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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at the Riley Avenue Elementary School, Riley Avenue, Calverton, New York on Tuesday, March 17, 2009 at 7:00 p.m.

**PRESENT:**

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

**ALSO PRESENT:**

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

Supervisor Cardinale: "-- Deputy, Bill Welsh, will lead us in the Pledge of Allegiance."

(At this time, the Pledge of Allegiance was recited, led by Bill Welsh.)

Supervisor Cardinale: "Okay. All right. Nonetheless, it's nice to be here in Calverton again. We have three hearings and a lot of resolutions to consider and we'd like to hear from you on your comments so the first thing I've got to do is-- yes, go ahead, John."

Councilman Dunleavy: "I just want to make a statement that we had a resolution that benefitted the taxpayers of the town of Riverhead by increasing our tax base.

The supervisor today pulled it from our pile and I don't want to believe he pulled it because of political reasons but he wants another discussion on it.

This was passed last year and he voted for it. He was for it this year and all of a sudden today he pulls it and says he has no-- he doesn't have three votes for it.

This would have benefitted the tax base of the town of Riverhead and I think because of political reasons, my own personal opinion, that he has pulled that resolution for tonight so we can discuss it again, after a year, we'll have more discussion on it.

So I just hope that isn't the reason why he pulled it.

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Thank you."

Supervisor Cardinale: "Thanks, John. The resolution John is referring to is a resolution related to APZ zone and whether we should permit golf courses and housing on the same parcel of property.

There's a lot of debate about it. As you know, I try to be thoughtful in my votes and I want to consider every single issue associated with it and, John, if I put it on, we would have had to—we would have had to table it because unless three people vote for it nothing gets passed and we have four people here."

Councilman Dunleavy: "Well, I know you changed your vote."

Supervisor Cardinale: "No, I didn't vote yet. John, you don't vote until you vote."

Councilman Dunleavy: "I know you don't vote until it comes up. But you don't put things on until you have three votes for it."

Supervisor Cardinale: "That is-- or against it."

Councilman Dunleavy: "We did have three votes, and me and Councilman Wooten are still for it so someone else must have changed their mind."

Supervisor Cardinale: "First of all, I think you should let Jim talk for himself. But you have to remember, you have to learn how to count, John. You don't have three votes for or against something, it doesn't have a chance of passing so it's pointless to put it on so you can table it.

I probably— I'm not sure what I'm going to do but I know I'm going to think about it, I'm going to talk about it at work session in public and make a decision that is in the best interest of the town.

If you are that anxious to do this, it would be more fruitful for you to speak with me and convince me of the wisdom of voting yes than to do what you have done."

Councilman Dunleavy: "I tried to speak to you today but you did not call me back."

Supervisor Cardinale: "I did not get a message— "

Councilman Dunleavy: "So we could— Trina said she went in and spoke to you."

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Supervisor Cardinale: "She did and I gave her the answer that we were going to speak about it on Thursday so it is not something that I want to discuss in a- "

Councilman Dunleavy: "But we've been discussing this for a whole year."

Supervisor Cardinale: "That's right- "

Councilman Dunleavy: "It's nothing I just want to pass. We've been discussing this for a year."

Supervisor Cardinale: "John, if you- some of the things that you want to pass are not well thought out and I believe in thinking things out before passing particularly since we already have dissent on the board as to whether this is a good idea. This is not a unanimous decision. Ms. Blass has been clear that she does not agree with it and I have been discussing changes in it for the last six months in order to get my vote.

If you want my vote, this is not the way to seek it.

I would like to- "

Councilman Wooten: "Well, actually, I have oscillated back and forth on it just like you're doing now and I was 50% but then I was convinced that 66 for an extra 10 houses really wasn't going to break the bank and I think you convinced me of that, that you were leaning that same way."

Supervisor Cardinale: "Yeah."

Councilman Wooten: "So that's probably why it was only (inaudible) to begin with but you changed- well, it must have changed in the last week."

Supervisor Cardinale: "Well, the way it is now- yeah, we're going to talk about it Thursday but it is now allowing a two-thirds of the usual yield plus golf courses. It could allow half the usual yield; it could allow 40%; it could allow nothing and that's what the dispute is about. There's nothing sinister about it. It's simply legislative discussing legislation.

I would like to get the minutes approved from the last meeting. Could you call those approval of minutes of February 18<sup>th</sup> and March 3<sup>rd</sup> and March 12<sup>th</sup>?"

Councilman Dunleavy: "I move the minutes of February 18<sup>th</sup> and March 3<sup>rd</sup> and March 12<sup>th</sup> town board meetings."

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Supervisor Cardinale: "Thank you, John. Second, please."

Councilwoman Blass: "I'll second the minutes."

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

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

Supervisor Cardinale: "Thank you. We have town hall reports, the tax received, building department and sewer department. Would you give us those, please, Diane?"

Diane Wilhelm: "Sure."

**REPORTS:**

Tax Receiver	Total tax collection dated March 5, 2009 - \$61,250,177.87
Total tax collection dated	March 16, 2009 - \$61,424,836.05
Utility collections report -	February, 2009 - \$189,635.10
Building Department	Total monies collected \$78,154.00
Sewer Department	Discharge monitoring reports for January and February, 2009

**CORRESPONDENCE:**

Vince Taldone,	Letter in support of the member Riverhead Handicapped special permit of Hampton Advisory Committee Jitney
Martin Sendlewski, AIA	Letter regarding project review of Hampton Jitney
Peter S. Danowski, Jr., Esq.	Letter regarding special permit of Terry Girls Realty, Inc.
Robert Bertorello,	letter requesting water President Bertsand Plumbing meter easement at Bowl 58 & Heating, Inc.

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**APPLICATIONS:**

Special events (Chapter 90)

East End Arts Council                      annual community mosaic  
street painting May 24, 2009

Railroad Museum of LI                      Annual Riverhead Railroad  
Festival August 29-30, 2009

Cooley's Anemia Foundation              bike-a-thon 4-mile walk  
September 26, 2009

Jamesport Firemen's  
Assoc. Annual carnival - July  
7-11,  
2009

Louis Re  
Low speed motorcycle and  
auto stunt show exhibition  
April 25, 2009

Diane Wilhelm:     "And just as a reminder that the next  
regularly schedule town board meeting will be Tuesday, April 7<sup>th</sup> at  
2:00 p.m. at the Riverhead town hall.

And if I could just remind everybody when they're speaking at  
the microphone, to speak really loudly and clearly because my  
transcriptionist has a little trouble where we have a meeting  
outside town hall hearing the tape. So if everybody could really  
enunciate and speak clearly, I'd really appreciate it."

Supervisor Cardinale:     "Thank you, Diane."

Diane Wilhelm:     "You're welcome."

Supervisor Cardinale:     "Any announcements from any of the  
board members or committee reports of any sort? If so, please  
advise, if not, we'll start the hearings."

Councilman Wooten:     "I have one announcement."

Supervisor Cardinale:     "Yes, please."

Councilman Wooten:     "Everybody have a Happy St. Patty's Day.  
It's almost over, but it's still a good day for us Irish people."

Supervisor Cardinale:     "That's a great sentiment, wish, and I  
would join that. Happy St. Patrick's Day.

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Public hearings are scheduled for 7:05; 7:10 and 7:15 for improvements to the sewer district - one at the Riverhead sewer district; one at the facilities of the Riverhead sewer district again at the DeFriest pump station; and the final one at Calverton."

Public hearing opened: 7:34 p.m.

Supervisor Cardinale: "I would like to H2M representative to come up and I'd like to open the first hearing which is 7:05 for the consideration of increased and improvement to the wastewater treatment plant, Riverhead sewer district.

This is a mandated improvement from the state of New York unfunded and you will note as I mentioned here last week, that there is a \$17 million dollar improvement to the Riverhead district; a six and a half million dollar improvement to the Riverhead district; and a six and a half to Calverton and we're not quite that insane that we're actually going to do this immediately but if we go through this bond hearing now, we will have an opportunity to be eligible for some of Obama's money and one of the requirements is to have heard the bond on that.

So, go ahead, Frank, please."

Frank Russo: "Let's see. My name is Frank Russo. I'm with H2M and back in September of 2007, the EPA published what's called the TMDL regulation, the total maximum daily load, that was as a result of the Peconic Estuary Comprehensive Management Plan, that ongoing study.

In that analysis, they concluded that the Riverhead treatment plant needed to be upgraded again after it was upgraded- last upgraded in 2000 to really the limits of technology.

What they're saying is during the summer months, the plant has to do the best that technology has to offer and that was their conclusion in order to preserve the estuary.

Now as part of that project, there's also been an ongoing project with the existing plant to use the wastewater for irrigation at the Indian Island golf course. And the town did receive a grant for that project of \$2.1 million dollars. So in order not to lose the \$2.1 million dollars and in order to really maximize the existing tank, we came up with a plan that used every single tank that was constructed in 2000 but modified the contents of the tank, the purpose of the tank.

And this figure really goes into detail on what's involved.

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As the Supervisor said, the total estimated project cost is approximately \$17,820,000 and that includes well, a lot. It includes a new equalization tank, new head work, modifying the treatment process so that it's really the current standard, increasing the ultraviolet disinfection system. Once again, all of this to comply with the TMDL regulation.

Assuming an interest rate of 3 1/2% for 20 years and assuming that that \$1.2 million dollars bond or that \$2.1 million dollar grant gets converted to this project, that leaves a bonding cost of \$15,720,000. That would result in a new tax rate of 4.788 per thousand of assessed value or 592% increase.

That does not- that assumes that there's no stimulus money whatsoever given to this project. At this time, we just don't know, and that concludes- "

Supervisor Cardinale: "Thank you. I think the salient points that I have to underline is that this is an unfunded state mandate due to a new regulation as to total daily maximum nitrogen load and a permit which you might want to explain, Frank, to run the plant depends upon our compliance. We simply won't get the permit without compliance.

So it's- how long are they going to let us- "

Frank Russo: "The actual- the permit became active in January of this year. It's a new permit. And in the permit to discharge, there's a compliance schedule along with the new TMDL regulations."

Supervisor Cardinale: "And let's- we're not going to go out and borrow 17 million tomorrow. We're going to look at the stimulus money, the state money, environmental facilities core money. But what is our timetable for spending 17 million dollars and doing what we need to do?"

Frank Russo: "We were able to negotiate a compliance schedule of no more than five years to complete the entire project."

