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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, March 6, 2007, at 7:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale: "--town board meeting and I'd like to have the board join me initially in the Pledge of Allegiance and then we'll have some presentations. So, if- Don, you want to lead us in the Pledge of Allegiance?"

(The Pledge of Allegiance was recited, led by Don Secunda).

Supervisor Cardinale: "Okay, if the town board will join me. Is the labor management committee here, anybody here from the labor management, please come up. I miss her already, Madelyn. I think this is the first presentation we're doing without our Madelyn who recently retired (inaudible).

So this is the labor management committee. Ray Coyne in Recreation; Judy Doll, Seniors; Michael Reichel of the Sewer; I know sanitation (inaudible). Maureen and Maryann and Barbara, all on the labor management committee.

And we have a particular interesting presentation this evening. One is for the Employee of the Year, the year 2006; and one is a double barrel presentation for employee of the quarter. And if you could-- if you would like me to call these individuals up and present and I'd like you to say a few words-- anybody from the committee which I serve on but only on the lunch meeting. Could you come up, please, with your family; and also Donald and Geraldine.

Would you come up, please, and Chief Hegermiller who are the two department heads and Christine Fenton who is (inaudible) Buildings and Grounds; (inaudible) our deputy town engineer; Chief Hegermiller and (inaudible) from buildings and grounds.

Okay. I will do the Employee of the Year 2006 first and move on to the first quarter of 2000- last quarter of 2006. So the last

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quarter- each quarter we announce an employee of the quarter and this is unusual because this proclamation proclaims two, Donald Highland and Geraldynne Highland as employees of the quarter, a combination for many years in more ways than one.

So if the Chief Hegermiller, you're here, before I read the proclamation, why don't you tell us why these two individuals are- what they do and why they are extraordinary at it?"

Chief Hegermiller: "Mr. and Mrs. Highland are obviously husband and wife. They are two of our finest crossing guards. They have the crossing at Pulaski Street School and Griffing Avenue. I know that because I see them every morning when I pass by. And they do an outstanding job for the town (inaudible)."

Supervisor Cardinale: "(inaudible). Let me read a little more detail both to Donald and to Geraldynne- read in the same sequence.

Whereas each has been a valued employee of the town of Riverhead and are currently working as a crossing guard;

Whereas they began working for the town six years ago; and

Whereas Mr. Highland previously worked for the Suffolk County Police Department as a crossing guard for 25 years as did Mrs.-- she did, he did not; and

Whereas Mr. Highland's commitment to our community is demonstrated in his work ethics as crossing guard ensuring that the students arrive at school safely in the snow, the rain, the bitter cold; and

Whereas Mr. and Mrs. Highland are married and they together raised two beautiful daughters and have three grandsons and all of them reside on Long Island; and

Whereas as a result of their hard work and dedication, the labor management committee, (inaudible), has recently named each Employee of the Fourth Quarter of 2006.

BE IT RESOLVED, that I, Phil Cardinale, Supervisor on behalf of the town board, add my congratulations and that of the town board to our Employees of the Quarter, Donald Highland and Geraldynne Highland.

And I thank you for your service to the town. Congratulations and thank you.

As long as we're here, Juan, why don't you come on over and bring your lovely bride there.

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Juan Ayala is the 2006 Employee of the Year and this includes a town seal to mark that accomplishment.

Juan is frequently being nominated. Were you an Employee of the Quarter in any point in your storied past? I thought that. He's been an Employee of the Quarter and now he's moved up to Employee of the Year 2006. Everything I've ever seen about your reports on what you've been up to are glowing and that you're cooperative and cheerful and willing to go the extra mile for the town. And for that, I sincerely thank you and so does the board.

And I would like to present you with this. I would also like your Supervisors, Guy and Christine, to say a few words, more articulately than I about how (inaudible)."

Guy: (Inaudible) "-- for three years. He lobbied for a long time to get in- no money in the budget and finally (inaudible). His wife is an excellent cook- snowstorm, the family is wonderful. He does well (inaudible). I see him with his son, he loves his son (inaudible)."

Supervisor Cardinale: "We appreciate what you've done for the town and to the community and to your family. Are they here? Come on up, say hello. Channel 22 wants to see you. It's a pleasure to meet you and you have a great dad and thank you for your service to the town.

Christine, you are the (inaudible) town engineer and supervisor of buildings and grounds. You've met this gentleman?"

Christine: "Yes."

Supervisor Cardinale: "Can you tell us anything- "

Christine: "I've been with the town since April and since then it's been (inaudible) to work with buildings and grounds and the variety and the diligence of work that they do. Everything that they touch is an improvement to the town (inaudible). It's a pleasure to work with him (inaudible)."

Supervisor Cardinale: "Well stated. I just want to point out that this room which was redone last year was done by buildings and grounds and if anyone knew this room before it was redone, they can appreciate their skill."

(Inaudible comment)

Supervisor Cardinale: "Yeah, that's right. I'm going to try and pick up the pace. So I want to get out of the way so you can say hello to the town board before you- and I also want to give you an opportunity to say anything you'd like to say."

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Juan Ayala: "I'd like to thank the labor management committee, my co-workers, my wife, all my family, everyone and everyone here this evening for this recognition. It's a pleasure to serve the town. I love my job. I greatly appreciate it. I will continue to do my best and, again, thank you to all and everyone have a good night. Thank you."

Supervisor Cardinale: "Mr. and Mrs. Highland, can I ask you to say something if you'd like?"

Geraldne Highland: "Just appreciate working for the town and for this award (inaudible). Very much appreciate it. Thank you very much."

Supervisor Cardinale: "We appreciate your efforts and thank you for your efforts for the town."

I should also point out or someone on this committee should point out, isn't there like a bond or a day off or something?"

Unidentified: "Yeah, they each get a \$100 savings bond and a day off with pay."

Supervisor Cardinale: "And they don't have to split it, they get one each."

Unidentified: "They get one each."

Supervisor Cardinale: "All right. There you go. I want to clarify that. I want to make sure that the committee gets that done and enjoy the day off, enjoy the bond, thank you for your efforts, and now we've got to go back to work here, the board. But let me get out of the way and you can say hello to the board and shake everyone's hand, and the town clerk. Congratulations."

Okay, let's see if we can get this rolling. Okay. I'd like to begin by approval of the minutes of the town board meeting of February 21st. Could I have an offer and a second?"

Councilman Densieski: "So moved."

Councilman Dunleavy: "And seconded."

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

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

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Supervisor Cardinale: "Next I'd like to tell the public about the reports received in the last two weeks. Barbara?"

REPORTS:

Tax Receiver
Total collections to date
\$55,913,081.94

Town Clerk
Monthly report for
February,
2007 - total collected was
\$9,519.96

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications."

APPLICATIONS:

Special Event
Cooley's Anemia
Foundation -
September 29 - 7am to 5pm -

bike-
a-
thon,
4
mile
walk

Barbara Grattan: "That concludes Application."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Robert Kozakiewicz
Regarding village center
zoning use district - comments
submitted regarding the public
hearing held on 2/21/07

Greg Fischer
Regarding animal shelter
-
volunteers and fiscal and
moral responsibility

Ray Maynard
Regarding public hearing
on
rules and regulations for the
Calverton airpark

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "All right. In regard to the public
hearings, we have five of them scheduled, the first of which is
scheduled for 7:05."

Public hearing opened: 7:25 p.m.

Supervisor Cardinale: "It being 7:25, I'd like to call that
which is for consideration of a proposed local law to amend Chapter 47
of the town code entitled Bays and Creeks.

It seems to me we might have heard this once or twice before and
this is the amended version as a result of the suggestions at the
previous public hearing to clarify certain points which shows that
we're listening to you at these public hearings. The whole point of
them is to get the public input, adjust the legislation, and get
something that's closer to- as good as it can get.

So who would like to comment? And before you do, would you
summarize, either George who's worked on this, or Dawn. Whoever would
prefer. George, could you do that?"

Councilman Bartunek: "Phil, actually a lot of the changes here
are in response to public comments that were made at the last hearing
that we had on this.

I think it probably- I mean what we're doing here is there are
some changes to the size of the shellfish and- that can be taken. And
we may actually consider simply adopting DEC regulations on some of
these different sizes of shellfish and so forth.

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Other than that, we really haven't changed much here. We are-- we're eliminating that you can't spear fish and we're-- "

Supervisor Cardinale: "You're eliminating-- "

Councilman Bartunek: "We're eliminating the section here that did not allow spear fishing. Period."

Supervisor Cardinale: "So in answer to the public, we're allowing spear fishing and they say we're not responsive."

Councilman Bartunek: "What we're doing, Sal, we're going to provide-- there's not going to be any spear fishing within 500 feet of a public swimming area."

Supervisor Cardinale: "I can understand that."

Councilman Bartunek: "I don't think that's too unreasonable."

Supervisor Cardinale: "That's reasonable, George."

Councilman Bartunek: "So that's about the only change that we have here."

Supervisor Cardinale: "So the public seemed to be concerned about spear fishing. We have responded. Is there anybody else that wants to respond to our response?"

Councilman Bartunek: "Are you satisfied, Sal? Okay."

Supervisor Cardinale: "And, if not, it being 7:28, I'm going to close the hearing for verbal testimony and keep it open for 10 days in case someone has an insight that they want to share 'til 5:00 p.m. Friday, let's see, what's today-- the 6th, and the 7th, the 8th, the 9th, the 16th, March 16th, Friday, day before St. Patrick's Day. St. Patrick's Day is on a Saturday. Wow, that's good. So it's open for submission of testimony in writing until 5:00 p.m. on the 16th."

Public hearing closed: 7:28 p.m.

Left open for 10 days for written
comment to 5:00 p.m. on March 16, 2007

Supervisor Cardinale: "And we go onto the second hearing. The second hearing is scheduled for 7:10. It being 7:28, we can start it."

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Public hearing opened: 7:28 p.m.

Supervisor Cardinale: "The consideration of a local law providing for rules and regulations for use of the runway at Calverton Executive Airpark. This is also a second hearing. We had a hearing, we got certain public comment. We formed a committee with the help of Barbara Blass— the leadership of Barbara Blass and Ed Densieski, which in itself is remarkable, the two of them working side by side. And they've come up with— they've come up with— in response to the committee's suggestions and the public's suggestions, certain proposed revised rules and regulations for use of the runway at Calverton.

We haven't kept too many people waiting because at last count, we only have two runway use agreements out there so there hasn't been a real clamor for this. But we wanted to get it done because we promised we would get it done in the hope that we'd get better aviation use consistent with zoning out there.

I know Ray Maynard is here. I'm sure since he's one of the people affected immediately, he may have a comment and we'd like to take any other comments.

So, Ray, do you have a comment? Come on up. And anybody who wants to speak on this, please follow."

Ray Maynard: "Good evening, Supervisor and town board members. My comments on the rules that are proposed. One concern is the hours of operation being limited to dusk. I think that you should allow language in there if there's an emergency situation or occasionally that the runway has to be used at night, you should leave that in there. The lights do work and the power comes through (inaudible) and there's a system in place that you click on your radio three times on a certain frequency that would let the lights be on for 10 minutes and then they go back off again.

I'm certainly not proposing that you have night time operations all the time, but I think you should leave a little leeway there in case something does have to come in or leave after dark.

My other— my real concern is prohibiting intersection departures on a 10,000 foot runway is really, really extreme. The only two intersections that are on that runway still allows you 7,000 feet. Most aircraft are off the ground before 1500 feet.

Last fall when they had the public hearing, I went out and bought a decimal meter and we conducted our own test from doing a full length runway departure and doing an intersection departure and there was less than one decibel difference at the other end of the runway when the aircraft was in the air. I don't know why they want to put that in but I think it's really excessive.

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I know one point that was brought up was worrying about runway incursions. Well, there's only one runway there and runway incursion rules are brought up when you have multiple runways and runways that are running parallel and worrying about aircraft coming from one runway, going to another one. That's really not an issue when you only have one runway.

My business personally would be hurt by that greatly because we'd have to taxi an extra 3,000 feet every single flight no matter what the direction is. So the time and the cost of that is really, really going to be high on me. And if there's— if someone could tell me the real reason of why they need to do this, I would listen to it. But at this point in time, no one's given me any input back from that.

And the only other thing I have to offer is that the proposed traffic patterns, you have one on the east side and one of the west side, the prevailing winds here on the north shore and Calverton, determine where we let our jumpers out. And 90% of the time, they're going to be on the west side of the runway. So for safety reasons, I thought that if we had all the traffic on the east side, it would be a better situation."

Supervisor Cardinale: "Thank you. I have here your letter of 2/27 which I'll ask the— which you just ran through I know. I'll ask the clerk to make it a part of the record so— "

Ray Maynard: "I appreciate that."

Supervisor Cardinale: "-- these are memorialized. If anyone on the board has a comment, I'll take it. If not, I'll take the next comment."

