. My crew which many of you guys know, worked together for years. Now one day they may work as a laborer. The next day they may drive a bulldozer. They're very skilled. Ken Testa and Christine have worked with my guys. They know

them. I mean we have a good crew as so my competitors here.

We're a local people, small contractors, that's how we work. If you've got to get off the machine and shovel the tracks out at the end of the day, you don't need a laborer.

We did all the landfills on the east end here. The last one we did, we were a million dollars lower than the next bidder because my guys get off the machine and they do the laborer work, too. Did I need another program for that? I would if I was in Riverhead, if you approve this.

You're going to put out a landfill soon. You're going to pay millions more if you can't get prices from the other people in the room here. I mean it's the bottom line, you will. Not because we're not going to pay prevailing wage. We've checked on every single job. Your people in the town here know. Every one of us that works here, we pay the prevailing wage or we wouldn't be allowed to work on jobs.

But we're not going to be able to do your work. Your cutting us out. I don't understand it."

Supervisor Cardinale: "Thank you."

Bob Terry: "Okay."

Supervisor Cardinale: "Yes."

Kevin Surrantoni: "Good evening. My name is Kevin Surrantoni (phonetic). I'm the president of County Pneumatic Controls. We're a small local contractor. We've done business in the town of Riverhead for the schools on public works contracts in the past, many other public works projects on Long Island.

I think that this law in effect has gone into effect in Huntington town and Suffolk County Department of Public Works, in Nassau County, and the end effect of this law is that it just basically becomes a union versus a non-union thing. Now there are some contractors in non-union who have programs but in effect what happens is a job rolls over and becomes a union job and then the non-union contractors are locked out.

So in effect by doing this, you're locking guys like us out who are local small operators who either can't afford an apprenticeship program or have been denied an apprenticeship program from the Department of Labor because we don't fit into their exact categories that they have. We happen to be a specialty trade and we're split among plumbers and electricians, somewhere in the middle. We can't get a program in both trades and they've denied us as a- recognizing us as our own individual trade.

So again like the other guys have said, you're locking us out.

Why? Not that there's anything wrong with apprenticeship programs and training in general. We don't have anything against that. It's just by putting this requirement, it locks a lot of the competition out. And especially small local businesses who employ local guys."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Kevin Surrantoni: "I have one question to clarify. Is it to the contract specific like the mechanical contract or the electrical contract, or is it the aggregate of this whole project, this \$250,000?"

Supervisor Cardinale: "The definition of a contract under the proposed law is any contract to which the town of Riverhead shall be signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation or demolition of any building, facility or physical structure, including sidewalks and roadways."

Kevin Surrantoni: "So it's the individual contractor- "

Supervisor Cardinale: "With a value in excess of \$250,000."

Kevin Surrantoni: "So the individual contractor."

Supervisor Cardinale: "So any contract- it's any contract which exceeds 250, not- so it would have to exceed 250 in order to be captured, any individual contract."

Kevin Surrantoni: "Just allow me to speak to the issue of training without an apprenticeship program. We've been in business for 30 years in East Quogue and we train our guys on a weekly basis. In order to be on a prevailing wage construction site in a specialty trade and compete with the union contractors, our guys have to be trained. If they were not well trained, we wouldn't be able to compete. If we don't have an apprenticeship program, that means we have to pay full wage to every man on the job. If they were not trained adequately, we'd be out of business. This is what we do."

So I'm just speaking to being able to train without a New York State approved program, is a real reality for us. And it's a forced reality. They won't give us a program. And I think we are representative of a lot of other small contractors out there. I don't know if you've dealt with the Department of Labor, but they're very difficult to deal with and your odds of getting approved as a small contractor if you're not union are very low."

Supervisor Cardinale: "In other words, they have to certify your program."

Kevin Surrantoni: "Absolutely. And my understanding is who sits on the board up there is all or mostly union representatives, on the apprenticeship council or whatever they call it."

Councilwoman Blass: "I have a question."

Supervisor Cardinale: "Yes, Barbara."

Councilwoman Blass: "I have a question but not necessarily directed at this individual."

Kevin Surrantoni: "Thank you."

Councilwoman Blass: "What happens when we have a change order that exceeds the threshold and the original contract was not, you know, was under the amount and we have a change order which happens on a regular basis, that actually pushes it over the threshold? What happens in that situation?"

Councilman Densieski: "It's got to be the contract (inaudible)."

Supervisor Cardinale: "Yes. I imagine- I think, but you can get- if it's valued in excess of 250 it's going to be captured, so if it wasn't captured initially, you're not going to be able to do it for 10,000 and then add a change order for 300,000, it's going to be captured by the change order. As soon as you go over 250, you're going to capture it. That's the idea."

Councilwoman Blass: "Yeah. But then a contractor would start and then not be eligible afterwards? I'm not sure I understand how that would work."

Supervisor Cardinale: "I think- any cutoff is going to have that problem. Make it a million and you'd still have that same problem. The minute you go over, you're going to be captured. Yes?"

Todd Panser: "My name is Todd Panser (phonetic). I'm president of Panser Demolition and Contracting. We're a family run business out of Bay Shore, over 75 years in the demolition business. I'm a part of ABC, I'm the chairperson this year and, yes, we believe in apprenticeship. We believe in training. But according to New York State Department of Labor, they have no apprenticeship training for demolition."

We do the demolition of 12 different trades so that means I would have to have 12 different approved programs for my employees which would make it virtually impossible to train any one of them in these programs. And all this is going to do is monopolize on the unions so that the unions will then push the non-union firms out and then the prices are going to go up. So then the taxes are going to go up.

And here I'm a Long Island based company that wants to stay on Long Island and we want to see costs go down, not go up. So by passing this ordinance, it's going to just push out the non-union firms."

Supervisor Cardinale: "Thank you. You are serious in saying that a demolition firm, they don't have an apprenticeship program in demolition work- "

Todd Panser: "No. We do demolition of carpenters, masons, electricians, HVAC, we do everybody's demolition."

Supervisor Cardinale: "You demolish all those aspects of a building?"

Todd Panser: "Yes."

Supervisor Cardinale: "And they want you not to be training as apprentices in demolition but in all the other parts of the building you're destroying? That would be idiotic if I ever heard anything."

Todd Panser: "No, because there's no demolition- there's no demolition per se apprenticeship program."

Supervisor Cardinale: "So their solution at the Department of Labor is to make you have a program in all of the trades?"

Todd Panser: "Yes."

Supervisor Cardinale: "That's really bizarre."

Todd Panser: "Yes, it is. Thank you."

Supervisor Cardinale: "Thank you."

Mike Sypher: "Good evening. Mike Sypher (phonetic). I'm a small contractor on the east end. I agree also that this law or (inaudible) should be abandoned because the apprentice training program is a very difficult program to be a member of especially if you have a workforce on 10 employees where all your force does a lot of different things, labor, operate, drive trucks, you know, shovel asphalt, masonry work and so forth. And I don't think the apprentice training program accommodates any of those kind of small contractors.

In addition when people want to learn to do a trade, I always thought to go to school and learn, not at the expense of the contractor or the taxpayer. All right? If there are programs in a company for learning, that's at the employee's choice to do so at the apprentice rate if possible or the regular rate. So, I don't think that any regulations should be passed regarding education for a small contractor in a small municipality.

If a town wants to regulate an apprentice program for municipal work, that may be a little more justified. But in the same token, private work is private work and it should not be jurisdictioned by a municipality."

Supervisor Cardinale: "Okay, let me make clear, we already had that one. That was an exciting hearing. This does not apply to private work. This would apply only to contracts in which the town is the signatory. We did consider and rejected the proposed law that would have controlled private work in excess of- "

Mark Sypher: "Was it 250,000?"

Supervisor Cardinale: "Yes, 200,000 square feet as was passed in Huntington."

Mark Sypher: "Okay."

Supervisor Cardinale: "We considered and rejected that as a board. But this is only government contracts for the town of Riverhead where we're the signatory. That is the only thing that is affected by this."

Mark Sypher: "Well, in the same token, it still stands that, you know, it's a major burden for these apprentice training programs. And if ABC could be approved- could be approved a blanket training entity by the state and the town could help do that, that might be a solution for some of this. I don't think any of us are opposed to that if we could meet the requirements.

But like other people said, it's a near impossibility to get approved by the state Labor Department if it's going to work. Maybe the town should be looking at hiring more local contractors in a local town versus apprentice training programs. And that would be more beneficial to the town, the taxpayers, local residents, and employees of the town wherever they may be in this local region.

So I'm definitely against the support of this law and I believe it should be, you know, not considered. Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Yes."

Kevin Soyka: "Just because you hire a union contractor doesn't mean that they're all western, you know, that they all come from the west. I work for a shop in Wading River that only bids work basically in Suffolk County. We work- I work all the way from Montauk all the way to Melville. You know, I really don't go past 110. But I work in Riverhead all the time, I work around this area. Just because you hire a union contractor doesn't mean that they're all western.

