

5/19/2009

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at the Riverhead Senior Center, Aquebogue, New York on Tuesday, May 19, 2009 at 7:00 p.m.

**PRESENT:**

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

**ALSO PRESENT:**

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

(Supervisor Cardinale called the meeting to order, and the Pledge of Allegiance was recited.)

Presentation of award from Hallockville to Local 25 Electrical Workers Union: Herb Strobel, Ken LaBonner, and Daniel Hilton.

Presentation of Recreation Department photography awards by Supervisor Cardinale and Ray Coyne, Recreation Department:

Age 14 and under - Katherine Neuschwender

Age 15-18 - John Vail

Age 19-60 - Diane Woodcheke - 1<sup>st</sup> place  
Diane Woodcheke - honorable mention  
Robert Otero - honorable mention

Age 60 and over - Alexander Ott

There was a veterans petition presentation by Brenda Prusinowski, Gene McSherry.

(The following was read into the record by Brenda Prusinowski)

Brenda Prusinowski: "This coming Monday marks the observance of Memorial Day, the day set aside to honor our nation's armed services personnel killed in wartime.

The holiday began in 1868, when the graves of civil war soldiers were strewn with flowers or other decorations. I'm not sure how many people now know or care what the day is about.

5/19/2009

It's become the start of the summer season, a day at the beach, or another barbecue. Sadly, few people even attend the annual parade, but there are numerous Riverhead natives who will never see a parade, a summer day, or a barbecue, yet it is because of them, and many thousands like them, that we are able to enjoy those visible signs of freedom.

1. Army Private Karl E. Lewin of Aquebogue was killed in action in WWII.

2. Army Air Force Lt. (Flight Officer) Wesley Steven Kozenka was assigned to the 721<sup>st</sup> Bombardment Squadron, 450<sup>th</sup> Bombardment Group based in Manduria, Italy.

He was killed in action when the B-24 he co-piloted, the Bottoms Up, disappeared over the Adriatic Sea in March, 1945, en route to Austria on its 105<sup>th</sup> mission. He was 23 years old. He was awarded the Air Medal and the Purple Heart. His family lived on Poor Lane in Aquebogue.

3. Army Private First Class Alfred W. Melvin, Jr., was a member of Company F, Second battalion, 7<sup>th</sup> Infantry Regiment, 3<sup>rd</sup> Infantry Division.

He was born in Riverhead on 9/11/32. He was killed in action while fighting the enemy at the Boomerang, North Korea, on June 15, 1953, at the age of 21.

4. Riverhead's first known casualty in Vietnam occurred on July 29, 1967, on the USS Forrestal, which was conducting combat operations in the Gulf of Tonkin. The ship was preparing to launch a major strike, and many fueled and armed aircraft were parked on deck.

A Zuni rocket accidentally fired from an F-4 Phantom onto an armed, parked A-4 Skyhawk, piloted by Lt. Cdr. John McCain. The rocket's impact dislodged a 1000 lb bomb and ruptured the Skyhawk's fuel tank, spreading a pool of flaming jet fuel and detonating that bomb and over a dozen others.

Members of the crew heroically carried armed bombs to the side of the ship to throw them overboard. It took over 13 hours to extinguish the fire which had spread into the lower decks by holes blown into the flight deck by the detonations.

Many pilots and support personnel were trapped and burned alive. The death toll was 135 servicemen, including Aviation Structural Mechanic 3<sup>rd</sup> Class (AMH3) Richard T. Pinta of Riverhead. He was 21 years old.

5/19/2009

5. Army Private First Class Garfield M. Langhorn was assigned to Troop C, 7<sup>th</sup> Squadron, 17<sup>th</sup> Cavalry, 1<sup>st</sup> Aviation Brigade, serving as a radio operator.

On January 15, 1969, his platoon was inserted into a landing zone to rescue two downed helicopter pilots at Pleiku. He provided radio coordination with the aircraft overhead while the troops hacked their way through dense undergrowth to the wreckage, where both aviators were found dead.

They were surrounded by North Vietnamese in camouflaged bunkers and came under intense fire. Pfc. Langhorn radioed for help and then provided covering fire for the wounded. After dark, the orbiting gun ships could not accurately support the troops, and the enemy advanced.

A grenade landed in front of him, a few feet from the wounded. Pfc. Langhorn threw himself on the grenade, absorbing the blast and saving the lives of his comrades. He was 20 years old.

6. James Reese Walters was a Specialist 4 (SP4) serving on a helicopter crew with the 326<sup>th</sup> Medical Battalion, 101 AA, 187<sup>th</sup> Infantry Division on May 13, 1969 when he was killed in action by the North Vietnamese in the 2<sup>nd</sup> day of the battle of Ap Bia Mountain. He was 20 years old.

7. Lowell Wayne Meyer was an MM2 in the US Navy who was killed in action on May 17, 1969. No further information has been found to date.

8. US Navy Lt. Charles Peter Zuhoski grew up on Washington Avenue in Jamesport. He was the pilot of an F8C sent on a combat mission over North Vietnam on July 31, 1967.

His flight route took him to Hai Hung province, where his aircraft was shot down about 20 miles southeast of Hanoi. He was captured, and for the next six years, Lt. Zuhoski was held in various prisoner of war camps, including the infamous Hanoi Hilton, until his release on March 14, 1973.

He was a "lucky one", and retired from the Navy as a Commander in 1996. He is currently the owner of his family home in Jamesport.

9. Most recently, and hopefully lastly, Army National Guard Sgt. Jonathan Keller of Wading River, most recently assigned to the 2<sup>nd</sup> Squadron, 101<sup>st</sup> Cavalry, and to the 1<sup>st</sup> Battalion, 69<sup>th</sup> Infantry, or the fighting 69<sup>th</sup>, before that, was wounded leading a raid against Taliban forces in Afghanistan April 2008. He died of his injuries on January 24, 2009.