Councilman Bartunek: "I'll ask Ray a question. First of all, if you had all of the flight approaches on one— on the east side of the runway and you have an uncontrolled field— Barbara and I had a lot of discussion about this. And I felt that it would be safest to have a left pattern on that field because it's not a controlled field."

Ray Maynard: "Okay."

Councilman Bartunek: "Now if you had a situation like we commonly have in the summertime when you have a dead calm, how do you decide what the approach is going to be, which runway a plane would land on, if you didn't have a prevailing wind direction— if you didn't have a certain wind direction on that day."

Ray Maynard: "Well, what we do when there's a— when you have a choice of going north or south, we go out to the south because that's

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less intrusive on anybody and then we would take off and be out of the pine barrens."

Councilman Bartunek: "But there's no— there would be no contact between— if you had two planes. Can you imagine two planes landing at EPCAL at the same time?"

Supervisor Cardinale: "One can only hope."

Councilman Bartunek: "But I mean if it were to happen, you could have— "

Supervisor Cardinale: "They have two runway use agreements so it is theoretically possible."

Councilman Bartunek: "You see the point though? For safety reasons, I can understand your point of view for the safety of your parachuters you wouldn't want to have all the flight pattern on the east side of the runway. But for the safety of the aircraft, I would think you would want to just have a consistent left hand pattern."

Ray Maynard: "There are places that have done that, you know, on one side and I hear your point."

Councilman Bartunek: "Uncontrolled field though?"

Ray Maynard: "Um, the place we came from, Spidaro's, we had to be on the east side the whole time. No matter which way you were going."

Supervisor Cardinale: "Would you--"

Ray Maynard: "And there was never an issue with that."

Supervisor Cardinale: "Would you seriously want us to pattern ourselves?"

Ray Maynard: "No, no, no. Not at all. I just— you asked whether there was a field that has that. There are. And we do have a frequency that we tell everybody we're using and as you know there's communication, you know. It's better."

Supervisor Cardinale: "Do you have any idea how— I found interesting your remarks in regard to the runway lights which you maintain are operation, power is located in the (inaudible) America building. Turn on the power, the lights actually work."

The— there's a technique whereby you hit the radio three times or something or press it or do something."

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Ray Maynard: "It has a frequency."

Supervisor Cardinale: "And the lights go on. How expensive is that?"

Ray Maynard: "That's in place."

Supervisor Cardinale: "No. I mean the system of hitting the radio and the lights go on?"

Ray Maynard: "Yes."

Supervisor Cardinale: "Is that right?"

Ray Maynard: "Yes."

Supervisor Cardinale: "So we wouldn't have to pay any money?"

Ray Maynard: "No."

Supervisor Cardinale: "It's getting better and better. Okay. We'll look into that. Thank you."

Ray Maynard: "Thank you."

Councilman Dunleavy: "We may have to rent it."

Supervisor Cardinale: "Of course, the system is in somebody else's building is one thing, I think. But maybe they'll be cooperative."

(Inaudible comment)

Supervisor Cardinale: "Thank you. Yes."

Jennifer Carvey: "Hi, good evening. My name is Jennifer Carvey and I'm project coordinator with the Long Island Pine Barrens Society. And I'd like to read the text of remarks by Richard Amper, our Executive Director."

Supervisor Cardinale: "Richard couldn't make it?"

Jennifer Carvey: "No."

Supervisor Cardinale: "We look forward to him."

Jennifer Carvey: "I bet you do."

Supervisor Cardinale: "Okay."

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Jennifer Carvey: "The Long Island Pine Barrens Society has been concerned for many years about the threat represented by aviation use at the former US Navy Grumman airfield at Calverton.

New York State, Suffolk County and Riverhead has wisely resisted aviation expansion there and Riverhead residents defeated a proposition to operate an airport at EPCAL.

By limiting aviation to that associated with firms doing business at EPCAL and by prohibiting certain aviation activities altogether, Riverhead town has held to prevent further contamination of the site which lies in the central pine barrens and in the largest of Long Island's state designated special groundwater protection areas.

There are ancillary benefits including attracting businesses for which the operation of an airport would be detrimental in controlling noise and other airport nuisances for the benefit of the neighbors.

Particularly positive in the runway rules before you tonight are the following:

The anti touch and go rule will limit noise and reduce liability to the town because take offs and landings are the most dangerous part of flying.

Number two - the creation of traffic zones will produce noise sensitive areas.

Number three - the requirement for full length takeoffs will only ensure that planes are at their lowest altitude and noisiest while over the airport itself. Safety will also benefit because pilots will have a greater range to abort a takeoff in the event of an emergency and will be less likely to crash into the pine barrens and the Peconic River.

The society appreciates the thoughts that went into these runway rules and supports their adoption. And thank you for their consideration."

Supervisor Cardinale: "Thank you very much. And, you know, if he would have been here, I would have been particularly delighted and surprised because that may be. I've been in town government since 1998 with the exception of a two year electorate imposed vacation and I don't think I've ever heard a positive review of anything that came out of- from Eddie and Barbara so congratulations, guys, a positive review. Thank you."

Jennifer Carvey: "He thought you'd like that."

Supervisor Cardinale: "Yeah. Yes, sir."

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Major Scott Klingler: "Hello, I'm Major Scott Klingler, from the Air National Guard at Westhampton Beach and I'm standing in for Lt. Col. Mike (inaudible) who spoke previously concerning the airport. He couldn't make it this evening.

And one of the issues he wanted me to bring up was the 100,000 pound total aircraft gross weight limits. And, basically I brought some information which I could leave with someone if they would care for it. And, basically, it's just to clear up any misunderstandings.

Our assumption is that every aircraft above 100,000 pounds, you wouldn't want heavyweight airplanes there because they damage the runway, the asphalt, the concrete, things like that. And basically, I don't know how many people have an aviation background, but the overall weight of an aircraft and how much it affects the pavement, is a measurable thing. And the smaller tires, the heavier the plane.

You can have a large plane, for example- I have- and I could leave this with you, I have with me the airfield, the US Air Force Airfield Suitability Report for Calverton and aircraft such as the C130 which typically we don't weigh anywhere near this much, it will accept that on runway 1432 at- regular usage is up to 175,000 pounds and a larger aircraft like a C5, however unlikely, is up to 840,000 pounds at regular use.

And basically I have a conversion table which I could also leave which kind of tries to explain a little better, that you have a C130, for example, and it shows how much tire pressure per square inch we actually put on the pavement, either concrete or asphalt, whatever it might be. And because the aircraft is large, it has very big wheels and those wheels are spread far apart. So the actual pressure it's putting on the pavement, for example, the tire pressure per square inch on the pavement for a C130 is a rating of 116. A C21, which is a Lear jet, a business jet, which I think in a perfect world people would say, they, these are the type of airplanes which might eventually come in and out of there, you know, that has a tire pressure rating, a psi of 160. So basically the small aircraft, because of its weight and very small wheels, is actually significantly more pressure on the asphalt or the concrete than a large C130 would be.

So basically I'm just here to convey the message that perhaps that could be looked into when they do in depth planning versus putting a blanket weight out which might tie hands. I mean, some business jets will come in over 100,000 pounds. So basically it could be looked at in more detail with a lot of airfields.

For example, the way the Air Force does it, it says, okay, for this type of landing gear, this is your maximum weight. If you have

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this type of gear, that's your maximum weight. And it really isn't, you know, it avoids a blanket situation of saying what about this, what about that. Because it's very cut and dried, you know, so I don't know if there's any questions of anyone I can leave this with.

Supervisor Cardinale: "Yeah. If you would give it to the clerk, she'll give it to Barbara and Ed and the committee.

So I understand this. Are you— did you say that— we'll point out for those who've forgotten. Actually under the current zoning, the owners of the industrial buildings can bring in raw material and bring out finished product if they wish or anything else as long as its accessory to their business. But did you say the bigger planes have a less impact on the runway than the smaller ones?"

Major Scott Klingler: "It depends on the type of landing gear that they have. Obviously like a small plane like a Cessna that weighs a few thousand pounds is almost no impact. But as the aircraft get larger, for example, if you had a Gulf Stream business jet or something like that, it's a larger, heavier plane and it's got very small wheels."

Supervisor Cardinale: "I see. And those are the worst?"

Major Scott Klingler: "Those are very heavy. And in the table, it shows different type of airplanes and I'll be around if anyone would like to look at it later. But basically if you look— like a Lear jet, it's a small business jet. And it actually has more pounds per square inch on the pavement than a large airplane like a C130. Even a C17 which is a strategic aircraft, the size of a jetliner, you know it has a lot of wheels and they're spaced far apart and they're very big.

So basically just, you know, our point of view is just that if someone, you know, would want to look at that and we'd participate and whatever information would be required."

Supervisor Cardinale: "Because your point being it might be more complicated than we've made it in these rules. Okay."

Major Scott Klingler: "I think so. And it might tie your hands in a way that I don't know you'd want them to be tied."

Supervisor Cardinale: "Thank you."

Major Scott Klingler: "Sure."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Mike."

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Mike Spindler: "Mike Spindler, Calverton. I glanced- read these rules and saw the traffic patterns and I don't think there's too much wrong with them, really. I think when you read the reuse plan, I believe it says something to the effect that you're supposed to redevelop the property with, you know, business in mind and this and that, while maintaining the quality of the environment and this and that. And I think this reasonably does that.

There was a question about traffic patterns. I see the traffic would be right traffic pattern, left traffic pattern. That- I don't think that's as big an issue as one might think it's going to be because if you apply these rules with no touch and goes and no multiple approaches, the traffic pattern really doesn't get used like in a regular, you know, small GA airport.

Most of these approaches, that are going to be flown here probably are going to be straight in approaches. They're going to come straight in from wherever or they're going to enter the traffic pattern and then do a standard entry to a downwind base to final.

Mr. Maynard's completely correct. You get on the radio, self announce, and let people know you're coming in. That's standard procedure at all uncontrolled airports, to self announce. That's not something that's out of the ordinary or weird.

But this is not about, you know, one particular operator. I heard, you know, comment that, you know, about full runway (inaudible) departures and about noise. It's really not completely about noise. Anytime you have an entry or an exit to a runway, there's a possibility of a runway incursion. In my opinion, especially at an uncontrolled airport, there's no ground controller and there's no tower controller.

Runway incursions happen quite frequently and they do happen at uncontrolled airports and quite often they happen at small GA airports due to the fact there's no controller. This runway, I think, is even more- could be more likely to have an incursion due to how long it is. How it's lining up, you know, at the beginning of the runway.

In other words, if you make it so there's no intersection departures and you can only take off from one end or the other, everyone knows where they have to be. Since the people that are going to be flying in and out of there are going to be based there, everyone- there's a high probability that everyone is going to know where they have to be. There's no intersection departures. You can't take off at an intersection. You either take off from the beginning or the end.

It's also a safety thing and one thing I heard from the lady from the Pine Barrens about with a full length departure heading to the

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south, the airplane is very high and Mr. Maynard is completely correct, he comes very high. If he was to have a problem, he could easily circle and land easier where if you take off at an intersection, even with 7500 feet, it limits you.

If you have a dual engine failure in a twin or if you had a problem, where are you going to come down- headwaters of the Peconic River, Pine Barrens. You know, it could be a problem. I'm not saying it's going to happen tomorrow but you're being as safe as possible by using full runway length departures and there are many airports around the country that require it for that reason.

Skydive Long Island is probably one of the only guys that would ever have a problem with that. I mean a corporate guy is not going to have a problem with it. Most of the corporate guys don't even like intersection departures.

Okay."

Councilman Bartunek: "Mike, could I ask you a question before you go any further with the issue of the intersection departure? Given the amount of aircraft that have runway use agreements right now, I mean, Barbara and Mike, would it be unreasonable to allow intersection on departures, that we could word it until further changes in the- "

Mike Spindler: "Well, I would- "

Councilman Bartunek: "Would that be unreasonable?"

Mike Spindler: "I personally- "

Councilman Bartunek: "And, again, there's only two planes using it."

Mike Spindler: "Even if there were more planes and a concession to Skydive Long Island who in fact, in reality, I don't believe complies with the zoning. You didn't want a guy that was going in and out like that. You want corporate jets, Computer Associates, whatever, going in and out. Could you make an exception for him? I guess you could. I guess you could. He's there all the time, he flies there all the time, he's very familiar. Could you? Sure."

Councilman Bartunek: "Would it be unreasonable under the circumstances of the number of planes that are actually based there."

Mike Spindler: "No, it would not be unreasonable."

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Councilman Bartunek: "And I mean if the number of aircraft increased which, hopefully, will happen, then the rules could change, we could modify it."

Mike Spindler: "Sure. I like full runway length departures. I understand what Ray is saying. I don't think— when he came before this board, when he got here, he said to— not quoting, but whatever you guys need to do, I'm here as a good neighbor, you know, all this. And now, you know, I personally think they're pretty important. Is it that important to the highest degree? No. But it's not asking that much.