I know of three insulation contractors, we're a specialty trade, that's all we do is insulation. There's two in Shoreham— there's one in Wading River and one in Shoreham and I know of one in Jamesport which is in Riverhead town obviously, so and they're all, you know, union apprentice trained employees. And a lot of them live in Suffolk County. A lot of us live in Riverhead. I know of a lot of guys who live in Riverhead and also we're not all big jobs. You know. There's shops that got two guys, shops that got 35, 40 guys, you know. So, just because you— "

Supervisor Cardinale: "Thank you. Yes, come up, please."

Ruth Mulford: "Good evening, ladies and gentlemen of the Riverhead town Council. My name is Ruth Mulford, I need a stand, step, I can't see you, but as you know I've spoken with you before and I'm happy to be able to be here again tonight with you on this very important issue.

I'm as I said, the Regional Vice President of Associated Builders and Contractors, otherwise known by most everyone here, I guess, as ABC. ABC is a nationally recognized merit shop organization with 24,000 member companies nationally. On Long Island, we represent 175 member contractors.

But I'm really here tonight to speak to many contractors in this room that don't belong to ABC but have the same issue and that is the issue of whether or not they're going to be shut out of work in the town of Riverhead.

It's really no secret that there's going to be a lot of work in the town of Riverhead, a lot of work, everybody knows it, and merit shop is a phrase that was coined by ABC and it really means that work is awarded to contractors based on merit. In other words, the best and most reliable price and the one that can do the work most reasonably and get it done on time and under budget, should get the job. It shouldn't be based upon union, non-union affiliation.

And just to dispel a few myths. ABC is not strictly non-union. We have both union and non-union shops involved, some are in this room, with ABC. The fact is that the majority of the members of ABC are representative of the owners of companies who you've heard from tonight so, therefore, we often end up on opposite sides of the table when it comes to all the issues of work rules and so forth.

But, what we're concerned about, we have for over 40 years in New York State had a registered approved apprenticeship program in many, many trades. There are 60 apprentice trades in New York State that are recognized, 60 apprenticeship programs that can be applied for by independent contractors.

And it's interesting, Mr. Supervisor, that you felt it was foolish to have to have 11 different trades represented in one

company. That's also true for the HVAC companies, the companies that do the heating, air conditioning and ventilation. That would seem simply enough for electrical, plumbing, sheet metal. It isn't. There is no recognized trade for HVAC. So if a contractor happens to do like ultimate power, let's say, the owner of which lives in Baiting Hollow, if he wishes to do a job he has to have apprenticeships in four different trades. So that's fairly common.

Kevin mentioned earlier the fact that County Pneumatic will not have an apprentice-able trade for him so he won't— not only will he be (inaudible) of work but there's no way he can improve that situation because there is no recognized apprentice-able trade to apply for. So that's a big concern.

ABC as an organization is not a union, therefore, we cannot at this point have our own apprenticeship program. JAC, which is Joint Apprenticeship Council, we're not allowed to do that. So what that means is in reference to the Department of Labor, that each individual contractor who wishes to have an approved apprenticeship program, to meet the law should you enact it, is they would have to go through what is currently a four to six month process seeking approval for the right to indenture an apprentice.

That means (inaudible) for anybody in this room tonight that does not have an approved apprenticeship program, if this law is enacted, all of you who work for the town of Riverhead as supervisors or DPW, whatever department, forget about your bid list because it's going to be new and it's going to be new because in the town of Riverhead there's only one contractor, in the town of Riverhead, non-union, to have an approved apprentice program.

That's different from the unions. The unions automatically by being signatory, a company automatically has a program. And I hate to bring in this union, non-union thing, but it's unavoidable in this case and obviously it's on everybody's mind. The issue— it's not about prevailing wage, it has nothing to do with prevailing wage. Because if it's a town contract, everybody has to pay prevailing wage or they can't bid on the job. That's a conscious decision. It is not a conscious decision nor is it necessarily within the power of the individuals to get an apprenticeship program.

We would love this law if it were not wrong. We would love it because it enhances our school. We have had a wonderful program. We started it after Gov. Pataki in 2001 signed legislation that enabled municipalities such as Riverhead to enact legislation requiring this.

We started immediately with programs. We have programs now at Suffolk Community College, we have programs in Ronkonkoma. They have a wonderful program for Latino folks in the Long Beach area, Westchester Community College, all over the state. We have no objections to an apprentice program.

There are other means of training. What you're enacting is

legislation that requires a very specific type of apprenticeship training program that is discriminatory. It discriminates against minorities, it discriminates against small businesses. That's a big concern for ABC. We have many of those within our ranks and so we are very concerned about that.

You need to know that, yes, in actuality 75% of the contractors in commercial construction in New York State, 75% are non-union; 25% are union. Why would you enact legislation that cuts out three-quarters of the population of the county, the town? Why would you do that? It doesn't make sense.

As I said, there's only one contractor currently, the site developer, he's already spoken tonight- right there. Okay. Terry, right? Okay. In all of the east end, which is Southampton, Westhampton Beach and here in Riverhead, there's three. In all of Long Island, there's 40. All those people are going to be cut out, (inaudible) will be cut out off your bid list.

So we've seen this in the past, situations where this kind of legislation is enacted and all of a sudden the DPW guy realizes his budget has been blown to you know where. Now the prices have gone through the roof, the budget that was submitted in January is no longer valid because the prices have escalated.

It's not about prevailing wage. Apples and apples. It's about work rules. If you spoke- "

Supervisor Cardinale: "Would you address your remarks to the board and would you also address them to the text that we're considering."

Ruth Mulford: "Okay. Consideration of local law, Chapter 52."

Supervisor Cardinale: "Yeah. Is there anything in the text other than- obviously you don't want us to pass it. Any changes you'd like us to make if we do?"

Ruth Mulford: "I called this morning and asked for a copy of the text and was told there wasn't any."

Supervisor Cardinale: "Well, you should look in the paper because it was advertised."

Ruth Mulford: "I did look- "

Supervisor Cardinale: "And incidentally, just to clarify. You said in your remarks that this has to do with doing business in the town of Riverhead. It has nothing to do with doing business in the town of Riverhead. It has to do with doing business with the town of Riverhead. It only addresses contracts that we have.

And I would like to know, if you know, Nassau, Suffolk has already been acknowledged as having passed similar legislation in regard to their contracts and the majority of all the towns in Nassau and Suffolk County. So frankly, I don't see what's so controversial."

Ruth Mulford: "It's not enacted in all the towns. It's enacted where- "

Supervisor Cardinale: "Well, the two counties won't do business- "

Ruth Mulford: "Both counties. Yes."

Supervisor Cardinale: "Both counties will not do business unless you have an apprenticeship program pursuant to State law passed some five, six years ago and I would like a count if anybody has it of the towns, but this is no like we're reinventing the wheel here. This is- "

(Inaudible comment)

Supervisor Cardinale: "Well, you're talking about the five east end towns which encompass 110,000 people. But this would not affect the development at EPCAL, downtown, or anyplace else, because it only affects contracts with the town. Those contracts will not be with the town, they will be with the private developer.

And the other thing I wanted to ask about is somebody like you solve this for me. Everyone tells me when we discussed this issue that they all like apprenticeship programs and the good things it brings, the safety, the stability, the training, etc.

Everybody complaints that it's- that the Labor Department is pretty poor implementing this program. So are we to- the solution is not to pass this legislation. The solution is to get the Labor Department and the State of New York to properly implement the program. Everybody applauds the objectives of the program. It's the implementation that is the problem from what you're telling me."

Ruth Mulford: "I agree with you that there is a bottleneck at the Department of Labor and we have tried for many years to work with that and we have achieved some success. As an organization, we have been able to deal more effectively with our contractor members and we have (inaudible) that have helped the 40 some odd contractors who do have such a program and we have provided them with training. And then the issue of safety which really this isn't about.

First of all, as somebody else alluded to, you do have inspectors, building code enforcers that do these jobs of making sure that it's a safe work environment. I would like to see the statistics that show that the work that's been done previously in the town of

Riverhead was unsafe and, you know, how many injuries and fatalities or whatever were done on the east end. I really would like to see that, but- "

(At this time, the CD ended)

Supervisor Cardinale: "-- for demolition, you need to be trained in the 12 trade areas that you'll be demolishing. You're saying that in order- the union, under the present legislation, they have a program, they run it in 12 areas and you're saying that if they have a program, they run it in 12 areas that you don't have trained- you don't have people that have gone through the program?"

Mike Panchak: "Right."

Supervisor Cardinale: "Well, where do they go if they've gone through the program?"

Mike Panchak: "I have no idea."

Supervisor Cardinale: "I mean, the union keeps the people that it trains I presume in the union- "

Mike Panchak: "But that doesn't guarantee the union contractor that comes into Riverhead has anybody that has gone through the training. I got 10 years- I've got over 10 years- "

Supervisor Cardinale: "But it does guarantee, doesn't it, it does guarantee that the way that they get their employees is through- the employee that works to become a journeyman must have first been an apprentice and gone through an apprenticeship program."

