

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on Tuesday, November 20, 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,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "-- would lead us."

(At this time, the Pledge of Allegiance was recited.)

Supervisor Cardinale: "Okay, we're going to come down to the well of the courtroom here and give out some awards with our recreation department. Halloween poster contest winners."

Kelly: "Okay, thank you, everyone, for coming out tonight. We want to honor the 2007 winners of our Halloween poster contest. It's been a while but the last board meeting was in the afternoon and the children had school so this is our first opportunity to give out the awards.

So when I call you up to receive your award, you can come up and we'll give you your trophy and then we had put the posters out, third, fourth, fifth and sixth graders, so maybe you could just stand right behind your poster so that that way at the end we'll have everybody up here and we'll get a round of applause for everyone and if you want to take a picture, you'll have the opportunity. Okay?

I'd like to give a special thanks to the art teacher from Roanoke Avenue. She helped me take the posters down quickly tonight. Thank you.

Okay, so we'll get started. For third grade we have, first place, Jaycee Rubi from Roanoke Avenue School. Here she comes. You can come get your trophy and then your poster should be down at that end if you want to shake hands and go ahead and--

The posters have been hanging here in the town board room so they've been enjoyed by everyone. Okay.

11/20/2007 Minutes

Second place for third grade, Brandon Lynn, also from Roanoke Avenue. Congratulations. Very good.

Third place for the third grade, Marcelo Vicscalla. Marcelo. Marcelo is a student at Phillips Avenue. We'll make sure they receive their award. I'll drop it off at the school next week. Okay.

Fourth grade, first place, Brittany Saltaire from St. Isidore's School. Congratulations.

Okay. Second place in the fourth grade, Rossie Bautista from Phillips Avenue School. Is Rossie here? Okay. We'll make sure Rossie receives her prizes.

Third place in the fourth grade, Kim Lennon, from Phillips Avenue School. Yes. Congratulations Brittany- I mean, Kim, sorry. Okay.

We're moving on to fifth grade, first place, Bobby Drexel from Pulaski Street. Good job. Okay.

Second place from the fifth grade, Ashlyn Whyard. Ashlyn. Okay.

Third place from the fifth grade, Aria Saltini, from Pulaski Street. Good job. Okay.

Now we're moving on to sixth grade, first place, Maria Valdivia from Pulaski Street. Is Maria here? Okay. Congratulations to Maria.

Second place, Tyler Sypher. Okay, congratulations to Tyler, Pulaski Street also. They want to shake your hand for doing such a fine job. Okay.

And last but not least, third place from the sixth grade, Valerie Aksianiuk. Congratulations. Okay.

I just want to say in addition to their trophies, they also receive a little art set and free movie passes so they have a bunch of things to look forward to. Everyone did a really good job, congratulations, and thank you for coming out and everyone have a Happy Thanksgiving and thank you to the board for your time."

Supervisor Cardinale: "Thank you to Kelly from our recreation department. Okay.

The- stand there and smile for a minute in case, you know, the movie people want to take a picture, make you famous. And do they get to take the posters? Okay, then you get to take the posters and the prizes and the- what are those things- yeah, right. I never got any of those so I don't know what they are.

These are really impressive, some of these posters. Thanks very much. Now we've got to get back to work.

Okay, we're going to give you a moment to— those of you who are not excited about the prospect of staying for the balance of the meeting, we'll give you an opportunity to leave. A lot of exciting things happening this evening. I'll let you know— when I get to it, we'll be sure to outline it for you.

We have— the first order of business is to approve the minutes of the November 7th meeting and I'd like that offered by a Council person and seconded please."

Councilman Densieski: "So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "Could you tell us, Barbara, about the Applications and Correspondence received?"

APPLICATIONS:

Special events permit
Jedediah Hawkins Inn -
Dec. 7
6 pm to 8 pm - tree lighting
ceremony

Barbara Grattan: "That's concludes Applications."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

Fred Cataldo
Regarding the East Creek
docking facility

Theodore Cohen
Regarding purchase of
vacant
lands on Riverside Drive

Remy Bell
Regarding the purchase of

Riverhead Meadows on River-
side Drive

Thomas and Darla Rae
Gahan Regarding River
Meadows
property of Riverside Drive

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you."

Barbara Grattan: "You're welcome."

Supervisor Cardinale: "We have three public hearings scheduled for this evening and the first is at 7:05, the second at 7:10, the third at 7:20."

Public hearings opened: 7:20 p.m.

Supervisor Cardinale: "The first two are related, they are at 7:05 for the consideration of the special permit of Jul-Bet Enterprises to allow the construction of a bistro on the property located at Main Road in Jamesport which is proposed to development.

The second to commence at 7:10 which is for the consideration of a special permit of Jul-Bet Enterprises to allow the construction of a professional office on the same property.

Since I know there's commentary here about these two hearings and since the comments will be difficult to separate, I'm going to open both hearings simultaneously if the town attorney tells me it's okay. And I'm doing that now at 7:21.

I see Charles Cuddy who I presume to be the attorney for the applicant, Jul-Bet, is going to present the first comments and then we'll take comment from the public.

I should point out to those of you who are interested in this particular project as I am because I live in the neighborhood, much of the real action here is in the planning board which is responsible for the subdivision and site plan on this project.

The only- I think the only time we'll see this is for special permit, is that correct, Barbara- just for these two special permits and special permits as Mr. Cuddy will point out in a moment, I am sure, are permitted uses but are permitted only by special permission after a hearing in which you can attach conditions and- pertaining to the use often but you have to have a very good reason legally for denying the use.

So I say that to put this hearing in context and, Charles, why don't you take it from there?"

Charles Cuddy: "Thank you, Charles Cuddy, the attorney for the applicant. Robert Stromski, the architect, is also here tonight and will address you— "

Supervisor Cardinale: "Oh yeah, we have to swear you in on a special permit even though we know you tell the truth."

Charles Cuddy: "Yes, I do."

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

Charles Cuddy: "I do. This parcel as probably most everyone knows, is in the middle of Jamesport, north side of the road. It's 10 acres in size. It's in the RLC district. And what we're here for is just two special permit uses. One is for a bistro, a small restaurant; the other is professional offices.

We have at this sight and I believe the board has the plan, 10 different buildings. Each of the buildings will contain certain uses. Two of them are 5,000 square feet. Those are for the bistros. The others, they'll be partly professional offices and partly retail.

The nice thing about having the bistro and the professional office and this can only be done if you're within a quarter mile by the way of either an HC, hamlet center, or a village center and, of course, we're right next to the hamlet center and right across the street from the village center. So we qualify.

But the nice thing about it is otherwise it could be all retail and instead of being all retail, what the applicant is doing is mixing up the use so that they're having some bistro and some professional office use at the site.

The site is certainly suitable for this use. It's in the middle of the commercial area of Jamesport. It's not near any church, not near any school or place of public assembly.

The site certainly has had a good parking. In fact, the parking as you'll note will allow additional parking for those businesses that are there. So there will be a dozen or more spaces that will be available for off street parking for other uses that are existing in the village.

The site won't produce any unusual odors or irritants or noises. These are things that the board reviews and that's why I'm going through them. The site certainly is adequate for the use, it's 10 acres in size. It's in the commercial area.

We think that it's appropriate in every respect and I would hand up to you if you do not have them, the recommendation of the planning board which recommended that these uses be approved by the board.

Certainly, Mr. Stromski is here and I'm here. We'd be please to answer questions if the board has any. But I would like to hand these up, if I may."

Supervisor Cardinale: "Thank you. Yeah, Charles, while you're there, if you're finished, some of the board members may have questions. I'll let them start. Barbara."

Councilwoman Blass: "Hi, Mr. Cuddy."

Charles Cuddy: "Hi."

Councilwoman Blass: "We don't have a site plan in front of us so I apologize- "

Charles Cuddy: "We have one that I can give you."

Councilwoman Blass: "Okay, well maybe you could just answer the questions. It might be easier. You said there are 10 separate buildings. Are they occupied by a single tenant each?"

Charles Cuddy: "No. Some of them we anticipate will have two tenants in them so there may be a split of a professional office and a store of some kind so each one of them may not be just one type of tenant."

Councilwoman Blass: "And you mentioned that the bistro would occupy- there's more than one bistro being proposed?"

Charles Cuddy: "Two. There's two."

Councilwoman Blass: "And each of those would be in a building of how large?"

Charles Cuddy: "Five thousand square feet. The other buildings are 4,000 square feet."

Councilwoman Blass: "So they'll each occupy a 5,000 square foot pad?"

Charles Cuddy: "That's right."

11/20/2007 Minutes

Councilwoman Blass: "And it seems to be rather large for only 50 seats."

Charles Cuddy: "I think the design is so that it can amply take those numbers. We don't anticipate that we're going to have two uses in those buildings."

Councilwoman Blass: "Say that last part again. You don't anticipate--"

Charles Cuddy: "I said we don't-- as far as I know, we don't anticipate having two uses in those buildings and so that, yes, it would be large."

Councilwoman Blass: "But you're not going to be tempted to put in more than 50 seats?"

Charles Cuddy: "No."

Councilwoman Blass: "Okay."

Charles Cuddy: "That's all we can. We agree."

Councilwoman Blass: "Okay. Do you know if there are any variances that are required?"

Charles Cuddy: "No, I don't believe that there are any variances required."

Councilwoman Blass: "Okay, because the only report that I was able to see from the planning department was in response to the site plan that was submitted in October and at that time, there were significant variances that they believed were necessary. Have you revised the plan since then?"

Charles Cuddy: "That's been revised. That's correct."

Councilwoman Blass: "And you're within the impervious surface requirement--"

Charles Cuddy: "Yes."

Councilwoman Blass: "And there's no distinction or discussion about brick pavers being considered a pervious surface to your knowledge?"

Charles Cuddy: "I think Mr. Stromski can answer that much better than I can, but he's here."

Councilwoman Blass: "And the nature of the professional offices, do you know are they medical offices, or what kinds of offices they are?"

Charles Cuddy: "No. We anticipate that there would probably be some medical offices but we're not sure at this point. But they would be the normal professional, either an engineer, a doctor, lawyer, that type of office."

Councilwoman Blass: "Only because the parking schedule varies based upon the particular nature of the medical facility with respect to handicapped parking. That's the only reason. I'm sure you're aware of that."

Charles Cuddy: "Yes."

Councilwoman Blass: "Okay."

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

Robert Stromski: "Yes, I do. With reference to your comments as to the types of uses, the types of professional offices. What we did when we made the applications, we made certain assumptions about how much square footage would be allotted for medical office, how much would be allotted for a regular professional office, that would be a dry use."

The reason why we did such was to determine sort of a sanitary calculation. From the sanitary calculation, we were able to derive certain numbers of square footages for dry use, medical office, the 50 seat cafe bistro. From that we then used that to determine the required parking for that particular layout.

Obviously, until we have tenants signed, there's no way to determine other than making an assumption like we have for that reason. So as the application as before you and the application as before the planning department and planning board under site plan, there is a full detailed layout about how much square footage is for each use which was used to derive the sanitary calculation and the parking calculations for those uses."

Councilwoman Blass: "I think we would probably need to have a-something on file from the planning department to tell us that they do not believe any variances are required, because we can't act on the special permit until we know that you don't have to go to the zoning board of appeals. And as of this afternoon, my discussion with planning staff indicated that they believed there were still variances that may be necessary, so that would have to be resolved."

Robert Stromski: "All the comments that were addressed in Mrs. (inaudible) letter with reference to variances for impervious surface with respect to the parking lot that's in the front yard, those were all addressed in the site plan that was submitted for the special permit. Every one of the issues that Karen mentioned in her memo to us, all of those issues have been addressed.

I have not made another submission to the planning department under the site plan application because they had said that they really wouldn't move too far on the application unless we had the special permit issued.

So at this point, I don't see any issues for variances. The only question that's out there that might possibly require a variance is the fact that we're still proposing somewhat of a futuristic municipal parking in the front of the property which is between the roadway and the buildings. That is not allowed by code and that's why we're stating that it's only future municipal.

If the town would allow us to do such, we have no problem putting in those additional parking. We're not looking for that parking to be part of the center. So at this point I would safely say that that is the only issue that would still be outstanding from their comments."

Councilwoman Blass: "And I would just like to go on record as saying that as of today's discussion with Mrs. Gluth or Miss Gluth (phonetic), she was not willing to state that there were no variances necessary. She believed she needed to review the plan more carefully. And that's all I am saying. We would need to have something firm in writing to- "

Charles Cuddy: "We agree. We'll get you that."

Councilwoman Blass: "Okay. Thank you."

Councilman Bartunek: "Mr. Cuddy, could I have a copy of the plans? Could I take a look at a copy of the plans?"

Supervisor Cardinale: "Anything else you wanted to say, Charles, or I'll take some public comment."

Charles Cuddy: "No."

Supervisor Cardinale: "Okay. I'd like to open this up for the public to--which is the whole point of this hearing, to have the public speak. No you, Sal, somebody else. No, Sal, come up. And we also want to have the board members ask because it is their only opportunity."

11/20/2007 Minutes

Sal Mastropolo: "Sal Mastropolo, Calverton. Is it safe to assume that this public hearing then is asking for a special permit for two bistros? The documentation says a bistro and the second one says a professional office. They're asking for more than one in both cases."

Supervisor Cardinale: "I bet you're bringing this up as a notice issue?"