5/19/2009

I am bringing these men - these heroes - to the forefront today not only because Memorial Day is upon us, but because they deserve to be remembered on a daily basis. A good number of people agree, and I have a petition to present which asks the Board to do the following:

We the undersigned do hereby petition the Town Board to do the following:

a. Recognize those residents who have made the supreme sacrifice by giving their lives in the service of the United States, or as a direct result of that service, by having a park, structure, or other such landmark named for each service member; and

b. Recognize those residents who served this country as prisoners of war in the same manner as set forth above; and

c. That no other commemorative naming shall occur unless and until all of those names shall have been exhausted.

This is the very least you can do, and, in all but one of these cases, recognition is far, far too late. But each and every one of us can - and should - do more. Attend the parade on Monday, and every Memorial Day. Attend Veteran's Day services. Fly the flag. And thank a veteran every chance you get."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you."

Gene McSherry: "As Commander of Veterans of Foreign Wars Post 2476 Riverhead I'd like to reiterate everything on that statement and I'd like to make sure that the town board regardless of who's here the next couple years or whatever, be able to say that, yes, the park that's over in Calverton once it gets through all of this finality, problems will be name for Jonathan Keller in respect for him and what he's done because he's the first National Guard person to die from wounds this year and not to make it any less than all the rest of them, but the National Guard people are considered to be citizen soldiers and they're stepping up to the forefront and doing exactly the same as our regular Armed Forces people are and they should be commended also.

So I would appreciate strongly that when that particular time comes, the town board give that its ultimate approval."

Supervisor Cardinale: "Thank you. Thank you very much for that presentation.

5/19/2009

We are going to turn now to the approval of minutes of the last meeting and I'd like someone to offer the minutes for the meeting of May 5<sup>th</sup> and the special meeting of May 7<sup>th</sup>."

Councilman Dunleavy: "I move the minutes of May 5<sup>th</sup> and the special town board meeting of May 7<sup>th</sup> to be moved."

Supervisor Cardinale: "Second, please."

Councilman Wooten: "I'll second."

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

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

Supervisor Cardinale: "Diane, could you tell us about applications, town hall reports and correspondence?"

Diane Wilhelm: "Can you hear me okay on this? Is it on? Okay."

**APPLICATIONS:**

Parade permit	Riverhead Community Awareness Program (CAP) June 5, 2009 - starting at Pulaski Street School
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**REPORTS:**

Tax Receiver	Total tax collection dated May 6, 2009 - \$63,511,114.63
	Total tax collection dated May 13, 2009- \$65,817,651.32
Sewer District	Discharge monitoring report for April, 2009
Police Department	Monthly report for April, 2009

**CORRESPONDENCE:**

Daniel and Donna Zaweski	letter regarding Jamesport Jamesport Manor Inn petition to the Zoning Board
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Lori Ann Taggart	letter of resignation from
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5/19/2009

the IDA

Theodore Sklar of Esseks,

letter regarding the special  
Hefter & Angel, LLP permit  
petition of John and  
Sandra Reeve

William and Eva Andes,

letter regarding special  
Aquebogue permit petition of  
John and Sandra Reeve

Diane Wilhelm: "I just want to remind everybody that when you're going to speak at the podium, please speak clearly. Often when we have the meetings out of town hall, my transcriptionist really has a tough time hearing everybody. So if everybody could speak clearly and say your names, we would really appreciate it."

Supervisor Cardinale: "Thank you, Diane."

We turn now to public hearings. There are six scheduled. The good news is that there are only actually three that will be heard.

The first two are indicated as rescheduled by request of the applicant to June 2<sup>nd</sup> and June 16<sup>th</sup> respectively.

The third is going to be withdrawn I'm advised in order that this and two other related matters can be heard at the same time. So we'll reschedule it when those two other changes are concluded or reported out from the revision committee for the town code."

Public hearing opened: 7:35 p.m.

Supervisor Cardinale: "That leads us to the 7:20 hearing which is for the consideration of a proposed local law to create Chapter 10B of the Riverhead town code entitled term of office of the superintendent of highways increasing the term of office of town superintendent of highways from two years to four years and I'd like to take public comment on that from anyone who wishes to make it."

If you wish to make it, please come forward. If you do not, I intend to leave this hearing open for 10 days to Friday a week from now which is the 29<sup>th</sup> at 4:30. It's opened at 7:35 and closed at 7:36 and it is open for written statements to the town clerk through 4:30 on the 29<sup>th</sup> of May."

Public hearing closed: 7:36 p.m.  
Left open for 10 days for written  
comment until May 29, 2009 at 4:30 p.m.

5/19/2009

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Public hearing opened: 7:36 p.m.

Supervisor Cardinale: "The 7:25 hearing is for the consideration of a proposed local law to create Chapter 10B of the Riverhead town code entitled term of office for the supervisor increasing the term of office of town supervisor from two years to four years.

If there's any comment on this, I'd like to hear it. Come forward, Larry. If there's any comment to follow, please come forward."

Larry Oxman: "Good evening. Larry Oxman (inaudible). A question. I thought this had to be done by referendum, not local law."

Councilman Dunleavy: "It does."

Supervisor Cardinale: "Let me explain that. That's correct.

This local law, if passed, would not be effective unless confirmed by a vote of the public at the November election, by which more than 50% of the public confirmed it."

Larry Oxman: "That's just a clarification and I would (inaudible) for both the highway superintendent and the supervisor. Thank you."

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

Matt Hattoff: "I'm opposed to this extending the term to four years. I believe if you're a good supervisor, whether it be the highway superintendent or supervisor of the town, you'll get re-elected. You don't have to worry about it.

This has come before the public at least once recently and it was voted down, of which you were the supervisor at the time. The taxpayers voted it down and they said, no, two years is enough, and they still re-elected you.

It should have never come to this. It should have been voted down as a resolution for the public hearing so we wouldn't have to go through this. And I don't think this is a good idea. It's not good for the town; it's not good for the taxpayers.

What it does by giving the supervisor a four year term, is it limits what the taxpayers can do to change the direction of the town should we have a bad supervisor. I can't imagine being stuck with a

5/19/2009

bad supervisor for four years when it could only be we're stuck with him for two.

So I don't think that this should go through and I would urge the board to turn it down."

Supervisor Cardinale: "Thank you, Matt."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Any other comment in regard to this?"

Sean Walter: "Sean Walter, Wading River. Phil, I think we might have a common interest here, I'm not sure.