(Inaudible remarks)

Mike Panchak: "I've got over 10 years in 1298, I've never seen a day in training. I've got no idea where the apprenticeship school is. I've got my card. The guy says be here 7:00 tomorrow morning; 7:00 tomorrow morning I'm on the side of the road in Lindenhurst. I never say a day of training. Nor does anybody that I know that's been in the union, with the exception of a couple of young carpenters and one woman who's sitting on the roller, nobody in the union that I know has seen a day of training or knows where the apprenticeship hall is. You're not getting better guys and safer guys."

Supervisor Cardinale: "The gentleman behind you may want to address that, but that would surprise me that if you're going to train apprentices, it strikes me that you've got to put them out on the job, that's one of the points here. That would surprise me."

Councilman Dunleavy: "Could I ask you a question, that gentleman?"

Mike Panchak: "Yes."

Councilman Dunleavy: "Okay, you're saying that the electrical union, what number it may be, has an apprenticeship program and they have three apprentices in that program and they have worked all over Nassau and Suffolk County and we have work. That apprentice may not come out to Riverhead to work on that job. He may be working someplace else, so that's not going to- we're not going to train anyone in Riverhead. Is that what you're saying?"

Mike Panchak: "I don't actually know about the electrical. I know- "

Councilman Dunleavy: "I'm talking about any union, carpenter's union, any union."

Mike Panchak: "Right. You're not guaranteed to get somebody that's been through the training."

Councilman Dunleavy: "Right. But they can substantiate that they do have an apprenticeship program."

Mike Panchak: "Right. They have a union apprenticeship program because they are members of the union. The union has it, not anybody that they hire. They don't have to have a certain percentage of people that they hire who are in it or that went through it, they're just grandfathered in because they are members of the union."

Councilman Dunleavy: "Right. Where a small contractor on the east end who doesn't belong to a union, they have to have their own apprenticeship programs."

Mike Panchak: "Right. They have to have their own and- "

Councilman Dunleavy: "Approved by the Department of Labor."

Mike Panchak: "Right."

Councilman Dunleavy: "Okay. So they have to have- they're not covered by a blanket."

Mike Panchak: "Right. And they have to continually put somebody through this program. It's not a one time deal."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Next comment. We've got an attorney in the front row is the next hearing, and I believe he's either unconscious or asleep. So- "

Dan Hilton: "Good evening, Town Board, Mr. Supervisor. My name is Dan Hilton and I'm from Wading River which is in the wonderful town

of Riverhead. I shop here, I buy my cars here, I buy my tires at Scotty's, I go to the Jamesport Kitchen, and every other wonderful restaurant in Riverhead.

I can't speak for the laborers but I know they do have an apprenticeship program. Another big safety thing they do is cones on the road and that's all I can say about them.

I do have a publication from New York State Teacher's Association. I gave a copy to Mr. Dunleavy earlier and I'd just like to hand it out."

Supervisor Cardinale: "Sure, just give it to the town attorney or the clerk, either one which is still awake, if either. George picked a good one not to be here for."

Dan Hilton: "This publication is given to every New York State teacher and it mainly talks about two school boards in upstate, Waterford County and another county, I can't think of the other name, but they did have problems with the small contractor and they embraced this language. And you've got to ask the question, why would they adopt this apprenticeship language?"

You have an educational system, in this case the school board, adopting an educational system apprenticeship language. It's to me a no brainer.

I think the concern here with the small contractors is Riverhead seems like the redhead stepchild. They don't have the apprenticeship qualifications in this area but the— how can I put this into words—the non-union to union is three to one in New York State so why is it such a problem out here when there is more non-union apprenticeships than union?

I also would like to say as the insulator mentioned, we have several high schools in this area, Riverhead, Shoreham-Wading River—Shoreham-Wading River and I might as well say Mercy, that there are young people that are not going to be able to go to college and having the town of Riverhead with this language, gives them an opportunity to work in the town.

I hope you would consider this. Thank you.'

Supervisor Cardinale: "Thank you. Next comment, please."

Tom Walsh: "Good evening. My name is Tom Walsh. We've spoken before at other hearings. I'm going to make this brief, I'm looking at the clock."

A couple of things. First off, to answer a question, Mr. Cardinale, that you had before. Why doesn't ABC do this? By the way, I represent ABC state-wide chapter. ABC cannot step into the shoes of

a labor union. ABC is not a labor union. It doesn't have the same legal standing as a labor union. ABC cannot operate a hiring hall in the nature of a labor union.

It would be impossible for them to approximate the same service that the union JAC that Ms. Mulford discussed before does. It could not be responsible in and of itself for all these apprentices and then just farm them out to different contractors on demand or on request. It's not geared to do that.

In addition, I don't think that it's appropriate for the town of Riverhead to take the position that it requires that a private organization undertake something that it's not really geared to do.

But besides that, even if ABC wanted, even if it could do this, there are, as Ruth said, about 60 apprentice-able trades in New York State. There are 15 different labor unions operating within the construction industry in New York State. Even with all- and each one of these unions has multiple locals throughout the State, with ABC you'd be talking about one organization operating 60 programs from Montauk to Buffalo and to Plattsburg. It's just not feasible. In fact, it's not even feasible for the unions because there aren't 60 apprenticeship programs in 60 trades throughout Long Island. There are trades that don't have any apprenticeship program domicile on Long Island, union or non-union. Plasters, painters, iron workers, just to name a few.

Also, as you heard from Mr. Terry, he has got the only program in the entire town, union or non-union. And his program is in I believe operating engineers- heavy highway- just operators, okay. What about the other 59? Even he can't do the work that other related fields would require an apprenticeship program for.

This law essentially tells the taxpayers of the town, we'll take your tax money to build it but we won't let you work here. I just think it's a bad idea. I won't waste any more time."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Let me ask you something before you go. Although you all make very good points, at the heart of your point is the argument lost when the state legislation setting up the apprenticeship program was passed, that program, number 1 in your judgment is flawed- "

Tom Walsh: "Which one?"

Supervisor Cardinale: "I would like to know when the apprenticeship program, the state legislation, was passed."

Tom Walsh: "Are you talking about the Pataki program a few years ago?"

Supervisor Cardinale: "Yeah. The one that started this whole apprenticeship initiative."

Tom Walsh: "Right. Right."

Supervisor Cardinale: "When was that passed?"

Tom Walsh: "Approximately 2003."

(Inaudible comment)

Supervisor Cardinale: "2001 okay. So, ultimately, I don't know what went on in Albany, I'm not there, half the time I don't know what the heck they do up there. But the bottom line of it is there was a battle in Albany. The legislation was passed. You don't like that legislation and you don't like the way it's implemented by the Department of Labor. But I can't control that."

Everybody here agrees that the concept of apprenticeship is a good thing."

Tom Walsh: "Right."

Supervisor Cardinale: "Why don't you go back and argue in Albany that they should change that law which passed the apprenticeship program. It's not apprenticeship you're arguing about, you're arguing about the program they passed is not a good program and probably you're right, but I don't control that."

Tom Walsh: "Well, Mr. Supervisor, it's- "

(Inaudible comments)

Supervisor Cardinale: "No. The Riverhead- the State program can be changed by the state, not by the town."

Tom Walsh: "The Department of Labor is not the problem. The Department of Labor is not requiring that Mr. Terry, you know, have multiple programs or Mr. Panser have 12 different programs. It's the actual municipalities that have this law that are requiring that. The DOL doesn't require that. The municipalities require that. Because that's what this law says."

Supervisor Cardinale: "That is not what this law says. It says nothing about that."

Tom Walsh: "Well, every other jurisdiction that has this law, applies it that way."

Supervisor Cardinale: "It says, the only thing this law says is that they should have an apprenticeship program appropriate to the type and scope of work to be performed registered and approved by the State Commissioner of Labor under the Article."

Tom Walsh: "You're aware that's not the way Suffolk County applies the law?"

Supervisor Cardinale: "I don't know what Suffolk County does. This is the law we're trying to pass here and it doesn't say anything like what you're talking about. It doesn't. It says what it says. You have to have an apprenticeship program pursuant to Article 23, not 14 of them, an apprenticeship program. And I don't know what the Suffolk County- "

(Inaudible comment)

Tom Walsh: "It says, by the way, the statute says to have apprenticeship agreements appropriate for the type and scope of the work to be performed."

Supervisor Cardinale: "Right. And really that's what you're- I'm leaving that to the definition of the State statute. And what you're telling me is that you're concerned about that because the state statute is poorly written."

What it says is just what it says. The town of Riverhead requires any contractor entering into a construction contract with the town, not in the town, with the town, who has- of any contractor entering into a contract with the town, to have an apprenticeship agreement- apprenticeship agreements appropriate for the type and scope of work to be performed which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State law and 103 of the General Municipal law."

Tom Walsh: "I'm half pleased to hear you take that interpretation, that you only need one program. But we've heard this before and there are- every other jurisdiction on Long Island, I believe, correct me if I'm wrong anybody else who knows, but who's adopted this law, takes the position that you've got to have every single trade. And it becomes impossible."