Sal Mastropolo: "I just want it clarified whether this special permit is going to allow two bistros or if they're going to come back for another special permit for the second bistro."

Supervisor Cardinale: "Two bistros is what you're trying to get, Charles?"

Charles Cuddy: "That's correct."

Supervisor Cardinale: "Could you look at the notice and make sure that— what it says is construction of a bistro on real property. I need to get an opinion from counsel as to whether that poses any kind of a technical problem."

Sal Mastropolo: "The next question I have is bistro, I'm assuming they're calling it a bistro and a bistro allows 50 seats."

Supervisor Cardinale: "That's correct."

Sal Mastropolo: "And if it was more than 50 seats, then it wouldn't be called a bistro. Now if it's a bistro, does that preclude them from doing catering, okay, and are they going to come back later on and going to ask for outside dining? And oh, but the way, I can't afford to make a living with only 50 seats so, therefore, I want more than 50 after they get their special permit."

And is there going to be anything in the special permit that says, hey, it's 50 and that's it?"

Supervisor Cardinale: "There could be and it's an interesting point."

Sal Mastropolo: "I mean I'm thinking of the Manor House, you know. He couldn't make it with the seats and now he's doing catering and everything else and how long did we go through all of this with Phil Barbato and everybody else. And this is in that same area."

Supervisor Cardinale: "Understood."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you. Did you want to say anything on the issue of notice, Charles? It does say a bistro and- "

Charles Cuddy: "I can't help the notice, but I would say that the application was clear that it was bistros and it was professional offices. It said both, and in the plural."

Supervisor Cardinale: "Okay. The application to the town?"

Charles Cuddy: "Yes. Yes, it did."

Supervisor Cardinale: "Okay. But the notice to the public which may have been us more than you, I don't know, says a bistro. And a professional- how many professional offices do you want, do you want two or one?"

Charles Cuddy: "We anticipated there could be two or three."

Supervisor Cardinale: "So really what you're saying is a use, a bistro use and a professional office use."

Charles Cuddy: "That's right."

Supervisor Cardinale: "In theory if you had renters, you would reserve the right to rent everything to bistros or offices. Wouldn't you?"

Charles Cuddy: "We only want two bistros."

Supervisor Cardinale: "I know what you want. But I'm saying if you don't get any retail use, wouldn't the permission of a special permit for a use as an office and a use as a bistro permit you actually to use those uses on any of the buildings? Unless we conditionalized it differently."

Charles Cuddy: "I think so because you could do the same thing retail, have all retail use."

Supervisor Cardinale: "Right. Exactly. Okay, next comment, please."

Sal DeAlberto: Sal DeAlberto, 250 Manor Lane in Jamesport. I just wanted to reiterate some comments that I made in a letter to the board of October 15th.

I own the property adjacent to the east of the petitioner's property. I'm in full support of their application. However, both for my property as well as the property of some of the other property owners to the east of the applicant who I've spoken with or are here tonight, I think it's important for this board if they are going to

place any conditions on this permit, on the special permits, that they take into account the fact that the properties to the east already permit under village center restaurants as well as professional offices.

What those properties do not have currently is any parking off street. And I think that this applicant having off street parking and having professional offices and bistros, would be at somewhat of an advantage in terms of the rental of their properties and so it has been my suggestion as well as the other property owners that the town look at a proposal that had been made several years ago and that Ken Testa had done a design for, of off street parking behind the shops.

I have spoken to the architects and engineers for this project, for the petitioner's project, and they have agreed that it would be amendable for them to have parking that would be connected from this applicant to the rear of the existing stores. That would give people an opportunity to have one main entryway.

I know that having parking in the front of this as it's shown on the site plan would provide for some parking for people who are going to places other than the 10 buildings that are here on the site. However, I think for the most part, because this is directly across from the Elbow Room that it would be Elbow Room parking. I don't know that people would want to walk down to the other shops and I think it would be much better if the other shops were incorporated into this project.

I think, just like the master plan looked at the overall town of Riverhead and Jamesport, anything that's done, even this special permit application, should look at the overall needs of the area.

I also had the occasion to speak to Jim Cane (phonetic) from the fire department, Jamesport, who told me that he is looking currently actively for additional parking for the fire district and that perhaps if everyone works together we could do some things that would incorporate all of the needs both of the current property owners and shop owners as well as the fire district as well as this applicant and I would just ask that it not be looked at in a vacuum."

Supervisor Cardinale: "Thank you. You're an attorney, aren't you?"

Sal DeAlberto: "Yes, I am."

Supervisor Cardinale: "I have a question, not for you but for our attorney. That's a great idea. However, is it- can we do this legally? Can we grant a special permit on a condition that the guy provides parking for the rest of the town?"

Sal DeAlberto: "I think, if I could just say, that we would also provide parking for them. We had talked about providing cross easements so that parking behind our shops could be used by people who are coming- "

Supervisor Cardinale: "I'll do everything that I can to encourage that because I know there's a great parking- but I want to know whether I can- I want to know if my town attorney- if I can do more than encourage it. If I can conditionalize an approval on it, it's quite different than I do encourage it. But now can I conditionalize an approval on it. So maybe we could check that. It strikes me that we might not be able to do that is what I'm getting at. She's going to check it. Thank you."

Sal DeAlberto: "Thank you."

Supervisor Cardinale: "Yes, please. Next comment. Are you going to follow?"

Tom Kowalsick: "Hi, Tom Kowalsick. I- my wife and I own property that borders this project, we're the property owners on the west border. We live right on the Main Road and we live there as well.

I have a couple of comments. I would like of agree with this other gentleman here that if you approve this bistro in particular, that you know I would be looking at the same thing. Is it then that they're going to come in and want more, more and more. And, you know, having a home there, that could certainly, you know, come into play with us in the future.

The other thing that we're concerned about also is our property, if you're walking on the Main Road, you can literally probably eye level or possibly above see in our front door so we're sitting considerably higher, you know, we're elevated considerably higher there and I'm assuming that this property that they're going to be building on is going to be level basically, even with the Main Road, if I'm wrong, correct me, so that all these buildings then would be sitting down lower and a bistro cooks food and there's got to be a chimney or some type of ventilation and if I look at the drawing here one of the 5,000 square foot buildings is kind of directly behind our property. So, therefore, fumes, smoke, odor, whatever, basically is going to be coming out at the level of our house, you know, our door and I certainly am not looking to keep windows closed all summer because, you know, I've got food odors.

Now, maybe that' something they can address, I don't know. That's certainly a concern of ours at the moment. And I don't even know if you can locate one of these in an area there that would not be a concern to us.

And then certainly anything that gets done, I would hope that there are no, you know, you don't change any buffers or anything that are maximum right now, you know, that would help protect us. You know, that would be another concern that if you had to go make changes that, you know, something else gets changed particularly buffers because we have no drainage problems at the moment, you know, nothing at all like that and we're not looking to have it. And we're somewhat concerned how this would tie in with the retaining wall that's actually a town retaining wall, you know, on the Main Road.

So, you know, that's our concerns. I don't know if you have any questions. I mean if anybody's interested, you can come look at my house, I'll be glad to let you over there and you can tell me by looking at the back door how this— how these buildings are going to sit. But I'm— when I look out my back door, I think within reason I'm going to be looking down at the roofs of these buildings. So unless they're going to have a chimney 30 or 40 feet in the air so that smoke blows over, so that's the concern of ours."

Supervisor Cardinale: "Thank you."

Tom Kowalsick: "Okay."

Supervisor Cardinale: "Charles, is that accurate that the ultimate project is going to call for— it's up now high, it's going to be at level— at road level, okay."

Tom Kowalsick: "How— I mean, how do you, you know, try and figure out the best you can in a way, whether approving something like that? The way it's located now, you know, I'm a reasonable person, okay, but we're— you know, I don't want to be down here five years from now battling with you people about issues like that, you know. So— "

Supervisor Cardinale: "Well, the reason I made that introductory comment was this, the only consideration that this board is going to make is whether to permit the use— whether to permit this— to hand this back to the planning board which is looking at the site plan which is what you're talking about and is looking at the subdivision, permitting three uses, professional office, bistro and retail, or permitting one use, retail.

So we've got the easy job here, the town board. We just have to determine whether these uses should be granted on the site. But the issues you're raising you should raise with the planning board, again, site plan. Because they have control over what this site is going to look like at the conclusion of any approvals or at the time of approvals."

11/20/2007 Minutes

Councilwoman Blass: "It is possible, Mr. Supervisor, that when we make our special permit resolution we conditionalize it to say something like the bistro shall be so situated that it shall not interfere with adjacent residential properties? Can we conditionalize where on the property to minimize the off site nuisances?"

Dawn Thomas: (Inaudible)

Councilwoman Blass: "We can do that."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "So to that extent, again, with the conditions we might have some right to direct to the planning board that if they do a bistro— that bistros are permitted limited to two uses, limited to certain locations. So we'll consider that."

Tom Kowalsick: "Okay."

Supervisor Cardinale: "Thank you."

Tom Kowalsick: "But I should still contact the planning board? Okay."

Supervisor Cardinale: "Yes."

Glen Montral: "My name is Glen Montral (phonetic). I'm at 81 Manor Lane. My house, okay, is going to be overlooking this nice bistro we're talking about, okay. My back yard is— backs up right to this property. Okay?"

The property in question it says Hope and Steve Schamader (phonetic). I recently purchased it about two or three years ago so my name is not on there. If you look at it, you'll see what I'm talking about, how close I'm going to be to all the action here.

My question is, I find it a little unusual that they would put a bar and restaurant further back towards a residential area where in a residential district you want road frontage number one for exposure for your own business, and number two, to keep all the noise and the nonsense up on the Main Road. Okay?

So now what we're talking about is once things get going and the noise starts, I'm going to have to have code enforcement on speed dial. Okay? And I also noticed when I was looking at the plans this afternoon there's a plan B here for the houses that are going to be put in and those two lots, lot number 1 and the one adjacent to it, there going to be right up against the bistros. So now there's your future complaints that are going to be coming down the pike."

Supervisor Cardinale: "I'm having trouble understanding from what I'm looking at what you're saying. Yeah. Okay.

The second part of this, again which we'll have nothing to do with, is a residential subdivision. I see that. The first part is what we're talking about and the neighbor of this to the east is Doka, Frank Doka (phonetic) and according to the map, it's 600 feet and a lot of construction between where the bistro is going to be and Manor Lane. So-

Glen Montral: "You're not- well-

Supervisor Cardinale: "It says 593. The end of the western line, you know, the eastern line of the construction- the buildings that they're proposing for bistros are more than- are a thousand feet away from you."

Glen Montral: "No. That's not correct. My house- maybe Manor Lane but not my house."

Supervisor Cardinale: "Yeah, but you're on Manor aren't you?"

Glen Montral: "Yes. But if you- do you want me to point out where I am-

Supervisor Cardinale: "You're on the west side of Manor? Yeah, come on up and show me on this. I do not understand where you are. The second page shows the development."

Councilwoman Blass: "That's it right there."

Supervisor Cardinale: "Page two is what we were looking at."

Glen Montral: "The plan I looked at this afternoon was different. It had all- basically I'll tell you what we're talking about. I'm right here, from this corner here, that's the beginning of my property. And I go up this way, all right. My house is right here. Okay? I'm set all the way on the rear part of all the property that I own. I own like down towards Manor Lane but the house is back here along with several other of my neighbors."

Supervisor Cardinale: "Oh, I see."

Glen Montral: "So I'm going to be looking down at the bistro, all right?"

Supervisor Cardinale: "Oh, okay."

Glen Montral: "I like a nice time like the next guy, but, you know, 24/7 it might get a little dicey. And that's why I'm saying

11/20/2007 Minutes

these two properties here also, but that, like you say, is not an issue."

Supervisor Cardinale: "Let's do the second page for a second. If you look at the second page and you look at the two 5,000 foot structures that are proposed, locate- aren't you this way from there? You are to the east of there. You have to be to the east of this piece if you're on Manor."

Glen Montral: "This is the post here of you know my property line. Okay. Sal DeAlberto is right here down to the Main Road, okay, and I'm right here and I go that way."

Supervisor Cardinale: "Okay, I see what you're saying. Okay. Now I get it."

Glen Montral: "I'm on the east side."

Supervisor Cardinale: "It's deeper than I thought."

Glen Montral: "But, you know, it just strikes me as unusual that a bar and a restaurant is set all the way back towards where you're going to get the most complaints. All right? How about up here on the Main Road where the action is? How would the police, when they turn around, when they're driving by at night, you know, they have to pull in here now to observe what's going on."

Supervisor Cardinale: "Do you see the two 5,000 foot structures there? That one there, that's the one that bothers you particularly. And the other one is up a little further if I recall. Okay, I get it now. Thank you."

Glen Montral: "Okay, that's basically, you know- "

Supervisor Cardinale: "Thank you."

Glen Montral: "All right."

Supervisor Cardinale: "Yes, any other comment? Come on up. How are you doing?"

Bernie Schameda: "Bernie Schameda (phonetic), 83 Manor Lane. I was wondering if the board and the applicant are aware of the Indian burial grounds on that whole piece of property which was discussed when the last applicant two years ago, that has to be addressed with the state. So I'm just wondering if they're aware of it and know that that was a sensitive area."

Supervisor Cardinale: "I'm aware of it but the one that has to be aware of it is the planning board but we'll certainly make the

planning- is anybody here for the planning board? I'll make it a point to mention it."

Bernie Schameda: "Thank you."