That being said, I don't understand why this is on. By my count, this is the fourth time since about 2000 the supervisor-putting a four year term for supervisor and the highway superintendent may not have been four times in eight years, and every time it was soundly rejected. This time you got a little bit closer.

My thought is this. I know it's difficult a two year term. I think most people understand that you are a supervisor for one year and you're a candidate for one year, so your judgment while you're governing in that second year may not be the judgment that you are the year that you were governing because you're interested and focused on running.

So I understand the thought process behind having a four year term. So I offer up this suggestion and offer it up for the highway superintendent as well.

Put term limits on this. If you're going to do a four year term, Barbara Blass sand it best and (inaudible). In the article in News Review, she said- I'm trying to get this straight- I think she said that this job belonged to residents of the town, that being an elected official, the job belonged to the residents of the town.

She had had it- not had it but had this job- she might have had it, but she has been an elected official for eight years and it was time to give it back to the residents of the town, and I commend you for that because that's really at the heart of being an elected official.

We should not have elected officials that make careers out of these things, not in the same job. You can't do that. That's a problem with Congress, it's a problem with all over the state of New York.

5/19/2009

My thought is this. In the Suffolk County Legislature, you're allowed 12 years. In the town of Islip, you're allowed 12 years. It used to be 12 years I think in New York City.

Every once in a while we get somebody in elected office who feels that they're a little bit above the 12 year term and they try to extend it.

That being said, I think what the town should reconsider for this position and for the highway superintendent, don't put it up again because it's just going to get voted down. It's been four times- it will be a four time loser; it's a three time loser now. (Inaudible)

I personally believe that if you came to the taxpayers and said listen, this is your job, we are only going to occupy it for three two- three four year terms of 12 years, I think it would have a better chance of getting passed.

Anyway, I don't mind running every two years. Take care."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Okay, is there any other comment? If not, we're going to keep this open for written comment also to the 29<sup>th</sup> at 4:30 p.m."

Public hearing closed: 7:42 p.m.  
Left open for 10 days for written  
comment to May 29, 2009 at 4:30 p.m.

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Public hearing opened: 7:42 p.m.

Supervisor Cardinale: "And move to the final hearing which is scheduled for 7:30, opening the 7:30 hearing for the consideration of a local law amending Chapter 46A entitled Architectural Review Section 46A-5 entitled establishment; membership; terms; vacancies; removal and Section 46A-14 entitled Quorum of the Riverhead town code.

Could you summarize, Dawn, what the salient changes are here in regard to the architectural review board or would you like me to?"

Dawn Thomas: "I'd be happy to do it."

Supervisor Cardinale: "If you could do that, because these are- we did a certain set of changes which was uncontroversial and newsworthy than more controversial ones. So if you could."

5/19/2009

Dawn Thomas: "At a prior board meeting, we made some changes to the processes and time limits that the architectural review board members had to manage the applications that they were responsible for.

This proposed amendment would allow the town board by resolution to decrease the number of ARB members to three from the five that are now there. It requires at least one of the members to be an architect, designer or landscape architect. One member shall be a licensed architect, another shall be a local representative of a business in the town of Riverhead.

It also requires that in the event the board reduces the membership to three, one member shall serve for one year, one member shall serve for two years and the remaining member shall serve the full three year term.

And then also adjusts the quorum requirement in the event the board reduces the membership to three to a quorum of two."

Supervisor Cardinale: "Thank you for that concise and complete summary. Would you-- anyone would like to comment, we'd like to hear from you at this time. Again, we'll leave it open for written comment if we actually do get some after the hearing so we can consider it when we consider this over the next couple of weeks.

And so I'm going to leave this open for written comment through the 29<sup>th</sup> at 4:30 p.m. and close this for verbal testimony now at 7:45."

Public hearing closed: 7:45 p.m.  
Left open for 10 days for written  
comment to May 29, 2009 at 4:30 p.m.

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Supervisor Cardinale: "We turn now to the resolutions and any comments that anyone has on the resolutions we're going to consider which are resolutions 457 through 516. Yes, Marty."

Marty Sendlewski: "Martin Sendlewski. Good evening, Martin Sendlewski, Riverhead speaking on behalf of the Riverhead Business Alliance.

On Resolution 508-- "

Supervisor Cardinale: "Yeah."

Marty Sendlewski: "508 has to do with the letter of credit, the 100% letter of credit. At the public hearing, the RBA-- I

5/19/2009

remember Bob Koz was up and a number of other people discussed that and the town board really wanted to take a further look at it."

Supervisor Cardinale: "Right."

Marty Sendlewski: "So is that something you might table?"

Supervisor Cardinale: "Yes."

Marty Sendlewski: "Okay."

Supervisor Cardinale: "Yeah, that's on in error."

Marty Sendlewski: "Okay, great. And the next one has to do with resolution #504 which is the adoption of the key money schedule of the Riverhead Water District."

Supervisor Cardinale: "Yes."

Marty Sendlewski: "At the public hearing, the members of the Business Alliance as well as I believe some other people in the community had really expressed some concern and since then really I think some objection to the key money and the assessments they have with regard to the water service fee.

The reason that the Business Alliance is opposed to this on behalf of a number of our members, is we think it's going to be bad for business and we think ultimately it will be bad for the town not only in terms of business but in residential properties with the amount of key money that it's intended to charge.

Just to give you a quick idea, I just ran some numbers and this is an example on a 10 acre parcel on 58 for let's say anything that were BC, or SC or DRC zoned. That requires 25% of the property to be pervious which requires landscaping and site plan review.

If you were to take a 10 acre parcel at 25% landscaped area with irrigation and you use the numbers, basically what happens is if you run the landscaped area at the one inch rainfall that's in the schedule, I have the math, I won't go through it but I can share it with you if you'd like. It comes up to a key money fee of \$615,000.

I mean that's based on- I'll just run it real quick. Ten acres is 435,000 square feet, I'll just round it off, 25% landscaping is 108,000 square feet, .083 is one inch of rainfall which is 9,038 cubic feet of water. There are 7.48 gallons per cubic foot, is 67,609 gallons times \$9.10 is \$615,000.