Unidentified: "They waive that when they find out that it's a million dollars more if they require you to have every trade but if you- and I've run into this, if you bid a project and then you have a contractor- and they have an apprentice program required and you are \$500,000 lower than the guy ahead of you, all of a sudden the citizens have to understand why the town board is forcing them to spend \$500,000 more and at that point, they will waive that requirement."

Supervisor Cardinale: "We'll look at that but I'm pointing out

that we're not requiring it. It's being required- it's interpretive or state law. I'll look at that if that's what your concern is. And I appreciate your comments. This is what a public hearing is for and I thank you for them. If there's no other comment, or there's one final comment, yes, sir."

Seth - Chesterfield Associates: "Seth, with Chesterfield Associates again. I just want the board to be aware that we are in contract with the State with two contracts right now, one just under two million, and one just over two million. Neither one of those contracts recently let by the State required us to have an apprenticeship program. So just because the State passes legislation, they did not enact it themselves at least for that size contract. I don't know anything larger. But, again, just under two million and just over two million, the State did not require this."

Supervisor Cardinale: "You know, Congress does that, too, at the federal level."

Seth - Chesterfield Associates: "Well we do a lot of federal work as well."

Supervisor Cardinale: "They pass laws and then they exempt themselves from their own laws."

Seth - Chesterfield Associates: "Exactly. So the town of Riverhead doesn't have to follow the State but we do a lot of federal contracts as well and it's based upon the merit- "

Councilman Dunleavy: "Can I say something before- "

Seth - Chesterfield Associates: "Thank you."

Supervisor Cardinale: "Yes. Angela- "

Councilman Dunleavy: "Before Angela."

Supervisor Cardinale: "Yes, John, please make comment. Angela, please make comment- "

Councilman Dunleavy: "I think that- and we're going back and forth whether the State law is correct or it should be modified. I just think we should not pass laws until the State law is corrected and so everybody would be on a fair and even keel as far as contract work is doing in the town of Riverhead."

Supervisor Cardinale: "Go ahead."

Angela DeVito: "Angela DeVito. I'm the work force development for the Nassau Suffolk Building Trades Council. And I think, and I would like the board as you contemplate this piece of legislation that's in front of you, to remember that several months ago there was

an article in our local town newspaper that interviewed several local small contractors that pointed out to the fact that they had a very, very difficult time securing and retaining qualified work forces.

The legislation that you are proposing would provide an opportunity to develop a qualified work force and meet that deficiency that they themselves pointed out.

The other thing is what you have before you is an opportunity to meet one of the continuous threads that has been present in this town council many, many times and that is the creation of jobs that have sustainable incomes for our young people. That is what apprenticeship language does. That is what those opportunities provide.

We are looking at and it has been pointed out that with the payment of prevailing wage and prevailing wage is a very sustainable income even at an apprenticeship level, in terms of creating a public policy that looks to the future of providing for opportunities for our young people in this town to either work on projects that the town has contracted with a contractor for or to continue to work elsewhere in either Suffolk or Nassau County, as a skilled worker, that is something that I think we have a duty to do and this is what I see this legislation as providing.

The other question and piece of information that really has not been forthcoming is how many jobs does the town of Riverhead on an annual basis let that are in excess of \$250,000 or even as Mr. Dunleavy has proposed, a half a million dollars, how many per year do we let, okay, so if they were let that given the provisions of this legislation, the actual impact, negative impact that has been suggested by local contractors here, how real is that. In the past five years, how many jobs have we let, okay, that have been over \$250,000. I think that perhaps that is something to look at and perhaps incorporate as you reconsider this public policy that's before you."

Councilman Dunleavy: "Angela, I think those interviews and John Stefans is here. He- with the landscapers because the federal government is not letting-- ",

Angela DeVito: "No, that is not- this was much earlier than John with- I believe, John, this was much earlier with small construction contractors. It was earlier- beyond the one- not the one that was recently run with problems on the east end."

Supervisor Cardinale: "Thank you. O'kay, I'm going to leave this open for written comment. Barbara is going to make a final comment."

Councilwoman Blass: "Just very quickly. We find on more than one occasion-- reviewed State legislation as a board was not

appropriate for us to enact, a situation where we would be doing something unusual if it were to turn out that this board was not inclined to enact state enabling legislation. On a regular basis we get requests from the Assembly- and we say- and we act accordingly. So it would not be- saying if even though there is legislation at the state level, if it's not right for Riverhead--"

Supervisor Cardinale: "That's no doubt true. I'll leave this open til Friday, the 15th for written comment. It's been helpful, it's been instructive- more than we did before and we'll be talking about it at the work session and deciding whether to proceed or not."

Public hearing closed at 9:55 p.m.
Left open for 10 days for written
comment to June 15, 2007

Supervisor Cardinale: "We'd like to call the sixth hearing which is scheduled for 7:30. It's five of 10."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you for being so patient. Thank you everyone for coming out."

Councilman Dunleavy: "Can we just pause a minute- "

Supervisor Cardinale: "Take two minutes to take a break and then I'm going to come back and Harvey is going to give us his presentation."

Meeting adjourned: 9:55 p.m.

Meeting reconvened: 10:03 p.m.

Public hearing opened: 10:03 p.m.

(The CD stopped working)

Public hearing - the change of zone petition of Miguel and Michelle Blanco.

Harvey Arnoff, Esq.
Councilman Dunleavy

Public hearing closed: 10:07 p.m.

Resolution comment:

John Guadagno - rep. Local 25

Mario Carrera - re Ray Coyne's position on civil service list

Jim Gaughram

John Dunn - Dunn Engineering

Linda Margolin

John

(New CD began - continued with comments on the resolutions)

Councilwoman Blass: "There were two individuals from the county that were at this meeting as well and they were impressing upon the town, the local municipality, to ensure that whatever improvements are necessary, even on the county highway, that we be very clear about what we think is needed and that the county of course has to approve the work, but that we should be requiring that- "

Rick Hanley: "But that's on the drawing. If you were to look at the drawings, you would see the improvements that we're requiring as well as the county. So by passing this resolution you are, in fact, doing that. You are indicating to the county what improvements you want to see on Route 58 in a graphic form."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Okay, except that do we have- do we have 20 conditions in here? I don't see the 21st is going to bother anybody if we conditioned this on a building permit- no building permit will issue until satisfactory- until the improvements to Route 58 are accomplished consistent with the plans and a subsequent request from the County of Suffolk. Because you're telling me this is going to happen anyway. So, therefore, (inaudible), is always nice."

Linda Margolin: "Mr. Supervisor, just so it's clear. It's one thing to have a plan in place to accomplish them. It's another to complete the improvements. New York State and the County typically don't want these improvements- "

Supervisor Cardinale: "I understand."

Linda Margolin: "-- until the project is essentially built. So if you did that, you would not- you would prevent us from going forward because we couldn't do the improvements before we pull a building permit. The question is do we have an approved plan, a highway plan that the county approves for County Route 58 and while we

do, and while they have the ability to change it, and while that is the process that 239 addresses and makes it preconditioned to our being able to pull a building permit, it doesn't mean that all of the construction on County Road 58 has to be completed before we pull the building permit."

Supervisor Cardinale: "I understand."

Councilman Dunleavy: "I think that if you condition a CO with that work being done, because that's going to be an ongoing work when they're building the parking lot, they will be making a cut away."

Supervisor Cardinale: "The language can be adjusted but I would like to- in view of what- we may be saying the same thing. I think what they're probably saying is and Barbara's just recent comment is that they want the planning departments of the towns to lay out in the plan, the site plan, what improvements to the roadway they want subject to the review of the county when they get their 239 application. Is it 239? I get that, but I still think that it couldn't hurt to put it in because we all agree that's what's going to happen."

Linda Margolin: "Then I would suggest you add a condition that requires the applicant to comply with the process set out in General Municipal Law 239K because that will encompass everything."

Councilman Dunleavy: "Right. And- "

Linda Margolin: "Or, Dawn, is it- "

Dawn Thomas: "K"."

Councilman Dunleavy: "Yeah, but also, Phil, this last statement during the course of the highway work permit process, other mitigating measures may be identified that will require additional discussions with the developer."

Supervisor Cardinale: "That's what they're saying."

Linda Margolin: "That's what- "

Councilman Dunleavy: "So we cannot say you have to do this when they may find other things that they have to do to continue on."

Supervisor Cardinale: "So we'll put some suitably general language in to confirm- "

Linda Margolin: "The applicant will comply with the review of the highway work plan required under General Municipal 239."

Supervisor Cardinale: "If that works for the town attorney- "

Dawn Thomas: "239."

Supervisor Cardinale: "It works for me."

Councilman Dunleavy: "You got that?"

Barbara Grattan: "Yes, right."

Dawn Thomas: "No building permit shall issue prior to the issuance of any permits required by the Suffolk County Department of Public Works as set forth in General Municipal Law Section 239."

Linda Margolin: "239, I think it is."

Supervisor Cardinale: "Okay, you can read that in as the 21st condition. Is there any other comment in regard to any other resolutions we're about to consider? Come on, please, Rick on this. Barbara had a question in regard to the May 8th letter and the adjustment- "

Rick Hanley: "March 8th?"