Supervisor Cardinale: "Charles, did you note that of your EAF or do you dispute that- it's not really relevant to this hearing but you're going to have to deal with it sooner or later."

Charles Cuddy: "We will. And what we have to do if that's true-- if it's found that's so, we'd have to avoid that area and we'd have to obviously have it preserved and stay away from it and that's the routine that the archeology people tell you. You must keep it as it is and you must stay away from it. So to the extent that it's there, yes, we'd have to do that."

Supervisor Cardinale: "Okay. Any other comments from members of the public or the board? Yes?"

John Peck: "John Peck, Campground Circle in Jamesport. I haven't heard anybody mention how someone traveling on Route 25 would get in and out of this place."

Supervisor Cardinale: "That's because we're not considering the- it is a good question, but it's not- it's a site plan question which is the planning board's purview, thank God, because we gave it to them recently. We're only considering whether this use- specially permitted use, should be permitted and if so under what conditions. But they do have to consider ingress and egress. That's a critical factor of the site plan review and they will."

What we do know is that they're bringing it down to road level so that means a lot of dirt is moving and there's going to be a road. If you look at the map, you're free to look at, it's right there. It shows that there's a road going right down the middle and there's 10 or 11, John- rather, Charles, 10 pads of 5,000 or 4,000."

John Peck: "But you have to get in to the place off of Route 25."

Supervisor Cardinale: "Absolutely."

John Peck: "Because that stretch from roughly the liquor store down to Manor Lane to me is one of the most difficult places on the north fork to negotiate without hitting anything. You've got buses stopping on both sides of the road. That's one of the most popular gas stations on the north fork, the Elbow Room is popular. You come down Jamesport and a curve coming downhill pretty fast and to have people trying to get in and out of that place, I wouldn't think that a

11/20/2007 Minutes

use such as anything that's commercial behind the stores would make any sense unless you got in from another area."

Supervisor Cardinale: "Like Manor Lane?"

John Peck: "Well, of course, that's the only other place you probably could get in like Manor Lane. I don't see how you could possibly allow someone to put a business there with the idea in mind that they come off of Route 25 at that point. I think that that's very dangerous."

Supervisor Cardinale: "Yeah, well that-- where are you on the site plan here, Charles? Have you had them? Okay, so that would be a great comment for the site plan hearing."

John Peck: "Are they going to have a session something like this, the planning department, board."

Councilman Dunleavy: "I think that's the-- Route 25 is a state road so they would have to get the state department of transportation to approve any entrance or exit off of that road before they can do anything. And the state would probably take into consideration the safety hazards and I know where you're talking about, where it comes down, safety hazards in that vicinity."

John Peck: "Yeah, in the good weather from the liquor store all the way to Manor Lane, almost every spot has been taken.:"

Councilman Dunleavy: "Yes."

John Peck: "And to snake around things while people are trying to get in and out would be worth your life."

Councilman Dunleavy: "So I would think that possibly you could write a letter to the state department of transportation and let them be aware of how you feel about it. Okay?"

John Peck: "Yeah. I'd be a little bit surprised if the planning department would even ask them to let them do that."

Councilman Dunleavy: "Yeah, you know, I mean they have-- the state overrides the planning so they have to get that-- we can't do anything with that. Once the state says no, then they're not going to be able to go out there."

John Peck: "But we're the town of Riverhead and that's a beautiful quiet spot and if we're contemplating changing that, I think that's our business and not the state's."

Councilman Dunleavy: "I agree with you. I agree with you."

John Peck: "Okay, good."

Supervisor Cardinale: "Thank you. Yes, Richard, did you-- next-- anybody wishes to make comment. We're just trying to understand the inter-relationship of our board's and the planning board's actions. I apologize. Yes."

Richard Wines: "I'm Richard Wines. I am a resident of Jamesport and also the Chair of the Landmarks Preservation Commission and I can't add anything to the comments of the neighbors here tonight."

But I do want to point out that this is immediately adjacent to the Jamesport hamlet historic district newly created by all my friends here on the town board which obviously makes it a very sensitive spot in the town. I am confident that our friends on the Landmark-- on the Architectural Review Board will make sure that any construction here is compatible with the historic nature of the hamlet.

But I'd like to take this opportunity to ask Mr. Cuddy and Mr. Stromski to ask their clients to change the name of the project. Calling it the historic village of Jamesport is really an insult to Jamesport. It's not the historic village of Jamesport. The historic village is next door. It's over 275 years old, probably the oldest hamlet in the town of Riverhead and this name, I hope you can ask you clients to please change it. I think that would be a lot better.

I'd also like to request of Mr. Cuddy and Mr. Stromski to request that your clients commit in a significant way to supporting efforts to preserve the real historic center of Jamesport.

Thank you."

Supervisor Cardinale: "Yeah, I want to ask you something, Richard. It is my recollection which is often wrong that the historic hamlet of Jamesport is not historic. That what we did is South Jamesport but that I don't think that we ever acted on Jamesport. Is that-- because there was resistance. Did we do them both?"

Richard Wines: "My-- yes, I believe they both were approved. We modified the boundary-- "

Supervisor Cardinale: "So you may be right. Oh you modified it and then we did it. Okay. Because I know there was some delay. So we did one and then we did the other. Okay, thank you. So we do have an historic Jamesport."

Richard Wines: "Absolutely."

Supervisor Cardinale: "And South Jamesport. Okay, thank you."

Richard Wines: "Both legally and in fact."

Supervisor Cardinale: "Okay, good."

Richard Wines: "Thank you."

Supervisor Cardinale: "You want to come on up, please."

Georgette Keller: "Good evening, ladies and gentlemen."

Supervisor Cardinale: "Yes."

Georgette Keller: "Georgette Keller, Jamesport. Resident as well as president of the Jamesport/S. Jamesport Civic Association.

Three years ago you all know the opposition that we had to the project that was, you know, first projected and presented to the town. This project is a lot different but it does have its own issues. So having been able to see the site plan that was hung up out in the hallway and study it a little bit, it does look a lot better than the first go around.

With that being said, the notice that is hanging up says a bistro. So that means that's what the public has been informed about. That's what the legal notice that the town submitted in the News Review for October 25th said.

So I'm here to respectfully request that you at the very minimum continue this legal hearing— this public hearing, until such time as the public can be notified to the level of which the applicants are asking for and that we also request that what they're asking for, that it is specifically stated out in whatever permits are granted so that it does not exceed that and become four bistros.

And I'd like to know as far as the bistros what the town and the town code, does that include alcohol consumption, does that include McDonald's and Taco Bell and any of those, and for the resident neighbors who do have some concerns. I mean we have concerns with residences, I believe Mr. DeAlberto owns one of them, where we have a trash problem already on Main Road down at the businesses. I mean we're all for beautification and protection of that historic designation at this point.

I know we're waiting on the sidewalks and different things with the light and if this is going to improve the nature of the business district, that has to be taken into consideration.

And I would like to correct Mr. Stromski that there is a church right at the corner of Manor Lane. It is the oldest structure in the town of Riverhead and the last time I checked, the Unitarians were a

bona fide religion and they occupy that church. And we need to protect all of these things.

And as far as entrance and exit, having two 50 seat bistros would mean that you have three restaurants in proximity to each other right there, including the Elbow Room, trying to share the same lanes for turning for ingress and egress from these businesses.

And I know that traffic impacts, I guess, would have to come from the state or through the site plan review through the planning board, but if there's going to be a lot of extra traffic like that especially at night when it's very dark, there have been accidents in the recent past especially with that curve, so I guess someone is going to have to ask for parking to be looked at if that's the type of use, especially where there's alcohol involved it's going to go on.

And one other item. And aside from that, does that mean that if they get the special permit for professional offices, that it can be all professional offices or could it become a whole medical complex without have any retail or even having the bistros?

And we would also like to know whether this site plan includes like the old site plan did having its own sewer treatment plant and I remember Doug Schemeder (phonetic) coming before this board a few years ago with his descriptions of what that must be like. So, if they have restaurants and because of increased flow especially for bathroom use and things like that, is that still a consideration and still part of the site plan, too.

Thank you."

Supervisor Cardinale: "Any other comment in regard to the request for a special permit— special permission for a specially permitted use as a bistro and professional office? Okay? Does the board have any other questions?"

It is my— "

Councilman Dunleavy: "I just have one."

Supervisor Cardinale: "Go ahead. I want--"

Councilman Dunleavy: "Mr. Cuddy, where is the entrance going to be on 25, at what location?"

Charles Cuddy: "In the middle of the site. The site on the road has approximately 300 feet. It's going to be midway from the— "

Councilman Dunleavy: "Midway from where? I can't hear you."

Charles Cuddy: "The site has 300 feet on the Main Road."

Councilman Dunleavy: "Right."

Charles Cuddy: "The proposal is to have the entrance way halfway between that, in other words 150 feet from each of the property line. It shows— have you seen this map?"

Councilman Dunleavy: "Okay. I haven't seen the site plan. Okay. Thank you."

Supervisor Cardinale: "Yes, and there's another comment."

Lisa Hank O'Downs: "Hi. My name is Lisa Hank O'Downs (phonetic). My aunt's property backs up on to this project that's about to begin. I was wondering how far back onto Manor Lane is these stores going to encroach? Are they going to be backing up to 111 Manor Lane?"

Supervisor Cardinale: "You can— the plan is there. You may be able to glean that from that. Again, it's a site plan issue and we're not familiar with the site plan because this is the first time we've seen it. One of the-- "

Lisa Hank O'Downs: "The residential that you're planning next (inaudible) right here is her house. Is this going to open onto this retail (inaudible). The residential you're planning."

Councilman Bartunek: "It's not us planning it."

Lisa Hank O'Downs: "Well, it's the same name on both roads. The name of the shopping center, (inaudible), has the same name as this road coming in. So I'm wondering because it comes to a cul-de-sac and it ends (inaudible), is it going to eventually open into there? You're going to have a speedway— "

Supervisor Cardinale: "I don't— again, this is a planning board issue but I think the one man that knows it is probably Mr. Cuddy. If you could answer that."

I think what is being asked is, is there going to be any thoroughfare? Yeah. No, there are going to be separate developments in other words. They're not going to be interconnected."

Lisa Hank O'Downs: "There won't be any way for these people, these thousands of people that are going through here, to walk through the backyard of these people who have been living here forever?"

Supervisor Cardinale: "Well, according to Mr. Cuddy no and probably you're safe in believing him because it would really mess up

the value of those residential if they let him do that. Not only the residential on Manor but the residential they're going to be trying to sell."

Lisa Hank O'Downs: "Yeah, (inaudible). And, you know, people are going to be taking shortcuts through there and everything else."

Supervisor Cardinale: "Understood. And that's apparently not going to happen but the planning board is going to make sure that it doesn't in its site plan review."

Lisa Hank O'Downs: "Well, because this road and this road have the same name is what my concern is."

Supervisor Cardinale: "Is what led to your concern. Okay."

Lisa Hank O'Downs: "Yes."

Supervisor Cardinale: "Thank you."

Lisa Hank O'Downs: (Inaudible)

Supervisor Cardinale: "They're not going to according to Mr. Cuddy but again the site plan is going to be very significant here."

The other significant thing, I am reading the notice of public hearing and it says that we're hearing- we're having this hearing to consider a special permit petition of the developer to allow the construction of a bistro on real property and to allow the construction of a professional office on real property.

I need to know if- because I hope this is about to end today, rather than hold it open to 10 days, whether I should hold it open to the next board meeting to determine whether we have to- what we- don't we really mean a bistro use?

That your application- and a professional office use. And, therefore, your use unless we restrict it which we undoubtedly we would, could be on the property in every single unit if the market permitted it, which it won't. But you're really seeking a use on the property and we would have to restrict the area of that use as a condition of permitting the special permit use.

So I've got to know from my legal staff whether this notice is sufficient and whether we've got to re-notice. All right?"

Councilwoman Blass: "I have just a follow up question to that then. If your suggesting that it's possible to have bistro in each of the pads- "

Supervisor Cardinale: "If the use is permitted with restriction, I think it is."

Councilwoman Blass: "-- we would have to make a finding then based upon the criteria for granting special permit uses that the intensity of the proposed use is justified in light of similar uses within the zoning use district. So would we say that it's justified to have 10 bistros on that one lot? I think not."

Supervisor Cardinale: "We can probably say one or two."

Councilwoman Blass: "Right."

Charles Cuddy: "We're asking solely for two bistros. We're not asking for more."

Councilwoman Blass: "Right. I'm just questioning whether we would ever grant the 10. We wouldn't."

Supervisor Cardinale: "Yeah."

Charles Cuddy: "And we agree that you can condition it on that. We understand that."

Supervisor Cardinale: "That's the whole idea of a special permit. Because if we just say permitted in theory, it would be permitted all over. Okay. Any other comments? Mr. Stromski, did you have something you wanted to say?"

Robert Stromski: "I just wanted to clarify some of the questions that came up."

The issue of a sewage treatment. We are not looking to do a sewage treatment plant. The entire site was designed to be done with a conventional sanitary system. So that's why sanitary calculations were performed with the application.

Under such design, with a conventional sanitary system, the most that the site would allow would be two bistros and some other uses. There wouldn't be enough sanitary flow on the lot to allow 10 bistros to happen. It just couldn't happen."