I think it's in the best interests of the town. The town owns the airport. You have to realize— will they allow intersection departures, they're indemnified by the FAA. We have a problem here, you can go to the FAA and say, look, we want a full runway length departures. We said that we want it as safe as possible. I don't believe there's— and I understand what they're saying. It's a long runway and all that. I just want to, you know, make it as safe as you can.

I understand Ray's problem. It's definitely, you know, a situation for him.

Let me see what else I have here. I thought it was a good— a pretty good plan. I thought as it evolved and I can't see too much of a problem with it.

Let me just check my notes here and make sure— remember the town's at liability. Oh, about the 100,000 pound airplanes. You know, the town owns the field and there's great advantage in my opinion for the town owning this field. They don't have problems. They're not going to have problems like East Hampton has. You can control it. You can't control East Hampton. That's why they have problems out there, they can't do it, the town can't do it.

Some people in the town are thinking about paying back the FAA funding so they can do what we're doing here. Okay. One hundred thousand pound airplanes are not about banging on the runway. That airplane can take banging on the runway all day long, the C5 (inaudible).

The problem is the town owns the runway. We don't have any crash rescue. You crash a 100,000 pound airplane and, of course, airplanes never crash, right? I love these guys that can see the future and say— airplanes crash. And when they crash, when you crash a 100,000 pound airplane and you have a problem and it's all over the place. It can be. Teterboro had one— I can't even— if I had— if I took my notes correct and I came in here, I could show you it's probably like every other day. That's why I would say limit the 100,000 airplanes on a

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case by case basis. You get an emergency or a national disaster or something, of course, you're going to let a C5 come in or a C130 come in or something like that.

The town owns the airfield. There's no call for 100,000 pound airplanes there right now. There's other airports where 100,000 pound airplanes can go that have crash rescue, paid for by the taxpayer, you know, fully manned 24 hours a day. Right here. Right over there. They can do it. We don't have that.

And it's nothing that can't be changed in the future. You know Warren Buffitt wants to keep his 707 out there and provide his own crash rescue, well, knock yourself out. But that's not about pounding the runway. That's not why I would prohibit 100,000 pound airplanes.

But other than that, I think they did a great job and I can't see too much wrong with it."

Supervisor Cardinale: "Thank you."

Mike Spindler: "You're welcome."

Supervisor Cardinale: "I appreciate your comments."

Councilwoman Blass: "Can I thank Michael, because he was— "

Supervisor Cardinale: "Michael. Oh, you want to comment."

Councilwoman Blass: "Well, I just wanted to say that you were a great resource when I ever had a question, I appreciated your being available. Thank you."

Supervisor Cardinale: "Thank you. Is there any other comment from the public this evening? If there is not, we will take written comment through 5:00 p.m. March 16th and then I'm closing it this evening for verbal testimony."

Public hearing closed: 7:50 p.m.
Left open for 10 days for written
comment to March 16, 2007

Supervisor Cardinale: "And moving to the next one scheduled for 7:20."

Public hearing opened: 7:50 p.m.

Supervisor Cardinale: "Consideration of a local law to amend Chapter 108 entitled Article XI Maritime M Zoning Use District setting

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forth the Maritime Zoning Use District. Would you summarize what we're doing here, please, Dawn? Rick, are you here? Rick, why don't you come up and summarize it. It wouldn't be hard, it's only one paragraph."

Rick Hanley: "Yes. This is the second iteration of this zoning endeavor. The intent was to allow the town board to regulate the bottom of Long Island Sound to exclusively use that for water dependent use.

We heard that a number of months ago and the board asked me to revise it to not only provide for regulation on the bottom but as well as the water column between the bottom and the logical projection to the surface. So that's what we're hearing tonight."

Supervisor Cardinale: "Thank you."

Rick Hanley: "Yes."

Supervisor Cardinale: "This is the third hearing this evening and it's the third hearing that is a second hearing in which you're responsive, responsible and remarkable I think. The town board responded to your comments and came back with a better version.

So if anybody wants to comment on this hopefully better version? I thought not. The question is why are you zoning water, you morons, which is what this is doing incidentally. But we have our reasons.

In that case, we'll leave it open for written remarks up through March 16th and end the verbal testimony this evening."

Public hearing closed: 7:54 p.m.

Supervisor Cardinale: "The next and fourth hearing is a new one."

Public hearing opened: 7:54 p.m.

Supervisor Cardinale: "For the proposed extension of the sewer district to be known as the Riverhead- the Blackman Plumbing Supply Co., Inc. sewer district extension. Right? And you came all the way out to talk to us from where- "

Frank Russo: "From Melville."

Supervisor Cardinale: "From Melville. Just to speak to us this evening."

Frank Russo: "Yes."

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Supervisor Cardinale: "I'm so touched. Please begin."

Frank Russo: "Thank you so much. I appreciate it. My name is Frank Russo. I'm with H2M. I'm represent or I'm the consulting engineer for the Riverhead Sewer District.

An application was made by Blackman Plumbing to extend the current boundaries of the sewer district. Right now, Blackman- there are five tax maps, five tax map parcels. The total size of that property is roughly four acres. These parcels will be merged into one parcel.

All but one of the structures- the existing structures will be demolished to make room for a new warehouse, office and showroom facility.

As you can see on the map, the existing district bisects one of the parcels and that's the boundary of the sewer district. The sewer district has to be extended to take in the additional parcel. So that's what we're talking about.

The new facility will consist of approximately 52,000 square feet of warehouse and roughly 2400 square feet of office space and 3,000 square feet of showroom- I'm sorry total of 52,000 square feet; 46,000 square feet roughly of general warehouse area.

Total flow coming from the facility is 2500 gallons a day which is nothing. In order to service the new facility there is approximately 110 linear feet of new sewer and two new manholes. That would be the extension. That's what would be necessary to service the new facility.

The existing facility discharges to the West Main Street pump station. The pumps are old. It would be better that we just replace these small pumps. They are only two horsepower pumps. And also there's a wet well control system at the (inaudible) pump station which is where the West Main Street pumps to and that needs replacement.

So in order to kind of just guarantee that the existing facilities can handle the additional flow, that's part of the plan also.

The entire cost is paid by- this is the best part, the entire cost is paid by the developer, the applicant, which is estimated at \$200,000. And also they contribute to the no nitrogen increase fund which is a town charge of \$16,250.

And that concludes."

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Supervisor Cardinale: "Very good."

Frank Russo: "Thank you."

Supervisor Cardinale: "I- this is in the- we would pay nothing, they would pay everything plus \$16,000 tip but you have- and I'm sure you are all talking to the DEC about this because this is in the Wild and Scenic River corridor, but go for it."

Frank Russo: "Okay."

Supervisor Cardinale: "And we encourage the development of that strip and we could become the only Wild and Scenic River corridor with sewer service in the entire state."

Frank Russo: "That would be great."

Supervisor Cardinale: "Michael Reichel from the sewer department is here also to answer questions and to respond to any comments. So does anyone have a comment in view of that presentation? If not, I know that this application is wending its way through the DEC process and we'll see how they do."

And we also- this is part of the area where the community river designation is being sought by the town of Riverhead. However, I must point out that even though the uses would improve between the library and the post office on Mill Road, but they still have- they are, of course, the DEC so they don't have to make sense. They still do have a 10% lot coverage and that looks like a little bit more than 10%, but I'm happy if you make them happy.

Okay, so we'll keep it open until March 16th for written comment and end the verbal testimony now unless someone wishes to make a comment."

Public hearing closed: 7:57 p.m.
Left open for 10 days for written
comment to March 16, 2007

Supervisor Cardinale: "And move right along to the fourth- final hearing which is for the consideration of a proposed local law- it being a couple minutes- two minutes to eight, we'll open this one."

Public hearing opened: 7:58 p.m.

Supervisor Cardinale: "Consideration of a proposed local law to amend Chapter 3, appearance tickets, and to indicate that among the

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many others authorized to issue appearance tickets- I think we're the only ones that aren't. The building inspector, the zoning and building inspector, the sanitation supervisor, fire marshal, building permit coordinator, site plan reviewer, electrical inspector, housing inspector, ordinance inspector, traffic control officers, animal control officers, bay constable, town investigator, general senior town investigators, we are adding that the sign inspector can issue tickets. I mean, how long- is he hired yet?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "So what is he doing in the last few weeks if he's hired and he can't issue any tickets? He's the sign- he's the enforcer of your sign code."

Councilman Bartunek: "Hey, listen, we worked on it together. Don't- "

Supervisor Cardinale: "In seven years all of the preexisting nonconforming signs are going to be coming down and we are going to have a beautiful town with only those signs permitted by George's ordinance."

Councilman Bartunek: "Thank you."

Supervisor Cardinale: "But in the interval for those who are violating this code by crassly putting up their own signs without any permissions whatsoever, the sign inspector can now issue tickets under this hearing. So anyone who wants to comment on that is free to, but seriously, I'm wondering what has he been doing since he got hired if he couldn't issue tickets?"

Dawn Thomas: "He has been becoming oriented and- "

Supervisor Cardinale: "He's becoming oriented. We hired a disoriented sign inspector?"

Dawn Thomas: "No. You know, he is having town of Riverhead orientation like you do (inaudible)."

Supervisor Cardinale: "Leroy, you're keeping him busy, I hope? All right. I'm sure he's being kept busy but now he will be even more efficient."

If there is anybody's comment, we'll take it. If there isn't, in case- in the unlikely event you get the urge to comment, we'll leave it open until March 16th for written- 5:00 p.m. for written comment and we have accomplished five hearings."

Public hearing closed: 8:00 p.m.

Left open for 10 days for written
comment to March 16, 2007

Supervisor Cardinale: "We have I think it's 56 resolutions. We would be pleased to take comment on any of them that anyone wishes to make comment on. We'll then consider them, we'll then take general comment and then go home to dinner we hope."

(Some inaudible comment)

Supervisor Cardinale: "Yes, Sal, how are you?"

Sal Mastropolo: "Good. And you?"

Supervisor Cardinale: "Good."

Sal Mastropolo: "181."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Put a date on it."

Supervisor Cardinale: "181, put a date on it. Yes."

Sal Mastropolo: "182, put a date on it."

Supervisor Cardinale: "Okay. Would you mark that please on yours, Barbara? Okay, 181 and 182 we're dating today, it will be March 6th."

Sal Mastropolo: "183."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Do we get reimbursement via a grant for RHDC expenses?"

Supervisor Cardinale: "Yes and no. They run the Section 8 housing program. They get— that's what funds them in effect. They do 192— is it— vouchers a year and they get a certain FHA payment for that based upon the number of vouchers. They have been moaning that they— because of the cuts at the federal level, they're having problems making ends meet and this is our attempt to declare our allegiance to the effort but try to limit the expenditure."

Sal Mastropolo: "So what you're saying is the town of Riverhead is supplementing the federal government?"

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Supervisor Cardinale: "Yeah, that's what I'm saying more or less. That's it. Because they're not, you know- "

Sal Mastropolo: "Subsidized."

Supervisor Cardinale: "Yeah, it's the old game when Regan cut taxes, he did, but he also cut services to the locals who raise taxes. So the revolution wasn't that revolutionary in truth."

Councilman Dunleavy: "But, Sal, if we didn't do this, they inspect all these Section 8 houses every year."

Sal Mastropolo: "Who, RHDC?"

Councilman Dunleavy: "And- yes, and they make sure that the people living there are- there's different rules for you to live there for a disturbance house or something. So they're in charge of these and if we didn't have these people doing this, I don't know what kind of houses that we would- the upkeep and that stuff."

Sal Mastropolo: "I guess my point is if we didn't subsidize them, they'd get their money from the federal government. It's a government program, right, not a town program?"

Councilman Dunleavy: "No, they would have to cut their- what they do down."

Sal Mastropolo: "Okay. 189."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "My question- the first Be It Further Resolved."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is that 650 per police officer or is it 650 total? It should stipulate if it's 650 each or a total of 650."

Supervisor Cardinale: "That is a total. Barbara checked it. Thank God."

Sal Mastropolo: "Okay, then you should state in there not to exceed a total of 650 for both of them."

Supervisor Cardinale: "A total of 650 for both. Okay."

Sal Mastropolo: "193."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "I guess my only comment on this is, I already talked to Barbara and I understand her rationale for asking for more money. My only comment is I think we should eliminate all stipends, okay, and just include, you know, just make sure that the salaries are appropriate for the positions. I mean stipends basically aren't public knowledge, the salaries are, okay, and then you start looking at stipends and you start looking at other things like use of a town care, etc., which doesn't-- which isn't public knowledge to everybody. Okay? It's just a recommendation."

Supervisor Cardinale: "I agree with you, yes. Thank you."