Supervisor Cardinale: "Yes."

Barbara Grattan: "The reference to that radius that was a confirmation that the map, that the site plan that was drawn was accurate with respect to not encompassing- "

Rick Hanley: "The radius is not on the state property. It is on the applicant's property or within the roadbed of Suffolk County."

Councilwoman Blass: "Okay. So there was no revision to the map itself. It was just not accurately stated?"

Rick Hanley: "The last map I looked at clearly shows that radius to be not on state property, the map that you're approving- considering this evening."

Councilwoman Blass: "And that's the one that we saw, the May- excuse me- "

Rick Hanley: "Whatever the date is on the resolution."

Councilwoman Blass: "Okay."

Rick Hanley: "Yes."

Supervisor Cardinale: "Jim."

Jim Gaugham: "The most recent site plan I saw which was I'm told is the one being approved. I have a piece of it here and it clearly shows that part of that radius is on state property. I can

present it."

Supervisor Cardinale: "I'd like to see the map."

Jim Gaughan: "Unless the map's been changed and I don't have the map."

Councilman Dunleavy: "I think we have to- I mean we have a plan- "

Rick Hanley: "The confusion is it's hard to see the property lines on the drawing. The radius appears (inaudible). Whoever is inspecting this map is not seeing the property line for the county roadbed. That's where the radius- "

(Problem with the CD)

Supervisor Cardinale: "Well we certainly do not intend to approve a site plan covering anything other than the developer's property."

Rick Hanley: "And the county roadbed."

Supervisor Cardinale: "So to satisfy Jim's concern since he's obviously trying to be a helping person so we get the plan as excellent as possible so that it will withstand any challenge, why don't we put that in? That we don't- "

Rick Hanley: "Sure, why not?"

Supervisor Cardinale: "-- this site plan shall not include- "

Rick Hanley: "Any improvement of any lands of the State of New York."

Supervisor Cardinale: "-- any land not owned by the applicant."

Rick Hanley: "Or the county. Because they're making improvements within a county roadbed."

Councilman Dunleavy: "Yeah, but we can't say that because they're going to make improvements."

Rick Hanley: "Well, if you're going to wordsmith this thing at tonight's meeting, then we should wordsmith it correctly because there are improvements to be made within the County roadbed clearly."

Councilman Dunleavy: "There are going to be improvements."

Rick Hanley: "Within the county- "

Councilwoman Blass: "That just speaks to the other issue that

this particular resolution as we all know, only came to us tonight on the dais as a corrected copy."

Rick Hanley: "Which was-- "

Councilwoman Blass: "The Wal-Mart resolution that we had was incorrect and we were given a correct copy this evening."

Rick Hanley: "What do you mean it was incorrect?"

Dawn Thomas: "The wrong draft was in there. But this draft was circulated prior to tonight."

Councilwoman Blass: (Inaudible comment)

Councilman Dunleavy: "Phil, we can't put that in because they're going to improve county-- the roadway."

Supervisor Cardinale: "So you can say you don't want to improve a state road-- state property."

Councilman Dunleavy: "Right."

Supervisor Cardinale: "Which is what the question is. We're not covering anything that is state property."

Councilman Dunleavy: "Right."

Supervisor Cardinale: "Site plan does not include any property of the state."

Linda Margolin: "Mr. Supervisor, I just want to say this site plan resolution has been before the town board for some time, although I understand that someone asked between yesterday and today, to have condition 19 added. And it was done by someone on the board, I presume, and that was-- added a particular condition about the easement. But in all other respects, this resolution has been unchanged for some time. And we've been here a number of times hoping that you will reach this."

Councilwoman Blass: "All I'm saying to you is that the resolution that we're being asked to consider tonight is-- we received it tonight on the dais. There were various iterations of it prior to tonight but when we talk about wordsmithing, you have to read it and be reading the correct one in order to know that you agree with it or not and we're doing that in the course of the meeting which I believe is very unfortunate considering the complexity of this issue."

We should have a resolution like this well in advance. Yes, we did have versions of it. It's not the version that we happen to be considering this evening. It was handed up at the beginning of the meeting. It's just a point of fact."

Supervisor Cardinale: "The more- "

Councilwoman Blass: "That's true. We all witnessed it. It was the incorrect one, Rick."

Rick Hanley: "I don't know anything about that."

Councilwoman Blass: "All I know is- "

Rick Hanley: "That was not handed to you tonight. It was in the package."

Councilwoman Blass: "I'm sorry. Dawn handed us- this evening."

Dawn Thomas: "Today."

Councilwoman Blass: "On the dais."

Rick Hanley: "Also, I think the board should recall that this resolution was drafted a long, long time ago and but for a glitch in our TDR ordinance, this thing has been around for a long, long time."

Councilman Dunleavy: "I don't think this is a place to argue this. I agree with both of you and, Barbara, the one we got was the wrong one, but I mean that's unfortunate but that should be taken up at a different time and find out why we did get the wrong resolution."

Dawn Thomas: "It was my fault."

Councilman Dunleavy: "Huh?"

Dawn Thomas: "It's my fault. The reason you have the wrong one in the packet is my fault today. It was an old version that copies for some reason but the version that you have tonight has been circulating for a while."

Councilman Dunleavy: "Okay, all right."

Councilman Densieski: "You're the only person that ever owned up to making a mistake."

Councilman Dunleavy: "That's right. See that, there you go. Thank you very much."

Dawn Thomas: "You're welcome. I take full responsibility."

Councilman Dunleavy: "So I mean it's unfortunate but I think this has been going on for years now and I think we should come to a conclusion. We have a planning director who's been here for 30 years who has looked at this site plan at numerous times, has recommended- and I don't think we should micro-manage his department. He is the

department head and he works for the town and we should trust him to look at these things and give us the correct information.

If we have other difficulties with that, that should be taken up between the supervisor and him at a different time."

Supervisor Cardinale: "Okay. Any other comment in regard to any other resolution we're about to consider? If not, I'd like to consider the 45 resolutions before we grow any older. Barbara, you want to call- go right ahead."

Resolution #514

Councilman Densieski: "Town of Riverhead Community Development CDBG 2005 budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #515

Councilwoman Blass: "This is a budget adjustment in connection with test well construction. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #516

Councilman Densieski: "Town of Riverhead construction of test wells for the water district budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #517

Councilman Dunleavy: "Town of Riverhead repainting water tanks at Plant 8 and 9 budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #518

Councilman Densieski: "Town of Riverhead water district 2005 repainting of Plant 8 and 9 budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #519

Councilwoman Blass: "Budget adjustment in connection with the Calverton Park project #70015 traffic impact study supplementary costs budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #520

Councilman Densieski: "Town of Riverhead highway payloader budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #521

Councilman Dunleavy: "Town of Riverhead highway sweeper budget adoption. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #522

Councilman Densieski: "Town of Riverhead Baiting Hollow Farms budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #523

Councilwoman Blass: "Rejects bid and authorizes the town clerk to republish and repost notice to bidders for traffic paint. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #524

Councilman Densieski: "Rejects bid and authorizes the town clerk to republish and repost notice to bidders for precast concrete drainage rings and associated items. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #525

Councilman Dunleavy: "This is authorizing the billing of the Riverhead water district on a monthly basis and this is for accounts with one to one and a half inch service, not residential. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #526

Councilman Densieski: "Authorizes the supervisor to execute water service agreement with Anne McQuade with Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #527

Councilwoman Blass: "This is an order calling for a public hearing for the Riverhead Water District lateral water main North Wind Homes, Hulse Landing Road, Wading River, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #528

Councilman Dunleavy: "Can we move 528, 529, 530, 531 and 532, 533. They all have to do with summer jobs with the recreation department. Can we move them all at once?"

Councilwoman Blass: "May I ask that we not include 528 in that because I need to abstain on that particular one, the first one, the very first one."

Councilman Dunleavy: "Okay, the first one?"

Councilwoman Blass: "Yes, thank you."

Councilman Dunleavy: "We'll move 528. Appoints beach attendants/concession stand operators to the recreation department. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Barbara, your daughter is going to be making more money than you as a town board member. Yes."

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

Resolution #529, 530, 531, 532, 533

Councilman Densieski: "529 to 533 which are all recreation appointments for youngsters. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are adopted."

Resolution #534

Councilman Dunleavy: "Amends resolution #459-2007 Promotes water treatment plant operator IIB So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #535

Councilman Densieski: "Accepts the resignation of a town board coordinator. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. We're sorry to see Susan leave. She did a good job and she just wants to take the summer off, so I vote yes."

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

Councilwoman Blass: "Yes. I wish Susie a lot of luck and she was a pleasure to have around, she did a great job."

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

Councilman Densieski: "Yeah, I had a long speech but it's after 11:00 at night, so I do want to thank her, she was a fantastic town board coordinator. So I vote yes."

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

Supervisor Cardinale: "Yeah, we regret that she is retiring. We wish her well. You guys so quickly forget, the next one you're hiring somebody else anyway despite her excellence. So I vote yes to accept the resignation and thank her for her good work."

Barbara Grattan: "That resolution is adopted."