Now in addition to that, that same development for a store, a retail or DRC at .03 gallons per square foot which is the health

5/19/2009

department standards for sanitary flow which is what's being used for the water key money, comes out to at the 20% FAR is 87,000 square feet, at .03 is 2613 gallons per day at the \$9.10 is \$23,783 key money for a DRC or BC or SC use on 58.

If you were to go down town for example right now I know the corner, they're going to convert that for a restaurant. If they convert it to 100 seats, it's 2400 square feet. You take 100 seats at 30 gallons, it's 3,000 gallons, deduct the 75 gallon credit for the commercial space that's there, that's 2,925 gallons. That's a \$26,617 fee.

That means if somebody wants to start taking a vacant store downtown and put a restaurant in it, it's going to cost them about \$26,000 right off the bat."

Supervisor Cardinale: "Let me ask you a couple questions. First off, this particular change as you know does not increase fees. This change that is in- this is already in law and resulted from a hearing in which H2M testified and connected the fee to the costs that's added to the district.

This should not- this is not intended to be anything but a pass through of costs. In this particular- that was passed a year or two back.

This particular change is only to a couple of words at 6 and 7 which were simply clarifying the method of determining the fee.

So what I want to make sure of is that you- what we're trying to do here is not charge a fee because they pass on the cost associated with providing the service. In fact, that's what we have to do as a matter of law.

We had a hearing with H2M in which they provided a report that is public about a year and a half ago which established the 7120 for residential, the 10.70 a gallon for commercial and retail, 6062 for vacant to major subdivision but I certainly don't want to make any mistake.

If you want the opportunity because you're a professional and I'm not maybe to talk to H2M, we don't have to pass it tonight. We can pass it in a few weeks but we don't intend to change- do anything but pass on the cost to the district of the change in service."

Marty Sendlewski: "I guess the question I would have, not only with the change in uses that you have.

5/19/2009

Another good example would be the change in use let's say for purchasing a house in DC3 which is downtown and converting it to an office."

Supervisor Cardinale: "Yes."

Marty Sendlewski: "Just again, the landscaped area on the 20% that you have in that area, ends up being about-- on a 60 by 100 or say 10,000 square foot lot which is generally about the size of a lot of lots downtown, it would cost somebody almost \$11,000 in key money for their landscaping irrigation costs based on the calculation that you have in this change."

Supervisor Cardinale: "Are you talking about the changes at 6 and 7?"

Marty Sendlewski: "Yes."

Supervisor Cardinale: "Okay. Why don't we-- I don't follow exactly what you're saying. You want to-- Gary, oh, Gary may not be familiar as H2M. Gary, just quickly, could you, in fact, why don't you speak with Marty and see if you think that H2M ought to look at this again before we pass this. We know what we're trying to do is pass on-- that's all we can do legally, is pass on costs associated with the changes in service. This can't be a tax. It has to be a pass through.

So we had extensive testimony, you will recall, they did up a report and all. But he just wants to talk about 6 and 7, which are the language changes. Maybe you can talk about it and if you advise you want to hold it over, we'll hold it over for two weeks before we pass it. It's not urgent."

Gary Pendzick: "My name is Gary Pendzick, superintendent of the Riverhead water district.

This change was primarily a change to affect wording, to change two words."

Supervisor Cardinale: "I know that. Yes."

Gary Pendzick: "Some of that Table 11, 6 and 7, used size of water service in calculating the key money assessment rather than usage, increases in usage."

Supervisor Cardinale: "Right."

Gary Pendzick: "It was felt that it would be more honest and accurate to base any assessment on increased usage and not the size of the service.

5/19/2009

You can have a six inch service— you can put in a six inch service and use less water. Okay? The way it was worded is they based it on size and not (inaudible)."

Supervisor Cardinale: "So it's an effort to be reflective of the actual use rather than simply the size of the piping going in."

Gary Pendzick: "H2M's assessment of that was based on the fact that it was much more fair and also some of you had some reservations about the prior wording using the sizing."

Supervisor Cardinale: "Marty, maybe talk to— Gary, we're not going to reach this for a little while anyway and let me know what your conclusion (inaudible). The numbers that he's calculating are, therefore, either miscalculated or intended but I want to make sure that we're calculating it correctly."

Gary Pendzick: (Inaudible comment) "He's got the right formula, the 7.48 and whatnot. Few people realize that if you have a building acre, the average rainfall is 45 inches here in Long Island (inaudible)."

Councilman Dunleavy: "Gary, I just want to ask one question. He brought up this is the rate you charge now, A-3 commercial retail, 1070. That's the rate you're charging right now. That's no increase. So the figures he brought up is the figures that we're charging— is a true figure that we're charging now. There's no increase in that."

Gary Pendzick: "In this resolution, there is no change in the actual sum of money, only in the wording of size and (inaudible) of usage."

Councilman Dunleavy: "Okay, thank you."

Supervisor Cardinale: "Yeah, you want to follow up on that? And I'll take any other comment."

Marty Sendlewski: "The only other thing I would say about that is if you're going to amend this so you-- I'll sort of back this into the fact that you're amending the table."

If you're going to amend the table, can you like eliminate a lot of it? And just, you know, because-- "

Supervisor Cardinale: "Not without another hearing."

Marty Sendlewski: "As an example, I mean if you look at the numbers here of what people are charged, even now with a residential

5/19/2009

development, if a developer is going to build 100 homes, that's a \$710,000 fee. But he still has to pay for the pipe, the improvements, the hydrants. This fee doesn't include the town installing the work.

So how does that affect affordable housing and the future generations in our town- "

Councilman Dunleavy: "I just don't know if your calculations are correct. I don't think- I've never seen a fee that high for residential housing."

Marty Sendlewski: "Because quite frankly, a lot of people aren't going to do subdivisions and pay \$710,000 for a 100 lot subdivision. It's- the fees are way out of whack and I don't know where that money goes. Where- what is it used for? What is \$710,000 used for?"

Supervisor Cardinale: "Gary will explain that."

Marty Sendlewski: "They still pay to use the water. They still pay- they put in the pipe and then they pay for water use."

Councilman Dunleavy: "Gary will let you know that."