Sal Mastropolo: "197."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Are we reinstating her at the original level, the group and step that she-- "

Supervisor Cardinale: "Came from. Yes."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "But hold on 'til next week. This is only the first half."

Sal Mastropolo: "And the Be It Further Resolved, okay-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- the terms of Resolution 1145-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I mean shouldn't you state what the terms of 1145 were in there?"

Supervisor Cardinale: "Which one are we talking about, same one?"

Sal Mastropolo: "197."

Supervisor Cardinale: "Oh, yeah."

Sal Mastropolo: "The Be It Further Resolved, that the terms of Resolution 1145 dated December 19 shall continue without interruption. I thought that, if I recall, that was-- "

Supervisor Cardinale: "Was that the resolution appointing?"

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Sal Mastropolo: "That was the resolution which said- "

Supervisor Cardinale: "Another stipend. Yeah, but we intend- we- just so you understand. The stipend which will expire in May 31st, was for certain work she was doing which we needed done."

Sal Mastropolo: "Over and above the call."

Supervisor Cardinale: "Right. But this is- we never do this except we're required to do this by the Civil Service because of a glitch in the appointment that we made to promote her. So we're backing off the promotion because we have a glitch and we're trying to correct it. That's what's going to happen next week, we're going to attempt to correct it but this week we have to- we're ordered to put her back in the other position because the initial promotion was defective unless a certain affidavit was provided, which it was."

Sal Mastropolo: "Okay, but the stipend still ends in May?"

Supervisor Cardinale: "The stipend ends in May and continues in the same fashion until then."

Sal Mastropolo: "227."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You're missing an opening Whereas. Is this a test, George?"

Supervisor Cardinale: "227. I'm missing 227, no, here it is. Awards bid for carriage house. Whereas, three bids were received."

Sal Mastropolo: "Right. You're missing the opening Whereas. Whereas, the town clerk was authorized to publish and post a notice to bidders for carriage house plumbing renovations."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "That's what you're missing."

Supervisor Cardinale: "In other words, Whereas the bids were- okay, Whereas, the town clerk was authorized. Okay. You got that one?"

Sal Mastropolo: "Yeah, 226 there's a misspelling. The word Whereas."

Barbara Grattan: (Inaudible)

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Supervisor Cardinale: "The 9th of February on the 26th. Thank you. And an additional clause of 227. The opening clause."

Sal Mastropolo: "One other question on this carriage house."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I calculated there's like \$240,000 total."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is that recoverable by a grant?"

Supervisor Cardinale: "Yes. A state grant, \$250,000. Thank you Sen. LaValle. Of course, it's our money. Don't you love it, these politicians, they want to be thanked for giving us back our own money. Think about that. You got a press conference so give them back the money to the people that gave it to you. All right."

Sal Mastropolo: "231."

Supervisor Cardinale: "At this level, we don't get any money to give back, that's why all the complaints. You see, the local always gets the state and federal grants and we have to say thank you but it's our money to begin with. The local can't give any grants because they have no money."

Sal Mastropolo: "231. The Resolve at the bottom of page 1."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Item #2. That any disadvantages resulting from the proposed land use are outweighed by the advantages gained by the town of Riverhead. What advantages are gained by the town of Riverhead by giving this guy a two family permit in Jamesport?"

Supervisor Cardinale: "We're going to actually be passing soon I think an accessory apartment ordinance and one of the things- and this is in effect an accessory apartment in a single family home. One of the things that it does is that it actually makes two housing units affordable and available to, for example, next generation housing needs. So that's what I think they're alluding to there when you allow in a two family- this is a district where you could have a two family legally, but you need a special permission of the town board."

Sal Mastropolo: "Then let me ask a question. Is there a stipulation that the second apartment has to be affordable?"

Supervisor Cardinale: "No. But there is a stipulation- there should be a stipulation that it has to be owner occupied."

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Sal Mastropolo: "Well, that's in here. It's in here that the owner has to occupy it. But your answer to my question about the advantages gained by the town was provides affordable housing but there's no stipulation in here that says it has to be affordable. So if that's water view, he could charge a fortune for it and it doesn't give us affordable housing anyway."

Supervisor Cardinale: "That is true but, of course, his house would be more affordable because of all the rent that he would be getting from the other, so we're at least getting one affordable unit out of it. Look at it that way."

Sal Mastropolo: "Okay. And #4, okay, of the same section, okay, it says intent of the zoning ordinance. Well, it's B40 and B40 is what, one family, one acre?"

Councilman Bartunek: "But it provides accessory, right, Barbara? Provides accessory-- "

Sal Mastropolo: "Let's-- can we get one thing straight? Particularly if you're doing accessory housing. Isn't there a difference between accessory housing and two family?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. So-- "

Supervisor Cardinale: "There are, that's true."

Sal Mastropolo: "-- specifically from a point of view of financing and the value of it etc., and the assessments. I mean accessory housing should be a minimum or maximum square footage. Right? And it's not legally a two family house, right?"

Supervisor Cardinale: "I don't know technically but we don't have to worry because we don't have a housing-- we don't have an accessory housing statute or ordinance yet."

Sal Mastropolo: "But you're going to be working on it?"

Supervisor Cardinale: "Yeah, but an accessory-- it really is-- it becomes a two family. There's two units of people living in an accessory apartment and in a regular-- in a house, just as there is with a two family house."

Sal Mastropolo: "Well, then I guess my input or my comments to you are when you do the accessory housing, okay, are you going to stipulate a minimum and a maximum square footage of the accessory apartment."

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Supervisor Cardinale: "Yes. Yes."

Sal Mastropolo: "Whereas a two family house, there is no maximum limit to the second family. Okay?"

Supervisor Cardinale: "That's true."

Sal Mastropolo: "So you can have a two family house with 3,000 square footage in each apartment versus an accessory apartment which will have let's say a minimum of 600 and a maximum of let's say 1,000 square feet."

Supervisor Cardinale: "That's theoretically true."

Sal Mastropolo: "So you should address that when you address accessory housing."

Supervisor Cardinale: "Absolutely."

Sal Mastropolo: "234. Okay, the second page, the Resolve, #9. My first comment is, in this document it states that it's restaurant use not catering. Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "But #9 says, okay, these are- the following findings. That the conceptual site plan attending the special use permit which was provided by Kar McVeigh, right, provides a waste water flow analysis using sanitary flows for catering seats, five gallons per day per acre. Well, first of all, I don't think it should be per acre. It probably should be per seat, right?"

Supervisor Cardinale: "That's absolutely true."

Sal Mastropolo: "Okay. So that's wrong. Rather than flows for restaurant seats 10 gallons per day per acre, which, again, is per seat, not per acre. Okay?"

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "So his site plan, okay, should be addressing 10 gallons not 5 because you've already said that it can't be for catering, it's got to be for restaurant."

Supervisor Cardinale: "That's- well, where's my town- oh, come on up, Dawn. We haven't discussed this one enough. I have this memorized. It's true that- you're correctly finding in the proposed resolution the finding at 9. That's true, that's what shows. What's

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the significance of- but why is it recited and why is it significant that- or is it significant?"

Dawn Thomas: "Let me read it. Hold on. 239- "

Supervisor Cardinale: "234 on Kar McVeigh, #9 Resolve, page 2."

Sal Mastropolo: "I guess my point is your findings are incorrect, #9."

Supervisor Cardinale: "No, actually, but they're correct. The finding is that that's what his plan shows which it does. But why is it- are we trying to say something about that it's incorrect, that it shows that it's true but why are we reciting it?"

Dawn Thomas: "Just facts."

Supervisor Cardinale: "Just to state the fact that it shows that. Okay. Now when we permit 120 seats here, restaurant seats, what's the- that's what we're saying, go ahead, expand, but expand 40 seats. If you use the five instead of the 10, in theory for a catered event, you have 240 seats. Are we saying that or are we saying we don't want to see more than 120 seats there for either a catered or restaurant event?"

Dawn Thomas: "That's correct. The latter is correct."

Supervisor Cardinale: "So we're saying we want 120 seats for either catered or- and so really what he's saying is when the finding is made on 9- should we not say that that is what it shows but that we are- it shows five gallons per seat rather than the flow for restaurants which is 10, but do you need to say anything further on the finding of fact or did you say it in the decision itself?"

Because we know what they were showing but we know what our decision is, that we don't want to see any more than 120.

Maybe you can take a look at that."

Dawn Thomas: "Yeah, I'll take a look at it."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Maybe what you need to do then is put in the Resolve section the fact that #9 even though that's what he provided, is incorrect. And it should read 10 gallons per day per seat. So that way there's no misunderstanding. Because the way it states now, he's giving you incorrect data but you're not identifying the fact that it's correct."

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Supervisor Cardinale: "Yeah, I agree with you that when we recite the findings, we should say what our findings are. Now we see that it says that, but our findings are whatever they are."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Okay. Thank you. She's going to check that. Anything else, or is that it?"

Sal Mastropolo: "That's it."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Is there any- is there any further comment on the resolutions? If there is, we will take it."

Phil Barbato: "Phil Barbato, Jamesport. First I want to thank the board and the town attorney's office and the I guess the planning department for the incredible amount of work you must have done on Resolution 234 which you've just spoken about. Thank you for your diligence and hard work on that."

I just had a couple questions on that, Resolution 234."

Supervisor Cardinale: "Yes."

Phil Barbato: "Under Be It Further Resolved, it says it is subject to a final determination by a Supreme Court of the State of New York."

Supervisor Cardinale: "Yes."

Phil Barbato: "Sustaining the zoning board of appeals determination. Could you explain to me what that- does that mean you're going to wait for the court to decide first and then if the court sustains the ZBA determination, then the rest of this would take effect?"

Supervisor Cardinale: "That was- that line that you're alluding to, Mr. Barbato, is what page? Okay, it's at the- that's where I thought. I'm just trying to find it."

Phil Barbato: "Third page."

Supervisor Cardinale: "Yeah. Resolved, that it's subject to- okay. I had that earmarked as a question to ask as well, so let me do that with the town attorney in a moment. Do you have any other question on this?"

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Phil Barbato: "Well, depending on that answer, I did have a question."

Supervisor Cardinale: "Okay."

Phil Barbato: "But also I can understand why you limited the expansion to 50%, I think, because anything more than that would tip it over the scales and make it a Type I action under the town's SEQRA law."

Supervisor Cardinale: "Say again."

Phil Barbato: "Anything more than a 50% expansion of the use would make it a Type I action under the town's SEQRA law."

Supervisor Cardinale: "Is that accurate as far as you know?"

Phil Barbato: "Yes, I can give you the paragraph if you'd like."

Supervisor Cardinale: "Okay, would you please."

Phil Barbato: "It's Section 61-14A 24."

Supervisor Cardinale: "Would make it a Type I which would mean that it would- it would be a Type I under the- and we'd have to analyze it under SEQRA different. Incidentally, have we done the SEQRA adequately on this? We've got the- okay."

Phil Barbato: "You've determined that it's not significant but if it's more than 50%, it would make it significant."

Supervisor Cardinale: "So under that section, 61-14A-24 of what law?"

Phil Barbato: "The town's SEQRA law. Environmental Quality Review Chapter 61."

Supervisor Cardinale: "Environmental Quality Review Act Chapter 61-14A-24. I'd like to see that because we- she's going to check that and when you come back, maybe I'll ask you the- is there any other question? Those are two good ones."

Phil Barbato: "In the section of the town law that deals with special permit applications, there is a section that says that the permit, the special permit, would be granted personally to the applicant and I just had a question on what that really meant."

In other words, if this went through and the special permit was issued and the property was sold, this says that it can't be

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assignable to another person. It would have to come back to the town board if I'm reading it correctly, for a special permit application all over again. Is that true?"

Supervisor Cardinale: "There is-- we can get a clear answer I'm sure from Dawn when she returns on that third question. She's checking again-- my question is that--are subject to final determination. Exactly what does that mean pragmatically in regard to activities between now and the determination of the Supreme Court action which challenges the existence of the nonconforming use we're expanding. Okay.

Second question you're asking is you are actually not asking a question, you're giving us a cite that we have been concerned about the limits of our discretion in this matter and you're saying that if you Type this as we have as a Type II action, under this section you believe that you cannot exceed 50% increase. And we're checking that.

And the last one is I know this question has come up before and I don't remember the answer, that when you grant a special permit with conditions, is it unique to the individuals. Rick, do you know this? Special permits, are they-- do they travel with the property or are they-- or are they restricted to the applicant? Do they run with the land? Okay."

Rick Hanley: "Special permits run with the land."

Supervisor Cardinale: "Okay."

Rick Hanley: "The board has great discretion with respect to when you want a special permit to commence. You also have discretion as to whether you want it to be perpetual or not. We have always set forth the time period for when the special permit should commence and we have always allowed the special permit uses to be perpetual. But if you read your ordinance, you could clearly limit the time to a special permit which we don't typically do but the authority is there for you to do that."