Supervisor Cardinale: "And when does that commence?"

Frank Russo: "It commenced."

Supervisor Cardinale: "In January of this year?"

Frank Russo: "It commenced as the effective date of the permit. Correct."

Supervisor Cardinale: "All right. So although we're not going to do it tomorrow, we're going to have to do it within the

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next five years so you all in the Riverhead sewer district who were driving us crazy over a couple hundred thousand dollar item recently, start writing your state and federal people because 17 million dollars is going to cause the sewer district's rates to go up six times.

But there's more. We have two more hearings to come also."

Councilman Dunleavy: "Can I ask you a question? Only people in the Riverhead sewer district, not the scavenger waste district will be paying for this. That means anybody that lives in Wading River, most of Calverton, most of Jamesport will not be paying for this. This is only for the sewer district where they're hooked up to the sewer- Riverhead sewer."

Supervisor Cardinale: "Which will be Main Street and Route 58 and the surrounding residential areas that are connected.

Do you have any idea of what the percentage of the town is that would be impacted if we do not get state or federal aid on this mandated unfunded matter?"

Frank Russo: "All I know is the assessed value of the district and that's-- "

Supervisor Cardinale: "Of the whole district?"

Frank Russo: "Of the whole district."

Supervisor Cardinale: "The assessed value of the real estate in the whole district?"

Frank Russo: "The assessed value of the partial district, those who are in the district but not connected; the full district, those who are connected and the commercial- "

Supervisor Cardinale: "I'm sure we can find- we can get it. It should be interesting. I'll- if anybody has it here, let me know. But what I'm asking is if we have 800- what do we have, about \$800,000,000 of assessed value, how much of the assessed value is in the sewer district. Two hundred seventy of the eight hundred.

So roughly, three-eighths of the town is going to be- assessed value is going to be impacted. So this is a serious matter that we need some help from state and federal. They can't just demand things and not provide the money for it."

Frank Russo: "(inaudible) they gave you a grant of over \$6,000,000 to build the original plant which is mind boggling."

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Supervisor Cardinale: "Yeah, it's an enormous amount of money to be asked to come up with but then again- "

Councilman Wooten: "But these new (inaudible) are statewide, it's not just Riverhead. Every district is facing the same- "

Frank Russo: "It's specific for the Peconic Estuary."

Supervisor Cardinale: "And what other sewer plants exist in the Peconic Estuary other than Riverhead?"

Frank Russo: "There's (inaudible)."

Councilwoman Blass: "(inaudible) and Greenport. Actually Greenport goes into the Long Island (inaudible)."

Frank Russo: "Sag Harbor does."

Supervisor Cardinale: "Sag Harbor and us are the only two so it affects us."

Frank Russo: "It's a small little package (inaudible)."

Supervisor Cardinale: "Incidentally, I don't want to suggest that this isn't a good idea. We've discussed it and it is a great idea. It's a good idea to lower your nitrogen load, make the estuary cleaner and purer. The problem is the expense associated with it and the fact that it is not funded within the legislation that demands that we make these changes.

Anyway, that's- yes?"

Councilwoman Blass: "Mr. Russo, do you have any reason to believe that the DEC wouldn't approve the reallocation of that money towards the project?"

Frank Russo: "I've already spoken to the region and, no. As long as we comply with the intent of the grant which is why we kept the process that we're keeping, they would go along with it."

Supervisor Cardinale: "How much is that?"

Frank Russo: "Two point one million."

Supervisor Cardinale: "But that's two of the 17.8 and that- but there is no other money that we even have an eye on at the moment."

Frank Russo: (Inaudible)

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Supervisor Cardinale: "So that's why incidentally as I mentioned earlier, we wanted to have a hearing today so that we could place in our application for the stimulus money, that the bond hearing had been held.

Anything else you wanted to say? Let me hear from anyone in the public who has a question or observation. Is Michael here? Okay, so, Mike, the superintendent of the sewer department is very knowledgeable on this. He's not available right now but if you have a question, you can call him.

I'm going to leave this open for 10 days for anybody that thinks of a question they want an answer to, put it in writing to the clerk by the 27<sup>th</sup>, Friday, that's Friday, the 27<sup>th</sup>. Then we will have it as part of the record."

Councilwoman Blass: "Mr. Supervisor, that is your customary practice to keep it open for 10 days but I know that there are those at the EFC (phonetic) that are looking for a completed package."

Supervisor Cardinale: "Yeah, thanks for reminding me. Yeah, get your questions quick because we're going to leave this one open only through noon on the 19<sup>th</sup> because we're going to have a special meeting in order to consider this resolution Thursday."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "You've got to get your question in tomorrow or before noon on Thursday."

Councilman Dunleavy: "I just feel that- we're getting all these unfunded mandates from the state. Now this is over a 4% increase in taxes for the people that live in the sewer district."

Supervisor Cardinale: "I know, John, it's a 600% increase. It's a 592% increase."

Councilman Dunleavy: "A year. We're talking about the bond. I'm talking about the bond for a year. I just don't know that this town, and we're trying to cut back on other things, can afford these things, that we keep doing these state mandated things and it's killing us in our tax burden. And there's nothing we can do about it."

Supervisor Cardinale: "I can't agree with you more and that's why I want the state and federal people- you out there to talk to the state and federal people. However, if I get this right and I think I do, the report says that it's 592 times- 592% over the existing rate. So it's not moving this rate 4%. Even to just borrow the money, the 17 million dollars and pay- to pay it back,

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just the pay back over 15 or 20 years is going to raise your rates 600%. So it's very serious. We really need some help here.

Anybody- yes?"

Councilwoman Blass: "Just to say that if it was just the mandate that would be one thing, but they hold the permit and we can't have a sewer district at all- "

Supervisor Cardinale: "Without a permit."

Councilwoman Blass: "-- without a permit. So they're holding that over our heads."

Supervisor Cardinale: "So we are in a hard place and I want all the people that are affected to know that."

Frank Russo: "You know, put up a very good argument and there were maybe 30, 40 pages of response back from EPA on the position and they didn't budge. They didn't budge one iota."

Supervisor Cardinale: "Yeah. Again, the argument is strong that we should reduce the amount of nitrogen going in to the lowest level possible. And the argument is even stronger that they should, as they did in the past, pay 85% of it, but they don't do that anymore and then they purport to fool you into thinking that federal taxes are going down. They're just shifting it onto the state and local.

Anything else? Okay. If there is no comment, I'm leaving it open just for- 'til noon on Thursday for any comment that you might remember. I'd like to close this hearing at 7:25."

Public hearing closed: 7:25 p.m.  
Left open for two days to Thursday,  
March 19, 2009

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Public hearing opened: 7:25 p.m.

Supervisor Cardinale: "And go on to the next hearing which is scheduled for 7:10 for an increase and improvement to the facilities of the Riverhead sewer district again for reconstruction of the DeFriest pump station in the downtown area. Go ahead."

Frank Russo: "Once again, Frank Russo, from H2M. The federal economic recovery bill has 787 billion dollars and New York State is getting 435 million of recovery money that's going to be applied to the clean water state revolving fund which is administered by New

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York State Environment Facilities Corporation. They're the guys giving out the money.

And in order to qualify for that funding, we-- here's an opportunity where you have an old pump station that was last improved in 1988, that's over 20 years old. It's not sized to handle growth along Main Street. It doesn't meet current code. So it's at this point that it would make sense to seek money, to seek that stimulus money. And that's where we are with this.

This pump station takes in the Raynor Avenue pump station, Riverside Drive, West Main Street and the county jail and county complex. So it's really right up there with your other (inaudible) pump stations, being one of the significant weak links in the chain.

So the station was investigated, we sized it for the future and the project cost is 6.5, the total estimate project cost is 6.5 million and mostly because it's on the water. It requires a significant construction activity and it includes the purchase of that property that's adjacent to it so we included that because there is no properties to construct on anymore.

So we would recommend that the town purchase the property and that's in the bonding cost. So at 6.5 million dollars, and once again, assuming no stimulus money whatsoever, the new tax rate goes to 2.386, not including the other projects, just on its own, and that would result in a 244% increase."

Supervisor Cardinale: "Okay, so 244% increase for this project alone and we have-- do we have any-- other than the application we're making, do we have any other potential money that would fund this? All right. So assuming that we didn't get the money that we're making this bond hearing tonight or having the bond hearing in order to be eligible for, this project would push it 244% up. The other project would push it 592, so my arithmetic tells me that together they will push it 836%. Can we get to 1,000% on the next one or is that it? That's Calverton, I'm sorry. So this is it for Riverhead, 836%. That's great. Any other good news?"

Frank Russo: "The good news is you don't have to do it now."

Councilman Dunleavy: "What would be our interest on this bond?"

Supervisor Cardinale: "What interest? Oh yeah, that's another thing. You're calculating interest at 3 and 1/2%. I can't get money at 3 and 1/2%. I've got to pay 4 or 4 and 1/2, even with a AA rating. So it's probably going to be even worse."

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Councilwoman Blass: "Mr. Supervisor, though, if you look at the fact that when you asked what other sources of money potentially, if you look at the peak daily flows for each of the contributing pump stations, Raynor - is 107,000; Riverside Drive - 178; West Main Street - 148,000 gallons per day. The county jail and the county center, their peak daily flow is 640,000 gallons per day. That's several times more than all of the others."

Supervisor Cardinale: "Right. They're 25% of our flow, aren't they?"

Councilwoman Blass: "So I would wonder why they shouldn't be directly contributing to the cost of the upgrade."

Supervisor Cardinale: "That's a- we will discuss that, and you're absolutely right. They're going to be because if they have 25% of the flow, they're going to pay 25% of this."

Councilwoman Blass: "Well, I mean, except- "

Councilman Dunleavy: "And don't we have a problem collecting our money from the county?"

Supervisor Cardinale: "Yes. They've been hesitant to pay us what we've asked for. There have been disputes about the flow. Yes."

Councilman Dunleavy: "They have all the flow and they won't pay us."

Frank Russo: "It's not an easy flow to treat because a significant trash comes from the flow at the jail. That increases the cost of your facilities to handle that trash."

Councilman Dunleavy: "And so the taxpayers of the town of Riverhead again is helping the county of Suffolk out with their expenses."

Supervisor Cardinale: "If we were helping them, I'd stop helping them. We have an agreement- "

Councilman Dunleavy: "We are helping them."