Supervisor Cardinale: "Because the health department-- "

Robert Stromski: "The health department would then require sewage treatment which involves a lot more other things. So under the SEQRA review and everything, the proposal is that it is a conventional sanitary system. So that would definitely limit a certain amount of uses that can happen just because of the nature of the sanitary flow requirements that are allowed on that site."

As far as some of the other comments. There was questions as to why we're pushing the bistros into certain areas and why the site is laid out the way it is and why we're not building— putting buildings to the street. Current zoning doesn't allow it. The rural corridor zoning requires a campus style setting and it requires that the buildings are not close to the street. That was some of the comments that we've had.

Plenty of times, certain things I do agree, certain areas that it would be nice to continue the street facade along Main Road, but under the current zoning, I can't bring buildings within a certain distance of the Main Road. I don't know the exact dimensions but I know and also I believe in rural corridor, they only allow a certain amount of square footage per building.

So when you look at what's the allowable building lot of 10% for 42,000 square feet, I believe the largest building that's allowed is somewhere around 5,000 or a little over. So when you try and separate the 42,000 square feet that's allowed by code, you end up creating 10 different buildings to create some sort of a campus style setting. So unfortunately some of those parameters are restricted to us by zoning code and that's one of the elements that I just wanted to clarify that.

I understand and I do, you know, feel their concerns that we would not like to push the buildings back but unfortunately we have to with the way the zoning is set up."

Supervisor Cardinale: "Thank you. Okay. If there's no other comment— oh, yes, come up please if there is a comment. Yes, sir, please go on."

Linda Peck: "I'm Linda Peck, 14 Campground Circle, Jamesport. I think my concern with these bistro/bistros is that Jamesport is a nice quiet town and Riverhead--that Riverhead corridor, 58, fine, that's for commercialism and fast food and stuff like that. But I don't want that in Jamesport.

Now I may not have the right to say that because they own the property but as far as keeping Jamesport the way it is rather than that whole corridor just moving further and further out with fast food chains or I don't know what bistro means. You know, it sounds great, but is that a nice little restaurant or is that going to be a fast food restaurant? I don't think we need that. We can go to Mattituck if we need fast food. We don't need fast food in Jamesport. So that's my primary concern is what is a bistro?"

Supervisor Cardinale: "Thank you. And that's something that we were just discussion. The definition would not permit drive-in as it

presently exists, but could use some clarification as to what bistro really means. Yes."

Councilwoman Blass: "It's specifically designed not to accommodate those (inaudible)."

Georgette Keller: "Thank you, Mr. Stromski, for clarifying some of those issues with sewer treatment plant because that was a big issue.

There was one other thing that you had started on, Mrs. Blass, and that was the nature of pervious versus impervious materials and pavers, etc. Now, from what I saw on their site plan, that the zoning allows for 25% impervious material and they are proposing brick walkways and things like that and on top of that, the proposed municipal lot that they are kind of willing to throw into the deal, does that have to be within the 25% as well or are they going to be exempted from that. And if they are exempted from that, do they have to go to the ZBA and that's it.

And really I saw the notice at the Elbow Room last Thursday night after my husband was there for his weekly visit, and in all of our conversations with everyone, you know, we were saying well, you know, they're going to have a special permit for a bistro. So that is what the public knows about and in the interests of the public and this is a public hearing for the people of the town of Riverhead, not just the applicants who have requested it, that you really need to continue this hearing.

You really do because I don't think it's fair to the people of the town of Riverhead who two nights before one of our nation's biggest holidays, that it was advertised 20 days--25 days before that, you know, it just really-- in the interest of open government and the people being heard and the spirit of the law, that you really need to continue this hearing.

Thank you."

Councilwoman Blass: "I'm curious as to the notification that went to the adjacent property owners. Did that indicate a-- is that the notice that was in the newspaper?"

(Inaudible comment)

Councilwoman Blass: "Same thing? Well retail is permitted, that's why. The special permit is the nature of the hearing."

Supervisor Cardinale: "So we're just looking at-- yeah, okay, yes. The same--"

Tom Kowalsick: "Well, I got something certified mail and again being a property owner, it says a bistro. So I looked at the plan and it also says a professional building and there's 5,000 square foot, two of them on the property. So I'm saying one bistro, one professional building and then all these other buildings would be types of things that fit in that corridor (inaudible) retail stores. So that's what I got and that's the way I understood it. I didn't understand it could be a bistro anyplace on that property or more than one."

Supervisor Cardinale: "Dawn, what is your thinking? I think it's an issue that needs to be researched. Charles wants to make sure that it's done right, so do you. Would you leave it open for both verbal and written testimony through December 4th hearing date or would you do our ordinary 10 day thing? What's your suggestion?"

Dawn Thomas: "I think- "

Supervisor Cardinale: "Or re-notice."

Dawn Thomas: "-- I would like to research to determine whether we need to notice. Typically if the notification gives sufficient public notice as to what might be discussed at the hearing, it's adequate but it's obvious the commentary is otherwise."

Supervisor Cardinale: "So should I keep it open?"

Dawn Thomas: "I would- "

Supervisor Cardinale: "Would you suggest both for verbal and written to the December 4th date?"

Dawn Thomas: "And then we'll research it to see if we need to actually re-notice it."

Supervisor Cardinale: "Okay. Also the worst that will happen is that it will give everybody the opportunity to say their piece of December 4th as well if they come up with something that they haven't said tonight."

Okay, that's what I intend to do, is to leave it open through- adjourn it to December 4th, allow people to put written testimony in in the interval, allow people to testify on December 4th if they care to and if there's any other action such as re-noticing required, I'll be advised by my counsel. Okay? Yes."

Lisa Hank O'Downs: "I'm asking if (inaudible) could be re-notified because you only sent page 2. And we got it on the 10th."

11/20/2007 Minutes

Supervisor Cardinale: "Okay. I'm sure Charles would be glad to re-notice anybody because he wants to make sure everybody gets notice."

Lisa Hank O'Downs: "Well, we don't know what page 1 is."

Supervisor Cardinale: "Okay. You got that, Charles? So he'll send out a notice.

Okay, if there's no further testimony this evening, I'm going to leave this open as I discussed- I'm adjourning it to December 4th for further testimony if you wish to come forth and state it verbally. If you do not, you're free to put anything in writing to the town clerk's office, reference this hearing, between now and December 4th and then we'll determine if the hearing will close.

I intend on the 4th to take any testimony, close the hearing for written- for verbal, leave it open for a week or so for written and then try to deliberate to a conclusion. If there's a notice required, you'll notify them before the 4th. Right?

Okay. And the other thing, Charles, that would interfere with that plan is that you have to satisfy Dawn that there are no variances required because we can't grant- we can't make a decision if there's a variance required. Okay?

All right, so with that, I'm going to at 8:17 close this hearing for the day, keep it open and adjourn it to December 4th for further testimony.

Thank you very much all of you for coming and I'll give you a moment to exit unless you want to stay for the excitement to follow. Refreshments will not be served."

Public hearing adjourned to
December 4, 2007

Public hearing opened: 8:18 p.m.

Supervisor Cardinale: "Okay, we have another hearing scheduled for 7:20. It is now 8:18. The hearing is for the adoption of a proposed local law amendment to Chapter 95 entitled taxation of the Riverhead town code for the cold war veteran's exemption which has become available through the state's legislation.

Would you summarize, Laverne. Thank you for being present. To summarize the proposal we're considering."

Laverne Tennenberg: "Okay. Some of the terms and conditions of the legislation are as follows:

You must be a veteran, spouse of a veteran or— you must be a veteran, spouse of a veteran or unremarried surviving spouse of a veteran who served on active duty for more than 365 days during the time period from September 2, 1945 to December 26, 1991 or discharged under honorable conditions and been awarded the Cold War Recognition Certificate.

The term of the exemption is for a period of 10 years and requires an initial filing by taxable status date, March 1st, and annual refilings. The property must be the primary residence of the cold war veteran.

The extent of the exemption may be, and you have a choice, 10% of the assessed value but no greater than \$8,000 multiplied by the latest equalization rate or reduced to \$6,000 multiplied by the equalization rate or reduced to \$4,000 multiplied by the equalization rate or you may chose a 15% option of the assessed value but no greater than \$12,000 multiplied by the latest equalization rate or reduced to \$9,000 multiplied by the equalization rate or reduced to \$6,000 multiplied by the latest equalization rate.

And for disabled veterans, it's the assessed value multiplied by 50% of the disability rating but no greater than \$40,000 multiplied by the latest equalization rate or reduced to \$30,000 multiplied by the equalization rate or reduced to \$20,000 multiplied by the equalization rate.

A veteran currently receiving a veteran exemption under 458, the eligible funds veteran exemption, or 458A the war time veteran exemption of the real property tax law cannot receive the cold war veteran exemption.

And I'll just tell you that there are amendments currently being considered in Albany but this is the legislation that's currently written."

Supervisor Cardinale: "Thank you. Would there be anyone who would like to make a comment on this? Please."

Jim McSherry: "Good evening, Jim McSherry, Veterans of Foreign Wars 2476 in Riverhead also Combined Veterans spokesman on the media.

In discussions with the American Legion and the VFW, unfortunately the DAV is not a viable unit right now and also the fleet reserve. Okay?

On the Assembly, I talked to Mr. Mark Alessi over this particular wording of their particular bill text, which is A00583 dated for 2007/2008 the regular Assembly, which was being convened on January

3rd, 2007. On paragraph 1, under 8, 9, 10, it indicates the inclusion that Laverne had just stated except the cold war recognition certificate has been dropped by the Senate. It has been re-written. It's going to be going to the Assembly. The Assembly is then going to vote on this in their session beginning on January 3rd. Mr. Alessi has assured me that this particular bill will come up at that particular time and that he feels that that particular statement is going to be excluded and the DD214 is going to be the matter of record.

So the reason why that is, is because when they wrote this up, the veterans administration is supposed to be awarding certificates. It is to the belief of the VFW, the American Legion and also the National Headquarters of both, that this particular certificate may take anywhere from six months to two years to get.

We've already had several people try to get the certificate over a year ago and have received absolutely no response from the Veterans and the reason being is they're probably overloaded with everything else and this particular endeavor should be actually stricken.

Now the state of New York has said that they will take this out. We should be able to have that before the March deadline that Laverne said. Based on that fact, that the DD214 would now be an acceptable for you to be able to read, and the only reason why this was put in in the beginning was because they felt the municipalities would not be able to read a DD214.

With us, we believe that if you can't read a DD214, what makes you think a certificate is going to be any better because the certificate would have to have all the information that a DD214 has.

So we feel that this is absolutely a muted statement and Mr. Mark Alessi and the Assembly has agreed that that's going to be and it should go through and that notification should come down to all the municipalities especially the town of Southampton, the town of Riverhead. Southampton has approved it but (inaudible) but they will probably approve it under the new writing when- (inaudible).

I don't think that this is going to impact the town as far as what their taxation is concerned because like I said, there's a lot of excluded people that are already getting the exemptions, whether it be for the combat or non-combat so these are only going to draw in the people that don't fall into that zone.

And I'm not sure that it's going to be a tremendous impact to this town. I would hope that you would approve it. If you want to wait until after the rewriting of this, but I would hope that you

would approve it and then let the rewriting basically, you know, change this particular so they would be able to change it on your level."

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

Sal Mastropolo: "Sal Mastropolo, Calverton. I'm opposed to this and only because this spreads that additional tax on the rest of the taxpayers and every time we turn around and you give another exemption like EMS and the firemen, etc., you just spread more tax on the people in the town of Riverhead and the people are getting taxed out of this town.

I mean there are so many houses up for sale now because people can't afford the taxes and this will just add another tax burden on those other people that are bearing the taxes in this town."

Supervisor Cardinale: "Thank you. Any other comment on this proposal? Yes, sir."

Richard Luzzi: "Richard Luzzi, 37 Hubbard Avenue, Riverhead, New York. On September 8th, 1958 I was drafted into the United States Army. I had a six year military obligation which consisted of two years active duty, two years active reserve, two years inactive reserve time. I am a cold war vet. Thank you.

My family has a long history of military service. My father was a fighter pilot in the (inaudible). My brother-in-law served in Korea and received the Bronze Star.

When I finished my tour of active September 8, 1960, I (inaudible) an active reserve unit because Viet Nam was heating up. They assigned me to an active standby reserve unit at Camp Kilmer (phonetic), New Jersey for a term of three years. My orders read you are assigned to an active standby reserve unit on a 24 hour call up notice to report to Camp Kilmer. You are required to keep your army uniform and boots in good condition. I was honorably discharged on September 8, 1964.

Supervisor Cardinale and town board, before you vote on the amendment to the town code regarding taxation which would grant real property tax exemptions to those who served in the armed forces during the cold war, I would like you to think about what your life would have been if the cold war veterans of Riverhead had not served. Some of you might not be here today.

Let's face it. Russia had the atom bomb and there were missiles in Cuba pointing towards us. I am sure that Russia would have taken a different approach to the United States if we were not fully prepared to defend our nation. The cold war veterans provided a critical

component towards the process. The cold was lasted from September 2, '45 to December 26, '91. I think it's long overdue that the town of Riverhead should give its cold war veterans the recognition that they rightly deserve by approving this amendment.

I want to take this time to thank you Supervisor Cardinale and the board for giving me the ability to speak at this hearing. If you would like, I can provide a copy of my statement to the clerk. Thank you and good night."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Yeah, Laverne, we have a question."

Councilwoman Blass: "Laverne, I was just following up on Mr. McSherry's presentation. Is it your recommendation that we should wait for that further amendment?"