Supervisor Cardinale: "Okay. When she returns as she is now I will ask that question. And incidentally it is an unlisted action in our-- "

Rick Hanley: "We have already determined this to be unlisted."

Supervisor Cardinale: "Yeah. That's what we did."

Rick Hanley: "Yes, we did that. And the section of the code that Mr. Barbato is referring to, it is our Environmental Quality Review, is an archaic section of our code. We don't ignore it but we

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follow the New York State SEQRA law which is Part 617. So just so you are aware of that."

Supervisor Cardinale: "I don't think you can ignore your code just because it's old."

Rick Hanley: Well, I don't mean ignore it, but it's superseded by- "

Supervisor Cardinale: "They didn't teach me that in law school."

Rick Hanley: "Exactly."

Supervisor Cardinale: "Hey, it's too old. Let's get rid of that."

Rick Hanley: "It's superseded by 617."

Supervisor Cardinale: "Is it really true. It's superseded?"

Rick Hanley: "Yes. That section of the code was written under the old SEQRA regs."

Supervisor Cardinale: "Okay. So it's no longer- "

Rick Hanley: "The SEQRA regs have been promulgated, there have been a number of iterations since then. So we follow the New York State law."

Supervisor Cardinale: "Okay."

Rick Hanley: "Just so you're aware of that."

Supervisor Cardinale: "I like- that was an interesting answer. I prefer- but I always promise myself that I get my legal answers from my lawyer- "

Rick Hanley: "Yes."

Supervisor Cardinale: "-- my planning answers from my- "

Rick Hanley: "Correct. I don't have a license to protect so I can say anything I want to."

Supervisor Cardinale: "Exactly. Okay, you want a little time to check those questions out?"

Dawn Thomas: (Inaudible)

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Supervisor Cardinale: "The SEQRA question, Section 61 14A-24 of our town ordinance, right, is that relevant- "

(At this time, the CD ended)

Dawn Thomas: "-- it wouldn't exist but for that affirmative determination, but it allows them to process an application for a site plan."

Supervisor Cardinale: "Site plan and building permit."

Dawn Thomas: "Correct. At their own risk, of course."

Supervisor Cardinale: "Okay. So it would mean something to you. The subject to is, in fact, intended to be less than with the precondition that this action is- that the Supreme Court sustains the existence of the use. Which is what you'd like it to say.

Now this is a precondition of any activity pursuant to this special permit. What it's really saying is that- it's really not saying a lot to tell you the truth then. Because what it's saying under that interpretation is that it's subject to the confirmation that the preexisting use which we're expanding here under conditions, is determined by the Supreme Court to, in fact, be existing.

So if they went ahead and got the site plan, they might do that, they might go ahead and get the building permit, but then if they started building, they would be building at their own risk because if they lost and there was no existing use to- preexisting use to expand, they would have built a property without the necessary approvals.

It gets more complicated and I am a lawyer, I did that work in the past, but you (inaudible), your own lawyer, you would also have options as well in the pending litigation."

Dawn Thomas: "I don't think it intended to let them get a building permit. The site plan process--"

Supervisor Cardinale: "Well, maybe- "

Dawn Thomas: "-- assuming that that decision would be rendered during that time frame which I would imagine it would."

Supervisor Cardinale: "Well, that's something we really should talk about. Because we talked about it in the past, but the language is very important here. Subject to a final determination of the Supreme Court of the State of New York is one thing and no building permit shall issue it would be more clear if that's what we intend. And maybe that's what we should say if that's what we intend, to save everybody a lot of aggravation.

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Because nobody knows— everybody's fighting about what we're going to do in regard to— what conditions— whether we're going to expand, which we're saying yes we are the restaurant use, and under what conditions which is what this is supposed to reflect. But the whole thing is a comedy because if-- we can't expand which doesn't exist in the first place, which is the subject of the action. So are we saying that they can do everything but no building permit should issue, then we should say that."

Dawn Thomas: "Well, they would— in order to have— "

Supervisor Cardinale: "They can do anything except, if you have a building permit, we should say it."

Dawn Thomas: "In order to be granted the ultimate site plan approval, they would need to have the underlining use in existence."

Supervisor Cardinale: "Right."

Dawn Thomas: "So you're saying subject to that use coming to fruition, you would give them— you know, should that happen, then these are the conditions that you would place on the permit. If it doesn't happen, then there's no basis upon which to even grant a permit."

Supervisor Cardinale: "Right."

Dawn Thomas: "So that's why I'm suggesting that the way it's written wouldn't allow even a site plan approval to be granted because you— "

Supervisor Cardinale: "Okay. So you're actually saying-- hold on, I may have misinterpreted what was initially said. You're saying subject to is intended to mean stay in place until the decision is determined."

Dawn Thomas: "They can process the application through— to the end and where the board was satisfied at their own risk. I don't think they could get any approvals until the court decided ultimately whether the use that you're theoretically agreeing to expand is actually legally existing."

Supervisor Cardinale: "So they would away— they could process but they would await-- no site plan approval or no building permit decision should issue until the Supreme Court action. And if that happens, we don't know what's going to happen because you're going to get a Supreme Court decision and whoever doesn't like it is going to appeal. So it could be a long time. So that's a real big issue. And we're stuck because of the litigation. Yes, John."

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Councilman Dunleavy: "Why can't they get a site plan approval and wait for the building permits?"

Dawn Thomas: "Well, you would be giving site plan approval for a use that wouldn't necessarily be legal."

Councilman Dunleavy: "But you said they could put all the applications in."

Dawn Thomas: "Yes."

Councilman Dunleavy: "So we just hold them until- "

Supervisor Cardinale: "Yeah. Well, do you think- it's an important question. Do you think it makes sense to consider this on Thursday?"

Dawn Thomas: "You could do a site plan subject to- I guess you can approve the site plan subject to again, you could do that possibly."

Supervisor Cardinale: "Yeah, that's what I'm saying."

Councilman Dunleavy: "It could take years."

Supervisor Cardinale: "To clean up the direction to Mr. McVeigh because he's going to be in here asking the same questions Mr. Barbato is asking, what does that allow him to do. So perhaps that aspect of it- because I had picked that up just as he had- perhaps that could use a little further discussion on Thursday."

George wanted to discuss this anyway on Thursday and so why don't we do that. I mean we've spent enough time.

The final question that maybe I want to get a clarification on as long as we've got it on the table is when you grant a special permit subject to conditions which we'll clarify as we issue, is that- does that run with the land or is it peculiar to the applicants?"

Dawn Thomas: "It has to run with the land. The law would not allow us to make it particular to an applicant."

Supervisor Cardinale: "And if the person- how long- how quickly must the applicant act on it? On, you know, the proceeding to enjoy the- to apply for the special permit use building?"

Dawn Thomas: "The statute allows a certain time frame."

Supervisor Cardinale: "Three years is it?"

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Dawn Thomas: "I think it's- yes, three years unless the board specifies otherwise which is not written into resolution."

Supervisor Cardinale: "Okay. So we might want to have the- okay, that's another issue because of pending litigation. We don't know when that pending litigation is going to end. I would think that to get it right- I think everybody knows what we're doing so to get it right in language, we should take the time to look at it more carefully. So thank you for the questions concerning it. I think I'm going to get a motion to table to discuss so whatever we do, we do it clearly which is the objective."

Phil Barbato: "Yes. If you make it subject to in the manner that the town attorney has described--"

Supervisor Cardinale: "He's going to ask the same question you're asking."

Phil Barbato: "-- that sounds good, you know, failing that, I think you need to hold off on this until the court does actually make a decision, otherwise- "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah. We elected to- I know we could do that and we thought about that. We discussed that at some length and it was a very close determination but we felt we wanted to get some guidance to the applicant of the town's position as early as possible, but what I'm suggesting is we'll probably adjourn it until the 20th so that when we give him the indication of the town's position, there's no questions. This is the town's position."

So at least we'll be the only ones that are clear because the Supreme Court has been, you know, playing with- they have to make a decision to determine whether this is all a waste of everybody's time because we can't expand what doesn't exist. So the presumption is, of course, that it exists or we shouldn't be doing it in the first place. So let's clarify the language on those three points and anything else and get issued next meeting."

Phil Barbato: "If I could just- "

Supervisor Cardinale: "Yes."

Phil Barbato: "The one about Mr. Mastropolo raised it about the flow from the- estimated flow from 120 seats at 10 gallons per seat per day. Do you know or does anyone know that the County Health Department has seen that and will they accept it? And, if not, does

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that need to be a condition in the approval? Because they would have to issue a permit for sewage disposal on site.

And then the last thing was- "

Supervisor Cardinale: "Which paragraph was that, that you- "

Phil Barbato: "It's not in there. It was in the Whereas that the initial application came in at five gallons per day per seat."

Supervisor Cardinale: "Yeah."

Phil Barbato: "And now we're saying- this resolution is saying 10 gallons per day per seat."

Supervisor Cardinale: "Yeah, we're going to clarify that. She's already given us the language on that. That's #9. That the conceptual site plan (inaudible) the special use permit, incorrectly provides a waste water flow analysis using sanitary flow for catering rather than the flows for restaurant- rather than the appropriate flows for restaurant use. So we are talking about a restaurant here, not a catering facility."

Phil Barbato: "Right."

Supervisor Cardinale: "We're talking about a restaurant that had 80 seats and that now will be permitted to expand to 120 seats. If they want to cater, they can cater, but they are going to cater on 120 seats is what we're trying to make clear here."

Phil Barbato: "I understand."

Supervisor Cardinale: "Okay?"

Phil Barbato: "Okay. Just one other thing as far as the right to farm protections that are already in the town code. If there could be a reference to that in the conditions just to make that clear. Because this is definitely a nonconforming use- a non-compatible use in an agricultural zone and I'm just hoping that it can be clear that the farming- the right to farm in the community is clearly acknowledged."

Supervisor Cardinale: "Okay. Yes, it is and the zoning does so and so does the right to farm- what is that- the Right to Farm Act and we'll make clear that this is an nonconforming use in an agricultural zone- what is this- APZ, Agricultural Protection Zone district.

So if there's any other comment, I'll take it."

Phil Barbato: "Thank you."

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Supervisor Cardinale: "If there's any other comment on any resolution I'll take it."

Councilwoman Blass: "Can I just clarify something?"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "That this site plan does have-- remains in effect for 36 months and the applicant can request a one 12 month extension from the planning board subsequent to that expiration."

Supervisor Cardinale: "Thank you. Okay. If there's no more comment on the resolutions, we'll consider the resolutions. Barbara, could you begin the call?"

Barbara Grattan: "You have to-- "

Supervisor Cardinale: "Oh, Andrea, we have #2 so I'm going to-- of the Community Development resolutions for the year. I'm going to close the meeting for a moment or adjourn the meeting of the town board."

Meeting adjourned: 8:36 p.m.

Meeting reconvened: 8:38 p.m.

Supervisor Cardinale: "I'm going to reopen the town board meeting-- I'm going to move to the town board 181 and ask Barbara to call that."

Resolution #181

Councilwoman Blass: "Resolution authorizing the purchase of highway equipment and equipment for maintenance, for the town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$447,000 and authorizing the issuance of \$447,000 bonds of said town to pay the cost thereof. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #182

Councilman Bartunek: "Resolution authorizing the purchase of equipment for sanitation and maintenance, for the Town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$90,000, and

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authorizing the issuance of \$90,000 bonds of said town to pay for the cost thereof. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #183

Councilman Dunleavy: "Authorizing the Town of Riverhead to provide financial and other assistance to the Riverhead Housing Development Corporation to continue to provide services related to administration of the federal government Section 8 program and associated community services related to housing opportunities within the Town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Can we have a vote on that?"

Councilman Bartunek: "Can I make one amendment to this?"

Supervisor Cardinale: "Sure."

Councilman Bartunek: "Possibly we could add #6, the town shall continue to provide rent free office space. Do you think that's- "

Supervisor Cardinale: "Are we doing it now?"

Councilman Bartunek: "We do it now. Should we have in the resolution that we understand that we're going to continue to- "

Supervisor Cardinale: "That's the other thing we do for them."

Councilman Bartunek: "Yes, that's correct."

Supervisor Cardinale: "If only to put it in all one resolution what we're doing for them- "

Councilman Bartunek: "I don't think it's a bad idea to have it in there. Yes, exactly."

Supervisor Cardinale: "Yeah. Acknowledge that, we are also continuing that supplementary support."

Councilman Bartunek: "Yeah."

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Supervisor Cardinale: "Okay, so with that addition it's been offered and seconded. May we have a vote, please?"

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

Supervisor Cardinale: "They're if nothing, the RHDC, if not persistent. We have discussed this for years. I think it's a very appropriate compromise to assist in some way but not to take on an unfair amount of the burden. This should cost us about \$14,000 and change. I think it's an appropriate expenditure. I vote yes."