Resolution #536

Councilwoman Blass: "Appoints town board coordinator. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #537

Councilman Dunleavy: "Appoints detention attendants in the police department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #538

Councilman Densieski: "Appoints a seasonal traffic control officer in the police department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #539

Councilwoman Blass: "Appoints automotive equipment operator in the highway department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Yeah. Barbara is point out-- who's here? We keep saying the personnel committee but we're not using a personnel committee anymore, we're using Meg Ferris, the personnel officer. So whoever does this, would somebody change the template please to reflect that the recommendations come through our personnel officer not the committee?"

Barbara Grattan: "Got you."

Supervisor Cardinale: "Okay, thank you."

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

Resolution #540

Councilman Dunleavy: "Sets salaries of the Architectural Review Board. So moved."

Supervisor Cardinale: "Moved and seconded. Do I have a second?"

Councilman Densieski: "Second the motion."

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

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

Resolution #541

Councilman Densieski: "Ratifies appointment of a superintendent of recreation. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #542

Councilwoman Blass: "Appoints a seasonal clerk to the

recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #543

Councilman Dunleavy: "Authorizes disbursement of business improvement district refunds to certain taxpayers. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #544

Councilman Densieski: "Memorializing resolution supporting State of New York Outdoor Lighting Act. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #545

Councilwoman Blass: "Authorizes a budget modification to the 2007 Community Development Block Grant Program. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #546

Councilman Dunleavy: "Authorizes the supervisor to execute agreements in connection with County of Suffolk Residential Repair IIB contracts. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #547

Councilman Densieski: "Authorizes the supervisor to execute a grant agreement with Suffolk County for funds to support the Town of Riverhead Peconic Estuary Program Project. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #548

Councilwoman Blass: "A question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Could we check as to whether the public notice included that this law shall become effective immediately and whether it was changed in time. We had a question about it being effective immediately."

Supervisor Cardinale: "Yeah. It is effective- if you look at the notice, it's intended I think this is the same one we used two years ago which- explained to Barbara she had raised the question of if the local law is approved by the affirmative vote at a general election, the local law shall become effective immediately. That will be after the November election which would be for the January term following, is that correct? And is that language what you intended? Because it is the same you used last time."

Dawn Thomas: "Yes. That works."

Councilwoman Blass: "So effective immediately, it doesn't mean effective as of the day that it is- "

Dawn Thomas: "You couldn't do that anyway. But you could say (inaudible)."

Councilwoman Blass: . "It's after- "

Dawn Thomas: "You could just say this local law shall become effective immediately thereafter."

Supervisor Cardinale: "Yeah. It doesn't say effective today. It cannot become effective until a referendum. The referendum is the voting day. So the only time it could become effective is November 6th."

Councilman Dunleavy: "Why can't we put January 1?"

Councilwoman Blass: "Why can't we say January?"

Supervisor Cardinale: "Because they- well, that's- because the question is the term- "

Councilwoman Blass: "Wouldn't it be clearer?"

Supervisor Cardinale: "Well, you did it this way last time and I think for that reason because you want it effective- "

Dawn Thomas: "For the following term."

Councilwoman Blass: "For the following term."

Councilman Dunleavy: "January 1, 2008."

Councilwoman Blass: "After the affirmative vote- "

Councilman Dunleavy: "Can't we just put that in?"

Supervisor Cardinale: "But if it becomes effective November 7th, the term of office would be as of- if it passes, it would be effective for the next term. Everybody agrees on that. So the only question she's raising is that- "

Inaudible comment

Supervisor Cardinale: "That is a clarification, that's fine. Then why don't we do that?"

Dawn Thomas: "If you want it to be effective for January 1st of 08, then we can do that (inaudible)."

Supervisor Cardinale: "Make sure if it is passed, make sure that is clear on the notices that you send for the referendum."

Barbara Gratta: "It's got to be because I have got to send it off to the Board of Elections. If you are going to put January 1, 2008, I need that because that's going to go in the paper, too."

Supervisor Cardinale: "Fine."

Dawn Thomas: "I want to think about it."

Supervisor Cardinale: "Okay. Fine. Thank you, Barbara."

Barbara Grattan: "What are you going to do with this?"

Supervisor Cardinale: "We're going to vote on it. She's going to talk to you tomorrow when she can stay awake."

Barbara Grattan: "Okay, let's vote. Dunleavy."

Councilman Dunleavy: We didn't bring it up yet."

Councilwoman Blass: "Adopts a local law entitled local law to change the term of office of the town supervisor from two years t four years. So moved."

Councilman Dunleavy: "I'm not in favor of this but I'm only seconding it so we can have a vote. So I'll second it."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I don't think this is right. I don't think we should bring it up every year for our voters to vote on this because it might have passed last year if it was a little bit closer or it was too close. I think this is like if someone gets to go to the polls, it may pass. The town of Riverhead is small, we should-- if our supervisor isn't doing the job, we should change him every two years and I think the voters think about that.

I was told tonight that if I vote no on it, I'm not letting the voters go to the polls and vote for it. But I'm voting no."

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

Councilman Densieski: "Yeah, I agree. This has been brought up many times and it's always failed miserably. I won't support it at the polls but I will support it as the voter's right to go in and choose. I'm pretty sure I know what they're going to say but I have no problem voting yes on this."

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

Supervisor Cardinale: "I am going to vote yes. I-- it was brought up 10 years ago and failed and it was brought up and not discussed in the election two years ago. I think the voters-- I'd like the opportunity to educate the voters on the fact that the only administrative position is the supervisor's position in our government and the legislative positions of the council which are four years requires stability and the opportunity for continuity which has been sorely lacking in Riverhead. So you may be right, but I think the voters should have an opportunity to have a full discussion of it.

Eddie's race was such a hot fought race that- "

Councilman Densieski: "I want a recount."

Supervisor Cardinale: "-- nobody focuses on this referendum. So I vote yes and I thank the board for its support.'

Barbara Grattan: "That resolution is adopted."

Resolution #549

Councilman Dunleavy: "And this one I do support because all she does is the state work that she's mandated to do and she doesn't make any decision on her own. Adopt a local law entitled local law to change the terms of office of the town clerk from two years to four years. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Same comments. Yes."

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

Supervisor Cardinale: "You've got John's vote on this but I will presume that was a compliment that she doesn't do any thinking of her own."

Councilman Dunleavy: "I'm saying that she does basically state mandated chores and she doesn't make any rules or regulations by herself. That's what I said."

Supervisor Cardinale: "I want to point out that I have learned over the last three and a half years that if I'm going to go to the bathroom, I need two other attorneys-- two other council members to give me permission. So--"

Councilman Densieski: "Don't look at me."

Supervisor Cardinale: "-- if anybody doesn't make any laws on his own, you're looking at him, the supervisor needs two votes in this town to do anything. Okay, but in any event-- "

Councilman Dunleavy: "I think that's why the voters elect the town board members because of-- they want to make sure everything is done fair and honestly."

Barbara Grattan: "Did you vote yes?"

Supervisor Cardinale: "Yes. I voted yes for that proposal."

Barbara Grattan: "Thank you. The resolution is adopted."

Resolution #550

Councilman Densieski: "Ratifies the submission of a BUNY grant application. Now before Phil makes a comment, it's Buckle Up New York."

Supervisor Cardinale: "Thank you."

Councilman Densieski: "So moved."

Supervisor Cardinale: "I was getting excited. It doesn't take much, it's 11:15."

Councilwoman Blass: "I'll second it."

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

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

Resolution #551

Councilwoman Blass: "Ratifies the submission of a grant application by the Chief of Police. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #552

Councilman Dunleavy: "Authorizes town clerk to publish and post a public notice for a local law to consider amendments to Chapter 18 entitled Code of Ethics of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #553

Councilman Densieski: "Authorizing the selling of 2007 beach

permits by Angelo's Bakery Pizza. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #554

Councilwoman Blass: "Authorizes the release of security for Edward Meier. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #555

Councilman Densieski: "Accepts 100% security of Baiting Hollow Farms, LLC, irrevocable letter of credit. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #556

Councilman Densieski: "Extends site plan approval of 204 East Main Avenue - Martin Sendlewski. So moved."

Councilman Dunleavy: "And seconded."

Councilwoman Blass: "Discussion please."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "We were handed a memo that I wanted the town attorney to read in connection with this to make sure she concurs."

Councilman Dunleavy: "I'm not saying nothing."

Councilwoman Blass: "We got it tonight."

Councilman Dunleavy: "I'm not saying nothing. I'm just sitting here."

Supervisor Cardinale: "Rick, come on up. We discussed it this afternoon, but- "

Councilman Dunleavy: "That letter you wrote- "

Supervisor Cardinale: "Yeah."

Councilwoman Blass: "I'm just asking Dawn whether she concurs with the information. That's all."

Rick Hanley: "Just for some history. This subject has been part of a number of work sessions. I think at the last one, the supervisor asked me to sit down with Mr. Hall and go through the old SEQRA reports on the original site plan that was approved in 2004.