Supervisor Cardinale: "We have an agreement signed by a previous administration that's good 'til 2017. So we have a contractual obligation to the county unfortunately. Now, who signed that agreement- it was a previous administration, but we have to honor it. So until 2017 we have no real choices here except- "

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Councilman Dunleavy: "With that agreement, we're still helping the county out. I mean, I don't care who signed the agreement. We're still helping them out."

Supervisor Cardinale: "The point is, John, we just can't pull out of it."

Councilman Dunleavy: "Oh, no, I know we can't pull out of it, but I mean we're helping the county again and the county still doesn't give us our right sales tax when people shop in the town of Riverhead. We don't get much of their sales tax revenue back."

Supervisor Cardinale: "Yeah, we get nothing."

Councilman Dunleavy: "We get nothing from the county of Suffolk."

Supervisor Cardinale: "That is an interesting point that we've discussed on the board. Three quarters of the counties in New York State share sales tax. You can note that we have Tanger Center and we have a lot of car dealerships in Riverhead. Three quarters of the counties share sales tax. Suffolk is one of the quarter that does not. That could make— even if we got a proportional amount of the sales tax to our very small population of 34,000, we would be able to cut our town budget by 40%. So you want to lobby for something, lobby for a share of your sales tax."

If you got the share of it that was reflected in the proceeds because of all the car dealerships and Tanger, you would probably have no town tax. So that's something to put on your wish list for Christmas. Something to think about."

Councilwoman Blass: "I think also if we ever get a chance to renegotiate that contract, I think part of the problem is the fact that the municipal buildings are assessed at a very low assessment because they are municipal buildings and that's why also their contribution is very limited."

Supervisor Cardinale: "Right. That's interesting and probably true."

Okay, anything else you wanted to say? If not, can I take public comment from anybody that wishes. Again, we're going to look at this on Thursday at a special meeting, so I need your comments in writing. If you don't want to make them tonight, by 12:00 on Thursday to the town clerk, Diane Wilhelm."

Public hearing closed: 7:33 p.m.  
Left open for two days to Thursday,  
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Public hearing opened: 7:34 p.m.

Supervisor Cardinale: "The next one is out of the Riverhead district and we're going to make Calverton suffer now. Calverton sewer district, is a hearing for an upgrade to Calverton sewer district plant, increase and improvements to the facilities, conversion of the existing secondary treatment process to tertiary treatment at the Calverton sewer district. Go ahead."

Frank Russo: "That same TMDL regulation because the Calverton plant discharges to the Peconic Estuary already takes into account that the Calverton plant outflow would be relocated north of what we term the ground water supply (inaudible)."

So we're taking the outflow out of the estuary, pumping it north on the property to a 23 acre site for leaching into the ground water. And this way that ground water tends to move towards the Long Island Sound, not entering the estuary.

So in order to do that, you have to improve the quality of the water that has to be— that has to meet ground water discharge standards which means that you have to upgrade the plant for (inaudible) or nitrogen removal.

The flow that's estimated from the planned industrial park is 150,000 gallons a day so we do that. When other developers or projects came in, the plant would be expanded in modules.

So based on that, we came up with a plan to upgrade that plant and by coincidence that project is 6.5 million dollars of which the town has already received a grant for 2.5 million dollars. This dates back— it has to be four or five years now that it's been on the books but the town couldn't afford to do it because— no matter— if you have no ratable, you can't do it.

So here's an opportunity once again to use stimulus money to try to make this project affordable and once again using that 3 and 1/2% for 20 years, the bond amount would be 4 million and the increase would be over 1,000% almost 1,300%."

Supervisor Cardinale: "We have a winner, the Calverton district at 1,300% would pay more than 836% of an increase. Okay. Thank you."

Frank Russo: "That's without grants."

Councilman Dunleavy: "Just to let everybody know. The Calverton sewer district is in EPCAL. It only contains the old

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Grumman property. So anybody that's in EPCAL will be paying for this. There will be no outside tax increases other than the people that have businesses in EPCAL."

Frank Russo: "Now the good news is that this project is listed on the intended use (inaudible) so the potential to get stimulus money is much greater than the other two projects and I think this is where that money would actually work."

Supervisor Cardinale: "Good. I hope it does because we could use the money."

Anything else you wanted to say about this hearing? Yes."

Councilwoman Blass: "If we're going to use this map and plan as backup for the application, we should correct the zoning because the zoning is not accurate in (inaudible)."

Supervisor Cardinale: "Thank you. Anyone else- and the map. Anyone else want to make a comment on this hearing? If not, again, I opened this hearing at 7:34 and I'm closing it now at 7:39 and we're going to keep it open for written comment 'til noon to the clerk on Thursday."

Public hearing closed: 7:39 p.m.  
Left open for written comment until  
Thursday, March 19, 2009

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Supervisor Cardinale: "Those are the three hearings we had scheduled for tonight. I have a lot of resolutions and I'd like to take comment on any resolution that you would like to comment on. Yes. Go ahead, Pete."

Peter Danowski: "Pete Danowski on behalf of Terry Girls Realty, Inc. I know the town clerk read the notice that my letter had been received. I certainly appreciate the fact that this board is now considering issuing the permit, a special permit pursuant to code provisions that they've recited in their resolution."

I would, however, take issue with some of the comments contained in the resolution and although I was happy to see this resolution on for a vote, and although it may be viewed as a resolution in the affirmative, it appears to me to be a vote in denial- "

Supervisor Cardinale: "What resolution?"

Peter Danowski: "This is 248."

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Supervisor Cardinale: "248? All right. Thank you. Go ahead."

Peter Danowski: "It appears to be a resolution of denial with reference the application as filed with the concept plan as submitted with the application. And I would like to indicate why I take objection to some of the findings and I would at the end ask you to consider amending the resolution to approve the permit as filed with the plan as filed.

And I think a lot of effort was made to go through the findings and certainly the initial findings are not harmful to my clients. They accurately say that my client's property is located in two zones, the hamlet center and hamlet residential zoning use district and both districts provide for bed and breakfast use by a special permit.

That's accurate. That's why we filed the application. We're in agreement with that statement.

Where I take issue is Roman numerals VII, VIII and IX and I can see why someone might make reference to the supplemental use regulations.

The truth of the matter is if you were in the town of Riverhead back in 1994 when supplemental use regulations were first adopted, you didn't have specific zones that allowed bed and breakfast necessarily by special use permits.

The way you got a bed and breakfast was pursuant to that section and if you read that particular section, the supplemental use regulations was well in advance of the master plan, well in advance of the 2004 zoning legislation.

Clearly under 108-64.5 the title bed and breakfast facility clearly (inaudible) adopted on July 19, 1994, it talks about the use in all districts allowed under this section. At that time if you wanted a bed and breakfast, you filed pursuant to that supplemental use regulation section.

And it said a bed and breakfast shall be an accessory use pursuant to that section to the principal use in residential, commercial and agricultural zoning use districts. That's how you applied the 1994.

Then you had a comprehensive plan. You had a lot of recommendations. Then the town went through their zoning code, consistent with the recommendations in the master plan and said look, we're going to go and list bed and breakfast as special use permits as a main use, not as an accessory use. And to justify that

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comment, I'll hand up a portion of the section we're applying under - 108-286 special permit uses under (inaudible) bed and breakfast establishments. It's not an accessory use, it is a main use.

To further agree with that position, you do ask them that paragraph B have paragraph C accessory uses and it says accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses.

So clearly this is a main use allowed by special permit. (Inaudible) your earlier legislation (inaudible) really don't apply to this particular application. So I'll hand up (inaudible).

And I would then say since those Roman numeral paragraphs VII, VIII and IX get specific about accessory uses, then you should (inaudible) or eliminate those particular paragraphs.

Some of the issues I might take issue with for instance we've agreed and I mentioned this at public hearing, that based upon the county making a comment to me that they thought the town was asking them to prohibit access to the neighboring subdivision to the east, I have no problem with that. The problem only in the sense that one of the local farmers rents the farm and he comes from over Union Avenue way. But other than that, I have no problem and I've told the county the same thing. If the town and county agree, we certainly will eliminate that access for farm vehicles out to the east.

Therefore, when I look at the resolution, what really disturbs me and has me describe it as a denial, as you know as was testified at the hearing, we have a wonderful historical two family house that exists on the site. It is a two family house that pre-existed zoning, clearly allowed to continue to exist not because just some definition of two family house today but because it existed prior to zoning.

It's allowed to continue to exist.

This resolution is suggesting that we should abandon for whatever reason, I can't understand the reason why, the two family use, try to go for permission to make it a one family house, and then allow for an accessory apartment.

Why, I'm not sure? That was bad enough until I got to the paragraph that leads me to think this is a denial because you say that clearly here we have to make this part of the application that relates back to the single family home. When I read the English language here, it may not be the best in writing, but let me read it.

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The applicant shall be submit a site plan and obtain site plan approval pursuant to the Riverhead zoning ordinance and all requisite applications for a bed and breakfast to be made part of or attached and accessory to the single family residence. And up until that point I'm thinking I'm building a new bed and breakfast, that's fine, it's consistent with my plan, after receipt of a CO as set forth in condition #1.

Now I'm worried about what that means. Does it mean I have to attach to the historic structure which you're mandating that I change from a two family to a one family with possibly an apartment, I must attach the bed and breakfast to the historic structure? Something I'm sure Richard Wines and other people who are very supportive of the historical designations would not support? Which would ruin the appearance of things and we'd clearly put on the site plan that we'd like to locate this new structure to the back of this area, behind the windmill, behind the barn, behind the historical two family home.

So to say even if it were a vote yes on the special permit to mandate that I attach this and make this part of what would become perhaps a single family dwelling with an attached apartment is tantamount to a denial.

And I would ask the majority of the members of this board to reconsider the wording of this resolution and they could merely take the resolution I've marked up, eliminate the lead paragraph that I refer to the Roman numeral three paragraphs, and merely grant the application for a special permit (inaudible)."

Supervisor Cardinale: "Pete, this application, in fact, you were complaining last week about it taking a long time. It took a long time because we had extensive review by legal so certainly I wouldn't want to change it without consultation with legal. Ann Marie Prudenti is on it. You know her well, you can speak with her.

The legislative history of the '94 act was looked at and as you well know, special permits are generally granted with conditions and it's not surprisingly sometimes the people that are making the applications don't like the conditions.