Before we go to the next one, when I was— I just wanted to ask on the 447 bond we passed for the highway district, those who were working on it, Barbara, I think you were, and George. Did that deduct the 125 that was supposed to— okay, thank you. All right. Great. Call the next one, 184, please."

Resolution #184

Councilman Densieski: "Authorizes the retention of the law firm of Reynolds, Caronia, Gianelli, Hagney, LaPinta & Hargraves, LLP as special counsel. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilwoman Blass: "Yes. I'd just like to say something very quickly if I could. In that we're commencing litigation, my comments will be brief and are limited to an expression of extreme disappointment and regret that we must even consider this action."

I wish I could comfortably say that we've exhausted any and all possible avenues and made every attempt to resolve the matter prior to committing additional time, money and resources. Although we met on at least one occasion for that purpose, I wonder if we really tried hard enough.

However, we are looking for answers and explanations and if the only way for the matter to be fairly and finally resolved is through the courts, then I support that decision. My vote is yes."

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

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Supervisor Cardinale: "Yes. I spoke with George before this. This-- I am pleased that we would-- about this and related to Barbara's comments as well. I'm pleased that we were able to find a firm that will do this on a contingent fee basis meaning that they will take no fee unless they have recovery.

However, since I'm familiar with this practice area and members of the board may not be, this does not preclude the continuation of discussions about resolution prior to the commencement of an action. So we intend to do that. We intend to commence discussions immediately once I sign the retainer agreement and of course we only have a certain amount of time to commence the action so we will be forced to do so unless we can resolve it with a resolution by settlement. But we're going to attempt to do that. Nobody likes to litigate but frankly I like to litigate as the plaintiff better than the defendant and I'm frequently-- the town is frequently being sued. So I would vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #185

Councilwoman Blass: "Authorizes legal action against the Central Pine Barrens joint planning and policy commission. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Speaking-- yeah, here we go. Here I'm both. In this action, the town will be authorizing an action which I will abstain from against the Pine Barrens Commission in regards to a jurisdictional issue and I'll be on the plaintiff's side with the town and on the defendant's side as the sitting member of the Pine Barrens Commission which is the supervisors of Southampton, Brookhaven, Riverhead, the Governor's representative which is Peter Scully, and the county's representative which is somebody who Levy sends. So can we have a vote on this?"

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

Councilman Densieski: "My only seat is on the town side so I'm voting yes."

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

Supervisor Cardinale: "Well, the Governor told me I had to serve but I for the reasons stated earlier, abstain from this vote."

Barbara Grattan: "The resolution is adopted."

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Resolution #186

Councilman Bartunek: "Increases expediting charges- is that right- expediting charges in the Riverhead town building department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #187

Councilman Dunleavy: "Transfer of account clerk typist to code enforcement. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Discussion on the date. Does anybody- I'm confused, I'm not sure- Kay is going to go to Legal, that would leave- what are we going to do with the- is somebody going to Fire Marshal- Jan?"

Councilman Densieski: "No, Laura."

Dawn Thomas: "-- but we have agreed in my office to support whatever clerical services the fire marshal- "

Supervisor Cardinale: "Okay, so the fire marshal will have some support for the moment and I think- are we still moving from accounting over to the- "

Councilman Bartunek: "That's possible."

Supervisor Cardinale: "Okay, I'll leave it to the personnel committee to resolve then. But we want to make this move as of tomorrow, right? Okay."

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

Resolution #188

Councilman Densieski: "Authorizes attendance of one police department employee to police firearms instruction school. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #189

Councilwoman Blass: "This is with the amendment we spoke of earlier about ensuring that it includes both. Thank you."

Authorizes the attendance of two police department employees to search warrant training. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #190

Councilman Bartunek: "Authorizes fire marshal to attend seminar. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #191

Councilman Dunleavy: "Authorizes fire marshal to attend conference. So moved. These conferences are on different dates. They're not right after each other, they're for the whole year. So- "

Supervisor Cardinale: "Once in a while he comes in and works."

Councilman Dunleavy: "So moved."

Councilman Densieski: "Second the motion."

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

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

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Resolution #192

Councilman Densieski: "Authorizes fire marshal to attend seminar. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yeah. The-- I pulled these apart. There was one last meeting and it's three a year. Two are Dave; two are Bruce. I was assured that these are required for their code training and they are in really lousy places, most of them anyway. So I don't think they're going there for the weather. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #193

Councilwoman Blass: "Authorizes increased stipend for the town clerk. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilman Densieski: "Laryngitis. Yes."

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

Supervisor Cardinale: "This is a very-- Barbara deserves this raise. My concern is that so do a number of other people and I prefer not to get into this so I'm going to abstain on this. She has a very good case, she made it to us. I'm just afraid of the other cases I'm going to hear. Abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #194

Councilman Bartunek: "Appoints an intern to the police department. So moved."

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

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

Resolution #195

Councilman Bartunek: "Appoints Conservation Advisory Council representatives to the Riverhead open space/park preserve committee. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #196

Councilman Dunleavy: "Appoints a part time assistant recreation leader skate park Level I in the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #197

Councilman Densieski: "Reinstatement of computer operator II in the accounting office. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #198

Councilwoman Blass: "Accepts the resignation of an account clerk typist, S. Tolliver. So moved."

Councilman Bartunek: "And seconded. I just want to say Shanique is going on to Shoreham Wading River School District, so

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congratulations for her moving on and for her time she served the town. I second that."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. She's moving on and I just wish her the greatest health and we're going to miss her."

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

Supervisor Cardinale: "Yes. And thank you for your service."

Barbara Grattan: "The resolution is adopted."

Resolution #199

Councilman Bartunek: "Authorizes the town clerk to post a help wanted advertisement for assistant town engineer. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #200

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled zoning of the Riverhead town code, Section 108-290 Village Center (VC) zoning use district. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #201

Councilman Densieski: "Releases security of Harvest Moon Associates LLC in connection with the subdivision entitled Village at Wading River, one year maintenance bond. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #202

Councilwoman Blass: "Authorizes the release of a bond for Sound Housing LLC for the sewage treatment plant. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #203

Councilman Bartunek: "Authorizes the release of a bond for Sound Housing LLC for the clubhouse. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Rick, could you come up for a minute? Oh, wait a minute. Did you— can you tell me— I'm always concerned on the release of bonds at these condos because a lot of my time is spent on complaints about construction and other issues at the condo."

Rick Hanley: "Right."

Supervisor Cardinale: "I understand the sewer district is finished, the sewer treatment plant or whatever they built there."

Rick Hanley: "Yeah, it's a sewer plant with a building with a CO."

Supervisor Cardinale: "And we're releasing the bond on that. There's a clubhouse that the building department says it's ready to release the bond and then there's certain buildings, 5, 8, 10, 22, 24, and 33. But this is Willow Ponds, is this not right?"

Rick Hanley: "Yes."

Supervisor Cardinale: "Willow Ponds is unique as I recall because Willow Ponds, that's off the sound there, right?"

Rick Hanley: "Yes."

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Supervisor Cardinale: "Am I right? That was so far back when it got started that we didn't even take site plan bonds."

Rick Hanley: "I think, Phil, we took a— we did not take bonds for performance of public facilities because it's a private road."

Supervisor Cardinale: "Yes."

Rick Hanley: "I think though we took a 5% cost of construction bond."

Supervisor Cardinale: "Do you know if that has been released?"

Rick Hanley: "And typically— I don't believe the town attorney drafts these resolutions until we have some report from Gordiello (phonetic) recommending— "

Supervisor Cardinale: "But these are— yeah, but I'm more devious than that. These are not the right bonds to hold for public improvement problems."

Rick Hanley: "The 5% site plan?"

Supervisor Cardinale: "Yeah."

Rick Hanley: "I would agree with you."

Supervisor Cardinale: "But they suffice if I don't have another bond. That's my concern. Do we have another bond?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Could you? Are you able to?"

Dawn Thomas: "Right now?"

Supervisor Cardinale: "Well, the only concern I have on these is that if we don't have a bond for the public improvements and they're already complaining— "

Rick Hanley: "They're private roads."

Supervisor Cardinale: "I know they are private roads— "

Rick Hanley: "Right."

Supervisor Cardinale: "But there's also— there's also— "

Rick Hanley: "There's also one issue about— "

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Supervisor Cardinale: "Just so I understand. On new condos, don't we take site plan bonds now for roads, regardless of the fact that they're private so we make sure they get finished?"

Rick Hanley: "We have now been asking for a bond estimate for the cost of construction of the private roads."

Supervisor Cardinale: "Okay."

Rick Hanley: "But this is a very old- "

Supervisor Cardinale: "This is very old, that's why I'm particularly concerned about the release of these bonds."

Rick Hanley: "Right."

Supervisor Cardinale: "Barbara, I think raised the same issue. Anything you heard yet that relieves you of your concern? Because I'm still concerned. I think I'm going to be told that these are not the right bonds to hold in order to assure that the public improvements are sufficiently- the problem is I don't have any bond."

Rick Hanley: "I don't- I can't- I couldn't tell you tonight how much we're reducing the total from to. I don't know what the residual amount of money that's left is."

Supervisor Cardinale: "These are bonds on the units as they're finished. I don't really have any problem with releasing them because I've got the CO issued."

Rick Hanley: "Right."

Supervisor Cardinale: "But my problem is I've got not other money and- "

Rick Hanley: "You're correct, Phil. There was one issue in one of the sections under construction where there was a slope. There was some erosion of the slope and I think Gordiello has indicated to all of us that this is a construction issue not a performance bond issue yet until the construction is complete. But I couldn't tonight tell you definitively that we have enough money left to ensure that that construction gets completed."

Supervisor Cardinale: "The- "

Rick Hanley: "With respect to the sewer- the sewer plant is a building. I don't believe there's any issues associated with that at all."

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Supervisor Cardinale: "All right. So we've just done that one."

Rick Hanley: "Right."

Supervisor Cardinale: "We are about to do a- "

Councilman Dunleavy: "There are six buildings."

Supervisor Cardinale: "We're doing six buildings. That's the big one. I'm not too worried about the clubhouse either. We did the clubhouse, didn't we? Right. That's \$8100. It's not going to do us any good any way."

I would suggest maybe that the last one we hold until we clarify this."

Rick Hanley: "Okay."

Supervisor Cardinale: "Which would be 204."

Rick Hanley: "Right."

Supervisor Cardinale: "You know, I know the answer to this. At one point I asked the question, I just don't remember it so bear with my failing memory and could someone ask to table this until we clarify?"

Councilman Dunleavy: "Yeah, I'll- "

Councilman Bartunek: "Did we vote on 203?"

Supervisor Cardinale: "Did we vote on 203 yet or did we just call it? Okay, let's vote on 203."

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

Councilman Densieski: "This is to table?"

Supervisor Cardinale: "No this is to vote on."

Councilman Densieski: "Yes."

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

Resolution #204

Councilman Dunleavy: "204, I'd like to table 204 until we finish our discussion on it. So moved."

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Supervisor Cardinale: "Moved. May we have a second, please?"

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Yeah, I will vote to table but I would just ask that we do it in a timely fashion."

Supervisor Cardinale: "Right."

Councilman Densieski: "So if the money is due, returned, if not, we'll decide that at the time. Yes."

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

Supervisor Cardinale: "Yes, we'll discuss that Thursday."

Barbara Grattan: "The resolution is tabled."

Resolution #205

Councilman Densieski: "Authorizes the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead for Audie and Jeanne Warner. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yeah. Barbara was telling me this afternoon that these five, 205 through 209, are 70/30 shares with the county."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "So you don't have to swallow too hard when you see the numbers. I'm also amused at this and before I vote yes on the first one that-- and I intend to ascertain how this happened. We're buying five pieces of farmland from five different parties and the supporting appraisals are all \$90,000 an acre for the

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development rights. I don't know if this is a sale this week or what's the deal. But five of them which are a total of \$17,000,000, five of which we're going to pay, 12 of which the county is going to pay, they're all at \$90,000 an acre.

So I'm going to vote yes on 205 to authorize the public hearing but I wanted to mention those things."

Barbara Grattan: "The resolution is adopted."

Resolution #206

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owners Philip Anthony Schmitt and Deborah Schmitt and Stanley Zilnicki and Kathy Zilnicki. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #207

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owner Frederick reeve and Lois Reeve. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #208

Councilman Dunleavy: "Authorize town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owner Louis Caracciolo and Ottavia Caracciolo. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #209

Councilman Densieski: "Authorizes town clerk to publish and post public notice to consider the purchase of development rights of a parcel located in the town of Riverhead purported owner Helen Zilnicki. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yeah. I'm going to vote yes and I think this is 161 acres that we're going- is that right?"

Councilman Bartunek: "70.7."

Supervisor Cardinale: "Well, yeah, not only this one but a total of the five we just looked at is 161, I did a quick- which is a very significant purchase and particularly nice since we only have to pay 30% of it."