Laverne Tennenberg: "No. No. I was going to come up later and say that. Because the statute provides that 90 days prior to taxable status date that you should adopt a local law. Any amendment after that you can then republish and re-post as long as the legislation is timely and that it passes both houses and is signed by the governor, I would just ask that any cold war veteran who is interested in having this legislation amended, to please contact their Senator and Assemblyman and to expedite this as quickly as possible."

Councilwoman Blass: "Would you recommend that we vote on it this evening in fact?"

Laverne Tennenberg: "Not necessarily, but it does say 90 days prior to taxable status day which is December 1st."

Councilwoman Blass: "Okay, thank you."

Councilman Dunleavy: "Laverne, what's your estimated tax relief that the veterans would receive if we do a 10 or a 15%?"

Laverne Tennenberg: "I've provided a chart showing you what the individual- "

Councilman Dunleavy: "No, no, the audience."

Laverne Tennenberg: "The audience. There was 100 of them out in the front. Everybody who is interested should have one."

Councilman Dunleavy: "Okay."

Laverne Tennenberg: "It tells you with- if you chose a 10% option at the basic exemption, it will save you \$31.16 on the town and highway tax rate. That's the total tax savings. That's very clear.

What isn't clear is how many veterans there are in the town of Riverhead that would qualify under this exemption. So this is a single veteran maximum town tax relief chart. And I think it's very clear. If there's any questions, I'd be happy to answer any question."

Councilman Bartunek: "Laverne, I have a question. How many veterans during- "

Laverne Tennenberg: "I have no idea."

Councilman Bartunek: "Active war."

Laverne Tennenberg: "Active? We probably have over 2,000."

Councilman Bartunek: "Two thousand. So figure maybe half of that maybe."

Richard Luzzi: "Can I make a comment on that? The only reason I qualify- the only reason I qualify, and I submitted my application, is because my time of service was between Korea and Nam and really I've applied for a lot of benefits like this and every time I've applied, I just get shot down because I did not serve in an active Army war or conflict or whatever.

Since Laverne got up here, my question was when I filed the application, I didn't know there were different options. How do you select what option you want?"

Laverne Tennenberg: "On this?"

Richard Luzzi: "Yeah, on this. How do you- "

Councilman Bartunek: "That's up to the town board."

Laverne Tennenberg: "It's not your choice; it's the town board's choice."

Richard Luzzi: "Oh, okay, okay. I thought it was- "

Laverne Tennenberg: "It's their choice to choose."

Richard Luzzi: "So that's it."

Supervisor Cardinale: "Yes, thank you."

Richard Luzzi: "You're welcome."

Supervisor Cardinale: "Is there any other comment? Come on up and make your comments, please."

Carlos Figuero: "Good evening. Carlos Figuero (phonetic), Baiting Hollow. I didn't have a lot of time to prepare but I am a cold war veteran also and the main crux of it is I was frustrated for a long time. Anytime I go for a civil service test or anything, you never get any credit for being a cold war veteran. But I do find it insulting to think that the difference between a person who got drafted at war time and my difference is I volunteered. I didn't know that there wasn't going to be a war. I still put my life on the line. That's why I find it insulting to think that we shouldn't get a tax credit.

It's not that much and if you want to save everybody a tax (inaudible), then stip everybody. But I feel there should be no difference between what we did and somebody who did go to Viet Nam or Korea or etc. Thank you."

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

Wayne Best: "My name is Wayne Best (phonetic) and I live in Wading River. And actually to follow up on what this gentleman just said. He said that something to the effect I think that volunteers somehow should get- I think he seems to think that volunteers are somehow better than draftees or deserve better treatment than draftees because of the- I'm not sure why, maybe he thinks they're more honorable in some way. You know, it's his opinion, I appreciate that.

But if anything I consider the draftee is, in fact, deserving of far more consideration from all levels of government and society for their forced and compulsive service. But in any case, that was just to follow up to that gentleman.

And I just want to say I oppose this measure. I believe it is a violation of the general principle that all people should be considered equally under the law and this sort of continued almost worship of military service and militarism of society I don't believe is healthy in general for our culture.

And also, the gentleman, for those who actually- who volunteered for military service I would say that I hope you served honorably and I hope you're proud of your service. You probably have- many of you have good reason to be proud of your service but I hope you didn't volunteer on the basis of future tax breaks. I hope you volunteered on the basis of trying to serve your country if that's what you volunteered for.

On the other hand, many people volunteered strictly on financial benefits in the first place. They took it as a job, they didn't actually volunteer, they took it as a job to join a professional organization which is a professional military.

And to think adding on future benefits to their service to their employment is inappropriate. They got— their contract was fulfilled essentially based on the terms of their enlistment and these future benefits are just a real drag on the rest of society. Thank you."

Supervisor Cardinale: "Thank you. Any other comment?"

(Inaudible remark)

Supervisor Cardinale: "Well, you can make another comment and then we'll wind it up."

(Inaudible remark)

Carlos Figuero: "I apologize if I didn't make myself clear."

Supervisor Cardinale: "Remember, the function is whether we should or should not— the function of the hearing is to recommend whether we should or should not pass the legislation proposed."

Carlos Figuero: "I urge the town board to pass this and if I wasn't clear, I'll restate it. I just feel that the cold war veterans are the red headed stepchild to the people who got drafted. In no way do I say that we are better. I say we are equal. Yes, you got drafted and went to war and I still understood the fact when I enlisted that I could go to war and I could die and I still did it and I served honorably. Thank you."

Supervisor Cardinale: "Thank you. Would you like to make any other comment? If so please make it. If not— "

Wayne Best: "I would like to make one more comment. That there are many people that served in numerous capacities in the cold war who are not being recognized by this or any other organization at the government level. The cold war was a (inaudible) war in many ways and not just a military war and there are many forms of service to this country that never get recognized."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Is there any other comment in regard to this third and final hearing? If there is not, I am going to leave it— "

Councilman Dunleavy: "Can I ask Laverne a question?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Laverne, I want to ask you another question. I was in that same predicament that gentleman that spoke was in until the government changed the dates and then I became a Viet Nam veteran. But when I got out of the service, I was allowed to take my education off, a portion of my education. Is that still permitted?"

Laverne Tennenberg: "Right."

Councilman Dunleavy: "Like I went to school after I got out of the service and whatever money I got from the government I was allowed to take a proportion of that percentage off my taxes."

Laverne Tennenberg: "Right."

Councilman Dunleavy: "Is that still allowed for everybody?"

Laverne Tennenberg: "No. At this point that was like an eligible funds exemption and we don't take eligible funds exemptions anymore because we take the alternative exemption which is a percentage, 15% for a non combat vet; 25% for a combat vet up to a certain maximum.

At the time before the alternative exemption was in place, we were taking eligible funds and I think we were taking 10% of whatever the educational benefits were. It wasn't dollar for dollar. I think it was 10%."

Councilman Dunleavy: "It was a percentage."

Laverne Tennenberg: "Right. And just like subsistence allowance back in World War II, gentlemen we given a subsistence allowance and weren't taking that at 100%. I think the town back in the '60's was taking it at 10% of the subsistence allowance. But you would not be able to apply using your educational allowance because we no longer take eligible funds exemptions except on a transfer."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Yes, please."

Harold Zebrowski: "Just a couple of comments. My name is Harold Zebrowski. I live on Middle Road in Riverhead. I also am a cold war vet and I really feel like I'm being discriminated against. I went to join several of the military organizations. I was told that because I wasn't in the army during certain periods of time, I was not

eligible to be a member of their organization, the VFW, the American Legion. I can join the cold vets association. I think there's a disable American Veterans Association.

I'm not disabled, but if I wanted to join some of these, I'm not eligible to join any of these. I served from 1958 to 1962 and believe it or not I served right in this local area. You people might not be aware of it, but during that cold war period right in Wading River I was a member of the Rocky Point Nike Ajax Missile Base. And it was right where the- there's a National Guard site there now. We had Nike Ajax Missiles. We were on 24 hour alert, we had alerts all the time. The warheads that were on these missiles could get a plane- knock a plane out of the sky within 300 yards.

As I was getting out of the Army going to school and I didn't get any kind of a grant from the government to go to school. I got nothing. When I applied they said you weren't in during any kind of a wartime or a skirmish time.

When I was leaving the Rocky Point base, they were changing the heads on these weapons to Nike Zeus which were atomic warheads. You people probably weren't even aware that these things were in this township at that time.

When I was down at the proving grounds down at Fort (inaudible), Texas, and we fired these missiles, my ears were ringing for three months after we did this. I never went for any kind of a disability which I probably could have gotten because I do have a severe hearing loss.

If a person, an Army person goes into the military and he serves one day during a crisis, he's entitled to all the benefits that they get. I served for six years and I get zilch. And I don't think this is fair. And I ask this board, I plead with this board to please pass this legislation. I don't think it's going to cost the town very much money the way I look at it. And I'm surprised that something like this hasn't been passed much earlier but Gov. Pataki wouldn't sign the bill and Gov. Spitzer did in August.

Thank you very much."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. If there's no further comment, I'd like to close this and leave it open for five days for comment, written, through next Monday at 5:00 p.m."

Public hearing closed: 8:41 p.m.

Left open for five days for written
comment

Supervisor Cardinale: "And I'd like to move to the consideration of the resolutions and any comment on the resolutions. Sal, did you have any comment?"

Sal Mastropolo: "A couple."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "1084."

Supervisor Cardinale: "It's 9- it's rather 8:42 when we're closing the hearing. Yes, go ahead."

Sal Mastropolo: "1084, add the date on it."

Supervisor Cardinale: "1084 add the date, okay."

Sal Mastropolo: "1085."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Do we know the impact of this on, again, the tax base? I mean you're giving back money again to all of these (inaudible) property holders."

Supervisor Cardinale: "Yeah, we have no- we are not happy about it but we are being advised to do it by our attorney because we could do worse in court. Thirty-eight thousand, was it, Barbara?"

Councilwoman Blass: "Thirty-seven thousand or thirty-eight."

Supervisor Cardinale: "Thirty-seven thousand."

Sal Mastropolo: "That's only one year though."

Supervisor Cardinale: "Each year."

Sal Mastropolo: "So it could be as much as \$140,000."

Supervisor Cardinale: "Well, it's going to be \$37,000 this year and we're not going to get it the following year either."

Sal Mastropolo: "No, but you're giving them back for '06 and '07, '05 and '06 and '04 and '05."

Councilwoman Blass: "I think Laverne may have left prematurely. We should have her back- "

Councilman Bartunek: "No. She probably left- "

Sal Mastropolo: "She knew. She knew what was coming. Eventually, okay, all this money you're giving back is going to result in additional costs in the budget which is additional taxes to the taxpayers."

Supervisor Cardinale: "That's right."

Councilwoman Blass: "It comes back, I think, as a line item charge back from the county- "

Sal Mastropolo: "Isn't this- isn't one of the underlying causes of this the failure of the town to do town-wide reassessment?"

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

Sal Mastropolo: "And wouldn't that solve this problem in the long term? Are we going to have this every year, okay, another half a dozen or dozen commercial property owners suing the town or threatening to sue the town and we're going to give them money back because we fail to address the reassessment?"

Supervisor Cardinale: "Actually this is actually not a result of reassessment. It's a result of the fact that the residential properties over the five years last past have gone up before the down turn 100% and the commercial went up about 30 based upon rents. And they figured this out, the commercial people, and they're bringing actions and we're settling them to the extent that we can get out from under for less than going to court. That's what really this is about."

Sal Mastropolo: "But if we did a town-wide reassessment wouldn't we short circuit any future?"

Supervisor Cardinale: "No. Because what we would be doing is we would be bringing those assessments- the burden has shifted to the residential because the value of the residential property has increased at 100% over the five years as opposed to the commercial at 30%. That's why we're shifting the burden."

So I don't think a reassessment would solve this but what a reassessment would solve is when we're taxing both residential and commercial we are not- we are- we have unfairnesses that are built into the system because we haven't evaluated the property for 30 years. That would be solved by a reassessment but if you screwed up

the reassessment, you wind up out of office, ask (inaudible), and the result is nobody has the— nobody is going to go forward unless everybody goes forward."

Sal Mastropolo: "Okay. I was under the impression and I'd like you to check this. I think Barbara may be checking it because I spoke to her before the meeting. But I had heard that the town has a fiscal responsibility to reassess every year. Okay? By law and I'd like somebody to look into that."

Supervisor Cardinale: "There is— yeah, it's not quite that. But what it is, Sal, is this. That once you reassess, they give you incentives to continue to bring them up to date every year to keep them, because we were in perfect shape in 1979. We were perfectly assessed. We've gotten worse and worse each year because we've never updated our reassessment. So once you reassess, you would want to keep updated on the reassessment."

There is no requirement that you reassess every year. However, if you really want a reassessment, here's what I would do in this town. I would sue us because a court might look at us— "

Sal Mastropolo: "I thought of that."

Supervisor Cardinale: "Yes. A court might look and say, these values are not fair, we are going to order a reassessment, and that solves everybody's problem."

Sal Mastropolo: "Okay. The problem's not going to go away by itself."

Supervisor Cardinale: "No."

Sal Mastropolo: "Okay. So it's only going to get worse."

Supervisor Cardinale: "Right. The longer— since the last full value assessment usually the most off they are, the more off they are."

Councilman Dunleavy: "And, Sal, I think once you reassess why you have to reassess every year is property values go up and down."