Supervisor Cardinale: "And to answer your question. You cannot change this- the only changes we can consider are these that were noticed. So you have an opportunity, and I encourage you to use it to talk to Gary, H2M. But this actual conversation should have taken place two years ago when the original schedule was passed."

(Inaudible comment)

Supervisor Cardinale: "Right. But again if it reflects the cost to the water district, it is (inaudible)."

Gary Pendzick: "What these funds are used for (inaudible), are increase and improvement of the building of water tanks, pump stations, support these new facilities. In other words, they require more water (inaudible) so we have to build new pump stations. (Inaudible)."

Supervisor Cardinale: "So to bring it down to the level that a citizen would understand, surely the subdivider pays for the piping to get the water to his lot. But he does not pay for the extra infrastructure which this is designed to address which will be necessary to continue to (inaudible)."

And the H2M report which cost a good deal of money to the water district put a relationship- we want a clear relationship between

5/19/2009

the dollar figure they concluded with, with the actual cost to the district and without that (inaudible)."

Councilman Wooten: "On the other hand, you can see where it would be prohibitive for somebody who (inaudible)."

Supervisor Cardinale: "Well, that's true, and I commiserate that's true."

Councilman Wooten: "I understand the theory behind it but (inaudible)."

Supervisor Cardinale: "Then what happens is that the entire district would have to double pay in effect."

Councilman Dunleavy: "Yeah. Can I just say something before you talk?"

I just want to say that this protects the water district rate payers that are paying the rate now. Any new customers that have to expand the water district will have to pay for that expansion, whether it be a water tower or it be a new pump station. That's what this key money is for and it's to protect the water district rate payers now and our future rate payers."

Larry Oxman: "Larry Oxman, also a member of the Riverhead Business Alliance. I would urge that you do table this for further discussion. If you're opening up this whole— the dialogue here, the local law, I think that it really has to be looked at."

I believe that this is kind of an anti-business legislation. It is— it's effect will chase business away. If Marty's figures are correct and I believe that they most likely are, there's a tremendous burden on anyone that wants to bring in new business to the town.

I also don't necessarily see the burden of infrastructure improvements rather being placed on a single new user. Shouldn't it be spread out for everyone in the district because those new improvements go to everyone's use. It's not just that you're building a tower exclusively for someone. You're building a tower that will benefit the entire district.

And the goal here is to have good, clean water, drinkable water to the entire town. Because the goal is to have the water— public water, rather than encourage wells. And there are very high fees and maybe it's time to re-address those fees.

Again, I think that you want safe drinking water.

5/19/2009

Something that just kind of popped into my head is an example of 10 acres. At EPCAL, we're talking about a 300 acre industrial site, I guess for office use and for industrial use. I would imagine that those fees there, the key money fees has got to be millions and millions of dollars. Again, people are going to be paying a use, they still have to pay a hook up fee, they have to supply all of the infrastructure to get the water to the site. This on top of it I view and the RBA views (inaudible)."

Supervisor Cardinale: "Thank you. The- I point out something that I understand to be clear and legal will confirm, that even if we agreed with you, we couldn't change it. We can only change what is noticed which is a simple change in words.

What you- I would suggest you do is you go back to the first hearing and get the data in that file and I'd certainly make H2M available to you. If there's any error in the nexus between the cost and the fee, I would support a change in the schedule.

But until we see that we can't change the schedule and even if we agreed with you tonight on what you said, we couldn't change the schedule unless we noticed it for the changes.

So if you have a point, we'd like to see you develop it by looking at the initial file, looking at the relatively thick report in there from H2M on how they connected and if there's an error in that, I want to do two things.

One, change the law. Two, get my money back from H2M for the report. So- but that's all we can do."

Councilman Dunleavy: "Can I just say something, Larry? This is not anti-business because if you look at County Road 58, you'll see that we have many businesses that came into County Road 58, and are paying these fees. So we're not anti- this is just to protect the water district."

Marty Sendlewski: "I think that- this is just to follow up, I think that these- this original schedule was adopted, Gary- so if it was adopted in February of last year, I used the 10 acre example. I don't know how many acres Riverhead Center is but obviously they would be a very high fee.

The adult senior living right behind them, I don't know how many units they have but obviously that seniors unit would have paid \$7,000 per senior for additional fees.

I don't doubt that H2M's report is correct. I think H2M, you know, is very thorough. What we have a concern about and sort of goes back to that thing with the sewer again, it's not so much- we

5/19/2009

believe the costs are there, but why are the costs just being burdened by potential new businesses and development?

That's- they're the ones- you're saying that, hey, if you want to come in to our town, you want to develop something, you're going to be the one that's going to have to pay to improve everything for everybody. And that's exactly how this ends up being. I mean, they're the ones- you're saying the infrastructure is a benefit. Well, they're the ones bearing the cost. That's basically going to scare a lot of people away."

Councilman Wooten: "The only problem with that, Marty, and I agree, believe me, I see both sides of the coin. The only thing is that is the straw that broke the camel's back where it would suffice before but this is the one that's going to push it over and we're going to have to do all those improvements."

Supervisor Cardinale: "They're increasing the cost too. But I get what you're saying. We hire professional engineers because we asked them to indicate how this was done in other towns. This should not be avant garde legislation and they said this is the way every town does it, they calculate the cost to the district of providing a certain service to the infrastructure and it's done in a certain fashion.

We don't want to be avant garde or novo art here. We'll do what everyone else has. So we urge you, if there is an error, we want to correct it. But we can't do it at this hearing, we've got to do it at a subsequent hearing."

Marty Sendlewski: "I don't consider as much an error as I consider it a policy issue. It, you know, a good example would be, all right, if we're going to build a new school, I guess only the people that build new houses from now on should be the one to pay for it. They're the ones that are causing the need for a new school. Or if we need 10 new police officers, let's just have all the new businesses that get CO's and permits pay their salary, not everybody else. That's in theory exactly what you're doing."

Supervisor Cardinale: "Well, if it's for an expansion- "

Marty Sendlewski: "It's a real bad policy. That's all I'm saying."

Supervisor Cardinale: "But we're not- we're not- well, tell it to H2M because they're the experts and they tell us that's the way other towns do it. Obviously from the standpoint of the developer, me, too, if I was one, I want to make it as cheap as possible because my bottom line increases.