I'll give you two practical choices here. Would you like us to pass this tonight or would you like us to just table it to enable you to speak with the legal department, Ann Marie Prudenti particularly, to discuss the points that you have made?

I know that she has looked at the legislative history and I know that you know I appreciate what you're saying because I've discussed it with her once or twice myself and my head is spinning

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already. But they thought this through and they may have a disagreement with you on some of the legal issues.

So if it's not going to do you any good for us to pass it tonight, we wanted to get it on because you had been complaining that you wanted to get a decision- "

Peter Danowski: "Well, I think you and I both admit that there is a 62 day time period to issue a special permit and that has expired and all I was saying is I had come to a meeting once before and you raised the issue that it was on the agenda, it was on for a resolution and Ann Marie was in charge I guess of giving you advice and she wasn't there that particular evening, so you chose to pull it off the agenda.

All I'm suggesting to you is that I would love for the majority of you to support a change to this resolution. And if you're saying to me you don't have two people that would amend it today to my liking, then I would certainly ask you to table it."

Supervisor Cardinale: "Okay. Because I think your arguments are technical and should be made to legal and then explained to us at the work session.

I understand them but I think it's unfair to ask others on the board to understand them."

Councilman Wooten: "I've discussed this with you too Peter and I actually agree with you. I think these conditions are over the top and they're very specific and damning to the whole project."

Peter Danowski: "I tried to hang in there after the work session the other day. I know you broke to go into executive session. At that point it was not being discussed and, you know, I'll try to be available as much as I can and my inability to convince Ms. Prudenti to my way of thinking is not necessarily the be all and end all of your own personal opinions as to what you should- "

Supervisor Cardinale: "Well it is interrelated here with law. For example, your contention that a bed and breakfast was intended after the new legislation to be not an accessory use is an interpretation of law that we must rely upon our legal staff to give us. You're saying that- "

Peter Danowski: "As much as you and I disagree I bet if you looked at that section that just says here is permitted uses and specially permitted uses and after that accessory uses you'd come to the conclusion and agree with me."

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Supervisor Cardinale: "But what you did not notice and did not mention in your remarks is that the 1994 section is still part of the town law."

Peter Danowski: "Why would we not then when we list main uses say accessory use- "

Supervisor Cardinale: "Why would we not delete the 1994 section if we meant bed and breakfast not to be accessory to a home? Bed and breakfast are typically accessory to single family uses."

Peter Danowski: "Because maybe what you were suggesting was maybe you could go through the code and say these are where those are permitted as a main use. Any other place where they're not permitted, you can file under the '94 application. I'm not saying that was a good idea or bad idea. Maybe it should have been deleted. But there's another suggestion as to why it might remain."

Supervisor Cardinale: "That's right. That's exactly my point. There are two ways of interpreting this and we need to speak with counsel as to how the existing law should be interpreted."

You would have us disregard completely the 1994 statute which is still part of the books."

Peter Danowski: "I never disregard things completely. I say it exists."

Supervisor Cardinale: "You just say we disregard it. Don't pay attention to it."

Peter Danowski: "No. I say it applies when it's not a main use as listed under a zoning code provision. End of it."

I would ask you to consider putting this on at the next work session and have Ms. Prudenti there. I would like to be there. And just invite- "

Councilman Dunleavy: "Pete, because I couldn't vote yes for this because this is a denial."

Peter Danowski: "It is a denial."

Councilman Dunleavy: "If you vote yes and have 21 conditions, 16 on the first page and 6 on the second page, it- "

Peter Danowski: "My point is- "

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Councilman Danowski: "-- it is a denial. (Inaudible) I voted yes for this but if you don't meet the conditions, too bad. Either yes or no."

Supervisor Cardinale: "For starters, the 16 on the first page are statements of fact. There are six conditions, they're all-- the legal staff has talked to you. You have talked to them. You spent a lot of time of this. If you would simply hone your legal talents to convince our legal that you are correct in your interpretation of law, we wouldn't be arguing here. But they don't believe you."

Peter Danowski: "But I bet even on the town board there are times when you believe very sincerely and very truthfully and accurately that your position is correct and you can't convince somebody on this board."

Supervisor Cardinale: "I'm not talking about the board. I'm talking-- I understand."

Peter Danowski: "They are human beings as well."

Supervisor Cardinale: "But the legal staff-- it's a legal issue and you haven't been able to convince our legal staff, so it seems to me that you should be making your argument to them, not to us."

Peter Danowski: "And if I don't convince them, you're not going to vote yes?"

Supervisor Cardinale: "Well, we are about to vote yes on this but you don't want us to."

Peter Danowski: "That's correct."

Supervisor Cardinale: "Yes. Okay. Okay, then we'll table it at your request."

Any other comments on the resolutions?"

Martin Sendlewski: "Good evening. Martin Sendlewski, Calverton."

Although I certainly support promotion of businesses for permits, permitted uses and special permitted uses and business owners' rights, I certainly individually support the special permit application for the Hampton Jitney project.

Unfortunately, based on the precedent that was set by the F-1 project, this-- the buses are louder and there's certainly more traffic being generated than the F-1 project. The F-1 project was a permitted use adjacent to this use which is a special permit use and

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it was given a positive declaration due to the fact that it was considered to be possibly too noisy and it would generate too much traffic. Those were the two issues that became sticking points for F-1.

Now you have a project that potentially is louder and certainly will generate more traffic as a special permit and you're approving the special permit given the negative declaration. It seems as if two business owners almost directly adjacent to each other are being treated completely differently here.

Even though I support Hampton Jitney's application, it's really our position that as the architect for F-1 that you can't give them a negative declaration because if you do it flies in the face of the positive declaration that you'd given to F-1, a project that wished it was built and paying taxes in this town since their application was submitted in 2005.

So how can- I just- my question is how do you justify a negative declaration for a potentially louder and more traffic generating project as a special permit when a permitted use that has those same conditions is still being held up for now four years?"

Supervisor Cardinale: "Thank you. We received your correspondence and- Marty, and I considered it today at some length with Rick Hanley the director of planning and with legal and they'll give you a quick summary but they were comfortable with the file. We looked at the file completely. That this- that the- that this was distinguishable clearly from the issues associated with the other project."

Rick Hanley: "Yes, Phil, I agree with that. I think the first thing is the statement was that they're adjacent properties which they're not.

Secondly, the F-1 project was clearly a Type I action with SEQRA which presumes an impact statement which the planning board, not the town board, decided that was important.

And thirdly, traffic issues and noise issues, the thought that somehow a bus operation where the noise associated with a bus is off site, the bus is on the Long Island Expressway, tire noise, high speed as opposed to noise issues on a site on a daily basis are completely distinctive.

So that was the reason why we decided this was an unlisted action and we decided to neg dec the action."

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Supervisor Cardinale: "What drove the F-1- I asked you to review both files- what drove the Type I determination on F-1 from the planning board? Because we never even saw this file."

Rick Hanley: "Well, it was a planning board pos dec."

Supervisor Cardinale: "And why was it pos dec'd?"

Rick Hanley: "There were a number of major significant adverse impacts associated with it, having to do with noise, size of the property. There was a wetland issue as well. So I don't think you can really compare the two projects and I think the noise issue, just to reiterate, one has on site noise on a daily basis, the other is off site noise on the Long Island Expressway. I don't really think we can compare the two projects."

Supervisor Cardinale: "And I agree with that. I certainly think that- and we would discuss this and Marty I think would agree. We want consistency within the town. Now sometimes that's difficult because the planning board is a different board than the town board. On the other hand, our director of planning is the same director of planning and our SEQRA expert, Joe Hall, has been with us here a long time, makes a lot of money last I checked, and is an expert. And he has distinguished the projects for purposes of SEQRA. I assume (inaudible)."

Rick Hanley: "Like between unlisted and Type 1."

Supervisor Cardinale: "Yeah. I assume that he determined this to be an unlisted as opposed to a Type 1 which is a major determination."

Rick Hanley: "Right. And correctly."

Supervisor Cardinale: "And I assume that on the form that was filled out by the applicant for F-1 from that form, you identified serious impacts that would make it a Type 1 action."

Rick Hanley: "Mr. Hall identified significant adverse impacts associated with F-1 and not with the Hampton Jitney."

Councilman Wooten: "Do we know where that project is now?"

Rick Hanley: "F-1?"

Councilman Wooten: "Yes."

Rick Hanley: "Yeah, they have submitted a draft impact statement to the planning board. It was accepted and reviewed. They gave us a final impact statement and the planning board hired noise experts and they're not satisfied with the model that was

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submitted as part of the FEIS. So they had not re-submitted the FEIS and the ball's in their court. Okay. They owe us an FEIS."

Councilman Wooten: "I've got to be honest. I haven't dealt with it once and I've been here for 14 months."

Rick Hanley: "Well, you wouldn't see it because it's a planning board application."

Supervisor Cardinale: "A planning board application. Thank you. Marty- and Barbara, you had a point I think."

Marty Sendlewski: "Based on what Rick said am I to understand that the buses are not coming to this site?"

Supervisor Cardinale: "No. They're coming."

Marty Sendlewski: "They're on the expressway."

Supervisor Cardinale: "They're coming to the site. He indicated to me that the data you gave him was for buses, the noise buses make when they're on the expressway going 60 miles an hour."

Marty Sendlewski: "No. I'm basically talking about bus motors, the decibel rating of buses. There are going to be buses driving to the site, picking up people and accelerating off the site which is going to generate noise. The decibel ratings of a bus, which I've provided the information to you, is larger than the decibel ratings of the size of the motors that are associated with the cars.

So, therefore, I would assume that the same noise concerns that you have about the F-1 project would apply to this.

I would rather see the special permit get approved but what I'm saying is that I don't understand how it can be approved based on those other findings."

Supervisor Cardinale: "Well, we- I wanted to get that explanation and that's why I had him and legal and to answer your question, the noise associated with the track is different from the noise associated with this.

There is a report from Dunn Engineering in regard to transportation issues that is a part of this SEQRA determination in the planning board I'm told which indicates the number of buses that would be there on a daily basis which I believe is 70, that they would be in and out and that the noise associated with- the transportation issues were written- what do they call that? They

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gave us an enhanced statement- expanded environmental assessment form.

But they also gave us a- gave not to us, to the planning board because I looked at the file as you could, an expanded environmental statement- assessment form and then a report from Dunn Engineering which costs them money about the transportation issues.