Councilwoman Blass: "4.9 million would be our share."

Supervisor Cardinale: "Our share is 4.9 and I think 12 or so for the county, so I want to commend the development rights people, the committee, for putting together this bonanza here."

Councilman Bartunek: "Ann Marie (inaudible) did a lot of work."

Supervisor Cardinale: "Ann Marie Prudenti (phonetic), our farm select committee and Barbara and George. Okay, the next one is 210."

Resolution #210

Councilwoman Blass: "Authorizes the submission of a grant application to New York State Housing Trust Fund Corporation and authorizes the supervisor to execute grant agreements if awarded. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #211

Councilman Bartunek: "Authorizes the town clerk to publish and post the attached notice to bidders for the construction of the Middle Road roundabout. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yes. This actually is going to get started, the roundabout on Middle Road, requested repeatedly in editorials in the News Review by Denise Civiletti. So-- "

Councilman Bartunek: "It's only taken three years to get here."

Supervisor Cardinale: "-- she should be very happy. I vote yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "90% funded by the federal government."

Resolution #212

Councilman Dunleavy: "Determines the application of Old Towne Builders to establish a professional office in the Village Center zoning use district. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #213

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law to amend Chapter 107 entitled Tidal and Freshwater Wetlands of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #214

Councilman Densieski: "Awards bid on a Lee-Boy 7000 asphalt paver. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #215

Councilwoman Blass: "Awards bid for work clothes. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #216

Councilman Bartunek: "Extends a bid contract for janitorial supplies. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #217

Councilman Dunleavy: "Extends bid contract for well and pump emergency service for the Riverhead Water District. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #218

Councilman Densieski: "Awards bid for propane. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "The only question that I have is the Now Therefore Be It Resolved, plus or minus \$.32 per gallon. Is that over- "

Councilman Densieski: "No, no. It's over the rack price, George."

Councilman Bartunek: "But that's not what it says. Right? It's not what it says. You're saying that the \$.32 is over their cost."

Councilman Densieski: "It's over the rack price. Yes."

Councilman Bartunek: "But that's not what it says."

Supervisor Cardinale: "Yeah. In other words, there's an error that has to be corrected. Do I have anybody here that knows what they're doing other than- I mean- that's a real question. But I mean do I have anybody here who knows how to correct this?"

Councilman Densieski: "It's \$.32 a gallon over the rack price."

Supervisor Cardinale: "Yeah."

Dawn Thomas: "(inaudible) specify the price, correct? It needs to say awarded to Peconic Propane as set forth in- "

Supervisor Cardinale: "Okay, that's good. As set forth in bid instead of \$.32 per gallon because we really don't mean that. We mean over whatever the bid price was. So as set forth in the bid. And the next one is diesel- "

Barbara Grattan: "Wait a minute, we don't have a- "

Supervisor Cardinale: "No, see, the next one we did right."

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Councilman Bartunek: "I vote yes as amended."

Supervisor Cardinale: "Okay, yes as amended on 218."

Councilman Bartunek: "The next one is correct."

Barbara Grattan: "And Densieski and Cardinale vote yes on 218?"

Councilman Densieski: "Yes."

Supervisor Cardinale: "Yes, that is correct for me. Yes as amended."

Barbara Grattan: "Okay. 219. What are we doing with 219?"

Supervisor Cardinale: "That looks good. It says .18 plus the Northville tank- "

Resolution #219

Councilwoman Blass: "Yes. Oh, I have to call it."

Supervisor Cardinale: "Yeah, I guess you do."

Councilwoman Blass: "Awards bid for diesel fuel. So moved."

Councilman Bartunek: "Second."

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

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

Resolution #220

Councilman Bartunek: "Authorizes the town clerk to publish and post notice to bidders for water service materials. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #221

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Councilman Dunleavy: "Authorize the town to post and publish a notice to bidders for street light and traffic signal maintenance repair parts. So moved."

Councilman Densieski: "Second the motion."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes, go ahead."

Councilwoman Blass: "Very quickly, George, the conversation we had the other day about possibly including specs for energy efficient lighting fixtures or replacement bulbs."

Councilman Bartunek: "Probably we would work with the town engineer. We would- "

Councilwoman Blass: "Engineering to do that. Would anyone object if we included that language even though we don't know exactly what the language is? To include a spec on energy efficient lights."

Councilman Dunleavy: "Well, they do that now. They do the black skies."

Councilwoman Blass: "The dark skies. The dark skies are streetlights. These are street lights but we do have street lights-"

Councilman Densieski: "We have dark skies regulations now. As a matter of fact we are coming back with an amendment to the dark skies law probably within the next month or so that actually has the wattages and everything included in the lights. But I think this is mostly for the traffic signal maintenance that we send out to usually it's Johnson and Johnson (phonetic) or somebody like that."

Councilman Bartunek: "The point that Barbara is making is that we understand from the last conference that we attended actually is that there are some serious savings the town could realize by having energy saving lights that are installed. That's what Barbara is suggesting. I can't see why we can't- "

Supervisor Cardinale: "I certainly think that including it in the bid is a good idea because that will give the- as long as the fixtures can accommodate the bulbs."

Councilwoman Blass: "If no one had an objection--"

Supervisor Cardinale: "That's fine and why don't we- this indicates basically Resolve the town is authorized to publish and post

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the attached notice to bidders and would you make certain that that includes- including energy efficient replacement lighting- replacement bulbs."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Including energy efficient replacement bulbs."

Councilman Bartunek: "We can talk to you tomorrow about the wording, Barbara."

Supervisor Cardinale: "Yeah, as to where it will go. Are you ready? Call it as amended."

Councilman Dunleavy: "Oh, I thought we did it already."

Barbara Grattan: "221."

Councilman Dunleavy: "Authorize the town clerk to post and- oh, we're voting. Oh, yeah. Yes."

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

Resolution #222

Councilman Densieski: "Authorize the town clerk to publish and post a notice to bidders for annual maintenance for diesel and generators for the Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #223

Councilwoman Blass: "Authorizes the town clerk to publish and post a notice to bidders for corrosion control chemicals. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #224

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Councilman Bartunek: "Authorizes the town clerk to publish and post notice for bidders for dry hydrated lime (calcium hydroxide). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #225

Councilman Dunleavy: "Awards bid for carriage house HVAC renovations. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #226

Councilman Densieski: "Awards bid for carriage house general construction renovations. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. There's a date change to the 9th of February. Vote please."

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

Resolution #227

Councilwoman Blass: "Awards bid for carriage house plumbing renovations. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. This is the one you've got to throw in the Whereas clause in the front. Whereas, okay? With that amendment, vote please."

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

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Resolution #228

Councilman Bartunek: "Authorizes the supervisor to execute an agreement with the County of Suffolk Transportation Assistance Program. So moved.

Councilman Dunleavy: "And seconded."

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

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

Resolution #229

Councilman Dunleavy: "Adopts a local law to amend Chapter 108 zoning Empire Zone of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

Councilwoman Blass: "Question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Do we— is there an alternative way to actually amend the Empire Zone? If we were to just adopt say maybe amended from time to time and then just do a resolution that indicates the amendment. Because each time— well, even if we had a public hearing, but I guess what I'm saying is each time we do the amendment to the code book, they all go up there. We just did one a couple of weeks ago."

Dawn Thomas: "I know. It's very cumbersome."

Councilwoman Blass: "It's very costly."

Dawn Thomas: "And we had objected to doing it that way but the State when we changed the local law most recently, insisted that it be adopted by local law. As I understand it now, they may be backing off of that position in which case we could do something like that. And I would have recommended it because it's ridiculous that we have to keep changing the code, but— "

Councilwoman Blass: "Okay. I just wasn't sure if we had— "

Supervisor Cardinale: "Yeah, the question that we've raised and I've talked to Dawn about it at the request of the EDZ is whether we

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could do this by resolution or must we do it by calling for a hearing and then doing it by local law. And she said I'd like to do it by resolution but we started with local law and the last time they tried to twist us on the- to (inaudible) us on that technicality.

Maybe we can get something out of the EDZ through Morgo (phonetic) in writing from the state that says that we can do this by a simple resolution not by local law. Because that would make it faster because we wouldn't have to have a hearing and cheaper."

Councilwoman Blass: "Even if we had the hearing, you could probably- "

Supervisor Cardinale: "But we don't need a hearing if it's- "

Dawn Thomas: "If it's resolution, you could do it however you want."

Supervisor Cardinale: "Yeah."

Dawn Thomas: "You could have a hearing, you could not have a hearing depending upon what you wanted."

Supervisor Cardinale: "Well, you could do it upon resolution, memorialize in a resolution. They're always technical nonsense."

Dawn Thomas: "But they so insisted that we- they made us- "

Supervisor Cardinale: "Yeah, I remember you said that."

Dawn Thomas: "-- every step of the local law adoption process when we originally did it and I think you probably remember us going through that process with them and they didn't even believe it when the town clerk said it was a local law and they made us do it, you know, 10 different ways- "

Supervisor Cardinale: "Okay, let me see if I can get something out of the state in writing saying that they authorize it by resolution only rather than by local law. That will save us some time and money. But in any event, 229, we're adopting a local law."

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

Resolution #230

Councilman Densieski: "Adopts a local law to amend Chapter 108 Zoning of the town code of the town of Riverhead entitled Zoning Section 108-130 Site Plan Review. So moved."

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Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I had distributed to each of the board members and the clerk questions that I had asked of Mr. Hanley with respect to this and I don't know if you saw all of the answers, but you may want to know what the answers to the specific questions were. Did you see them?"

Supervisor Cardinale: "Yeah, I did see them but the other board members may not have. You may want to recite so that— yeah, they were good questions."

Councilwoman Blass: "And then I have a couple of questions for Mr. Hanley."

Supervisor Cardinale: "Rick, you want to come up? Because I had the benefit of a discussion with Rick on this. But I don't think— I'm not sure— I don't think you were present. Rick, you want to— she has— Barbara has some questions."

Councilwoman Blass: "The first question was would an application to double the size of an existing commercial facility from 2,000 square feet to 4,000 square feet require a site plan and the answer was yes, the proposed law would require an informal site plan application and review. What is an informal site plan application? Do we have such a thing?"

Supervisor Cardinale: "Yes. It's right— "

Rick Hanley: "It's in the statute."

Councilwoman Blass: "Okay. Then I'm okay. The second was would an application to modify an existing vacant commercial facility require a site plan if the building was rendered nonconforming due to the rezoning and the answer is it would depend upon the extent of the modification."

Rick Hanley: "Yes."

Councilwoman Blass: "Okay. Question three was would the change from one commercial use to another, for example, a retail to a rental apartment require a site plan? And the answer is yes, if the building department review determines that the improvements require it to support the change of use."

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Rick Hanley: "Right. If there's a change of use and they determine that the use change requires certain improvements on the site such as parking, the parking could not be constructed unless there was a site plan."

Councilwoman Blass: "Okay, good. The town board has retained site plan authority in urban renewal areas. How does this amendment interface with that provision, and the answer was the town board would retain the authority to review the informal site plans in those areas."

Rick Hanley: "Correct."

Councilwoman Blass: "Are there any circumstances which trigger the preparation of a site plan for an existing commercial facility of less than 4,000 square feet? If yes, please identify. The response was yes, informal site plans will be required for all construction or improvements."

Rick Hanley: "Right."

Councilwoman Blass: "And does the fire marshal review the applications? The answer is the staff will be directed to refer them to the fire marshal as appropriate."

Rick Hanley: "Correct."

Councilwoman Blass: "My only concern at this point then is that if we're not asking for any fee whatsoever--"

Rick Hanley: "I think we amended the language."

Councilwoman Blass: "Oh, okay, then I don't have an--"

Supervisor Cardinale: "Yeah, we're charging right here, 50% of the usual fee and it's a staff driven rather than a board driven process. Right?"

Rick Hanley: "Right."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Thank you. I appreciate the response."

Supervisor Cardinale: "Thanks. Okay. Can we-- we had discussion. May we have a vote?"

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

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Councilman Densieski: "I'd like to thank the members of the Small Business Advisory Committee who helped get this going. Believe it or not, it's not a very big document but it took a long time to get done. And basically what it's trying to do is help small businesses in the community. So I want to thank them for their help, they did a good job. And I'm glad that the board is voting on this tonight. I'm going to vote yes."

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

Supervisor Cardinale: "Yeah. I join Ed in thanking the small business community which he is liaison to and has been active in. It is- this is designed to make it easier for smaller applications by setting up an informal site plan review which will be staff drive and simply rubber stamped as long as it complies with the rules by the board and which will diminish the fee by one-half."

And it also- I think that having this committee which is a great idea because the people that are regulated should have some say in the regulations as long as- as sometimes happens, the only say is we don't want to be regulated, but they can certainly help us with the manner with which we regulate. So I vote yes. Thank you for your help."