5/19/2009

But we also have to be fair to the people in the district and not burden them with the cost of- that are directly related to the increase in the infrastructure costs directly related to the new people. That's just the way I would have told H2M that it's done everywhere else.

So, you may- but I will talk with H2M, ask them if this is done in every other town what we are doing here (inaudible)."

Marty Sendlewski: "Thank you."

Supervisor Cardinale: "Thank you, Marty."

Larry Oxman: "Larry Oxman. One last thing. We don't have to be like every other town. Riverhead does not have to necessarily follow what everyone else does. Riverhead has a unique set of circumstances.

I believe that we want to attract business here. Business will raise property taxes without burdening the school district. It doesn't have to be like everyone else. We don't have to be a follower, we can be a leader."

Supervisor Cardinale: "Fairness is a universal concept and incidentally this chart relates not just to commercial development but to residential development as well. But I will look into it to make sure that we are being fair because that is the intent (inaudible)"

Larry Oxman: "At this point, are you considering tabling this or- "

Supervisor Cardinale: "I'm going to ask the board but I think the idea is to pass this because even if you are right we could not make the changes you are requesting. This change is a couple of words in regards to clarify. You're arguing that we should have not passed this particular schedule in February of '08. We'll go look- it would stay in effect even if we didn't pass this, is my point.

I would like to take any other comment. If there isn't any other comment- I would like to consider the resolutions and then take general comment.

Go ahead, please."

Sean Walter: "The error, Phil, is not in the mathematics, the error is in your initial assumption."

Supervisor Cardinale: "Well, it's not mine; it's H2M."

5/19/2009

Sean Walter: "I know. It's yours and H2M's initial assumption but let me start with this.

Suffolk-- most town don't have water districts. In fact most of Suffolk County is Suffolk County Water Authority and charges fees that are a little bit higher (inaudible). And that's the approach that the board has chosen to take."

Supervisor Cardinale: "That is inaccurate."

Sean Walter: "No, it's completely accurate. But in this economy where we're trying to put people back to work, charging developers exorbitant fees is not the correct approach.

What we should be looking to do, there's a benefit to every one of us in the Riverhead water district when a new business comes to town. There's a benefit to every one of us (inaudible). There's an intrinsic benefit but H2M and this is where the error in analysis is, H2M is just saying, okay, this nut costs a million dollars and this guy needs this nut so we're going to charge him a million dollars. So that nut is useful to the entire town.

So, therefore, we shouldn't just be saying that developer has to pay for that nut. The rest of the town should be responsible for some portion of that.

The thing is if you look at a residential subdivision, when you start adding \$7,000 a lot which we've done, not start, which we've done, that's that many fewer jobs that we're going to have. Now, this is a job killer and I know it's not part of the public hearing but you need to re-look at this.

Because the analysis, if you go back to-- if you take, and I am not in favor of the water authority coming in here, they don't do it this way. And if you take-- if you sat down with Marty (inaudible) be a lot of Suffolk County Water Authority applications (inaudible) a commercial building lot in the downtown area using Suffolk County rates in Riverhead, you're going to see (inaudible).

So we should be emulating what everybody else is doing because I'm not aware of any other municipal water (inaudible).

But it's the fundamental error in your initial assumption used to make the calculation."

Supervisor Cardinale: "I will certainly check that, the accuracy of what you've said and we agree on the intention to assess fairly new businesses and not burden the older businesses by unfairly assessing the impact on the infrastructure of the new.

5/19/2009

So, I would like— I think you made one good point and I will look into that (inaudible). But Suffolk County Water Authority, if they do it differently that would inspire me to look more closely. That is not the understanding that we got from H2M when this was passed.

They indicated they were using traditional approaches to ascertain the cost of infrastructure associated with the new developer or the new business coming on line."

Sean Walter: (Inaudible)

Supervisor Cardinale: "We'll check that out. And if that is the case, we will reconsider the entire schedule, not just this language change."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay, is there any other comment? If there is no other comment, I'm going to consider resolutions and then we'll take general comment and then we can all go to dinner."

Resolution #457

Councilwoman Blass: "This is an order calling for a public hearing in the matter of the increase and improvement of the facilities of the public parking district in the town of Riverhead, Suffolk County, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolutions #458 through #467

Councilman Dunleavy: "Appoints a senior beach manager Level X to the Recreation Department. So moved."

Councilman Wooten: "I'll second it. I think we should take 458 through like-- "

Supervisor Cardinale: "458 through 467 are all appointments to the recreation department. (Inaudible)."

(Some inaudible comments)

5/19/2009

Councilman Dunleavy: "All right, I move 458 to 467 for appointments to the recreation department. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #468

Councilman Wooten: "Ratifies the appointment of a student intern to the water department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #469

Councilwoman Blass: "Approves the request for a leave of absence. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #470

Councilman Dunleavy: "Appoints a community development program technician. So moved."

Councilman Wooten: "I'll second."

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

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

Resolution #471

Councilman Wooten: "Reappoints a student intern, William Torre, to the accounting department. So moved."

5/19/2009

Councilwoman Blass: "And seconded."

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

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

Resolution #472

Councilwoman Blass: "Reappoints student intern to the accounting department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #473

Councilman Dunleavy: "Appoints temporary clerk to the tax receiver's office. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #474

Councilman Wooten: "It ratifies the appointment of a part time clerk to the Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #475

Councilwoman Blass: "Amends the appointment of a call in recreation supervisor to the Recreation Department. So moved."

5/19/2009

Councilman Dunleavy: "And seconded."

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

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

Resolution #476

Councilman Dunleavy: "Reappoints a seasonal traffic control officer in the police department. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #477

Councilman Wooten: "Appoints a call in recreation aide/youth sports to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #478

Councilwoman Blass: "Appoints beach attendants/concession stand operators to the Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #479

Councilman Dunleavy: "Appoints lifeguards to the Riverhead Recreation Department. So moved."

Councilman Wooten: "Seconded."