So for those issues, they- both my director of planning and my SEQRA guy who are consistently used by both this board and planning, have distinguished those two cases.

And I obviously share your concern. I want to make sure they are clearly distinguishable because I do not want to treat one applicant differently than another."

Marty Sendlewski: "Right. That's a good point. And we had submitted in the final environmental impact study all of the criteria proving that F-1 wasn't an issue and the town hired a separate consultant to re-review their information and they said, well it is. Has that same consultant reviewed the sound information regarding this application or are you treating this different than that one?"

Supervisor Cardinale: "The- I don't know because I'm not- the planning board did not handle that and Rick might know."

Rick Hanley: "The planning board chose to use their professional consultants in a function of the SEQRA process, draft impact statement, final impact statement. We recommended a neg dec on this one. We didn't see a noise issue associated with this project. We saw the noise as off site, not on site."

Supervisor Cardinale: "And the neg dec was consistent with the SEQRA review of Mr. Hall?"

Rick Hanley: "Yes."

Supervisor Cardinale: "All right. Fine. They saw it as a different project, one a race track and one a- "

Rick Hanley: "Phil, I think the distinction is you have a Type 1 action on F-1; you have an unlisted action on Hampton Jitney and they're not comparable in my opinion."

Supervisor Cardinale: "Okay. Marty, thank you for bringing up the issue because I'm glad we checked into it.

Anybody else with a comment on any resolution that we're about to consider? If so, please come up."

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Matt Hattoff: "Matt Hattoff. Resolution 209, rescinding 167."

Supervisor Cardinale: "Yeah. Oh that. You'll love this one, Matt. The reason you don't know about it is they attached— on 167, they attached the wrong document and the other one that we're passing today is the correct document I understand. That's what I was told. So we rescinded the one that had the wrong document attached and we're passing the one with the right document."

Now the document that you're referring to is a labor matter and I assume you've seen it and you agree."

Matt Hattoff: "Right."

Supervisor Cardinale: "Yeah. The only recission is that we attached the wrong document initially."

Matt Hattoff: "Okay."

Supervisor Cardinale: "Thank you."

Matt Hattoff: "And I personally and I think Joe Hall is paid well but I don't think he's overpaid and I really didn't appreciate your comment. He's not here to defend himself."

Supervisor Cardinale: "I didn't say he was overpaid. I said he was paid well and— "

Matt Hattoff: "There's a lot of people in your office that are paid well."

Supervisor Cardinale: "Yeah. Well, being paid well shows that you have expertise at times as— "

Matt Hattoff: "That's not how you meant it though."

Supervisor Cardinale: "Well, excuse me. I said he was paid well. I did not say he was overpaid. You did. You should not suggest— I indicated he was paid well, Matt. That's what I said. Last time I checked he was paid quite well and he has great expertise."

(Inaudible comment)

Supervisor Cardinale: "He is. And the police officers are paid even better. Right. But that— "

(Inaudible comment)

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Supervisor Cardinale: "I'm very happy with Mr. Hall. He actually is a very good SEQRA reviewer."

(Inaudible comment)

Supervisor Cardinale: "Good, well, we agree. We agree. He's been a long time with us and he does a good job and he reviewed both files and is comfortable with his conclusions on F-1 and his conclusions on the Jitney.

Anything else? Yes."

Gary Pendzick: "Gary Pendzick, Superintendent of the Riverhead water district. Resolution 220, it's an amendment that clarifies the (inaudible) assessment tables within Chapter 105 concerning the water district.

It is my understanding that there was a request for further clarification late today that was put to the town attorney's office and I would say that I doubt that they enough time to consider it."

Supervisor Cardinale: "I think- they did attach the- yeah, legal got it into us."

Councilwoman Blass: "I don't know if it's- "

Supervisor Cardinale: "It's right here."

Gary Pendzick: "No, I'm just checking. I just didn't want to- "

Councilwoman Blass: "Do you want to check to see if this- "

Supervisor Cardinale: "Take a look at it. The changes that you were discussing were made. If they were not, please alert the board. So take a look at it.

Anybody have any other observations about the resolutions? If not, we're going to consider the resolutions and then take any general comment you would like to give.

Diane, would you call them, please?

CDA we should begin with. I'm going to adjourn the meeting of the town board for a moment."

Meeting adjourned: 8:05 p.m.

Meeting reconvened

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Supervisor Cardinale: "I would like to reopen the town board meeting, and ask that Diane give us a call on the resolutions for the town."

Resolution #195

Councilman Wooten: "Replacement of vandalized pedestals budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #196

Councilwoman Blass: "Approves the reassignment of a maintenance mechanic II to the buildings and grounds division of the engineering department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #197

Councilman Dunleavy: "Ratifies the reassignment of the position of geographic information systems supervisor to the engineering department. So moved."

Councilman Wooten: "And I'll second."

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

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

Resolution #198

Councilman Wooten: "This appoints interpreter for the police department and justice court. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #199

Councilwoman Blass: "Appoints a member to the Animal Advisory Committee. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "Yes. And the name is DuBato not Brato."

Supervisor Cardinale: "D-U-B-A-T-O?"

Councilman Wooten: "Yes."

Supervisor Cardinale: "Make that correction, please."

Diane Wilhelm: "Yes."

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

Resolution #200

Councilman Dunleavy: "Appoints one time marriage officer. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #201

Councilman Wooten: "Appoints a call in recreation aide Level II to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #202

Councilwoman Blass: "Appoints a temporary secretary to the Board of Assessment Review. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #203

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

Councilman Wooten: "And seconded."

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

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

Resolution #204

Councilman Wooten: "Ratifies the approval of a leave of absence for a police officer. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is the third police officer we have on military leave so of the police officers we have we're short three because they're all on military leave. Yes."

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

Resolution #205

Councilwoman Blass: "Motion to table Resolution 205."

Councilman Dunleavy: "And second."

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Supervisor Cardinale: "Moved and seconded. Some particular reason to table this?"

Councilwoman Blass: "We were going to have further discussion of this at executive session."

Supervisor Cardinale: "Okay. I thought we had discussed it with Diane at executive session. We can do it again. Move to table. Second to table. May we have a vote?"

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. I'm just voting yes so we can all sit down and talk about it and be unified. I vote yes."

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

Resolution #206

Councilman Dunleavy: "Appoints a senior justice court clerk to the justice court. So moved."

Councilman Wooten: "I'm sorry. Second."

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

The Vote: "Wooten."

Councilman Wooten: "She's already had that position. She has passed the test. Yes."

Supervisor Cardinale: "That's correct. She was provisional."

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

Councilman Dunleavy: "Yes. She is provisional now, now she's going to be permanent."

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

Resolution #207

Councilman Wooten: "Authorizes the town clerk to publish and post a help wanted advertisement for traffic control officers. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #208

Councilwoman Blass: "Authorizes the town clerk to publish and post a help wanted ad for pump out personnel. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #209

Councilman Dunleavy: "Rescinds Resolution #196. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "167."

Councilman Dunleavy: "167."

Councilman Wooten: "What did he say?"

Supervisor Cardinale: "Moved and seconded. Rescind this resolution. Vote please."

Councilman Dunleavy: "I didn't have my glasses on."

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

Resolution #210

Councilman Wooten: "This approves a memorandum of agreement. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #211

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Councilwoman Blass: "Waives the requirement of the posting of a site plan performance bond pursuant to Section 108-133 (I) of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #212

Councilman Dunleavy: "Authorizes the town clerk to publish and post notice of public hearing amendment of the zoning use district map of the town of Riverhead. So moved."

Councilman Wooten: "Seconded."

Councilwoman Blass: "Question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I think there's a correction that needs to be made in the hearing notice. We don't have business C any longer, Rick, correct? It's BC not business C."

This is a resolution for Route 58 zoning. It's business center shopping- business center district - BC, not C."

Supervisor Cardinale: "That should be center, not C. Right. Thank you. Would you note on the 1, 2, 3, 4<sup>th</sup> line from the bottom of the notice it should be business center not business C and make sure we get it right in the advertisement. Thank you."

Councilman Dunleavy: "All right. I move it as amended."

Councilwoman Blass: "Thank you."

Councilman Wooten: "I still second it."

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

The Vote: "Wooten, yes; Dunleavy, yes, as amended; Blass, yes; Cardinal, yes. The resolution is adopted."

Resolution #213

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Councilman Wooten: "Authorizes town clerk to publish and post a public notice for a local law to consider amendments to Chapter 101 of the code of the Town of Riverhead entitled Vehicles and Traffic. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Wooten: "They could take the stop signs down and just put a round-about there (inaudible)."

Resolution #214

Councilwoman Blass: "Authorizes the supervisor to execute a license agreement. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #215

Councilman Dunleavy: "Authorizes town clerk to publish and post notice of public hearing for the special use permit petition of John Reeve. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #216

Councilman Wooten: "Authorizes the reduction of site plan security of Traditional Links LLC (Friar's Head Golf Club cottage). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #217

Councilwoman Blass: "Authorizes the reduction of site plan security of Riveredge LLC (Riverhead Building Supply). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #218

Councilman Dunleavy: "Resolution subject to permissive referendum authorizing the Riverhead public parking improvement district's purchase of property located at 209 East Avenue, Riverhead, for parking purposes. So moved."

Councilman Wooten: "Seconded."

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

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

Supervisor Cardinale: "Is this Mr. Sendlewski's project? I wanted to make a note on this. First I'd like to vote yes.

Secondly, despite the fact that John got (inaudible) earlier by accusing me of simply by trying to delay a vote to discuss it more as we are doing for the deputy clerk of having nefarious reasons for it, I want to commend John on this because the- you were able I think to convince Marty to sell it to the town at 300. This will be helpful to our parking district as opposed to the 330 appraised value. So I appreciate your efforts and Mr. Sendlewski's gesture. Thank you.

I vote yes."

Diane Wilhelm: "Okay, the resolution is adopted."

Resolution #219

Councilwoman Blass: "Authorizes the supervisor to execute a license agreement with Wadlington Realty Corp. So moved."

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Councilman Dunleavy: "And seconded."

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

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

Resolution #220

Councilman Dunleavy: "Authorizes town clerk to publish and post a public notice for a local law to consider amendments to Chapter 105 of the code of the town of Riverhead entitled Water. So moved."