Supervisor Cardinale: "That's right."

Councilman Dunleavy: "And that gives everybody a level playing field that property taxes go up you're going to pay more; when your property goes down, you're going to pay less. So you have to get to the full evaluation and then every year you have to reassess."

Sal Mastropolo: "I totally agree. And I don't know whether mine would go up or down. I just feel that we're 30 years behind the

times. We're not solving the problems and we're just making it worse by sticking our head in the sand. And with that, I'll stop on the bandwagon on that subject."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "1094. The third Whereas. It says in here that it's a two year extension, all right, and the last time that-- the letter from Parvis Farahzad dated October 19, 2007 requested an extension be granted for the performance bond representing road and drainage improvements. Okay?"

Whereas by Resolution 85 dated November 5, 2007, did recommend the approval of a two year extension, but then we say the two year extension to expire on November 16, 2008. I would think that it would expire on 2009 if it's a two year extension from 2007."

Supervisor Cardinale: "It's possible. It's also possible that he was late in requesting an extension."

Sal Mastropolo: "Well, I just think you need to check into that because it doesn't make any sense. If it's a two year extension and all the documentation is dated 2007, you would think that the extension would go through 2009. I don't know which is right. I'm just saying it doesn't look like it jives."

Supervisor Cardinale: "Okay. We will check that-- ask the clerk to check it."

Sal Mastropolo: "All right. That's my only comments."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Any other comment?"

Robert Kozakiewicz: "Bob Kozakiewicz. I'm here for the taxpayers and also as a taxpayer myself. Following up on Sal's comments, though, with respect to the last resolution, there is probably as good a chance as there is not that the expiration date was back in '06, because I know that and I think it's Dawn's office, Laura, who's following up and looking into this and sending out letters and reminding applicants from subdivisions that they need to renew. And it was sort of forgotten about. So it's more than likely that it is 2008, not 2009."

Also, the supervisor and board members are certainly correct on this assessment issue. We have a residential assessment ratio and it gives the commercial properties, let's face it, a good tax challenge

through the certiorari process and I know that Laverne who was here earlier was trying to get a commercial assessment ratio because we are a town that has a lot of commercial.

It made a lot of sense. Unfortunately it didn't get anywhere. And I'm sure sooner or later (inaudible) is going to tell the town to do reassessments so that's going to happen one way or the other regardless. But that's not why I'm here.

I'm here because I've been asked to do a little bit of fact finding. I've been asked to look into the budget and I know having sat through the budget process, it turns your stomach, it gives you a headache, and after a while you say, I can't take any more of this.

But as this board is well aware, the budgetary process is a statutory function, the powers of the board are statutory when it comes to how you create a budget, what items you put in the budget, and the individuals have asked me to look into a specific item. I'm not going to get into appropriated fund balances; I'm not going to get into these other things.

The limited question deals with a number of charge backs that are in this budget, water district, town sewer district, Riverhead sewer district, scavenger waste and I sent an e-mail earlier today because I didn't want to come here and catch people off guard. I didn't want to sandbag you. I wanted to give you a little bit of heads up that this was an issue.

I was asked to look into it. I wish I had been given this heads up earlier and as a taxpayer I'm guilty as probably anybody else for not looking into this and questioning why is this being done, is it legal and then if it is legal, is it appropriate, is it reasonable. And those are my questions really today.

They are limited at I don't see a resolution on approving a final budget so I don't know if there is one. I know that if you don't do it today your preliminary budget will become your budget."

Supervisor Cardinale: "Bob, let me see if I can address your issues because I did get it and so did the board members. I asked counsel and the financial director. I'd like you to read the responses I've gotten. I think they will satisfy your inquiry.

The— you asked for the statutory authority. The statutory authority is town law section 202-A7. The financial director directed that we correct what he believed to be an incorrect practice that had been going on over the years.

We have been doing charge backs in this town during your administration and mine and prior. We used a set figure which was

unrelated to a logical analysis of the administrative services used by non-general fund accounts. Those non-general fund accounts are notably highway, water district, sewer, refuse and garbage, street lighting, public parking, BID, ambulance, East Creek, Calverton sewer, scavenger waste and sewer.

The administrative charge backs in the past were set figure which— and for some reason which no one could understand or explain, highway did not have a charge back nor did in the previous years the BID nor did the sewer reserve.

So what Mr. Rothaar did based upon his experience in towns where he had served and he tells me a couple of things. One is that virtually all other towns use the method that is used in this budget this year and that no other towns use the method that was being used by us.

What we are doing is— and the conclusion on the legal documents which I'd like to give to you for tomorrow, Mr. McCormack who is Dawn Thomas' who is your town attorney and mine staff, that he concludes as follows: in view of the town law section 202-A7 and state comptroller's opinion which I've attached here, the town board may charge back administrative expenses to special districts that are reasonably related to the cost of such activity and, in fact, that the proper method to do it and the method used in every other town is what we've done.

And what we've done is this at the request of Mr. Rothaar and with the oversight on the attorney. We have said— we have looked at what I have given you here, cost centers that are administrative in nature for the general fund which every taxpayer pays and we have ascertained that that is 12% of the general fund budget.

We have taken that 12% pursuant to Mr. Rothaar's advice and counsel's advice and we have charged it back to the non-general fund accounts in a consistent— in a reasonable manner that is the way that every other town does it.

You can't— you don't just charge back a single number. You charge back a percentage of the administrative cost and you can't charge back to all districts and then avoid charging back to highway, sewer and other districts that you leave out.

Mr. Rothaar indicated to me that this is the appropriate way to do it and that the error was in past practice. So that is what we did.

The net result was that instead of, and you had asked this question, instead of using the \$770,100 number that has been consistently used, from the highway alone which had never been asked

for contribution, there was a-- \$540,000 was contributed, part of which the board elected to take from tax dollars, part of which was from reserve.

The other numbers that would total in- that totaled \$770, that brought it up from 770 to 1.3 or so. Each of the other accounts that were charged back on a consistent 12% yielded additional monies, about 800,000 of additional monies which flowed into the general fund which therefore established charge back revenues.

And the reason that that has got to be done as I am advised, is it's got to be done consistently, it's got to be done on a pattern whereby you are establishing the administrative charge should be 12% and you can't leave out accounts as had been done throughout the years in this town. You must charge back to each account in the same method and manner.

And I have prepared this with the opinion and Dawn had Mr. McCormack do it to present it. It's the- the whole thing is Bob's- "

Robert Kozakiewicz: "I presume you're looking at opinion 2006-10. Is that the one that talks about charge backs or an older one?"

Supervisor Cardinale: "I'm looking at a memo that was prepared today by Mr. McCormack, Deputy Town Attorney, at the request of Dawn Thomas, Town Attorney, which indicates that the law- town law Section 202-A7 and the State Comptroller's opinion permit the town to charge back administrative expenses to special districts as related to the cost of the benefit the special districts received from administrative cost centers which include for example all those districts, highway, water, sewer, refuse, street lighting.

They all receive the services of the town counsel, the supervisor's office, the finance office, the auditor's office, the tax receiver's office, the purchasing office, the clerk's office, the town attorney's office. They all receive those services and for the taxpayer and the general fund to pay it without a charge back is the impropriety."

Councilman Densieski: "Yeah, Phil, I want to make a comment on that."

Councilman Dunleavy: "Can I just say something- "

Councilman Densieski: "I'm in the middle of something here, John. Thank you.

We are allowed to charge back for any services rendered. Now this is from the same memo that the supervisor just read from."

Supervisor Cardinale: "We're required to charge back- "

Councilman Densieski: "I have the floor, sir."

Supervisor Cardinale: "There are separate- "

Robert Kozakiewicz: "What did I start here?"

Councilman Densieski: "I don't know but I have the floor if you don't mind."

Supervisor Cardinale: "Go ahead."

Councilman Densieski: "We are allowed to charge back and we should charge back by law for any services rendered when such services have been necessary and then the supervisor read it appears that the town board may charge back administrative expenses to special districts that are reasonably related to the cost of such activity."

But the very next paragraph says this. Prudence dictates that the town board place itself in a position of being able to substantiate and justify the amount of cost of such activity. I can absolutely tell you from the highway- "

Supervisor Cardinale: "No."

Councilman Densieski: "Sir, let me finish, please."

Supervisor Cardinale: "Yeah."

Councilman Densieski: "Thank you."

Supervisor Cardinale: "Go ahead."

Councilman Densieski: "I can tell you right now because I looked at the highway department in depth, they certainly don't get \$540,000 charge backs. It's an arbitrary number and that's the concern, the arbitrary numbers, not the uniform (inaudible)."

Supervisor Cardinale: "My- first of all, this isn't my charge back. It's Mr. Rothaar's the administrative director, who is aghast that the town of Riverhead handled it with a set number each year rather than by a reasoned justification of the administrative expense and he was also amazed that not all non-general account funds were being charged."

He indicated that if we continue to do that, we would be subject to challenge on audit because we're charging back without justification and we're charging back some and not all.

What we have done— so we're not doing anything new. We're just doing it more accurately and based upon a formula. And the formula is very simple, that the administrative charge— the administrative lines that are utilized by the non-general account funds are listed. They represent 12% of the general fund budget and we are charging back 12.42% and that yields numbers.

I can defend this, he can defend this on an audit. I could not defend \$770,100 figure that continued to be carried year to year and that did not include charge backs to certain entities which were favored and did include charge backs to others. And that's basically— if I— this was done in order to protect the town from subsequent audits.

I have incidentally as long as we're talking here, I have \$2.6 million dollars in fund balance that we didn't have at the beginning of the year, that we have— \$2.6 million, actually \$2.750 which is monies from— that have been saved, \$750,000 during this year's budget, and the \$2 million from the LIPA suit. I could easily simply take, and I was going to do that, take that money and utilize it to balance the budget.

He said don't do it that way, do it this way because this is correcting a situation that is going to get you in trouble later because it had not been handled well-- properly during the years."

Robert Kozakiewicz: "All right, I— "

Councilman Dunleavy: "Bob, before you— could I just say something before you— I don't want to jump on what you said.

I asked for this from the town attorney's office and the letter I got back, the same as Phil's and the last one says special districts that are reasonably related to the costs of these districts.

Now we're charging back \$4 million to these districts. This town does not spend \$4 million dollars on related expenses to these districts."

Supervisor Cardinale: "How do you know that? I'm telling you we are— that based upon the 12%, that's exactly the right number."

Councilman Dunleavy: "I'm going to tell you with the ambulance. The only thing we do for the ambulance is give them their budget. They do everything— we don't do anything for the ambulance other than put the bid out for a new ambulance. They handle— we charge them for rental of the ambulances. We charge them for rental of the ambulance barn. So we don't— they have their own insurance. We don't make any paychecks out because they're all volunteers."

Supervisor Cardinale: "How about the fact that your town board discusses ambulance issues on a regular basis and spends time doing so, as does your legal staff, as does your accounting staff? How about the meetings we've been having about the ambulance- "

Councilman Dunleavy: "You asked me a question. Can I answer it?"

Supervisor Cardinale: "Go right ahead."

Councilman Dunleavy: "I spoke to the town attorney about that. He says during the course of regular business, if you put an ambulance out for bid, that is the cost of you doing your regular business and it's not interrupting our business by putting that out. So that five minutes that we spend on putting an ambulance out doesn't equate to \$80,000 that we charge back the ambulance for charge backs. It doesn't equate to that, Phil, and I don't care what you say. It's not a true budget."

Supervisor Cardinale: "I wish Mr. Rothaar were here because it is his direction as financial director that we treat it this way because no town in Nassau or Suffolk County or anywhere else in New York State does it the way that this town has done it without a reasoned explanation of how you arrived at the figures. Seven hundred seventy thousand pulled from nowhere applied to only some of the accounts makes no sense and he has indicated that you are subject to audit and challenge if you continue to do it this way.

I could have done this budget in numerous different ways and I really didn't care which way we do it. It was his recommendation, not mine, and I can tell you that every other town does it the way that he does it coming from the town of Brookhaven where he served for 12 years and nobody does it the way we do it. So how come they're all wrong and survived audits- "

Councilman Dunleavy: "Well, I was told- many times this year you've told me and so has Dawn Thomas told me and other town attorneys that why should we do what other towns do. If other towns do it illegally, do you want us to do it illegally? And that's the answer I've gotten back from the town attorney's office when I've asked questions. The other town do it this way and I was told well, if the other towns do it illegally, do you want us to do it illegally or would you want us to do it correctly?"

Supervisor Cardinale: "Bob has- "

Councilman Dunleavy: "So you're going back now--"

Supervisor Cardinale: "There's a statutory- he wants the statutory authority. It's 202-A7- "

Robert Kozakiewicz: "I have it. I have it."

Supervisor Cardinale: "-- the town attorney and the financial director have confirmed that it's appropriately done. I can't do anything more for you except-- "

Robert Kozakiewicz: "I had the statutory authority. I wanted to see if you guys were aware of it-- "

Supervisor Cardinale: "Well, we are aware of it."

Robert Kozakiewicz: "-- because I did find it this afternoon when I was looking-- I say I got put on to this very late and I would have preferred coming here during the budget hearings than now. I know today is your last day to adopt the budget and quite honestly my initial inquiry is look into taxpayer challenges which is interesting. As an attorney it's one of the few instances where you can bring a declaratory judgment. It's one of those you learn about in law school. From an attorney's perspective, it was interesting."