Barbara Grattan: "The resolution is adopted."

Resolution #231

Councilwoman Blass: "Grants a special use permit of Brian Simonsen for a two family dwelling. So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Yes. I vote yes. I see that there is an owner occupancy requirement here. 232."

Resolution #232

Councilman Bartunek: "Appoints (inaudible) Engineering as engineering consultant. So moved."

Councilman Dunleavy: "And seconded."

Councilman Densieski: "Discussion, Phil."

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Supervisor Cardinale: "Yes."

Councilman Densieski: "I just saw this today for the first time so, excuse me."

Supervisor Cardinale: "Me too. Who are these people incidentally?"

Councilman Densieski: "I guess they're traffic engineers."

Supervisor Cardinale: "I think I know why we don't- (inaudible), is that the people that are doing the Apollo stuff?"

Councilman Densieski: "This is for the left turn coming out of Peconic Avenue."

Supervisor Cardinale: "Okay. Peconic Avenue."

Councilman Densieski: "My question is- "

Supervisor Cardinale: "Yes."

Councilman Densieski: "I see a whole bunch of salaries over here that they want to get paid. I'm just curious if there is a cap and I want to read one line.

It says: at this time based on review of the DPW's comments, it is difficult to determine whether we will be able to convince them to reconsider their position. So we're hiring these guys to try to change the county's mind, you know. Is that a good investment?"

Supervisor Cardinale: "It actually is. I'll tell you why."

Councilman Densieski: "I see the three to 5,000 but- "

Supervisor Cardinale: "Yeah, okay. I have not seen this either. Is there a time frame- is there a time- Andrea is not here. I can tell you what I know and then we can either table it and discuss it- I don't think 14 days is going to kill anybody.

But this is at Peconic Avenue where it's kind of ironic. They gave us a \$50,000 grant, the county, which I was very happy to take, to put a crossing and a light there. And then their analysis from their engineers, as you know, is this is a bad idea. Well, if it's such a bad idea, then why did you give me the grant based upon that idea?

We believe that- we are hopeful that the engineering department, unlike them who are not hopeful which concerns me, that they'll be able to change the mind of the county engineer. If they don't, then

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my intention is to go back to Steve Levy and say, excuse me, you gave me a \$50,000 grant, I described the project to you, you said go right ahead, here's your \$50,000 and then your engineer is holding me up.

So I think what it is, it's like the attempt-- the idea is to spend \$3,000 to respond to their-- to say, look, we did respond. Our engineer says it's okay and then I take that evidence that our engineer says is okay with his recalcitrance and I bring it to Levy or what's his name-- Kevin, and I say, come on, don't be a hump. And that's the hope that we're going to get it done. That's basically it.

So you want to talk about it more on Thursday, we can do that."

Councilman Densieski: "If it's not time sensitive, I think I'd like to."

Supervisor Cardinale: "All right. Let's put it over for table. I'll get more information from Andrea and Testa."

Councilman Densieski: "Thank you, if you don't mind."

Councilman Bartunek: "I make a motion to table Resolution 232."

Councilman Dunleavy: "I second it."

Supervisor Cardinale: "Moved and seconded to table for further discussion Thursday and explanation of our strategy."

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

Resolution #233

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

Councilman Densieski: "Second the motion."

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

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

Resolution #234

Councilman Densieski: "I'm going to make a motion to table Resolution 234 for further discussion. So moved."

Councilman Bartunek: "I'll second that."

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

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

Resolution #235

Barbara Grattan: "Resolution 235 is to pay bills. Councilwoman Blass."

Councilwoman Blass: "So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Okay. That completes the resolutions. The three that we've tabled, we'll have for discussion on Thursday. Is there any other comment on any matter within our purview? Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Two quick comments. One is you're going out to bid on that circle at Middle Road and Osborne."

Supervisor Cardinale: "Yes, we are."

Sal Mastropolo: "I suggest that you make sure that the specifications include a culvert under the road to take the runoff from that lake."

Councilman Bartunek: "That's part of it."

Sal Mastropolo: "Okay. Because they had the road closed yesterday pumping water and those houses are all flooded on the north end.

The other thing is where do we stand on the town wide reassessment. Can you poll the board and see how they would vote? So that the public knows who's voting against it."

Supervisor Cardinale: "I could."

Sal Mastropolo: "But will you?"

Supervisor Cardinale: "Yes. But I need some drama for the work session."

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Sal Mastropolo: "Well, I guess the reason I keep asking the question is because we haven't done it in so many years and a lot of the decisions that you make and that people make in this town are based on assessments. But we're working with stuff that's 30 years old. Okay? So I mean we're not solving any problems by sticking our head in the sand and avoiding it. So why not bite the bullet and do it so that way we lessen the future suits from the commercial side and at least we have a valid base to move forward on."

Councilman Bartunek: "That makes entirely too much sense, Sal."

Supervisor Cardinale: "The- I am still working on- we are still discussing it. We have a split board on it. DeSimone has talked to us about it. We have asked him, and I still haven't heard that response, what- to give us a firmer idea of who could do the work. The danger here is that if you're going to do it, you better do it right because talk to Skip Heany. Because if you do it wrong, you're exchanging one inequality for another and paying money in the process."

I favor doing it on balance. However, I need three votes to proceed and I hope DeSimone will be able to explain the process in a way that gets me those votes. But we're going to talk about it I'm sure at other- at subsequent work sessions, but basically it's just as we discussed it last when you- "

Sal Mastropolo: "I plan on asking the question every town board meeting from here on out."

Supervisor Cardinale: "Okay. I've indicated my position clearly."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Okay. Any other comment from anybody? Yes, Kerry."

Kerry: "I have a couple of points that I would just like to raise. I'll try to make this as briefly as I can."

Friday's storm caused a great deal of damage throughout the town. We have had a particular problem we've been dealing with for- since the year 2002. Whenever it rains, we get a lot of the extra flood water from the North Fork Preserve. Friday's storm is just typical of what normally happens on rainy days.

There's a road there, East Fairview Avenue, just to give an example of what happened. The oximoron that we have that is called a dry wetland filled up immensely and proceeded to make its way to Sound Shore Road. There's a drain on both sides of the road. It went down one side, came up the other side on the north side, beautiful looking

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fountain coming up. It then proceeded to go down West— excuse me, East Fairview Drive. It left a gouge in the road of roughly about 20 inches deep, all the way winding back and forth across the road. It flooded out one basement and that's the second time this year this basement— the same basement has been flooded out.

When it did reach the pipes that were put in in the 1930's by the WPA, the water worked fine, it went into the drains and caused no further damage to the rest of the houses on that particular road. It went straight out to the beach.

We also had one driveway that was completely under water, got into one of the pipes that leads out to the bluff, this pipe was not moved down to the base where it should be and caused damage to the particular bluff itself.

Two other roads were also damaged by the runoff off of Sound Shore Road. Both of them are fed by the North Fork Preserve wetlands. There were two drains clogged which caused excessive water, it had to move on to another way. There was a new drain that was put in to alleviate the water buildup in a hollow are in the road. It dips up and down in the down part. This drain was put in. On one of the smaller rainstorms it worked effectively. On this particular one, the drain itself was caused not to function. It had worked its way around the drain and then proceeded down its own new path.

I'd like to comment on the highway department. The highway department is understaffed but even though they are understaffed, they have done a magnificent job in trying to do the work. They've already cleared out the two drains that were clogged. They have already repaired that new particular drain that has gone in. They have done some improvements on where some of the ruts are in some of the road.

The thing that is probably— my greatest concern is that this problem is going to continue unless we can get some sort of action done on a group basis. I feel that if the town could help us a little bit in getting some sort of meeting between say the NBCA, the Northville Beach Civic Association, the North Fork Preserve, a representative from there, the town of Riverhead, and especially from Suffolk County. Suffolk County now has said that this is a no action problem. In other words, they're going to do nothing.

I've also been advised by Suffolk County, someone from Steve Levy's office, maybe it's time that I get myself a good environmental lawyer. You know, I don't wish to go that way. I've never wished to go that way. I have tried to not publicize it too much. Most of you here know that I have worked quietly behind the scenes trying to get and resolve this issue. Three of you I (inaudible) and walked you through the mud up there and showed you the water up there. Extremely helpful in giving me directions on different ways to go. I met people

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in the Board of Health, Suffolk County's Board of Health and also in Suffolk County's Vector Control and also in Public Works. Extremely helpful people, polite people. They can't make an answer because they can't get an answer from the top.

Is it possible that the town could do something along that particular line in organizing some sort of meeting? That's one question. Think about it and give me an answer at a later date."

Supervisor Cardinale: "I certainly would be glad to accommodate a meeting between the Northville Civic and the owners of the North Fork Preserve if I could figure out who the owners are. Have they determined that yet? Remember, that was in dispute in the courts, who really owns the North Fork Preserve.

If I get what you're saying and I should because we've talked about it so many times, but I try to block certain things out. Dogs and this particular matter.

But in this particular matter, you're getting from private property there's a good deal of water coming onto the roadway and causing problems which our highway department responds to valiantly. There are also broken pipes under the road from- that the county put there and doesn't- will not repair for some reason that is best known to them, and what you're trying to do is stop the water from flowing onto the road and causing problems for the North Beach Civic Association members. Is that basically it?"

Kerry: "Well, basically there are five exit points coming out from, you know, the excessive water."

Supervisor Cardinale: "Right."

Kerry: "The other ones probably will eventually break down because they're taking much more water than they have had during the past. Sunday the water coming from the North Fork Preserve on one 12 inch pipe, the pipe was filled up on one side and coming out in a steady strong stream on the other side. Twelve inch pipe."

Supervisor Cardinale: "So you'd like to have a meeting between the private landowner where the water is coming from and the Civic Association who is being negatively impacted. Do we- how about the county?"

Kerry: "Yes. The county also."

Supervisor Cardinale: "To correct- because they're the ones that created these pipes."

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Kerry: "The WPA created these pipes. Then during World War II the coastal watch station was up right where the (inaudible) property is and behind there and lo and behold they did some work also to alleviate the mosquito problem."

Supervisor Cardinale: "Who's responsible for the pipes now?"

Kerry: "They- basically from what we can find out through oral history, the WPA in the 1930's, they put some of the pipes in during World War II, whoever, you know, had that camp up there. They added more and basically in 1955 the pipes were deeded over to Vector Control. They were to maintain the pipes and make sure they're in good working condition and then eventually they went to public works."

Supervisor Cardinale: "So the county now maintains them as- but has decided no action, meaning they're not going to maintain them anymore. So it sounds like the person that's dumping the water, North Fork Preserve and the county who is supposed to be maintaining the pipes that are bringing the water out, have got to take some action."

And if the town can be of any assistance in accommodating a meeting between the Civic Association impacted negatively by the action of the North Fork Preserve, whoever the owner is, and the town- the county Vector Control, I'd be glad to do it.

Because we have an aligned interest here. I don't want my highway crew out on that road as much as they are correcting damage that the county is causing and North Fork Preserve is causing by dumping water onto the town- it's a town road there, right?"

Kerry: "Yes, it is."

Supervisor Cardinale: "So we have an aligned interest. I would be glad to try to accommodate a meeting. I don't know--that's probably why they told you to get a good environmental lawyer for the Northville Civic Association because ultimately, you know, we probably have the authority to do more than request, but to demand that the water not come onto this road and if it is coming onto the road, that the pipes be corrected so as to bring it effectively under the road and not onto the road."

But it might take litigation unless Steve Levy and his cohorts are more reasonable than they have so far been. So, yes, I would be very happy to try and accommodate a meeting between the county again and the Northville Civic. And I know a couple members of the North Fork Preserve and I can try and find out from them who owns- whether we have anybody to talk to yet as to ownership of that property so that they can do the responsible thing. I'd be glad to at least do that."

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Kerry: "Appreciate it. The other question is, George, I haven't been back to you because I've been on the phone calling and emailing to Suffolk County many, many times. With regards to that statement I made to you, do you- does the town have to submit- "

Councilman Bartunek: "It's on the list. I'm going to take care of that first thing in the morning."

Supervisor Cardinale: "Good. He really is, too. He gets here early."

Kerry: "I know he does."

Supervisor Cardinale: "He really does. He gets here like- I don't know, do you sleep here?"

Councilman Bartunek: "Believe me, there's a line we don't cross, Phil."

Kerry: "Thank you very much. Appreciate it."

Supervisor Cardinale: "Thank you. All right. Ed, what can we do for you?"

Ed Purcell: "Just a couple questions. Do we have bilingual people working for either code enforcement or the police department at adequate levels so that if we have problems with the Hispanic people that we tend to have overcrowding and stuff, do we have- "

Supervisor Cardinale: "Do we- in the police department, we do have bilingual officers. How about code enforcement? Do we have any?"

Councilman Dunleavy: "We don't, we have translators."

(At this time the CD ended.)

Meeting adjourned 9:32 PM