Councilwoman Blass: "Mr. Supervisor, at the request of the superintendent of water district, he's asking that it be tabled for further discussion."

Supervisor Cardinale: "Right. Yes. I would-- he wants to make certain that the language is correct. We are going to have a special on Thursday so let's hold it."

Councilman Dunleavy: "I make a motion that we table Resolution 220."

Councilman Wooten: "Second to table."

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

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

Resolution #221

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 987 entitled Littering of the Riverhead town code, Section 98-8 Dumpsters. So moved."

Supervisor Cardinale: "Moved and-- second, please."

Councilwoman Blass: "Second with a question."

Supervisor Cardinale: "Yes?"

Councilwoman Blass: "I'm sorry but the-- if the intent of this was to-- the intent of this was to change as set forth to the word recommended as-- there are two other references to set forth in here that I believe also should be changed to recommend."

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Supervisor Cardinale: "Okay. Which lines are they on, Barbara?"

Councilwoman Blass: "The fourth from the bottom and the second from the bottom. They're talking about specifications set forth. They should be recommended because we're not— they're not setting forth anything."

Supervisor Cardinale: "Recommended."

Councilwoman Blass: "All requirements as recommended by the ARB as opposed to set forth, if that's the intent of this."

Supervisor Cardinale: "You would change both the set forths to recommended, right?"

Now, you know what we should probably do? Why don't we kick it over, do it on Thursday because I want to be sure Ann Marie who has done this is okay with that.

Okay, so you want to table?"

Councilman Wooten: "Well, I will table. Move to table."

Councilwoman Blass: "Second to table."

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

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

#### Resolution #222

Councilwoman Blass: "Authorizes an increase of credit line with the Suffolk County Clerk's office. So moved."

Councilman Dunleavy: "And seconded."

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

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

#### Resolution #223

Councilman Dunleavy: "Authorizes publication of advertisement soliciting homeowner applications to the town of Riverhead Home Improvement Program. So moved."

Councilman Wooten: "And seconded."

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

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

Supervisor Cardinale: "Yes, and I will point out that this advertisement that will be now in the paper, that if you or anyone in the household to make 54,4 or less or 7 and make 96,3-- 96,300 you may be eligible for this program. If you need repairs to your owner occupied home and you meet those guidelines, we have some money from the federal government for roof, heating, insulation, plumbing, ramps, handicapped accessible. So the guidelines are pretty generous, between 54 for one or 96 for 7.

I vote yes."

Councilman Dunleavy: "And I don't see any age limit on this either."

Supervisor Cardinale: "No, that's right."

Councilman Dunleavy: "So there's no age limit."

Supervisor Cardinale: "And it's not-- it's only income eligible for that extent and all people, not just senior people are eligible.

Now you'll get a lot of business, Chris, that you probably don't need."

Diane Wilhelm: "The resolution is adopted."

Resolution #224

Councilman Wooten: "Authorizes Inter-Fluve to proceed with Phase I of the design of the fish passage at Upper Mills Dam. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #225

3/17/2009

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 25 Cherry Lane, Wading River, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #226

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code Section 108-56.1 Sign Permits. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #227

Councilman Wooten: "227 authorizes the town clerk to post and publish a public notice for a local law to consider amendments to Chapter 46A entitled Architectural Review of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded with discussion."

Supervisor Cardinale: "Seconded. Yes, Barbara?"

Councilwoman Blass: "I think if it's intended to address the sign permits based upon what was just done in 226, the recommendation goes to the building department and not the town board. I think that's what the change was in Resolution 226. If 227 was supposed to mimic that section then after the word recommendation it should say to the building department instead of the town board."

Supervisor Cardinale: "On what page are you on again? The last page?"

Councilwoman Blass: "The last page."

Supervisor Cardinale: "I have— yes, I think you're right on that. So that should be—"

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Councilwoman Blass: "To the building department. It was changed in a prior resolution, to make them consistent with each other."

Supervisor Cardinale: "Okay. So it should read building department where it reads- this is on (inaudible)."

Councilwoman Blass: "Shall provide a written report and recommendation to the- "

Supervisor Cardinale: "Final page, one, two, three, fourth line up where it says town at the end of the sentence, that should read building department."

With that amendment it's been offered and seconded. May we have a vote?"

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

#### Resolutions #228 through #242

Supervisor Cardinale: "These are the ones that I believe through 241 we could explain and pass together because they are all the same. Barbara, maybe you could explain the change. I know it's an addition to each of the zones, right?"

Councilwoman Blass: "It's a clarification of the supplementary guidelines as they pertain to each of these districts having to do with design, parking design guidelines, removing the terminology that they're basically requirements- they are guidelines and not guidelines."

Supervisor Cardinale: "All right. From 228 through 241 in various districts, the same change is being set forth for a hearing which would move the consideration from requirements to guidelines to make the review among other things more business friendly because it would give greater latitude to the reviewing board to waiver on the requirements without the necessity of referring the applicant to the ZBA. They could themselves amend the guidelines where they could not amend requirements. So we're going to have hearings on this. This is just to set the hearings for these 13 or 14 districts, zoning districts. This came out of revision, code revision committee?"

Councilwoman Blass: "Yes, it did and the only other comment is that the two that are labeled, numbered incorrectly. I don't know if anybody- "

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Supervisor Cardinale: "Right. And there are two A's and that's because they were doubled numbered- "

Councilwoman Blass: "239 and 239A, 240- "

Supervisor Cardinale: "Okay. So 228 through 242- through 242 inclusive of 239A, 240A are being moved together. Can we move them, second them and vote them?"

Councilwoman Blass: "So moved."

Councilman Dunleavy: "And seconded."

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

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

#### Resolution #243

Supervisor Cardinale: "243 is the next one. And those are only putting on for hearings. Go ahead."

Councilman Wooten: "Authorizes the town supervisor to execute change order No. 1 for East Creek Marina Phase I infrastructure improvement project. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is the first phase that we're changing that's a decrease. We're saving \$2,744.00 doing this. I vote yes."

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

Supervisor Cardinale: "Yeah, I'm pleased to see the decrease and I want to commend the engineering department and Barbara who have been overseeing this project. We're going to be ready for May, right? Good. Or April, better yet. I vote yes."

Diane Wilhelm: "The resolution is adopted."

#### Resolution #244

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Councilwoman Blass: "Authorizes the supervisor to execute a road, drainage and excavation agreement with Vincenzo Mastronardi regarding the Mastro Realty subdivision, Suffolk County Tax Map No. 600-80-01-12.7. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #245

Councilman Dunleavy: "Amends resolution #48 of 2009 (sets the fees for usage of recreation and other town facilities. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #246

Councilman Wooten: "Grants the special use permit of Hampton Jitney, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "I'd like to just make a brief comment please."

I fully acknowledge that the Hampton Jitney operation is certainly a top notch operation and I know the Lynch family, they're professional in every sense of the word.

But as you know I didn't support the change in the zoning use district to provide for this use in that industrial C zoning because I believed that it's not consistent with the intent of the zoning use district.

I had suggested that I thought a better way to accomplish this would be to rezone the west side of Edwards Avenue to mirror what is

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actually provided for or to mirror the east side in which case this use could be located on the other side of the street.

The intent of the district I believe is really what is paramount here and I believe that this particular use queries that. Do I believe this use is appropriate? I do, but I don't believe the zoning use district should have been amended to incorporate it. I think the district itself should have been changed.

I appreciate the investment that the Hampton Jitney is going to be making in the town of Riverhead but for the sake of consistency and for reasons I stated, I will abstain."

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

Supervisor Cardinale: "Yes. I am-- we had a lot of debate about this when we-- about the change in the zoning and although I-- it was a close call, but on balance I felt the way Barbara just enunciated.

I think once you lose that vote, it's unfair to the applicant not to look at each application. The zoning is what it is. It is now a special use, specially permitted use in that district and looking at as a-- despite the fact neither of us (inaudible), it is.

And the other irony I would point out which I always found quite comical is that it was always a permitted use as Barbara just pointed out across the street, on the other side of Edwards Avenue.

But whatever the history be, I'm going to vote yes and I'm going to vote yes because I think a special-- that they're entitled to a special use permit under the criteria in our statute and we were outvoted on the issue of what the zoning should include.

I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #247

Councilwoman Blass: "Grants special use permit of Theodora Cohen single family residence. So moved."

Councilman Dunleavy: "And seconded."

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

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

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Resolution #248

Councilman Dunleavy: "I'd like to table Resolution 248 and that grants special use permit of Terry Girls Realty Inc. for a bed and breakfast. So moved."

Supervisor Cardinale: "Moved and— may we have a second?"

Councilman Wooten: "Second to table."

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

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

Resolution #249

Councilman Wooten: "249 authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-179 - Pine Barrens Overlay District. So moved."

Councilwoman Blass: "Seconded and discussion, again. I'm sorry."

Supervisor Cardinale: "Yes, go ahead."

Councilwoman Blass: "I spoke with the town attorney prior to the hearing or to the meeting this evening and the intent was not to have any reference to undisturbed land because we know that these clearings (inaudible) and I believe the town attorney was going to make corrections."

Dawn Thomas: (Inaudible)

Councilwoman Blass: "To the word non-disturbance."

Supervisor Cardinale: "Okay. And we want to make sure— everybody wants to make sure that this is advertised, posted correctly for the fourth time and hopefully passed. Second time? It seems like the fourth time."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "So can we make sure, Barbara, I would ask you to make sure that that gets done."

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Councilwoman Blass: "The only other consideration that I didn't discuss with you, Dawn, but is something that I think maybe needs to be clarified is that we had made a representation that this map could be amended from time to time but we were never going to substitute any areas for any of the areas that were designated on this map. So this was going to be our base map. We could change it by adding to it but we weren't going to block properties if you will.

I think when we went to the first hearing somebody made that suggestion, we had all agreed that, yes, we would adopt this as a base map. So in section A- "

Supervisor Cardinale: "What does that mean?"

Councilwoman Blass: "It means that we could amend and modify from time to time by local law the map (inaudible)."

Supervisor Cardinale: "But it would mean by taking it from one place and putting it someplace else."

Councilwoman Blass: "No, by adding to it."

Supervisor Cardinale: "No, that's not (inaudible)."

Councilwoman Blass: "Well, that's- "

Supervisor Cardinale: "Let's table and talk about this. What I think she just said is that we would not be able to change the location of the undisturbed space. There's no reason to have this in there if you're going to do that.