Supervisor Cardinale: "Then that result is you throw the tax back on the general fund-- "

Robert Kozakiewicz: "Right. But in this case going back to your example, if you only budget \$770 and you actually bring in more you have a surplus. Whereas if you budget more and you don't bring it in, you end up with a shortfall because you're creating a line of revenue that may or may not be real."

Also, from a legal perspective and I know that 202A was going to be the point you were going to make. It says the following and I'm going to read it verbatim from the beginning to the end.

The town board may apportion against and charge to the expense of maintaining any improvement and allowance for any services rendered first and foremost which in my mind means done, by any town officer or employee. So it's limited to services done by an employee or officer. And when such services have been necessary to and occasioned, "ed", meaning past tense.

So I have a question. I'm not saying I'm going to do anything with it, but it just seems to me that maybe the 770 was even wrong and now we're compounding the error by adding to it. And as a general fund taxpayer this is great because now you've created a surplus or a line of revenue but next year if it's a shortfall, you've got to make it up."

Supervisor Cardinale: "The proper lawsuit would be by the general fund taxpayer if we didn't do this because we would be giving

services to— the entire taxes that only benefitted the 95% of the people that are in the water district. That's part of the problem here, that you have to charge back."

Robert Kozakiewicz: "And conversely you now are taking the Calverton sewer district, the Riverhead sewer district, CDA, Calverton Park, for charges that may or not be appropriate general fund expenditures and, again, as a general fund taxpayer, maybe I'm happy with that because my— you are actually doing me a service whereas the Calverton sewer guy, the Riverhead sewer guy, the Riverhead scavenger waste guy, oh, actually I'm in scavenger waste because that's one of your town-wides. But, you know they might actually be (inaudible)."

Supervisor Cardinale: "Sure, well, either way somebody can grieve, but the bottom line of this is that when they say that, I'm saying to them the same thing I'm saying to you and the public and the board. We did this on a logical— I can tell you how I got to the numbers I got but you can't tell me how the 770 figure got calculated, you can't even explain why highway doesn't get a charge back and everybody else does. That makes no sense and we are right there as a sitting duck for a challenge."

Robert Kozakiewicz: "Well, I know that there's some issues in highway law that allow for charge backs back and forth so that might have been the reason why it was not in the budget because of highway law."

Supervisor Cardinale: "It wasn't being charged back."

Robert Kozakiewicz: "Right."

Councilwoman Blass: "May I ask a question? The past practice that we said was not necessarily accurate in charging the lump sum. Is that not something that the annual audit or management letter would have addressed and if not, why not?"

Robert Kozakiewicz: "It's a very good question and I don't know the answer. I wish I had been put on to this a little bit earlier and I'm guilty as being a taxpayer and not looking into it myself earlier and when it came to my attention, I'm like, okay, very interesting."

Supervisor Cardinale: "I believe that it was raised with Rothaar and he's in New Jersey, I spoke to him earlier. That was one of the reasons that he was concerned because there was no consistency in who you were charging back to and the method by which you were establishing the amount of charge back."

Councilwoman Blass: "Well, I guess my point is if that was picked up this year and we had been doing it all along, how come it wasn't picked up in prior years and not addressed then?"

Supervisor Cardinale: "I don't know because I just read the management letter, and I don't know that it wasn't in the management letter and just not addressed."

Councilwoman Blass: "And we never get them as you know to read them so that's unfortunate."

Supervisor Cardinale: "Well, you certainly are free to get them if you'd like to."

Councilwoman Blass: "Okay. The other question I had was in the body of one of these opinions, it does talk about an amount not to exceed 10%. I'm assuming that the 12 and 1/2% was demonstrated to be reasonable."

Supervisor Cardinale: "That's correct and I believe that has to relate- "

Councilman Dunleavy: "That's section 3."

Supervisor Cardinale: "Yeah, and that related to a maintenance on a building, I believe, not on what we're doing."

Councilman Dunleavy: "Well, I think what they do is they talk about- through this whole law, they talk about improvements and buildings which encompasses everything. So I am reading this, and I'm not an attorney, but I am reading this to encompass that when it says improvements, it means improvements in a district, an ambulance improvement or buying a piece of equipment, those kind of improvements and it says that the- whoever does the billing can be charged back for her time and her billing."

Supervisor Cardinale: "Right."

Councilman Dunleavy: "But you would have to keep accurate times to do all this stuff. I just feel- and it talks about the highway department in here. Because it says that the highway department can charge the sewer and can charge the water district for what they have to do with the roads if they dig roads up. They can charge back their time and personnel. It doesn't say that the town can do that but it does say that the highway department can do that so maybe in the highway law it goes into a little more than this town code 202."

Supervisor Cardinale: "I welcome- the financial director and the town attorney have been counseling me. I welcome- I have no interest in doing anything that is not appropriate. As I said earlier, there are other ways to come to the same place just as easily. However, this was recommended that I do it this way."

11/20/2007 Minutes

I didn't recommend it, my financial director recommended it and he said don't do it because you're going to wind up getting in trouble if you don't. I would have just as soon continued to use the other one and just simply utilized funds from the reserve which we had."

Robert Kozakiewicz: "One last question, and then I will let you guys get on with business because it's getting late.

The 12% relates to particular employees and there was some sort of formula or what is the 12%. I saw the administrative charge back, 12.42%."

Supervisor Cardinale: "Yeah. If you look at the departments, that represents 12.42%, Bob, of the general fund budget. Those departments."

Robert Kozakiewicz: "That I understand. But was there a correlation back to what you think are the services rendered by an officer or employee as allowed under 202-A? Is that what that- "

Supervisor Cardinale: "The correlation was that basically that if these departments are performing for the general fund at a 12% charge back, that the charge back to the outside funds was the same. That's the correlation.

In other words, we're paying 12% administrative- in the general fund, so the outside funds that we service completely should be paying the same thing. That's the- and that's the way it's done in virtually every other town I'm advised."

Robert Kozakiewicz: "All right. So now I think I understand. What you're saying is that these numbers, the 12.42%, was what you determined the charge backs or the- not the charge backs because it's not a charge back when it's in the general fund itself."

Supervisor Cardinale: "Yeah, the administrative service charge to the general fund."

Robert Kozakiewicz: "The administrative services and your expenditures, what you saw."

Supervisor Cardinale: "That's correct."

Robert Kozakiewicz: "So what you're doing is you're saying the same thing is happening in all these other districts."

Supervisor Cardinale: "That's correct. That's exactly right."

Robert Kozakiewicz: "Thank you."

Supervisor Cardinale: "Thank you very much. And seriously if you have any other insight please let me know because I would love to learn."

We have some resolutions, only 36 of them to consider, then we want to consider any comments from the people here. So can we call them?"

Resolution #1070

Councilman Bartunek: "Authorizes amendment to the 2008 preliminary budget. 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: "What was this, 1070?"

Barbara Grattan: "1070."

Supervisor Cardinale: "Yeah, that's the police budget. No. You did-- this I believe should be the police budget. The other ones we did November 7th."

Councilman Dunleavy: "The police budget and the anti-litter."

Supervisor Cardinale: "Right. Okay. The-- I want to say a couple things about the budget that is being approved here and then will be reconfirmed as approved by the final one that you bring on."

This is adding the police and other things that were to be added after November 7th. The net result of these and I don't want to suggest that my board is acting irresponsibly because I don't think they are.

On the other hand, the net result of the changes to the budget since it was proposed as a tentative budget and what we are about to pass moves the general fund tax rate from-- well forget the three funds that are paid by all the citizens, let me total it. It moves, tax increase from 2.6 to 5.27, that's the net result of all the changes.

I think they're acting in good faith. I think they think that we need the spending. I think we do not. I do not think we need that additional spending. I think we can function as a government. I'm back, I'm prepared to function on that government with 2.6 rather than 5.3. I want to thank you for more money to assist us in functioning.

But that extra 3.7% I felt if we really just dug in and tightened our belts, we could do without.

So I am not going to support this particular resolution or the final adoption. I would prefer to work with my tentative budget or the preliminary as earlier amended which I also did not support."

Councilman Dunleavy: "Can I also just make a comment on what you said?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Last year we got blamed for raising the tax up because you left things out that were needed."

Supervisor Cardinale: (inaudible)

Councilman Dunleavy: "All of this year every time you spoke you took credit for all those things, the youth bureau that you left out. You took credit for all those things that we added back in the budget that we needed. So I know you're not going to vote for this budget. You'll probably abstain like you did last year. But I don't think that maybe you should go out and take credit if you don't vote for the budget that we do."

Supervisor Cardinale: "Well, I think you ought not to take credit for being a fiscal conservative if in fact you're putting extra money in the budget. I will tell you this, that your budget you passed last year, we're going to without \$700,000 of the money you passed and I'm telling you that the same thing is true here.

If you give me the budget I asked you for and don't add more money, I'll get through the day and the taxpayers will have a 2.6 rather than a 5.3 increase. So I think this is a budget that is fatter than it needs to be and I'm not going to vote for it."

Barbara Grattan: "You're voting no, Phil?"

Supervisor Cardinale: "Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1071

Councilman Densieski: "Buildings and grounds equipment budget adoption. 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 #1072

Councilwoman Blass: "Budget adjustment in connection with a transfer for plant 12 electrical upgrade in the water department. So moved."

Councilman Bartunek: "And seconded. Comment on that, Barbara. The resolution number is incorrect. You should cross out the "9"."

Barbara Grattan: "Ready for a vote?"

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

Resolution #1073

Councilman Bartunek: "Plant 12 electrical upgrade water department budget adoption. 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 #1074

Councilman Dunleavy: "Transfer for well pump replacement water department budget adjustment. 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 #1075

Councilman Densieski: "Well pump replacement 1A, 4-1 and 7-3 in the water department budget adoption. 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 #1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084,

Councilwoman Blass: "Mr. Supervisor, if it's acceptable, the next eight or 10 resolutions are all budget adoptions in connection with road improvement projects. Perhaps if we just read them-- the roads individually, we can pass them as a group."

Supervisor Cardinale: "Wonderful."

Councilwoman Blass: "So I'd like to move Resolutions 1076 through 1084. Yes-- "

Supervisor Cardinale: "Wading River Manor Road."

Councilwoman Blass: "And let's-- yes, read them."

Supervisor Cardinale: "Twomey Avenue, Union Avenue, Pier Avenue, Herricks Avenue, Beach Road, Bayberry Road, Edwards Avenue, and Middle Road. These are going to be improved with serial bond proceeds. May we have a vote on those?"

Councilman Bartunek: "I will second that."

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

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

Resolution #1085

Councilwoman Blass: "Authorizing compromise and settlement of tax certiorari proceedings against the Town of Riverhead. So moved."

Councilman Dunleavy: "And I'm going to second this. I just feel that this is going to happen, I feel like Sal that the residential people-- this is a hidden tax that we're picking up and there's nothing we can do about it. It's a settlement before-- a court action. So I'm going to second it."

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

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

Resolution #1086

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Section 108-97, major subdivision. 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 just wanted to make sure it's correct and it is."

Barbara Grattan: "The resolution is adopted."

Resolution #1087

Councilman Bartunek: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-39 definitions recreational motor vehicles. 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 #1088

Councilman Densieski: "Rescinds Resolution #956 of October 2, 2007 which authorized the town clerk to publish and post a public notice to consider a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code. 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 #1089

Councilwoman Blass: "Rescinds town board Resolution #1016. So moved."

Supervisor Cardinale: "Second please."

Councilman Bartunek: "John?"

Councilman Dunleavy: "I second it."

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

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

Barbara Grattan: "Resolution 1016, Councilman Densieski."

Councilman Bartunek: "Dunleavy."

Councilman Densieski: "Yeah, are you on 1090?"

Councilman Bartunek: "1090, Barbara."

Councilwoman Blass: "1090."

Councilman Dunleavy: "1016."

Councilman Densieski: "I'm on 1090."

Councilman Dunleavy: "Oh, it's numbered wrong."

Supervisor Cardinale: "Yeah, you're right."

Barbara Grattan: "Oh, I understand."

Councilman Dunleavy: "Oh, she didn't staple it together. Right."

Supervisor Cardinale: "They were showing you the one you're rescinding."

Resolution #1090

Councilman Dunleavy: "Clarifies action and declares lead agency on special permit of Peconic Line-X and refers petition to planning board. 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 #1091

Councilman Bartunek: "Ratifies the appointment of a recreation aide to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #1092

Councilman Densieski: "Authorizes the release of cash security for Mid-Road Properties LLC. 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 #1093

Councilwoman Blass: "Authorizes the release of a performance bond for Mid-Road Properties LLC. 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 #1094

Councilman Dunleavy: "Approves extension of performance bond of Wading River Woods LLC a/k/a Hounds Gate Condominiums for road and drainage improvements. So moved."

Councilman: "Seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

11/20/2007 Minutes

Councilwoman Blass: "Was this not one that we were going to verify that the dates were correct or do we want to make the assumption that-- "

Supervisor Cardinale: "Yes. I think-- "

Councilwoman Blass: "I know in the past it has been this very situation that they were late in asking for the request and I think Laura is pretty good about that."

Supervisor Cardinale: "I'd be comfortable in passing it, as Bob indicated earlier that that often happens, that they're late so it's-- "

Councilwoman Blass: "Okay. We can do it later on."

Supervisor Cardinale: "Yeah. If we need to amend it, we can amend it later."

Councilwoman Blass: "Okay, thank you."