And in doing that, in looking at the law, we came across this section of Part 617 which enumerates about 50 different type II actions. I had trouble with the extension of this on a SEQRA issue because the original approval was an unlisted action and I made an assumption that we were going to recite the same- "

Supervisor Cardinale: "Yeah, not only does it make logical sense, it's intuitive."

Rick Hanley: "Yes."

Supervisor Cardinale: "If- this was an unlisted action."

Rick Hanley: "Originally it was unlisted."

Supervisor Cardinale: "Right. So- "

Rick Hanley: "It was granted."

Supervisor Cardinale: "-- as an unlisted action, you have to go through the SEQRA process which we are now forcing all the Main Street things in."

Rick Hanley: "As part of the generic."

Supervisor Cardinale: "Fine. Except that under SEQRA any renewal of something already approved is Type II."

Rick Hanley: "Is Type II, which- in SEQRA, by definition."

Supervisor Cardinale: "Therefore, the whole was irrelevant."

Rick Hanley: "Right. Right."

Dawn Thomas: Inaudible comment

Supervisor Cardinale: "Right. And the criteria is equity as we did the last one."

Dawn Thomas: "That's right, exactly."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay, with that discussion can we consider the issue of 556?"

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

Councilman Densieski: "I just want to disclose that Marty's my cousin. He is on my financial disclosure but I was told to acknowledge that when I vote on anything that has to do with Marty. But another thing I want to point out is never in the history of Riverhead was a site plan extension ever denied. So with that said, I vote yes."

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

Supervisor Cardinale: "As I just discussed, I believe there is no SEQRA issue. Now we're considering the extension. I think as we did the last time, we should consider it based upon the unique facts and circumstances. I think we had an outline last time of state difficulties that made it impossible to pull the permit. In this instance, I believe that there's a reasonable reason why the permit hasn't been pulled because there is discussion ongoing about a project that might impact this project. So I'm going to vote yes for the extension."

Barbara Grattan: "The resolution is adopted."

Resolution #557

Councilman Dunleavy: "Approves amended and I'm going to say amended with tonight's amendment also site plan of Headriver. So moved."

Supervisor Cardinale: "Thank you. As you move it, John, with that, could you read in condition 21, please. You have language, I know, so we know exactly what we're passing. Dawn, that would be condition 20- well actually how many conditions do we have- 21 or 22? Okay, so 21 is the new one."

Dawn Thomas: "So the additional condition reading that no building permit shall be issues prior to the issuance of any-

Councilman Dunleavy: "No, no, the building permit, they can't do the county work until construction."

Supervisor Cardinale: "That's not what she's reading. Just listen to what she's saying. It's the other thing. So this is the language. Talk into the microphone. So this is going to be added as 21 at the request of one of the commentators this evening."

Dawn Thomas: "That the new condition would read that no building permit shall be issued prior to the issuance of any permits required by Suffolk County Department of Public Works as set forth in General Municipal Law Section 239."

Councilman Dunleavy: "No. But that's what I'm talking about. They can't do the work that the county wants until there's construction. So the CO should not be issued until all that work is done. They're going to put- all the road improvements are going to be done- "

Supervisor Cardinale: "Yeah, but you're not listening to what she just said. She said- without a 239 permit."

Linda Margolin: "Technically it's approval under 239, not a permit."

Supervisor Cardinale: "Fine. Let's call it that. Okay? Actually we're just reiterating what everybody acknowledges is law anyway."

Dawn Thomas: "That no building permit shall be issued prior to the receipt of any approvals required pursuant to General- "

Supervisor Cardinale: "Pursuant to all the approvals required."

Dawn Thomas: "-- as set forth in General Municipal Law 239."

Supervisor Cardinale: "Yeah. Prior to receipt of all approvals required as set forth. Okay, so that's the addition and- "

Councilman Dunleavy: "I'll move that as amended."

Supervisor Cardinale: "Okay, with the amendment of no building permit shall issue prior to the issuance of approvals as required by Section 239 of the General Municipal Law. With that addition, John's moved it. Can I have a second?"

Councilman Dunleavy: "I move it with that addition."

Supervisor Cardinale: "Moved. Second?"

Councilman Densieski: "Oh, I'm sorry. Second the motion."

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

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

Supervisor Cardinale: "Is there any particular reason you're abstaining?"

Councilwoman Blass: "Actually (inaudible) will result in litigation. I choose to limit my comments because they very frequently find themselves in the context of court papers."

Supervisor Cardinale: "I'd like to-- yeah, but it might also help the board if we know what your concern is."

Councilwoman Blass: "If we would have had an opportunity prior to this to have that discussion, I would have been more than happy to explain that to you."

Supervisor Cardinale: "Okay, let's take a break. I'd like-- can we adjourn-- I'd like to adjourn in order to discuss the reason for the abstention because we have only four people on the board this evening. Barbara, I just want to know what her abstention is. She doesn't want to put it on the record, I'd like to know if it would impact in any way my vote in this matter."

Barbara Grattan: "Can we go in the middle of a vote though?"

Councilman Densieski: "We're the town board, we can do anything."

Supervisor Cardinale: "Can we go in the middle of a vote?"

Councilman Dunleavy: "Yeah, but can we talk about this in closed session? We can't."

Supervisor Cardinale: "I don't want to talk to you, John. I just want to talk to one member of the board to see if she has a reason that is of concern to her that is sufficient to abstain on a matter that has been closely argued, I'd like to know why. And I'd like to know if it impacts my judgment."

You can complete the vote and I'll abstain. You're not going to get-- until I have an opportunity to speak--"

Councilman Densieski: "Why don't we take a five minute break or a two minute break?"

Supervisor Cardinale: "She was wondering if you want to break in the middle of a vote."

Barbara Grattan: "I don't know if you can."

Councilwoman Blass: "In the alternative, you could wait for

Councilman Bartunek to come back next week and table this particular resolution for a vote until he comes back. As an alternative."

Supervisor Cardinale: "That would- I hate to do that because it would delay this so long, but frankly I believe it would be helpful to me to know of any concerns of any of the members since I believe the site plan is essentially an administrative function and that our discretion is quite limited in this matter. If I'm missing something, I'd like to know about it. And I would like to not put it off. But it's also 11:30 and I've asked, you know, they would like to get it done, I would like to get it done, but I'd also like to know- and we've got a short board so it concerns me."

Councilman Densieski: "Mr. Supervisor, I'm going to request a three minute recess so I can use the men's room."

Supervisor Cardinale: "Okay. That's fine. That will give me an opportunity to stretch my legs and talk to one of the members."

Recess: 11:30 p.m.

Reconvened

Barbara Grattan: "I forgot where we are."

Councilman Dunleavy: "We have to get Eddie."

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

Councilman Densieski: "I forgot where we were. We're in this mess because Lowe's was voted down by a previous board. Riverhead taxpayers lost years of property taxes and jobs plus lawyer's fees. I feel bad for Mr. Lerner (phonetic). He's been at this for many, many years and whenever I see him I always tell him we're fast tracking him. I'm sure he's tired of that joke."

I also have an opinion about Wal-Mart. But it's my personal opinion. It has nothing to do with this resolution. This is a site plan resolution and as far as site plan resolutions goes, this is a pretty nice site plan. I think the applicant and his team went above and beyond, I think they did a great job. And also if we wait for the county or the state to fix our roads, we'll have no businesses in this town. It's crystal clear that the county and the state aren't really all that concerned about Riverhead and our problems.

I also like and respect John Woods, you know, and I think he made a good argument but where we differ is this is a site plan resolution and our staff members have said it's okay, it's ready to go. I don't know, I guess it might be challenged, I'm not sure, but I don't know, I think it's been seven or eight years for this piece of property and I'm going to vote yes."

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

Supervisor Cardinale: "The- I've listened carefully through the years on this application. I haven't been with it that long but since '05 when it came in. This is a site plan. This is not a zone change, it is not a special permit. It is a matter in which the town board has limited discretion and it must and does rely upon its professional staff, both legal and planning.

Our discretion is limited and does not include as Eddie pointed out our right to express our opinion as to unrelated matters that are not relevant to the application such as how we feel about the labor practices of the applicant. It's simply not relevant and I do appreciate Mr. Wood's position with regard to that matter but I don't honestly see it as definitive in regard to this matter that we're considering.

We have tried very carefully over two years to make this a very carefully detailed and conditioned site plan and essentially on site plans, assuming the zoning is correct which it appears to be in this instance, it is limited to approval with conditions and we certainly have 20 of them here. I had the concern- I had discussed the concern that Barbara had, I do not share it.

I also have asked the town attorney, indicated the facts, one of the things that I think is clear the air on and also make clear that it has no substance is the remark by John Woods in regard to the agricultural preservation credits. Here there are 41 credits involved and frankly from the standpoint of the town, we don't care where the credits come from as long as they come from our program in the normal fashion as administered by the planning board.

In this instance unbeknownst to any member of this board including me, apparently the most attractive offer was from Mr. Tuccio who incidentally is not a major supporter. If you look at my campaign, he has contributed \$300.00 and I believe I paid him several thousand for affairs at his restaurants, in fact, I know I have if you look at that. So it is simply not relevant as to my decision.