You have to. Because when you develop say for example Riverhead Resorts, you have 250 acres of undisturbed space that you want to be able to change that. If you don't, then you're really locked in forever.

Do you want to do it on the work session? Okay."

Councilwoman Blass: "The area that you're showing on this map- "

Councilman Dunleavy: "Yeah, I think- "

(Inaudible comment)

Supervisor Cardinale: "Is open. We have no undisturbed space there. Now five years from now there's going to be undisturbed space there."

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Councilwoman Blass: "We're talking about the cleared- the limit of the clearing limits. We're talking about those areas. That's all pine barrens core. That area is not going to change."

Supervisor Cardinale: "Well, not unless the line changes. How about if the line changes? We should still be able to have the latitude to look at the changes five to ten years from now."

Councilwoman Blass: "But it says may be changed from time to time. I'm not saying taking that out."

Supervisor Cardinale: "So what are you saying?"

(Inaudible comment)

Supervisor Cardinale: "Not reduced what?"

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "That doesn't- that's being- that's a restriction that I certainly wouldn't want. That I can make the area bigger but I can't make it- "

Councilwoman Blass: "We could never have it smaller because we're at the 35%."

Supervisor Cardinale: "But you can exchange it."

Councilman Dunleavy: "I just think that you're tying it in that you can't change it and move it and not make it smaller but just move it to a different area."

Supervisor Cardinale: "Why don't we table it and talk about it at the work session so you can pass it on the 19<sup>th</sup> or thereafter."

Councilman Dunleavy: "This will never get passed."

Councilwoman Blass: "Yes it will, John. This has got to be passed right. It's got to be passed right, otherwise we find ourselves here again and again or in litigation or whatever you get it right."

Supervisor Cardinale: "Let's have a substitute discussion at the work session because she may be saying something significant or I may be mis-interpreting it. But I think it's important we have latitude with this map because we have limited wisdom as we sit here and in five or ten years from now I don't want anybody locked into this map."

Councilwoman Blass: "Absolutely."

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Supervisor Cardinale: "So maybe we're saying the same thing."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "You want to table it for now? 249— you want to do both of them? 250— we could just do this one. It's a map— the other is the map. Is there any question on the map? Okay, then let's have a motion to table 249 at least at the moment for discussion on Thursday and you can tell me (inaudible)."

Councilman Dunleavy: "On the map, wasn't there a discussion on the map that Riverhead water park was different?"

Supervisor Cardinale: "Yes. And they address that issue as well. But we want to make sure that everybody is happy because once we have these hearings— going into these hearings we should all be in agreement that it's a good idea and only what is heard from the commentary would change our mind. If we go in not being together, we're going to come out— we're not going to be— "

Councilman Dunleavy: "Yeah. Plus the runway is shortened. I thought this was a 10,000 foot runway and we were going to have it going all the way up to 10,000 foot runway and (inaudible)."

Supervisor Cardinale: "Okay. So let's do both, 249 and 250. We have four members and we have to have everybody in agreement. 240 and 250, could we have a motion to table and discuss at Thursday's meeting and then consider for a vote?"

Councilman Wooten: "So moved."

Councilwoman Blass: "Seconded to table."

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

Councilman Dunleavy: "That's 249 and 250?"

Supervisor Cardinale: "Yes."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. 249 and 250 are both tabled."

#### Resolution #251

Councilman Dunleavy: "Authorizes the supervisor to execute a contract between the County of Suffolk and the town of Riverhead (Juvenile Delinquency Prevention Program. So moved."

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Councilman Wooten: "Seconded."

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

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

Resolution #252

Councilman Wooten: "252, determining that the County of Suffolk's installation of a retaining wall along hole number five located at Indian Island Golf Course, Riverside Drive, Riverhead, New York will not be subjected to the zoning requirements of the town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #253

Councilwoman Blass: "Authorizes the release of security for Riverhead PGC, LLC. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #254

Councilman Dunleavy: "Authorizes the release of security of Verderber's Garden Center a/k/a 406 Main Road, LLC. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #255

Councilman Wooten: "Authorizes the release of security for Sound Housing LLC a/k/a Willow Ponds (storage building). So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #256

Councilwoman Blass: "Authorizes the release of security for H.F. Corwin & Son, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #257

Councilman Dunleavy: "Approves refund to Peter DiBernardi (The Hidden Vineyard. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #258

Councilman Wooten: "Releases maintenance bond in connection with the subdivision entitled Kelbridge Meadows (road and drainage improvements. So moved."

Councilwoman Blass: "Seconded."

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

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

Resolution #259

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Councilwoman Blass: "Accepts 100% security of River City Enterprises, Inc. (420 Osborne Avenue) - certificate of deposit. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #260

Councilman Dunleavy: "Approves Chapter 90 application of East End Arts & Humanities Council, Inc. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #261

Councilman Wooten: "Approves the Chapter 90 application of Our Redeemer Lutheran Church of Aquebogue for a carnival and flower sale. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #262

Councilwoman Blass: "Authorization to publish advertisement for janitorial supplies for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #263

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Councilman Dunleavy: "Authorization to publish advertisement for work clothes for the town of Riverhead. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #264

Councilman Wooten: "Adopts local law amending chapter 108 entitled Zoning of the Riverhead town code, Article III - accessory apartments. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. This makes it again more friendly the application process for existing apartments and new apartments. Among other things, it extends the period of-- what do we call that period? Amnesty, for a year so it's two years instead of one year. It allows larger apartments, at least slightly larger, 200 square foot larger, to be approved if they're existing and have been in existence when this was passed. And it also makes certain that you're not penalized with tripling the building department fees if you're trying legitimately to make legal an apartment.

So we urge and encourage people to come forward. We still have not had the response on accessory apartments that we had hoped.

If you have an apartment, you want to legalize it, come forward if you have an apartment. If you have an apartment that you want to consider making, come forward.

I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #265

Councilwoman Blass: "Sets registration fees for the Riverhead Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yes. And I've received already and I know others on the board have great compliments on this again, this Recreation Department booklet for the spring and summer programs. So I commend them.

I vote yes."

Councilman Wooten: "A picture on the second page."

Supervisor Cardinale: "Yes, it does, doesn't it."

Diane Wilhelm: "Okay, the resolution is adopted."

Resolution #266

Councilman Dunleavy: "Authorize the town attorney to order an appraisal for real property located within the Peconic River Eco-corridor target area described as SCTM# 600-124-4 - lots 3, 4 and 5 and SCTM# 600-128-3 Lot 48 and 49 and SCTM# 600-125-2 Lot 28. So moved."

Supervisor Cardinale: "Second, please."

Councilwoman Wooten: "Yeah, I'll second it."

Supervisor Cardinale: "Moved and seconded. And discussion, vote? Anybody want to discuss this?"

I did discuss this with Christine and with Ann Marie. These are— this is another resolution which we're passing in great part because as we indicated we have set these up for appraisal, we have a possibility of getting some grant money that we would not be eligible for otherwise.

I'm not in any rush to actually spend the money, but if I have to I will.

I would ask for a vote."

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

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Councilman Wooten: "267 is to pay the bills. So moved."

Councilwoman Blass: "And seconded."

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

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

Diane Wilhelm: "And we have a tabled resolution."

Supervisor Cardinale: "I think that that's related to (inaudible). We're going to hold until Thursday."

Okay. We have now completed the resolutions. We'd like to take comment from anyone who would like to make a comment on anything hopefully within our purview or influence zone. So those of you who would like to comment, please come up. If you don't comment, we won't hold it against you. We'll go home and eat dinner. You want to come on up? How are you doing?"

Ed Purcell: "Oh, I know I've been away working."

Supervisor Cardinale: "Good for you."

Ed Purcell: "Unlike some people."

Supervisor Cardinale: "Good for you."

Ed Purcell: "The Weeping Willow Motel. When are they going to start tearing it down?"

Diane Wilhelm: "Name."

Ed Purcell: "Ed Purcell."

Supervisor Cardinale: "So glad you asked, Ed."

Ed Purcell: "Yeah, because I saw today that there's—"

Supervisor Cardinale: "There's going to be actually an article I believe on this because I spoke with Mike White of News Review. It is going to close within the next 10 days. We have— we paid 1.25. We also have a grant of 500,000 to tear down the building and make it into a park. So we will be in ownership we expect within the next 10 days. And then be in a position to spend money to tear it down and to make it a park."

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There will be no- there will be all grant money used I'm told - 2% money to buy it, that will be the transfer money; and grant money to make it into a park."

Ed Purcell: "Also I want to congratulate the highway department for grinding some of the tripping hazards downtown."

Supervisor Cardinale: "Yeah. He's got a program- Geo Woodson- he's got a program that the board had asked him to undertake and he's undertaken. He's done an inventory of all the sidewalks and he's going to be correcting those areas. And he's going to be working more on it this coming week."

Ed Purcell: "That's what I wanted to know. If he's going to do more than just downtown."

Supervisor Cardinale: "Yeah. He's going to finish the drainage work he's got going right now this week and he told me next week get out there and he's got a survey of the pieces that he's going to replace and it will make a difference we are told."

Councilman Wooten: "And your scar is healing pretty good?"

Ed Purcell: "What?"

Councilman Wooten: "Your scar is healing pretty good."

Ed Purcell: "No. Those scars are from 20 years ago. You're not supposed to drive while you're sleeping.

Also Blackman Plumbing. What- "

Supervisor Cardinale: "Yeah. The good news on that is that despite the denial from the DEC of a variance they had requested, they've taken it to Albany to ask that they reconsider the regional action in denying the variance.

We've indicated as a town board unanimously support for the project, written a few letters in support of Mr. Blackman. We are hopeful that Albany will grant the variance. We're hopeful that we'll get the community river which will help as well. But so far they're still waiting for Albany's review."

Ed Purcell: "And that #250, is that about mowing lawns up there at Grumman or one says clearing property."

Supervisor Cardinale: "Yeah, no, this is something we're going to be discussing at the work session to make sure we get it right.

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This is a adoption of a- we have- none of the property at the EPCAL site, one of the amusing aspects of the EPCOT site is- it's 2,900 acres, let's say 3,000. Three hundred acres you can't get anywhere near, it's Pine Barren core. The 2,700 acres remaining at the end of the road, there's- I'd be surprised if 1,000 acres was built on.