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

Resolution #1095

Councilman Bartunek: "I am so honored to offer this resolution. I worked so hard for this. Accepts offer of sale of real property located in the Town of Riverhead known as Riverside Meadows, property owners Crystal Bay Construction, Inc. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "I was going to vote against this. I was dead set against it but after talking to George, he has convinced me that it's the right thing to do considering it's 70% county money, so with that said, I'll vote yes."

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

Councilman Bartunek: "Good man, Ed."

Resolution #1096

Councilwoman Densieski "Accepts offer of sale of a parcel of property located in the Town of Riverhead property owners Walter Kobylenski Revocable Trust. 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 #1097

Councilwoman Blass: "By the way, that was a great piece of open space, this last one."

Supervisor Cardinale: "Kobylenski?"

Councilman Densieski: "Yes, it was."

Councilwoman Blass: "And- "

Councilman Densieski: "George was for it, too."

Councilwoman Blass: "Yeah. We take some serious hits on occasion and I don't think they're justified. Anyway."

Councilman Bartunek: "I was looking for a punch line there for a minute, Barbara."

Councilman Dunleavy: "That's right."

Councilwoman Blass: "No, no, no. Authorize the supervisor to release petty cash monies to Receiver of Taxes. 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 #1098

Councilwoman Blass: "Authorizes funding for the Five Town Rural Transit, Inc. (5TRC) sponsored transportation survey to Appel Research LLC. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and– "

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Is our portion \$2,189?"

Councilwoman Blass: "Yes."

Councilman Densieski: "All right."

Supervisor Cardinale: "Okay, moved and seconded. May we have a vote?"

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

Councilman Densieski: "I just want to read one of the Whereases here. The board of directors of the 5 TRT acknowledge that the process of involving the town's payment for this research was not handled in a fiscally responsible manner as the work was performed prior to requesting the financial support of the five east end towns.

So it's not a lot of money, it's probably a good thing. But I just wanted to point that out."

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

Supervisor Cardinale: "Yes. And we were delayed on this about a year and I think that was really the point that we thought it odd that they asked us after we spent the money but it's the right thing to do and I'm voting, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1099

Councilman Dunleavy: "Order calling public hearing for replacement of the belt filter press for the Riverhead Sewer 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 #1100

Councilman Densieski: "Authorizes engineering services for well repair 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 #1101

Councilwoman Blass: "Accepts cash security of Micor Enterprises LLC. 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 #1102

Councilman Dunleavy: "Adopts a local law to amend all sections of Chapter 62 entitled Excavations of the Riverhead town code. So moved."

Councilman Bartunek: "I just have a comment before I second this. Barbara, on B, we were going to add down at the bottom here determine its physical and/or chemical composition. That wasn't put in somehow. We talked about this a lot."

Councilwoman Blass: "We did. And we mentioned it actually at the public hearing. I'm glad you picked it up, George, that it was mentioned at the public hearing. We need to make that correction."

Supervisor Cardinale: "All right. You want to indicate the section and the language."

Councilman Bartunek: "Right now. I'll second it."

Supervisor Cardinale: "All right. There is the additional language and what section?"

Councilman Bartunek: "B."

Supervisor Cardinale: "Section B."

11/20/2007 Minutes

Councilwoman Blass: "It's the third line from the bottom. Physical and chemical."

Supervisor Cardinale: "The third line from the bottom, we are adding after the word physical, and/or chemical. You got that, Barbara?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "That's the way it should become a statute. Okay. With that addition, we have a motion to consider and vote."

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

Councilwoman Blass: "Yes. I'd just like to thank Mr. McCormack and Mr. Barnes for their help in assisting in this re-write. Thank you."

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

Supervisor Cardinale: "And thank you for your efforts, Barbara, and George for his-- "

Councilman Bartunek: "I didn't do anything."

Supervisor Cardinale: "You didn't do it?"

Councilman Bartunek: "Didn't work on it."

Supervisor Cardinale: "I can't blame you for this one?"

Councilman Bartunek: "Sign code, yes, but-- "

Supervisor Cardinale: "Well, then I'll blame Barbara. She'll be around. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1103

Councilman Bartunek: "Adopts a local law to amend Chapter 52 entitled Building Construction of the Riverhead town code. So moved."

Supervisor Cardinale: "Moved- second please."

Councilman Dunleavy: "And seconded."

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

11/20/2007 Minutes

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

Resolution #1104

Councilman Densieski: "Authorizes execution and submission of grant application to Suffolk County for fiscal year 2008 Community Development Block Grant Funds. 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: "I'm going to abstain because I'm on the board of the Dominican Sisters who are receiving over here. So I abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #1105

Councilwoman Blass: "Before I move this I'd like to just clarify that we are not eliminating the TDR program in the town of Riverhead. This is the antiquated chapter that has been replaced by the program that's in Chapter 108 actually. This was a—"

Supervisor Cardinale: "I'm glad you mentioned that. Because that would have been the headline in the News Review."

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice of a public hearing to consider a proposed local law to repeal Chapter 95A entitled Transfer of Development Rights of the Rivehead town code. 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: "Yeah. I'm glad Barbara mentioned that. I'm going to vote yes but it would have been TDR program repealed, then in parenthesis, very small, old. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1106

Councilman Dunleavy: "Approves Chapter 90 application of Baiting Hollow Farm Vineyard LLC outdoor wine tasting. 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 #1107

Councilman Bartunek: "Awards the bid for 2008 F-550 dump truck with meyers snow plow package. 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 #1108

Councilman Densieski: "Awards bid for 4 wheel drive tractor for use of buildings and grounds. 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 #1109

Councilwoman Blass: "This authorizes the town clerk to advertise for bids for installation of water mains and appurtenances for extension No. 75 Calverton Camelot subdivision. 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 #1110

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

Councilman Bartunek: "I'll second that. And it's kind of strange we don't recognize the last names. What happened here?"

Councilwoman Blass: "I did."

Supervisor Cardinale: "That's hopefully- "

Councilman Bartunek: "A good sign."

Supervisor Cardinale: "Yeah, a good sign."

Councilwoman Blass: "I mean I know who they are. And not related to anybody if that's what you're asking."

Supervisor Cardinale: "Okay."

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 #1111

Councilman Bartunek: "This is a resolution- this is the- approves the amended site plan of Henry Perkins Concern for Independent Living. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And if anybody goes past that building, it's really getting to look pretty much like the old one uses to look. So take a ride past it and take a look at what they're doing. So moved. Yes."

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

Resolution #1112

Barbara Grattan: "1112 is to pay bills. Councilman Densieski."

Councilman Densieski "Pay bills. 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 #1113

Barbara Grattan: "1113 is going to be the budget. Who wants it?"

Councilman Dunleavy: "I make a motion that the 2008 annual budget- I move."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "I just want to make a couple quick comments."

I'm hung up with the administrative charge backs. It's not if they're legal or not. We know we should be doing them but I think what is drastically wrong and terribly wrong is the percentage of the charge backs, not the action itself.

I supported the addition to the budget because I think they're needed. I know nobody on the board wants to put more money in the budget but I think not funding the departments with the proper amount of money is fiscally irresponsible. I think, you know, in reviewing it, I think they need the money.

We've past every audit so far, you know, the way things have gone but I think due to the fact that the administrative charge backs are the way they are, I'm going to abstain on this budget.

I've been here for eight years and I think I've voted yes on every budget because we need a budget to run the government and the departments need money to run and function their departments properly. But I do have a big problem with the arbitrary nature of the charge backs. So I'm going to abstain."

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

Supervisor Cardinale: "For the reasons- two comments. One on the charge back, I think that Bob gets it because we did it for 20 minutes. It is not arbitrary, it's based upon the amount of the administrative expense associated with the general fund and carrying that to the funds that we service that are not general funds. And it's the right way to do it and I'm glad we-- Mr. Rothaar insisted that we do it.

On the changes. I believe that the town could have run with the 2.6% increase. I will not support a 5.3% increase. And I vote no."

Barbara Grattan: "The resolution is adopted.

Now we have Resolution #1024 which is a tabled resolution. Councilwoman Blass, do you want to bring that one off the table?"

Councilwoman Blass: "I don't have-- "

Barbara Grattan: "The establishment of a bank account-- "

Councilwoman Blass: "1024 is it? I make a motion to take Resolution 1024 off the table."

Councilman Dunleavy: "And I second it."

Supervisor Cardinale: "Moved and seconded. Do you have it in front-- here it is. It had not had a bank in it, it is now Citi Bank."

Councilwoman Blass: "Thank you."

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

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

Councilwoman Blass: "Now we have to move it. Now I move Resolution #1024."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded to vote on 1024."

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

Councilman Bartunek: "And there's one resolution, Barbara, that I'd like to take off the floor and present this."

Resolution #1114

Councilman Bartunek: "This is one that somehow got lost in the mix. Jim Divan (phonetic) had a problem enforcing somebody who was water skiing on Peconic Lake and we went through the public hearings I'm sure of limiting the horsepower of the outboard motors on the Peconic River. We did the research. We couldn't find anything about the public hearing. Sal, do you remember the public hearing? We had the public hearing on this but apparently wasn't adopted so I don't know where it is so what we're doing is I'm re-noticing for a public hearing.

Authorizes the town clerk to publish and post public notice for a public hearing to consider a proposed local law to amend Chapter 106 entitled Waters of the Riverhead town code speed reckless operation on the Peconic River. So moved."

Councilman Dunleavy: "And I second that."

Councilman Bartunek: "So I guess we'll just do the whole process again."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. That resolution is 1114 is now adopted."

Supervisor Cardinale: "Okay, that concludes the resolutions. If there's any general comment anybody would like to make? Sal, please come up and make it."

Councilman Dunleavy: "Yeah, before Sal. I just want-- anybody out there we're completing the round-about on Horton Avenue and Osborne Avenue and if anybody wants to donate a flagpole, you can call me at 727-3200, ext. 226 for the middle of that round-about, we would appreciate it. Thank you."

Supervisor Cardinale: "Thank you, John."

Sal Mastropolo: "Just a couple of quick questions."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "On the CPF funds, the 2%-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- I know we get-- I know that the regulation clearly states residential vacant land and houses. But I'm not sure

11/20/2007 Minutes

and I'm asking the board, do we get the 2% on the transfer of commercial properties as well as the transfer of agricultural land?"

Supervisor Cardinale: "We get it on commercial and we get it on agricultural as long as the development rights are intact on the property. If it's a transfer of the farm-- the agricultural rights only, we do not. Is that correct?"

Dawn Thomas: "If they're in ag production they're tax exempt or the development rights (inaudible)."

Sal Mastropolo: "What about if a farmer sells the development rights to a commercial property owner so he can expand his yield on his commercial property?"

Dawn Thomas: (Inaudible)

Councilwoman Blass: "It is not now currently being collected I don't believe, but I think there's some research being conducted to rectify that situation. I think that's the way it is."

Supervisor Cardinale: "Yeah. Ann Marie Prudenti was assigned that and I'm glad you reminded us because we picked it up several months ago and she asked for an opinion I believe of the tax commissioner as to whether that was-- what we could do in that instance and we're still awaiting it."

Sal Mastropolo: "Okay. I have another question. I mean I'm all for the purchase of development rights and preserving land. But this piece of-- the Koblyenski property where we're buying the 41 acres, that land is now coming off the tax rolls, right? What's the impact on the taxpayer of that? I mean how much-- I'm assuming that that land's going to be reassessed and that's an additional burden on the rest of the taxpayers."

Supervisor Cardinale: "It's not going to be reassessed, it's going to be un-assessed."

Sal Mastropolo: "Un-assessed."

Councilman Densieski: "If they build houses there and they put kids in school-- "

Sal Mastropolo: "I agree. I agree. I'm just saying, you know, that we should keep this in mind-- "

Councilman Densieski: "That was agricultural so that was a very small amount anyway. I'm assuming."

Sal Mastropolo: "All right."

Supervisor Cardinale: "Well, I think the bigger hit is when you buy a piece like what you're talking about, an open space piece, for example, like the one we bought in Aquebogue there. What was that doctor's- "

Councilwoman Blass: "Ostad (phonetic)."

Supervisor Cardinale: "Ostad was the piece that was worth money, had development rights intact. We bought it. He was paying some tax and now there's no tax. That is a factor but Ed's right, you know, we also saved three or four or six houses going up.

But when we buy development rights it's not a big deal. When we buy the development rights from a farmer that's really not a big deal because he's not paying much tax most of the time anyway."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "But the open space can be a factor. Yes."

Sal Mastropolo: "All right. And just one last comment about the town-wide reassessment and that's why Skip Heaney lost."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "If I'm not mistaken, one of the reasons why the school taxes in the town of Southampton are better than the school taxes in the town of Riverhead was because they reassessed."

Supervisor Cardinale: "That's correct. In Flanders, yes."

Sal Mastropolo: "Okay. So that's killing us on the school side, the fact that they reassessed and we didn't and they sued and got a- got lower taxes because of that.

I just wanted to bring that up because I know you made a point but- "

Supervisor Cardinale: "Right. I understand your point."

Sal Mastropolo: "But it's biting us on the school side."

Supervisor Cardinale: "Yeah."

Sal Mastropolo: "Thank you."

11/20/2007 Minutes

Supervisor Cardinale: "Thank you. Any other comment? If not, I wish everyone a Happy Thanksgiving and we'll be back for the work session on Thursday, the 29th."

Meeting adjourned: 9:30 p.m.

11/20/2007 Minutes