I've asked for an opinion under those facts if there was any reason why I should recuse myself. Frankly, if I had my druthers, I'd recuse from all votes, it would make less trouble. It's like in my practice of law, if I could refer all cases and get referral fees, it's much better than practicing. But you have responsibilities to call them as you see them and I've tried to be as attentive as possible to Jim Gaughan who I respect, John Woods, who I respect, the union that came down and asked that this construction project not be halted.

And I think on balance this is a fine site plan, it's had a lot of work over two years. It's got a lot of attention. We've tried to do our best with it and I think it's as good as it's going to get. I

think George would join me in this vote if he wasn't on vacation enjoying himself.

But I believe the appropriate vote is yes and I'm voting yes."

Barbara Grattan: "The resolution is adopted."

Resolution #558

Barbara Grattan: "Resolution 558 is to pay bills."

Councilman Densieski: "So moved."

Councilman Dunleavy: "And seconded."

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

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

Barbara Grattan: "The bills are paid."

Now, do you want to do the tabled resolutions, 509 and 512?"

Supervisor Cardinale: "Let's see. The transfer of public safety dispatcher we do want to do, yes. 512, did- may need discussion, so let's call 509 and I'll talk about 512."

Resolution #509

Barbara Grattan: "509 has to be brought off the table."

Councilman Densieski: "I'd like to bring it off the table and move Resolution 509 which approves transfer of public safety dispatcher. So moved."

Councilman Dunleavy: "And I'll second it."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, with that condition we spoke about with the personnel director."

Supervisor Cardinale: "Right."

Councilman Dunleavy: "So moved."

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

Supervisor Cardinale: "In regard to (inaudible), Dawn would want to address this. I suggest that we maybe let Dawn address it on Thursday. She'll be with us and then we can make a vote on Monday when we have a special meeting. So I'd like to leave No. 412 on the table.

We have completed the business before us except for any comment. I know, Mr. Silverman, please— oh, I'm sorry, sir, and then Mr. Silverman."

Mike Harrigan: "Thank you everyone. Mike Harrigan, Vice-President of the Wading River Civic Association. Of course, Sid took the best night to take off and I'm actually considering applying for a dark skies apprenticeship at Wal-Mart at this point.

Due to several discussions made during recent town board televised sessions, it has become a necessity to speak to the board on behalf of the membership of the Wading River Civic Association.

The Wading River Civic Association strongly recommends that now is the time to focus all efforts on the development of the industrial portion of EPCAL. Allowing the industrial portion to serve as a litmus test can only benefit the future of the planned recreational portion.

Ultimately in the long run, there is little to be gained from the simultaneous development of 1390 acres at EPCAL. Projects proposed to date for the non-industrial portions of EPCAL are high impact projects. These projects have been touted as producing regional benefits yet the extensively significant and burdensome regional impacts have not been addressed.

As a result, an updated comprehensive study should be undertaken. Delaying the development of the PRP will not devalue this property and in all actuality, this delay should create a higher valuation per acre with the development of the industrial portion.

In closing, not having a reasonable and rational approach to the recreational portion at EPCAL is the real disservice to the residents and to the future of the town of Riverhead. Thank you."

Supervisor Cardinale: "Mike, just to get a clarification, the study you're suggesting, would study exactly what?"

Mike Harrigan: "The aspect of the recreational portion proposals that are on the table— "

Supervisor Cardinale: "You're right, they are both high impact. But what would you study, a change in the zoning?"

Mike Harrigan: "To update it to the current time frame that we're living in and possibly that there are possible considerations

that would minimize the actual impact to the surrounding areas."

Supervisor Cardinale: "You would be interested to know if you watched last Thursday's work session that that was discussed for a half hour by the board and your opinion was shared by at least one member of the board and two did not share it and two were equivocal so we'll consider that among other things. But we're going to be picking up that recreational side I hope as soon as Tuesday of next week to determine where we want to go."

Mike Harrigan: "Thank you for your consideration and that's based on discussions that had been seen- "

Supervisor Cardinale: "Yeah, last Thursday and we're going to hopefully vote on Monday on the industrial side and then we're going to turn to the recreational and that will be one of the things we'll consider whether we're interested in either of the high impact projects or not and that will be the first thing we will discuss."

Mike Harrigan: "As I said, I think there was a necessity to step forward as a civic association and to actually hear the side of the residents. I don't know if you're being inundated with responses from possibly outsiders that wish to have certain proposals pushed forward."

Supervisor Cardinale: "Right. The-- Wading River and Calverton have been visited by the Rex Corp (phonetic) project and presented and they've been respectfully received. It's hard to figure beyond that."

Mike Harrigan: "Thank you."

Supervisor Cardinale: "Thank you. Yes, Mr. Silverman."

Henry Silverman: "Good evening. Henry Silverman, 267 Peconic Bay Blvd., Riverhead, New York."

I wish back in May, 2006, you had the interest to discuss Resolution 365 as well as to discussion resolutions tonight. Maybe we wouldn't be in this mess.

The last time I spoke to, in public in front of this board was April 17, 2007, the day before we went to our last court appearance which would have been the 23rd time in court over me receiving a certificate of occupancy on my home that I deserve. This is ridiculous.

My family has been restrained from our home now for over two years. You all have homes to go back to tonight and I hope it's on your mind because it's quite late. You are all well aware of the many conflicts of interest and the injustice in this.

I just have to state some things clear, which I can't believe we

haven't resolved. To be absolutely clear and for the sake of public record, our neighbor, William Coyle, has written letters on New York State Supreme Court letterhead for his own personal gain, influencing Leroy Barnes, Dawn Thomas and New York State DEC against the Silvermans.

On May 20th we submitted to the Riverhead Town Ethics a complaint about Leroy Barnes for his unethical involvement in this matter.

The town also has spot assessed three of my properties in the town of Riverhead, raising my taxes \$6,000 on a house that I've been restrained from living in for two years. Is the mike working?

You raised my taxes on the property up on 4654 Sound Avenue by \$2,000. You have a pipe leading from a Riverhead town road onto my property flooding four acres of it which if you really did some research, I have a letter from a previous town supervisor stating this problem would be taken care of. And that was many years ago. I still possess the letter. It's road runoff and you have not duly compensated me for my land. That's a taking and I'm kind of fed up with everything that's going on.

You have raised my taxes on the house that my recently deceased mother lived in on Main Street in Riverhead illegally. I consider it just part of this vendetta against me. Once again, it was spot zoning and it's illegal.

We submitted to Riverhead town recently an ethics complaint about Councilman George Bartunek's damaging yet truthful remarks that he said about why I have so many problems in the town of Riverhead. I wish George was sitting here tonight so I could look him in the eye. I won't mention the problem publicly yet, but, Mr. Cardinale, you're totally aware of it. All right.

And now we have a very interesting problem to deal with. This remark prompted me in fear to immediately consult NYS Division of Human Rights which you're also well aware and the town attorney that we're at the end of our 100 day waiting period in our fact finding period.

Where do we go from here? It's very simple- (problem with CD) took from me on Sound Avenue, you're flooding my land with this water runoff- the pipes there, there is no permit for that- and you have not addressed the eight acre subdivision that has been sitting in your planning department for approximately six years which has not turned into a four acre subdivision which you still haven't addressed. Come on. A lot of conflicts here.

I want a certificate of occupancy on my home. There are no building violations. The house passed all phases of construction, passed all building department inspections. I've submitted all necessary documents. You've heard this before.

I want the town attorney's office to stop representing the illegal homeowners association concerning my boat dock. This matter of ownership of my boat dock should not be the concern of the town attorney's office especially when there's a conflict of interest in Dawn Thomas in the town attorney's office. The Suffolk County District Attorney has been alerted to this very damaging conflict.

The Riverhead town attorney's office may tell the supervisor and the board that I'm not making any effort to resolve this matter when in fact I did nothing wrong, been accused of a lot of things. But you know what? You've never really taken the time to look at the facts. Your town attorney's office doesn't even have another court date arranged and has not even dealt with the matter of my certificate of occupancy in the New York State Supreme Court.

The only real focus has been this boat dock and the easement issue for the neighbors at taxpayer expense. You are supposed to be using the taxpayer's money wisely. You should not be representing a politically connected neighbors-- that has an "s" on it-- of mine that works for the NYS Supreme Court.

Riverhead town attorney's office Dawn Thomas is well aware of the conflict of interest in this matter that exists right in her town attorney's office.

Okay, what is the government for? What is town government for? You are supposed to help the people in the community, not hurt them. What you've done to the Silvermans over the last few years over my gorgeous new house that has now been unoccupied for years, vandalized, overtaxed, that we're still not living in, you have a restraining order against us for use -- something stinks here. There's a lot to this, and we're pretty fed up.

Okay, what is your motive by not giving me a certificate of occupancy? Maybe we should ask Mr. Bartunek. So I'd like to see a temporary certificate of occupancy, a provisional, or a permanent. What's so hard about that? Let's move on. Thank you."

Supervisor Cardinale: "Thank you.

Meeting Closed