That means that the rest of it is going to be open space. However, of the 3,000 acres, only- 35% of it must be undisturbed. In other words, not cleared. And that is a map that would show what on the whole parcel 35% would always remain undisturbed.

But in addition to that, there's probably going to be another 1,000 acres which is open space unbuilt on. So at the end of the road, there will be 2,000 acres that are open and/or uncleared and another 4,500 acres outside the fence open and/or uncleared. All the hoopla is about the 1,000 acres we might actually build something on."

Ed Purcell: "Well, my question was because I think I saw an article how one of the environmental groups was talking about the natural grassland. Well, the only problem is if anybody knows history, the only reason it's grassland is because Grumman used to mow it to keep it grassland.

If you look at most of the other properties that used to be farmed that went to grasslands, now are going to pine barrens or going to whatever. So that's a false assumption."

Councilwoman Blass: "That's exactly the reason for the clarification however because it can't be-- these areas that we're talking about, the clearing limits, can't be also considered non-disturbance because there may be situations where they get moved."

Ed Purcell: "Right. And that's what my question. Are we going to mow some of it, keep it as grasslands just as Grumman used to do?"

Supervisor Cardinale: "The reason we got in trouble with the birds was because it was mowed property which then grew but is at a grassland state. I was thinking that same thing. Why don't we just mow it and with no place for the birds to go we're finished with that.

The truth is that as I understand it, grassland if you don't do anything with it eventually becomes what- what's the next stage? Yeah. But what is it? Old field?

Now if you don't- very funny. If you don't mow the lawn you know like for runways (inaudible), it becomes- it stops being

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grassland after a certain amount of time because the trees begin to grow and you don't have the grassland birds. So the last thing you want to do is start mowing again. Eventually the grassland will disappear of its own volition if you don't mow it."

Ed Purcell: "Well, that's right. If you look along the Riverhead Moriches Road, those fields on the east side— on the west side, were grassland just going west."

Supervisor Cardinale: "But at the pace we're going, by the time we finish these projects, they won't worry about the grassland birds because there won't be any grassland. It's like— that's the way ultimately you can wait them out."

Ed Purcell: "And the last thing is on the apartments that have been proposed for downtown on Peconic Avenue, my concern is as has always been, when it's a rental unit the people who rent it do not take care of it like if it was a condo where they have some ownership in it.

And my other problem is that is there any way you can put (inaudible) that if you do go for apartments in that area, can you put a codicil to make sure that you don't rent them out to illegal aliens where they have to meet a card check because maybe you can't legally do it but— "

Councilman Wooten: "It's actually going to be all governed through Long Island Housing and there are going to be a lot of checks."

Ed Purcell: "But that's what I mean because if you want to improve downtown, apartments for the most part, I haven't seen any of the other towns in Riverhead, I've worked as a salesman all over Long Island, Queens, Brooklyn. I sell other than Hempstead and if you want Riverhead to be Hempstead, build five story buildings on the south side of Main Street with apartments and you'll wind up like Hempstead."

Supervisor Cardinale: "I've got to give you credit. You are consistent because I remember you saying this a couple of years ago."

Ed Purcell: "Yeah. I've been saying this for years."

Supervisor Cardinale: "When they were going to do condos and then the economy crashed. Yeah, you supported condos not apartments and you still do and I appreciate that."

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I would say only two things. One, they're not building condos because you may have noticed the world's almost- the economic world is almost coming to an end.

The second thing is that the people that are going to be in like Ray Dickoff's (phonetic) project, to be- what they're putting in there are people who have- if they're single people, it's only 600 square feet those apartments, are- they have to make \$54,000 which is 80% of the median and if they're married people, they have to make \$67,000. So these are what you call rich people in Riverhead."

Ed Purcell: "But my concern is what happens if building is built, it says in there it's got to be, then you come back to the next board, it says I can't rent it because nobody wants to live in downtown Riverhead because of circumstances. Then they're going to come and say well, what am I supposed to do? I have to lower the-

Supervisor Cardinale: "Well, you're absolutely right and- "

Ed Purcell: "And that's my concern. If it would stay as that- "

Supervisor Cardinale: "It gets better because (1) objection of school problems is hopefully going to be handled by having 600 square foot apartments, one bedroom. But affordable housing at 80% of the median income doesn't you're pointing out, has to be affordable housing at 80% of the median. It could be 80% or less. So if they can't rent them at 80% of the median, they'll rent them, I would, 70, 60 until you get- "

Ed Purcell: "Until you can fill it up."

Supervisor Cardinale: "On the other hand, they're going to have to have some money and even if they're making 50% of the median, let's say they're making 30,000 as a single worker like one of our kids, they've got to live somewhere and why not downtown because nobody else is living there and maybe if we have some people down there they would demand services which would actually give us something to do downtown.

So I'm not really afraid of a single kid making 30 or 40,000 living downtown."

Ed Purcell: "Well, I'm not- you see my problem is that I've seen too many apartment complexes start out as all good intentions and not considering unintended consequences and once you put a five story building which originally you were only going to have three story buildings, you'll have like the (inaudible) Hilton that used

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to be on East Main Street that eventually we had to tear it down and it did nothing but blight East Main Street."

Councilman Dunleavy: "But if you look at the apartments we have in Riverhead now, I think all of them are kept well. The ones on West Main Street, Roanoke Avenue, the ones down at 500 Doctors Path, the one at East Main Street, and I think that if they're monitored they will stay well kept and that's what you have to do. You have to monitor them- "

Councilman Wooten: "It's a start anyway, Ed. And if you go down to Patchogue- "

Councilman Dunleavy: "But we need to put traffic- "

Ed Purcell: "They aren't right in the center of the street in Patchogue. Not five stories."

Councilman Dunleavy: "No. But we need- "

Supervisor Cardinale: "The Peconic Avenue project that we're talking about incidentally is going to be four stories not five, but I understand your point and I think what John just said is absolutely accurate. That we're going to have 600 square foot apartments there, it's only 28 of them or something like that- 52. There's 52 apartments and if you're lucky you might have a couple hundred apartments downtown.

You're going to have to monitor them but- because of their size, they're likely to be young people, young individuals or young couples or old individuals or old couples and they're probably going to be making somewhere between 40 and \$70,000. So we could do worse but you're right, it could deteriorate like you saw in the city, like we've all seen."

Ed Purcell: "Not just the city."

Supervisor Cardinale: "But that's a function of good monitoring. As John was saying, you monitor the apartments pretty well, you would have a good apartment law, they would have to be inspected, you know, they have their requirements. But it's a legitimate concern and we are concerned."

Councilman Dunleavy: "We are concerned about it."

Ed Purcell: "Also something that has nothing to do with Riverhead but maybe you know. The canoe rental place on Peconic Avenue."

Supervisor Cardinale: "He's staying."

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Ed Purcell: "He's staying now?"

Supervisor Cardinale: "Yeah. There was a problem with the deal with Southampton so he's going to be here."

Ed Purcell: "That's what I was wondering. What's going on with that."

Supervisor Cardinale: "Yeah. He's going to be here for the summer and in fact they're planning- June 27<sup>th</sup>, right, Chris- a Riverfront festival. I was counting the festivals- the Riverfront festival, the mosaic festival, the Polish festival, the country festival, the crew festival, the rowing festival. What else did I miss? The Blues festival."

So we have like seven or eight festivals in town because nobody comes here normally so we have to have festivals to bring people downtown. Now if we had a couple of stores that were rented, we would be in business."

Ed Purcell: "Yeah. What's going on with the- that supermarket that wanted to go on 58? Maybe you could push them towards Main Street."

Supervisor Cardinale: "We tried that. Consistent with not interfering with contractual rights of Augie Grover whose property it is. We have others on Main Street, property owners have reached out to him including the ill- yes, even Gordon reached out and said I've got a place for you."

Ed Purcell: "Well there used to be- there are three former supermarkets on East Main Street."

Councilman Dunleavy: "Those stores were built for supermarkets on East Main Street. So one should come down there and enter one of those stores. I agree with you. But we need foot traffic on Main Street and the only way we're going to get foot traffic is build apartments and have people live on Main Street so they need the services and the services will then come."

Supervisor Cardinale: "That's the theory. I think we all agree on that and my heart be still, a food store or even movie theater would be so nice to bring people downtown."

What can I do for you, Larry?"

Larry Oxman: "Hi, Larry Oxman. I just wanted to really address the concerns about apartments downtown and I'm glad that you're in agreement."

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I think that the word affordable sometimes is misnomer and people don't quite understand this program that's being offered. I actually have the HUD income limits right in front of me and you're correct. If it's a single person, 80% of a \$54,000 a year income; if it's two people, \$62,000. So this is by no means Section 8 or—these are people that desperately need good living situations.

I have no vested interest in Mr. Dickoff's property. It's a wonderful addition to the downtown and actually I'm very pleased that it's such a prominent location and hopefully it can be a beacon for other development.

So I would encourage the board to fast track it and to make it happen."

Supervisor Cardinale: "Thank you. We are committed to doing that and I can appreciate what you just said about the median income.

I would also point out that the Long Island Association who I know you are familiar with, has identified affordable housing as the number one problem on Long Island and the absence of sufficient rental housing is really an enormous problem that drives our groups out of the area and drives our older couples out of the area because they can find no places to live other than single family housing at great expense and too high taxes due to people like us.

So the truth is that we need more rental housing for people that are our children and our parents."

Martin Sendlewski: "Hi. Martin Sendlewski, Calverton. I happen to be working on that project. One of the terms that planners use, architects use etc., and what's being used more throughout the country now. It's really instead of the reference of affordable housing it's really next generation housing. It is housing that allows for affordable opportunities for our next generation, my kids, other people's children to be able to stay here in Riverhead instead of having to move down south because they can't find an affordable place.

So that's really where it's at. The term next generation. Thanks."

Supervisor Cardinale: "Yes. We've been struggling to find the right term. Next generation doesn't incorporate the older couples who also need affordable—median income is pretty good because it means that they're like the rest of us. They have an income. It's not—we have an obligation—we discharge it I think very well in this town with Section 8 housing for the very poor, but that's not what this is about. It's about something in the middle. The median income older and younger generally individuals or

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couples. So hopefully we'll monitor it and we'll improve the situation.

Anybody else want to comment? If not, we can all go home and have some dinner if you haven't eaten yet and we'll see you on Thursday at 10:00 at the work session."

Meeting adjourned: 9:05 p.m.