5/19/2009

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

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

Resolution #480

Councilman Wooten: "Appoints a one time marriage officer. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #481

Councilwoman Blass: "Rejects bid and ratifies authorization for the town clerk to re-publish and re-post the notice to bidders for the town of Riverhead tennis court renovations contract. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #482

Councilman Dunleavy: "Authorizes publication of notice to amend CDBG program. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #483

Councilman Wooten: "Authorizes the town clerk to publish and post notice to bidders for quick lube maintenance Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

5/19/2009

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

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

Resolution #484

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

Councilman Dunleavy: "And seconded."

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

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

Resolution #485

Councilman Dunleavy: "Extends bid contract for corrosion control chemical for the town of Riverhead. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #486

Councilman Wooten: "It extends the bid contract for annual diesel/generator maintenance for the Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #487

Councilwoman Blass: "Authorizes attendance of assessor at seminar. So moved."

Councilman Dunleavy: "And seconded."

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

5/19/2009

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

Resolution #488

Councilman Dunleavy: "Authorizes the supervisor to execute a license agreement with Cold Spring Sea Farms, Inc. to allow the utilization of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #489

Councilman Wooten: "Authorizes the town clerk to publish and post notice of public hearing regarding the special permit of Bernard J. Kito, Jr. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #490

Councilwoman Blass: "Extends site plan approval of Living Waters Gospel Church, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #491

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a public hearing regarding an alleged unsafe building located at 31 Northville Turnpike, Riverhead, Suffolk County, New York, tax map no. 0600-128-4-10 pursuant to Chapter 54 of the Riverhead town code. So moved."

5/19/2009

Councilman Wooten: "Seconded."

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

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

Resolution #492

Councilman Wooten: "Authorizes execution and submission of grant application to Suffolk County for fiscal year 2009 American Recovery Act special round community development block grant funds. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #493

Councilwoman Blass: "Authorizes the grant of easement to Suffolk County for access to the Grangebel Park comfort station. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #494

Councilman Dunleavy: "Authorize application to the New York State Environmental Facilities Corporation for green infrastructure funding. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #495

5/19/2009

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 79 entitled mobile homes and travel trailer parks of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #496

Councilwoman Blass: "Authorizes the town supervisor to execute change order No. 1 for Wading River Beach renovations contract. So moved."

Councillman Dunleavy: "And seconded."

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

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

Resolution #497

Councilman Dunleavy: "Authorizes Supervisor to execute change order No. 1 Extension No. 85 - Mastro Realty Riverhead Water District. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #498

Councilman Wooten: "Authorizes the release of cash security for John A. Rothe (Responsible Realty). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #499

5/19/2009

Councilwoman Blass: "Authorizes the Supervisor to sign New York State Department of Transportation contract for safe routes to schools reimbursement funding to support traffic calming. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #500

Councilman Dunleavy: "Ratifies submission of grant applications to Department of Justice for fiscal year 2009 American Recovery Act Special Round JAG funds. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #501

Councilman Wooten: "Accepts 100% security of Beacon Wireless Management, LLC/Dynamic Radiator. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #502

Councilwoman Blass: "Approves the Chapter 90 application of Riverhead Country Fair Committee. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #503

5/19/2009

Councilman Dunleavy: "Approves Chapter 90 application of Jedediah Hawkins Inn for art exhibition with Max Moran. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #504

Councilman Wooten: (Inaudible comment) "Adopts a local law amending Chapter 105 entitled Water of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

(Some inaudible comments)

Resolution #505

Councilwoman Blass: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Article XXII - business PB district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #506

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Article XXVIA - special permit. So moved."

Councilman Wooten: "Seconded."

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

5/19/2009

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

Resolution #507

Councilman Wooten: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code - Article XIII - supplementary use regulations. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #508

(Some inaudible discussion)

Councilwoman Blass: "I make a motion to withdraw Resolution #508."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded to withdraw 508. Vote please."

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

Resolution #509

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code - Section 108-175 and Section 108-179 - Pine Barrens Overlay District. I'd like to table this. So moved."

(Some inaudible discussion)

Councilman Dunleavy: "At the recommendation of our town attorney."

Councilman Wooten: "I'll second to table 509."

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

The Vote: "Wooten, yes; Dunleavy."

5/19/2009

Councilman Dunleavy: "Yes. I just hope we eventually get this thing going in the proper direction. I vote yes."

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

Supervisor Cardinale: "Prior to my vote can I ask how long you anticipate-- "

(Inaudible comment by Dawn Thomas and Supervisor Cardinale)

Supervisor Cardinale: "I vote yes to table."

Diane Wilhelm: "The resolution is tabled."

Resolution #511

Councilwoman Blass: "Authorizes the supervisor to execute a license agreement with Broadcast Music, Inc. (BMI). So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten."

Councilman Wooten: "I did have a chance to read through this contract and this is in reference to when we use music and in here it's stated that there will be extensive fines if you ever sing (inaudible). So I vote yes."

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

Resolution #512

Councilman Dunleavy: "Resolution in support for Local Government Records Management Improvement Fund (LGRMIF) and the office of cultural education account. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #513

Councilman Wooten: "Authorizes the supervisor to issue a letter to the Suffolk County Department of health Services allowing

5/19/2009

the use of a pine barrens credit on commercial property located in Riverhead."

Councilwoman Blass: "And seconded."

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

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

Resolution #514

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing regarding the special permit of Omnipoint Communications, Inc. Bonsal American Building (EPCAL). So moved."

Councilman Dunleavy: "And seconded."

(Some inaudible discussion)

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

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

Supervisor Cardinale: "Yes, (inaudible)."

Diane Wilhelm: "The resolution is adopted."  
Resolution #515

Councilman Dunleavy: "Authorizes the Suffolk County Department of Health Services to place its mobile mammography van behind the culinary arts center. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #516

Councilman Wooten: "516 is a motion to pay the bills."

Councilwoman Blass: "Seconded."

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

5/19/2009

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

Supervisor Cardinale: "We have one tabled resolution. Would somebody move the tabled resolution?"

Councilman Wooten: "I move authorizing the town board of the town of Riverhead to accept the offer of dedication for 21.4284 acres of open space described as SCTM# 0600-80-5-3 from Windcrest East Home Owners Association (predecessor in interest to Mid Road Properties). Move to untable."

Councilwoman Blass: "Second to untable."

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

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

Supervisor Cardinale: "Move it for a vote, please."

Councilman Wooten: "Do you want to make a motion again? I make a motion authorizing the town board of the town of Riverhead to accept the offer of dedication for 21,4284 acres of open space described as SCTM# 0600-80-5-3 from Windcrest East Home Owners Association (predecessor in interest to Mid Road Properties). So moved."

Councilwoman Blass: "Seconded."

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

The Vote: "Wooten, I'm going to vote yes; Dunleavy, I'll vote yes. Blass."

Councilwoman Blass: "I'll vote yes, but only because (inaudible)."

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

Diane Wilhelm: "The resolution is adopted."

Supervisor Cardinale: "Okay. I'd like to take comment now having concluded the resolutions on anything you'd like to comment on within our purview preferably. Yes."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Question. What's the status of Vintage Square?"

5/19/2009

Supervisor Cardinale: "Vintage Square?"

Sal Mastropaolo: "Yes."

Supervisor Cardinale: (Inaudible)

Councilman Wooten: "June the 15<sup>th</sup>. I'm sure we'll hear from him within the next couple of weeks. I think they're moving along. I think he's working with a couple different partners to look for financing."

Sal Mastropaolo: "So it's still a go?"

Councilman Wooten: "Yeah. (Inaudible)"

Sal Mastropaolo: "Thank you. Anyone else who would like to comment, please come forward."

Sean Walter: (Inaudible) "The purpose of the town in my opinion is to protect the health, safety and welfare of its residents. We do this with the police department. We do this with various other services.

Last year we had a fish kill in the Peconic River and I didn't put my boat back in because it was a disgusting mess. And at the time, the advice from town hall specifically from (inaudible) department, was bag the fish up in bags and we'll pick them up.

Now I applaud the Galasso family for stepping up in Meetinghouse Creek, I understand that they have put significant resources into this. And I applaud the town's efforts to clean this fish kill up because I believe that that is a public health and safety issue.

But on your point with consistency with the water fee key money- you know, water issue (inaudible), I don't understand and the only nefarious thing I can come up with is that it's an election year and you live in Jamesport and (inaudible) Meeting House Creek. I'm glad we're doing it, we should do it, we should have done it for downtown Riverhead as well and I hope in the future when this happens, you will do it in downtown Riverhead.

I just can't understand (inaudible)."

Supervisor Cardinale: "Can I enlighten you? First of all, I did nothing. The town board unanimously elected to act. The reason that- the general advice- "

Sean Walter: "You're not part of the town board?"

5/19/2009

Supervisor Cardinale: "I am one-fourth of the town board."

Sean Walter: "So you did something."

Supervisor Cardinale: "It was a 4-0 vote."

Sean Walter: "You did something."

Supervisor Cardinale: "Yes, I served as a member of the town board. But your colleague and running mate also agreed."

Sean Walter: "Did you do something in the summer- late summer?"

Supervisor Cardinale: "Did I do something- "

Sean Walter: "On the Peconic one. Did you offer a resolution (inaudible)?"

Supervisor Cardinale: "The- if you would control yourself, I'm saying to you that you ignorant of the facts and the facts are these.

That Meetinghouse Creek was a unique situation and most of the times we are going to be responding that you should let nature deal with this problem.

The problem at Meetinghouse Creek was that nature could not deal with that problem as the Galassos made clear to us. This creek is a mile long, north/south, and has a sharp easterly exit. The fish, the bunker who had died on the northerly end were floating north and south but not out of the creek.

The result was that the town of Riverhead actually did very little, but assisted the Galassos in this fashion which was appropriate by all four members of the board. We provided for what would be about two days a town truck (inaudible), and a town driver. All other expenses associated with the removal of those fish are being paid by the Galassos.

It was appropriate. It was unanimous decision and it had nothing to do with anything other than the facts which were unique and I just outlined."

Sean Walter: "So your point being in the summer of '08 you did nothing. You didn't offer a resolution. You didn't do anything except tell the residents (inaudible)."

5/19/2009

Supervisor Cardinale: "It was a different situation and the advice was then as it was- "

Sean Walter: (Inaudible)

Supervisor Cardinale: "It was a different situation that we got different advice on. Incidentally, the people that I rely upon in these things (inaudible), were the people who are knowledgeable such as Mr. Reeve, Sanitation; Mr. Lessard or Sgt. Lessard in the police department; the Galassos themselves who are knowledgeable in the fact that these fish were not flushing out.

And incidentally, the only expense to the town again was the loan of a truck to carry it to the farm field and the driver of that truck for two days. An appropriate decision, I think, and the town board which unanimously (inaudible)."

Sean Walter: "Can we get back to the issue? Did you do anything- all you had to do was (inaudible)."

Supervisor Cardinale: "I think I answered- "

Sean Walter: "All you had to do was provide a truck."

Supervisor Cardinale: "That's correct."

Sean Walter: "The point is- "

Supervisor Cardinale: "Yes, we are being consistent in addressing the facts in each instance."

Sean Walter: "Thank you for your time."

Supervisor Cardinale: "Thank you for your point. Anyone else have a comment? Marty."

Marty Sendlewski: "I just wanted- totally unrelated follow up. One point (inaudible) again, the whole issue about policies as far as expenses and the cost which certainly have to be addressed in terms of how you pay for them hopefully will be addressed in the future.

But just to put- Larry had mentioned one thing when he was up here before so I just for the heck of it, use conservatively 20% of a lot to be landscaped when Reckler does their thing up at Grumman. If you take 20% of 300 acres and you do the one inch irrigation and all the other good stuff, they're going to pay an impact fee of \$14,765,000.

5/19/2009

So, you know, just in terms of future development in Riverhead, paying these fees, I hope when they see the fee and they say, gee, I'm going to pay almost 15 million in a key money in order to get their approvals when they do that park, that they're aware of it. That's a substantial fee and I hope it doesn't scare them away."

Supervisor Cardinale: "I will look into that but I doubt that 20% of any (inaudible). I will look into it and if there is no comment, I'm going to end the meeting and thank everyone for attending. We will be at work session at 10:00 on Thursday and enjoy the rest of the evening."

Meeting adjourned: 8:37 p.m.